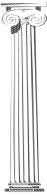


City of Lake Stevens Vision Statement

By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.



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

Tuesday, May 10, 2016 – 7:00 p.m.

NOTE:

WORKSHOP ON VOUCHERS AT 6:45 P.M.

CALL TO ORDER:	7:00 P.M.	Mayor
PLEDGE OF ALLEGIANCE	Lake Stevens Kiwanis	Council President
ROLL CALL:		
APPROVAL OF AGENDA:		Council President
COMMUNITY RECOGNITION	Girl Scouts Daisy Troop 42379 Nick Holz, Outgoing Arts Commissioner	Mayor
GUEST BUSINESS:		
COUNCIL BUSINESS:		Council President
MAYOR'S BUSINESS:	Visitor Information Center Monument Sign	
CITY DEPARTMENT REPORT		
CONSENT AGENDA:		
	*A Approve 2016 Vouchers	Barb
	*B Approve April 26, 2016 City Council Regular Meeting Minutes	Barb
	*C Amendment to Interlocal Agreement with Snohomish County regarding Internet Technology Services	Mary
	*D Approve Master Fencing Public Works Contract with Discount Fencing	Mick

Lake Stevens City Council Regular Meeting Agenda

May 10, 2016

**CLOSED RECORD
HEARING:**

***No Public Testimony
or Comment Will Be
Taken***

CLOSED RECORD HEARING FORMAT:

1. Opening of Hearing
2. Staff presentation
3. Council's questions of staff
4. Discussion by City Council
5. Closing of Hearing
6. COUNCIL ACTION:
 - a. Approve
 - b. Approve with modifications
 - c. Deny
 - d. Remand

*A McKay Rezone

Stacie

**CLOSED RECORD
PUBLIC HEARING:**

***No Public Testimony
or Comment Will Be
Taken***

CLOSED RECORD HEARING FORMAT:

1. Opening of Hearing
2. Staff presentation
3. Council's questions of staff
4. Discussion by City Council
5. Closing of Hearing
6. COUNCIL ACTION:
 - a. Approve
 - b. Approve with modifications
 - c. Deny
 - d. Remand

*B Silverstone Rezone

Stacie

**OPEN RECORD
PUBLIC HEARING**

***Public Testimony
or Comment Will Be
Taken***

OPEN RECORD PUBLIC HEARING FORMAT:

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

*A Public Hearing regarding Designating Area to Provide for a Property Tax Exemption for Industrial/ Manufacturing Industries and Adopt Ordinance 962 Making Certain Lands Zoned for Industrial/ Manufacturing Uses Eligible for Ad Valorem Tax Relief

Russ

City of Lake Stevens Vision Statement

By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

ACTION ITEMS:

- | | | |
|----|--|----------------|
| *A | Second and Final Reading Approving Ordinance 958 regarding Marijuana Regulations in Retail Locations and Repealing Ordinance 941 | Russ |
| *B | 2016 Aquafest Request – Serve Beer & Wine in VIP Booth – Saturday, July 30, 2016 | Russ |
| *C | Approve Professional Services Agreement with Universal Field Services to Facilitate the Transfer of Frontier Heights Park from Frontier Heights Homeowners’ Association to City | Russ |
| *D | Adopt Policies and Procedures for the Use of Body Cameras by Law Enforcement | Ralph |
| *E | Approve Professional Services Agreement with FCS Group to Provide Strategic Financial Planning Assistance and Analysis to City | Mayor/
Barb |
| *I | Approve Professional Services Agreement with DAH Corporation dba ISOsource for a Business Technology Assessment and Plan for the City of Lake Stevens and the Lake Stevens Fire Department | Mary |

EXECUTIVE SESSION:

STUDY SESSION: First Quarter Financial Update Barb

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



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CITY DEPARTMENT REPORT
MAY 10, 2016 CITY COUNCIL MEETING

Planning Department

Administrative:

- Jennie Fenrich will be joining Planning and Community Development as our new Permit Specialist. Many thanks to Belinda Beardsley who assisted us as a temporary for the last couple of months.

Long Range Planning:

- Staff recommended three firms to the Mayor to interview for the Downtown Subarea Plan.
- Staff introduced FEMA revisions and Impact Fee Deferral options to the Planning Commission.
- Staff will be presenting a draft beautification framework plan at a combined Design Review Board and Park Board meeting

Current Planning/Building:

- 60 building permits were received in the last 30 days – 386 year to date. 74 building permits were issued in April. 412 building inspections have been conducted in the last 30 days.
- 2 new commercial projects have been received as well as the building plans for the new school.
- 19 new land use permits have been received in the last 30 days - 70 year to date.
- 62 business licenses in the last 30 days.
- Planning and building staff are coordinating on code enforcement.

Economic Development:

- Jeanie moved into the Visitor Information Center (“VIC”)
- Met with brewer about a downtown location

Police Department

- The Department continues with the boat patrol on the weekends when it is nice, and/or hot. We put an officer as needed on the lake early this year because of the warm weather and complaints about noise.
- No update on our officer who is waiting for an academy date, but he should be starting the end of June or beginning of July.
- The Facebook Page is getting a fair amount of views including 3,000 views of the article about water temperature and hypothermia.
- Working with Public Safety Testing on a Sergeant Assessment Center for eight applicants. The Assessment Center will be one day May 24, 2016, and Assessor training will occur May 23, 2016.
- Continuing the backgrounds on the two laterals and three entry officers, and we are doing backgrounds on five Records Clerks.
- The next Community Meeting is May 19th at Hillcrest Elementary School at 6:30 p.m.
- Three Officers have attended Marine Patrol School this spring.
- Working with Taser to get a new quote for Body Cameras.
- Working with DEM on the presentation with Council at May 24th workshop.

Public Works Department

- Sunnycrest Elementary school will be holding a special event (Grandparents day) on the 26th of May and will be using the center portion of Lundeen Park to shuttle visitors to the event. The event is scheduled from 10:00 to 3:00.
- Lake Stevens Youth Triathlon – The School District is planning for its first Youth Triathlon on 16th July (Sunday) from 9:00 a.m. to noon. This is for three age groups: 7 & under, 8-10 years old and 11-14 years old. The City is working with the School District on allowing a road closure along the frontage roads of the high school. This would still allow local access for the residents.
- As of May 2nd, all four Seasonal crew workers are on staff. Two are dedicated for parks and two to storm. The parks Seasonal employees will be covering weekend, evening events (e.g.: Music in the Park), and assisting with special events.
- The Visitor Information Center has its first occupancy: Jeanie Ashe. The Chamber is expected to be following close behind. Work on the exterior, including the parking and pathway are under way but will take some time to complete.
- Grade Road embankment – the environmental assessment is completed and the SEPA is in process, and the final proposed design plans have been completed. The City will be submitting for the State Hydraulic Project Approval (HPA) permit this month with a hope that work on the embankment/road can begin in July this year. In the short term, staff is working with the contractor on the west side to possibly widen the shoulder area where the open ditch exists. The west side widening is hoped to begin soon to help dewater the area before the embankment work begins.
- Alum Treatment update – the City held a meeting with Snohomish County, Department of Fish and Wildlife, Tetra Tech (Biologists), and Aquatechnex (applicator) on 3rd May. The reason for this meeting was to discuss timing for the Alum application. It was determined that further discussion is needed to make this determination. This included performing the treatment in June or the fall of this year. The delay in a decision was to allow for conversation with the Department of Fish and Wildlife's Lake Biologist who was not available to attend the meeting. Also, in the meeting it was determined that further study on the affects of the Alum application on the fish food source would be helpful information for future decisions. The Consultant is preparing a scope for consideration on what this would provide and associated costs.
- Attached is a Health Report on Lake Stevens prepared by Snohomish County, Surface Water Management in April of this year.
- Traffic Safety signs bids came in and are well under the budget approved by the Council. Budget was \$80,000 and the bid for ten came in around \$42,000. As part of this budget, a Pedestrian cross light, to be located on Lundeen Parkway at the 101st Ave NE crossing, has been purchased under a state bid for \$7,800.

BLANKET VOUCHER APPROVAL
2016

Payroll Direct Deposits	5/1/2016	\$149,823.82
Payroll Checks	40310	\$2,620.48
Tax Deposit(s)	5/1/2016	\$60,760.96
Electronic Funds Transfers	ACH	\$197,017.29
Claims	40307-40309, 40311-40370	\$157,724.56
Void Checks	40050, 40167	(\$9,400.40)
Total Vouchers Approved:		\$558,546.71

This 10th day of May 2016:

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

 Finance Director/Auditing Officer

 Mayor

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

 Councilmember



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Checks to be Approved for 4/22/2016 to 5/5/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total		
Ace Hardware	40315							Check Total	\$785.21
		5/5/2016	49850	001-008-521-20-31-01	LE-Operating Costs	Turtle wax carwash soap	\$17.35		
			49972	001-008-521-20-31-01	LE-Operating Costs	Keys	\$11.37		
			49995	001-008-521-20-31-01	LE-Operating Costs	Keys	\$8.11		
			50040	001-008-521-20-31-01	LE-Operating Costs	Gas can	\$19.54		
			50150	101-016-544-90-31-02	ST-Operating Cost	6 pc Gearwrench set/fasteners	\$49.54		
			50221	001-013-518-20-31-00	GG-Operating	Lumber to repair porch on CH annex	\$7.49		
			50270	001-010-576-80-31-00	PK-Operating Costs	Chaps/rope/oil	\$54.07		
				101-016-544-90-31-02	ST-Operating Cost	Chaps/rope/oil	\$54.07		
				410-016-531-10-31-02	SW-Operating Costs	Chaps/rope/oil	\$54.07		
			50282	101-016-544-90-31-02	ST-Operating Cost	Chain	\$35.25		
			50346	001-010-576-80-31-00	PK-Operating Costs	Backpack sprayer	\$196.01		
			50367	001-010-576-80-31-00	PK-Operating Costs	Shoulder harness and safety sheild	\$80.56		
				101-016-544-90-31-02	ST-Operating Cost	Shoulder harness and safety sheild	\$80.56		
				410-016-531-10-31-02	SW-Operating Costs	Shoulder harness and safety sheild	\$80.57		
			50380	001-012-572-20-31-00	CS-Library-Office & Operating	Drill bit/Electrical recepticles & plates for Library	\$20.90		
	50384	001-012-572-20-31-00	CS-Library-Office & Operating	Electrical recepticle & plate for library	\$3.25				
	50401	001-008-521-20-31-01	LE-Operating Costs	Zip lock bags/Duct tape	\$12.50				
AFLAC	0							Check Total	\$1,307.80
		4/29/2016	04/29/16	001-000-284-00-00-00	Payroll Liability Other	Employee paid Insurance Prem	\$1,307.80		
Assoc of Washington Cities EFT	0							Check Total	\$93,469.13
		5/5/2016	05/01/16	001-000-283-00-00-00	Payroll Liability Medical	Medical Insurance Premium	\$92,416.99		
				001-008-521-20-20-00	LE-Benefits	Medical Insurance Premium-Rivers	\$1,052.28		
				001-013-518-30-20-00	GG-Benefits	Medical Insurance Premium	(\$0.14)		
Awards of Praise	40316							Check Total	\$182.36
		5/5/2016	10457	001-008-521-20-31-01	LE-Operating Costs	Engraved Plaque	\$182.36		
Blumenthal Uniforms	40317							Check Total	\$1,048.51
		5/5/2016	005160613	001-008-521-20-26-00	LE-Clothing	Holster - Lambier	\$140.28		
				005242081	001-008-521-20-26-00	LE-Clothing	Armored vest - Bernhard	\$908.23	
Carquest Auto Parts Store	40318							Check Total	\$41.55
		5/5/2016	2421-238946	101-016-544-90-31-02	ST-Operating Cost	Wiper blades for PW1	\$20.78		
				410-016-531-10-31-02	SW-Operating Costs	Wiper blades for PW1	\$20.77		



Checks to be Approved for 4/22/2016 to 5/5/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total		
David Carter	40319							Check Total	\$176.00
		5/5/2016	1/7/16 req	001-008-521-20-43-00	LE-Travel & Meetings	Per Diem at BUI Training-Carter	\$176.00		
Cashmere Valley Bank	40320							Check Total	\$37,082.09
		5/5/2016	133357 6/2016	212-016-591-48-71-00	2010A Bond Principal - PW shop	2010 Series A Bond Pmt-Principal	\$33,177.81		
				212-016-592-48-83-00	2010A Bond Interest - PW Shop	2010 Series A Bond Pmt-Interest	\$3,904.28		
City of Everett	40321							Check Total	\$1,540.00
		5/5/2016	I16000779	001-008-521-40-49-01	LE-Staff Development	Share of Training Costs per ILA 2016	\$800.00		
			I16000854	001-008-554-30-51-00	LE-Environmental-Animal Contro	Animal shelter services March 2016	\$740.00		
City of Marysville	40322							Check Total	\$100.00
		5/5/2016	POLIN11-0639	001-008-523-60-51-00	LE-Jail	Prisoner Medical February 2016	\$100.00		
Clover Island Inn	40323							Check Total	\$1,059.60
		5/5/2016	AR1404 4/22	001-008-521-21-43-00	LE-Boating-Travel	Hotel for Boat School-Heinemann/Adams	\$1,059.60		
Code Publishing Co	40324							Check Total	\$199.94
		5/5/2016	52901	001-003-514-20-41-00	CC-Professional Services	Municiple code publishing ords 952-954	\$199.94		
Comcast	40325							Check Total	\$86.18
		5/5/2016	4/16 0810218	001-008-521-20-42-00	LE-Communication	Internet services-N Lakeshore Dr	\$86.18		
Day Wireless Systems	40326							Check Total	\$86.27
		5/5/2016	408914	001-008-521-20-26-00	LE-Clothing	Earphone kit-Lyons	\$86.27		
Dept of Labor and Industries	0							Check Total	\$27,423.95
		4/29/2016	Q1 2016	001-000-281-00-00-00	Payroll Liability Taxes	Q1 2016 Workers Comp Insurance	\$26,353.71		
				001-001-511-60-24-00	Legislative - Workmans Compen	Q1 2016 Workers Comp Insurance	\$4.24		
				001-003-514-20-24-00	CC-Workmans Compensation	Q1 2016 Workers Comp Insurance	\$2.36		
				001-004-514-23-24-00	FI-Workmans Comp	Q1 2016 Workers Comp Insurance	\$2.11		
				001-005-518-10-24-00	HR-Workmans Compensation	Q1 2016 Workers Comp Insurance	\$1.28		
				001-006-518-80-24-00	IT-Workmans Compensation	Q1 2016 Workers Comp Insurance	\$2.24		
				001-007-558-50-24-00	PL-Workmans Comp	Q1 2016 Workers Comp Insurance	\$8.57		
				001-007-559-30-24-00	PB-Workmans Comp	Q1 2016 Workers Comp Insurance	\$15.21		
				001-008-521-20-24-00	LE-Workmans Compensation	Q1 2016 Workers Comp Insurance Volunteers	\$3.72		
					LE-Workmans Compensation	Q1 2016 Workers Comp Insurance	\$760.48		
				001-010-576-80-24-00	PK-Workmans Compensation	Q1 2016 Workers Comp Insurance	\$1.92		
		001-013-518-30-24-00	GG-Workers Compensation	Q1 2016 Workers Comp Insurance	\$4.00				



Checks to be Approved for 4/22/2016 to 5/5/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc		
Dept of Labor and Industries	0	4/29/2016	Q1 2016	101-016-542-30-24-00	ST-Workmans Compensation	Q1 2016 Workers Comp Insurance	\$97.33	
					ST-Workmans Compensation	Q1 2016 Workers Comp Insurance Volunteers	\$0.10	
				101-016-542-30-48-00	ST-Repair & Maintenance	Q1 2016 Workers Comp Insurance - DOC Work Crew	\$65.53	
				401-070-535-10-24-00	SE-Workmans Comp	Q1 2016 Workers Comp Insurance	\$4.59	
				410-016-531-10-24-00	SW-Workmans Compensation	Q1 2016 Workers Comp Insurance	\$96.56	
Dept of Retirement (Deferred Comp)	0						Check Total	\$2,190.00
		4/29/2016	04/29/16	001-000-282-00-00-00	Payroll Liability Retirement	Employee Portion-State Deferre	\$2,190.00	
Dept of Retirement PERS LEOFF	0						Check Total	\$63,990.42
		4/29/2016	04/29/16	001-000-282-00-00-00	Payroll Liability Retirement	PERS LEOFF Contributions	\$63,990.42	
Dicks Towing	40327						Check Total	\$1,152.06
		5/5/2016	143598	001-008-521-80-40-01	LE - Evidence Impound	Evidence towing Case 2016-7451	\$125.58	
			152671	001-008-521-20-31-01	LE-Operating Costs	Towing surplus vehicle to auction	\$114.66	
			152672	001-008-521-80-40-01	LE - Evidence Impound	Evidence towing abandoned vehicle	\$114.66	
			154190	001-008-521-80-40-01	LE - Evidence Impound	Evidence towing case 2016-6865	\$125.58	
			158212	001-008-521-80-40-01	LE - Evidence Impound	Evidence towing Case 2016-6653	\$125.58	
			158220	001-008-521-80-40-01	LE - Evidence Impound	Evidence towing case 2016-6921	\$125.58	
			163735	001-008-521-80-40-01	LE - Evidence Impound	Abandoned vehicle tow	\$114.66	
			163736	001-008-521-80-40-01	LE - Evidence Impound	Abandoned vehicle tow	\$114.66	
			21452	101-016-544-90-31-02	ST-Operating Cost	Towing PW9 to auction for surplus	\$191.10	
Steven Edin	40328						Check Total	\$303.10
		5/5/2016	4/25/16 req	001-013-518-20-31-00	GG-Operating	Years of services award supplies	\$303.10	
Electronic Federal Tax Pmt System EFTPS	0						Check Total	\$60,760.96
		4/29/2016	04/29/16	001-000-281-00-00-00	Payroll Liability Taxes	Federal Payroll Taxes	\$60,760.96	
Electronic Business Machines	40329						Check Total	\$1,047.35
		5/5/2016	AR33042	001-008-521-20-48-00	LE-Repair & Maintenance Equip	Copier repair & Maint	\$260.16	
			AR36207	001-008-521-20-48-00	LE-Repair & Maintenance Equip	Copier repair & Maint	\$130.97	
			AR37009	001-013-518-20-48-00	GG-Repair & Maintenance	Copier repair & Maint	\$301.69	
			AR37805	001-007-558-50-48-00	PL-Repairs & Maint.	Copier repair & Maint	\$88.63	
				001-007-559-30-48-00	PB-Repair & Maintenance	Copier repair & Maint	\$88.63	
				101-016-542-30-48-00	ST-Repair & Maintenance	Copier repair & Maint	\$88.63	
				410-016-531-10-48-00	SW-Repairs & Maintenance	Copier repair & Maint	\$88.64	



Checks to be Approved for 4/22/2016 to 5/5/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total		
Everett Stamp Works	40330							Check Total	\$33.65
		5/5/2016	18421	001-013-518-20-31-00	GG-Operating	FDO City of Lake Stevens stamp		\$33.65	
Granite Construction Supply	40331							Check Total	\$712.37
		5/5/2016	262_00062872	101-016-542-64-31-00	ST-Traffic Control - Supply	Signs		\$413.82	
			262_00062885	001-010-576-80-31-00	PK-Operating Costs	Signs-Watercraft noise		\$176.96	
			262_00062941	001-010-576-80-31-01	PK-Ops-Clothing	Hard hats		\$40.53	
				101-016-542-90-31-01	ST-Clothing	Hard hats		\$40.53	
410-016-531-10-31-00	SW-Clothing			Hard hats		\$40.53			
Chris L Griffen	40332							Check Total	\$600.00
		5/5/2016	5Z1074652	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender services		\$300.00	
			6Z0079675	001-011-515-91-41-00	LG-General Indigent Defense	Public Defender services		\$300.00	
Honey Bucket	40333							Check Total	\$117.50
		5/5/2016	2-1636614	001-010-576-80-45-00	PK-Equipment Rental	Honeybucket rental-Swim beach		\$117.50	
Casey Howell	40334							Check Total	\$147.67
		5/5/2016	04/27/16 req	001-007-559-30-43-00	PB-Travel & Mtgs	Per Diem & Mileage for ICC training-Howell		\$147.67	
Industrial Supply Inc	40335							Check Total	\$29.62
		5/5/2016	576147	101-016-544-90-31-02	ST-Operating Cost	Air hose		\$13.53	
				410-016-531-10-31-02	SW-Operating Costs	Air hose		\$13.52	
		576587	001-010-576-80-31-00	PK-Operating Costs	Nipple		\$0.85		
			101-016-544-90-31-02	ST-Operating Cost	Nipple		\$0.86		
410-016-531-10-31-02	SW-Operating Costs		Nipple		\$0.86				
International Code Council	40336							Check Total	\$762.23
		5/5/2016	1000679323	001-007-559-30-31-01	PB-Operating Cost	Code books		\$762.23	
J Gardner and Associates	40337							Check Total	\$309.00
		5/5/2016	8881	001-008-521-20-31-04	LE - Donation Exp - Other	Foil sticker Jr Police Officer badges		\$309.00	
J Thayer Company	40338							Check Total	\$830.11
		5/5/2016	1036389-0	001-008-521-20-31-00	LE-Office Supplies	Stapler/organizers		\$105.64	
			1038964-0	001-003-514-20-31-00	CC-Office Supply	Toner		\$91.42	
				001-012-575-50-31-00	CS-Community Center-Ops	Paper towels for Community Center		\$8.43	
				001-013-518-20-31-00	GG-Operating	Envelopes/batteries/pens		\$25.02	
1040007-0	001-008-521-20-31-00		LE-Office Supplies	Water filter/file folders		\$599.60			



Checks to be Approved for 4/22/2016 to 5/5/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total	\$	
JJ Polygraph Service LLC	40339							Check Total	\$600.00
		5/5/2016	1253	001-008-521-20-41-00	LE-Professional Services	Pre-Employment polygraphs	\$600.00		
Kroesen's Uniforms	40340							Check Total	\$1,372.36
		5/5/2016	31158-2	001-008-521-20-26-00	LE-Clothing	Boots - C Brooks	\$304.03		
			31656	001-008-521-20-26-00	LE-Clothing	Jacket/LAPD carrier - Bernhard	\$448.52		
			31986-1	001-008-521-20-26-00	LE-Clothing	Shirts/shorts - Schedler	\$169.96		
			32360	001-008-521-20-26-00	LE-Clothing	Sweater - Vanderwalker	\$93.12		
			32579	001-008-521-20-26-00	LE-Clothing	Vest - Lambier	\$86.77		
			32580	001-008-521-20-26-00	LE-Clothing	Shirts/Duty Belt/Holster-Lambier	\$269.96		
Lake Industries LLC	40341							Check Total	\$482.93
		5/5/2016	269036	101-016-544-90-31-02	ST-Operating Cost	1 1/4 Minus Crushed Rock	\$144.41		
				410-016-531-10-31-02	SW-Operating Costs	1 1/4 Minus Crushed Rock	\$144.40		
		269050	001-013-594-18-60-01	GG - Lundeen House Capital	Gravel under pavers at VIC	\$40.00			
		269064	001-013-594-18-60-01	GG - Lundeen House Capital	Gravel under pavers at VIC	\$34.12			
		30841	101-016-544-90-31-02	ST-Operating Cost	Fill hauled in by the yard	\$60.00			
			410-016-531-10-31-02	SW-Operating Costs	Fill hauled in by the yard	\$60.00			
Lake Stevens Fire	40342							Check Total	\$5,415.40
		5/5/2016	9252	001-010-576-80-31-00	PK-Operating Costs	Annual Fire Inspection - City Shop	\$100.00		
				101-016-544-90-31-02	ST-Operating Cost	Annual Fire Inspection - City Shop	\$100.00		
				410-016-531-10-31-02	SW-Operating Costs	Annual Fire Inspection - City Shop	\$100.00		
		9256	001-012-572-20-31-00	CS-Library-Office & Operating	Annual Fire Inspection - Library	\$185.00			
Q3-Q4 2015	633-013-586-00-00-07	Fire Dept Fee Remittance	Q3 & Q4 2016 Fire Fees	\$4,930.40					
Lake Stevens Police Guild	40311							Check Total	\$892.00
		4/29/2016	04/29/16	001-000-284-00-00-00	Payroll Liability Other	Employee Paid Union Dues	\$892.00		
Nationwide Retirement Solution	0							Check Total	\$1,325.00
		4/29/2016	04/29/16	001-000-282-00-00-00	Payroll Liability Retirement	Employee Portion-Nationwide	\$1,325.00		
Otak Inc	40343							Check Total	\$7,678.52
		5/5/2016	000041600243	101-016-544-20-41-00	ST-Prof Srv - Engineering	Engineering svcs-Hartford Trail Head-Centennial Trail	\$1,144.09		
			000041600244	101-016-544-20-41-00	ST-Prof Srv - Engineering	Engineering svcs-S Lake Stevens road widening	\$6,534.43		
Owen Equipment Company	40344							Check Total	\$287.64
		5/5/2016	00079518	101-016-542-30-48-00	ST-Repair & Maintenance	Vehicle repair - PW11	\$143.82		



Checks to be Approved for 4/22/2016 to 5/5/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc		
Owen Equipment Company	40344	5/5/2016	00079518	410-016-531-10-48-00	SW-Repairs & Maintenance	Vehicle repair - PW11	\$143.82	
Pacific Power Batteries	40345	Check Total						\$17.11
		5/5/2016	11336636	001-008-521-20-31-01	LE-Operating Costs	Battery	\$17.11	
Pakor Inc NW8935	40346	Check Total						\$2,207.91
		5/5/2016	8017599	001-008-521-20-31-01	LE-Operating Costs	Passport supplies	\$2,207.91	
Perteet Engineering Inc	40347	Check Total						\$4,036.86
		5/5/2016	20110012.016-1	001-007-558-50-41-01	PL-CA-Developer Reimb	Engineering services-LUA2016-0005	\$3,086.86	
			20150253.001-1	101-016-595-61-64-41	ST - Cap - Grade Road	Engineering services-Grade Rd Bank repair	\$950.00	
Playcore Wisconsin Inc DBA Gametime	40348	Check Total						\$2,154.62
		5/5/2016	PJI-0031066	001-010-576-80-31-03	PK-Lundeen-Op Costs	Grills at Lundeen Park Shelter	\$2,154.62	
Public Safety Testing Inc	40349	Check Total						\$425.00
		5/5/2016	2016-6691	001-005-521-11-41-00	HR-Civil - Professional Srv	Recruiting Assistance Q1 2016	\$425.00	
Republic Services 197	40350	Check Total						\$743.74
		5/5/2016	0197-001947887	001-010-576-80-31-00	PK-Operating Costs	Dumpster svcs - Lundeen Park	\$248.30	
				001-010-576-80-45-00	PK-Equipment Rental	Dumpster rental - Lundeen Park	\$13.64	
			0197-001948063	101-016-542-30-45-00	ST-Rentals-Leases	Dumpster Rental - City Shop	\$7.90	
				101-016-544-90-31-02	ST-Operating Cost	Dumpster services - City Shop	\$173.71	
				410-016-531-10-31-02	SW-Operating Costs	Dumpster services - City Shop	\$173.71	
				410-016-531-10-45-00	SW-Equipment Rental	Dumpster Rental - City Shop	\$7.91	
			0197-001948643	001-013-518-20-31-00	GG-Operating	Dumpster services - City Hall	\$103.57	
				001-013-518-20-45-00	GG-Equipment Rental	Dumpster rental - City Hall	\$15.00	
Rolyan Buoys	40351	Check Total						\$2,937.03
		5/5/2016	3643806	001-010-576-80-31-00	PK-Operating Costs	Buoys	\$2,937.03	
Safeguard Pest Control Inc	40352	Check Total						\$49.14
		5/5/2016	51284	001-008-521-50-48-00	LE -Repair & Maint Facilities	Pest Control services - Police Dept	\$49.14	
SCCFOA	40307	Check Total						\$22.00
		4/22/2016	4/28 mtg	001-003-514-20-43-00	CC-Travel & Meetings	SCCFOA mtg dated 4/28/16 - Pugh	\$22.00	
Sirchie Finger Print	40353	Check Total						\$131.48
		5/5/2016	0250328-IN	001-008-521-80-30-00	LE - Evidence Room - Supplies	Evidence bags	\$131.48	



Checks to be Approved for 4/22/2016 to 5/5/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total	
SirennnetCom	40354						Check Total	\$2,985.96
		5/5/2016	0199616-IN	520-008-594-21-63-00	Capital Equipment	New Car setup PT62/63/64/65	\$80.24	
			0200029-IN	520-008-594-21-63-00	Capital Equipment	New Car setup PT62/63/64-65	\$4,485.76	
			196830A-CM	520-008-594-21-63-00	Capital Equipment	Returned Charger/Dual Cup Holder/Bracket	(\$1,580.04)	
Snohomish County Planning	40355						Check Total	\$3,630.00
		5/5/2016	I000407967	001-007-559-30-41-00	PB-Professional Srv	Building/plan review services per ILA for March 2016	\$3,630.00	
Snohomish County PUD	40356						Check Total	\$506.39
		5/5/2016	124368083	101-016-542-63-47-00	ST-Lighting - Utilities	202013249 Traffic Signal	\$72.90	
			144111618	001-010-576-80-47-00	PK-Utilities	203599006 City Shop	\$122.13	
				101-016-543-50-47-00	ST-Utilities	203599006 City Shop	\$122.13	
				410-016-531-10-47-00	SW-Utilities	203599006 City Shop	\$122.16	
			150969199	001-010-576-80-47-00	PK-Utilities	202340527 Yard	\$7.68	
				101-016-542-63-47-00	ST-Lighting - Utilities	202340527 Yard	\$7.68	
				410-016-531-10-47-00	SW-Utilities	202340527 Yard	\$7.67	
			153948749	101-016-542-63-47-00	ST-Lighting - Utilities	203728159 Traffic Signal	\$44.04	
Snohomish County Sherrifs Office	40357						Check Total	\$2,067.33
		5/5/2016	2016-3060	001-008-523-60-51-00	LE-Jail	Prisoner Housing February 2016	\$2,067.33	
Sound Publishing Inc	40358						Check Total	\$504.92
		5/5/2016	EDH692253	001-007-558-50-41-03	PL-Advertising	LUA2016-0038 Robinett Land Co Short Sub	\$65.48	
			EDH692346	001-007-558-50-41-03	PL-Advertising	LUA2016-0017 Revisions to Marijuana Regs	\$130.96	
			EDH692473	001-007-558-50-41-03	PL-Advertising	LUA2016-0034 Autumn Crest Prelim Plat	\$86.12	
			EDH693247	001-007-558-50-41-03	PL-Advertising	LUA2016-0048 Mountain View Prop Prelim Short	\$74.08	
			EDH693564	001-013-518-30-41-01	GG-Advertising	Special meeting notice 4/21/16	\$37.96	
			EDH693914	001-013-518-30-41-01	GG-Advertising	Ordinance 954	\$27.64	
John Spencer	40308						Check Total	\$212.42
		4/22/2016	4/15/16 req	001-001-513-10-43-00	Executive - Travel & Mtgs	Mileage & parking at Natl League of Cities conf	\$163.58	
				101-016-543-30-43-00	ST-Travel & Meetings	Public Works recognition luncheon	\$48.84	
Standard Insurance Company	0						Check Total	\$5,163.73
		4/29/2016	04/29/16	001-000-284-00-00-00	Payroll Liability Other	Life/Disability Ins Premiums	\$148.00	
				001-002-513-11-20-00	AD-Benefits	Life/Disability Ins Premiums	\$0.00	



Checks to be Approved for 4/22/2016 to 5/5/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc		
Standard Insurance Company	0	4/29/2016	04/29/16	001-003-514-20-20-00	CC-Benefits	Life/Disability Ins Premiums	\$111.28	
				001-004-514-23-20-00	FI-Benefits	Life/Disability Ins Premiums	\$113.71	
				001-005-518-10-20-00	HR-Benefits	Life/Disability Ins Premiums	\$70.67	
				001-006-518-80-20-00	IT-Benefits	Life/Disability Ins Premiums	\$139.15	
				001-007-558-50-20-00	PL-Benefits	Life/Disability Ins Premiums	\$469.23	
				001-007-559-30-20-00	PB-Benefits	Life/Disability Ins Premiums	\$214.09	
				001-008-521-20-20-00	LE-Benefits	Life/Disability Ins Premiums	\$2,508.10	
				001-010-576-80-20-00	PK-Benefits	Life/Disability Ins Premiums	\$90.53	
				001-013-518-30-20-00	GG-Benefits	Life/Disability Ins Premiums	\$27.97	
				101-016-542-30-20-00	ST-Benefits	Life/Disability Ins Premiums	\$640.44	
				401-070-535-10-20-00	SE-Benefits	Life/Disability Ins Premiums	\$21.69	
				410-016-531-10-20-00	SW-Benefits	Life/Disability Ins Premiums	\$608.87	
Staples	40359						Check Total	\$425.06
		5/5/2016	3299243347	001-008-521-20-31-00	LE-Office Supplies	Privacy LCD Display/pens	\$79.77	
			3299440458	001-008-521-20-31-00	LE-Office Supplies	Privacy Screen	\$345.29	
Steuber Distributing Co	40360						Check Total	\$619.52
		5/5/2016	2818956	101-016-544-90-31-02	ST-Operating Cost	Herbicide	\$227.91	
			2819272	001-010-576-80-31-00	PK-Operating Costs	Herbicide	\$391.61	
Teffany Story	40361						Check Total	\$40.00
		5/5/2016	Refund	001-000-362-40-00-00	Facilities Rental - Short Term	Refund of Community Center rental-event cancelled	\$40.00	
Robert Summers	40362						Check Total	\$285.00
		5/5/2016	3/24/16 req	001-008-521-20-43-00	LE-Travel & Meetings	Per diem for training-Police Mountain Bike-Summers	\$285.00	
Symbol Arts	40363						Check Total	\$105.00
		5/5/2016	0255977-IN	001-008-521-20-31-01	LE-Operating Costs	Officer badge	\$105.00	
Teamsters Local No 763	40312						Check Total	\$762.00
		4/29/2016	04/29/16	001-000-284-00-00-00	Payroll Liability Other	Union Dues	\$762.00	
Dean Thomas	40364						Check Total	\$92.00
		5/5/2016	2/23/16 req	001-008-521-20-43-00	LE-Travel & Meetings	Per Diem for WAHIA Homicide Conference-Thomas	\$54.00	
			3/31/16 req	001-008-521-20-43-00	LE-Travel & Meetings	Per Diem for Following the Evidence-Thomas	\$38.00	
United Way of Snohomish Co	40313						Check Total	\$61.68
		4/29/2016	04/29/16	001-000-284-00-00-00	Payroll Liability Other	Employee Contributions	\$61.68	



Checks to be Approved for 4/22/2016 to 5/5/2016

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total	
UPS	40365						Check Total	\$3.68
		5/5/2016	74Y42166	001-008-521-20-42-00	LE-Communication	Evidence shipping	\$3.68	
US Bank St Paul	40366						Check Total	\$58,958.75
		5/5/2016	279945	210-000-592-18-83-00	2008 Bond Interest Payment	LAKSGOREF08A - Series 2008A Int-City Portion	\$42,770.55	
				210-070-592-35-83-00	2008 Bond Interest Payment	LAKSGOREF08A - Series 2008A Int-Sewer Portion	\$16,188.20	
Jerad Wachtveitl	40367						Check Total	\$54.00
		5/5/2016	2/23/16 req	001-008-521-20-43-00	LE-Travel & Meetings	Per Deim for WAHIA conference-Wachtveitl	\$54.00	
Steve Warbis	40368						Check Total	\$285.00
		5/5/2016	3/24/16 req	001-008-521-20-43-00	LE-Travel & Meetings	Per Diem for Police Mountain Bike training-Warbis	\$285.00	
Washington Aerospace Ptnrshp	40369						Check Total	\$1,000.00
		5/5/2016	1216	001-013-518-90-49-07	GG-WA Aerospace Partnership	WAP contribution 2016	\$1,000.00	
Washington State Support Registry	0						Check Total	\$402.46
		4/29/2016	04/29/16	001-000-284-00-00-00	Payroll Liability Other	Employee Paid Child Support	\$402.46	
Washington Teamsters Welfare Trust EFT	0						Check Total	\$1,744.80
		5/5/2016	05/01/16	001-000-283-00-00-00	Payroll Liability Medical	Teamsters Dental Ins Premiums	\$1,744.80	
Weed Graafstra & Associates Trust Account	40309						Check Total	\$5,000.00
		4/22/2016	Morris/Village	101-016-595-20-60-00	ST - Capital ROW Purchase	Earnest Funds - Morris/Village Way	\$5,000.00	
Neil Chad Wells	40370						Check Total	\$285.00
		5/5/2016	3/24/16 req	001-008-521-20-43-00	LE-Travel & Meetings	Per Deim for Police Mountain Bike Training-Wells	\$285.00	
Western Conference of Teamsters Pension Trust	40314						Check Total	\$1,954.74
		4/29/2016	04/29/16	001-000-282-00-00-00	Payroll Liability Retirement	Employee Contributions - Teamster Pension	\$1,954.74	
Total							\$415,502.81	



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

Tuesday, April 26, 2016
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

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

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

ELECTED OFFICIALS ABSENT: Councilmembers Kathy Holder and Kurt Hilt

STAFF MEMBERS PRESENT: Finance Director/City Clerk Barb Stevens, Interim Planning and Community Development Director Russ Wright, Public Works Director Mick Monken, Interim Police Chief Ralph Krusey, Human Resources Director Steve Edin, Civil Engineer Adam Emerson, Deputy City Clerk Kathy Pugh, City Attorney Cheryl Beyer, Officer Dean Thomas, Public Works Superintendent Scott Wicken, Police Records Superintendent Julie Ubert, and Police Records staff Jenn Anderson and Michelle Vanderwalker

OTHERS: John White and Kathie George of Washington State Department of Transportation, Senator Steve Hobbs, Doug Levy of Outcomes by Levy; Jeff Borgida, Wes Smith, Janet Pritchard and Jonathan Pashinski of Republic Services

Pledge of Allegiance: State Representative Steve Hobbs lead the Pledge of Allegiance.

Roll Call:

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to excuse Councilmembers Kathy Holder and Kurt Hilt from the meeting. On vote the motion carried (5-0-0-2).

Approval of Agenda:

Mayor Spencer said that Action Item F, Approve Ordinance 959 Creating a New Chapter 8.06 of the Lake Stevens Municipal Code Prohibiting Occupying Properties that Lack Adequate Water or Sewer Service would be a first reading this evening.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember McDaniel, to approve the agenda as corrected. On vote the motion carried (5-0-0-2).

Community Recognition: Mayor Spencer recognized Jeff Borgida of Republic Services, and Les Schwab Tire Center for their contributions to the upcoming City-wide Cleanup scheduled for May 7, 2016. Mayor Spencer also recognized the Rotary Club Interact Group, which are high school students, for their recent cleanup along Callow Road.

Jeff Borgida, General Manager of Republic Services introduced Operations Manager Wes Smith, Relationship Manager Janet Pritchard and driver Jonathan Pashinski. Mr. Borgida said it is a great opportunity to participate in community events such as the cleanup because it provides an opportunity to meet customers and engage with the community.

Guest Business.

Director Monken introduced Washington State Department of Transportation representatives John White, Assistant Regional Administrator and Kathie George, Engineering Manager.

Mr. White commented he has been working with Director Monken for about a year and a half now, ahead of the formal engagement, on the Connecting Washington program. He and Director Monken have been developing a relationship and common understanding of the community needs, the project, and related issues. They have worked through a procurement process to bring on a very experienced team to help deliver this project. Mr. White introduced Mike Cotton, Project Manager with Parsons Transportation Group, and also noted representatives from PRR, who will be the communications lead on the project, are present this evening.

Mr. White said the team is bringing a fresh perspective and that the challenge will be working together with the City and community to find a context appropriate solution to help keep the traffic on SR 9 / SR 204 moving while helping the business community to realize economic opportunities and improving circulation access to and from Frontier Village. Mr. White advised the consultant team is nearly ready to move forward and there will be a community outreach at that time.

Mr. White commented further that the City is also fortunate that there is funding for an Interchange Justification Report for the east end of the U.S. 2, primarily based on westbound movement to explore possible solutions to this traffic issue.

Legislative Update:

Senator Steve Hobbs provided a summary of legislative action during the last legislative session. He reviewed that the state has a biennial budget and the budget this year was a supplemental budget that allows for minor modifications. However, this year there were several things operating against minor modifications including the McCleary court decision regarding education funding, another lawsuit regarding mental health funding, the unusually high number of wildfires in 2015 and associated higher cost in combating them, and other issues such as the widespread homeless issue. And finally, because this is an election year it makes it difficult to move forward. Senator Hobbs reviewed how the budget process works.

Senator Hobbs said that funds were invested in mental health and specifically Western State Hospital. Fire suppression was paid for and a plan is being developed to address wildfires and ultimately lower costs of fire suppression. Also, homelessness was addressed.

Senator Hobbs noted that the legislature failed to address public school funding required by the McCleary decision, although some advances were made. Also, the legislature failed to find long-term solutions to increasing health care costs statewide and funding for the Model Toxics Control Act (MTCA) for toxic cleanup.

Senator Hobbs reported the City received \$309,000 for the Lake Stevens City Hall and Civic Center in the capital budget. He also noted the Transportation budget is in great shape and reviewed those funding allocations, and particularly the Connecting Washington projects. Senator Hobbs also noted that funding was allocated to increase the pay scale for the State Patrol officers, that the I-405 toll complaints are being addressed and that \$1.5 million was allocated to begin addressing the issues with the SR 2 trestle, which will hopefully position the project for future federal funding.

Senator Hobbs noted that Lake Stevens did very well in the budget this year and attributed that to the fact that the City Councilmembers travel to Olympia regularly, the City has a very active lobbyist, and the City's legislators are willing to work hard for their constituents.

Doug Levy of Outcomes by Levy, the City's lobbyist, reviewed the recently ended legislative session. He provided a brief overview of the legislative session and the budget process. He reviewed the challenges the legislators faced including the 2015 wildfires, the higher need for social and human services, more people wanting to attend colleges and university, as well as other issues.

Mr. Levy noted the legislature delayed a lot of items to the 2017 budget process including education funding. Minimum wage and carbon issues will be addressed by the voters. The legislature did provide a fix for charter schools.

Mr. Levy said some of the good things include that the legislature did pass a bill regarding body cameras which provides protections for jurisdictions that utilize body cameras as of the date of the effective date of the bill, which is June 9, 2016, and then reviewed those protections. Mr. Levy noted this is an initial step and that the Legislature will be looking at this again in 2018.

Mr. Levy also reported that some funding was allocated for law enforcement training, state-shared revenues were pretty well preserved for municipalities, Municipal Research & Services Center maintained its funding, and that pensions were not merged.

Mr. Levy said that funds were taken from the Public Works Assistance Fund, however, the governor vetoed a large portion of this bill. Also, the Fire Insurance Premium Tax Distributions were restructured, but the governor vetoed that legislation. He noted the cuts to MTCA and to stormwater grant projects.

Mr. Levy then reviewed the upcoming November elections, saying the results will have a huge impact on the citizens.

Mr. Levy next reviewed transportation issues that will continue to require monitoring. He added that he will want to meet with the Mayor, Councilmembers and administration to map out the 2017 legislative agenda and said it is important that the agenda reflects the City's top priorities.

Employee Recognition:

Mayor Spencer recognized the following employees for their years of service to the City: Human Resources Director Steve Edin for ten years of service, Officer Dean Thomas for ten years of service, Interim Planning Director Russ Wright for five years of service, and Public Works member Scott Wicken for thirty-five years of service.

Interim Police Chief Ralph Krusey recognized Police Records Superintendent Julie Ubert and the Police Records staff including Jenn Anderson, and Michelle Vanderwalker for their work and customer support. Chief Krusey noted they are experiencing significant increases in workload, particularly in passport applications, and the Police Records staff are managing this increase in a professional and courteous manner.

Council Business: Kim Daughtry: County transportation issues, Planning & Development Subcommittee, Sewer Committee, Met with Suzan DelBene regarding the Trestle, Public Works Subcommittee meeting, ST3 Open House; Sam Low: Police Community Meeting; Todd Welch: Arts Commission, Library Board, Parks Subcommittee, ST3 Public Hearing; Rauchel McDaniel: Police Community Meeting, Public Safety Meeting, Planning Commission; and Marcus Tageant: Chamber of Commerce, Sewer District, Police Community Meeting, Public Safety Subcommittee.

Mayor's Business: The City is closing on the property purchase located at 99th and Chapel Hill Road where a new police station will be built. Also, the City has been working with Sno-Isle on the location and siting of a new library.

Consent Agenda.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to approve (A) 2016 Vouchers [Payroll Direct Deposits of \$152,920.14, Payroll Checks Nos 40222-40223 totaling \$3,880.71, Tax Deposits of \$64,221.62, Electronic Funds Transfers (ACH) of \$5,976.91, Claims Checks Nos. 40224-40306 totaling \$435,858.38, Void Check No. 40175 in the amount of \$718.92, Total Vouchers Approved: \$662,138.84]; (B) April 12, 2016 City Council Regular Meeting Minutes; and (C) Bid award for the Library and Community Center door replacement project. On vote the motion carried (5-0-0-2).

Public Hearing:

Public Hearing for Proposed Amendments to City's Marijuana Regulations and Repeal Moratorium on Retail Facilities; Adopt Ordinance 958 and Repeal Ordinance 941: Deputy City Clerk Kathy Pugh opened the public hearing and read the rules of procedure for the record.

Interim Planning and Community Development Director Russ Wright presented the staff report. He reviewed the history of legalization of marijuana beginning in 2012 with the passage of I-502 legalizing the production, processing, sale and use of marijuana and marijuana products, and the subsequent reforms to the recreational and medical marijuana regulations recently adopted by the Legislature. Following the passage of I-502 the City initiated a moratorium to allow time for it to develop its own marijuana regulations, and also the City took a "wait and see" approach to allow time for unknown legal issues to be resolved, such as the City's ability to ban marijuana or to design its own regulations.

Director Wright reviewed that in 2014 the City Council did adopt local regulations for marijuana. Prior to doing this the Council did ban medical marijuana cooperatives because it was an unregulated industry at that time and continued that way for a couple of years. In 2015 the Legislature adopted major modifications to the state marijuana regulations, with the intent to place both medical and recreational marijuana under the control of the newly renamed Liquor and Cannabis Board, which is a major step forward in regulating medical marijuana.

Additionally it was thought this legislation would help tighten up the unregulated marijuana market.

When the City adopted its own regulations it did some things differently than the state. These included setting a local cap of 100,000 square feet for production and processing facilities in the City. Director Wright distributed a handout showing a summary of the eight I-502 production and processing facilities currently located in Lake Stevens. The City has licensed approximately 63,000 square feet of production and processing facilities.

Director Wright next referred to his second handout, an overlay map showing the locations where marijuana facilities can locate in the City. He reminded of the 1,000 foot protective buffer for protected facilities such as schools. He reviewed that marijuana production and processing is allowed in the Hartford Industrial area, and all of the currently licensed marijuana are located there. He said the Commercial District would allow a retail location, but not production and processing.

Last year Staff requested guidance from Council following state amendments and the Liquor and Cannabis Board's removal of the cap for retail locations. The Council adopted a moratorium so these topics could be revisited. Following this the Liquor and Cannabis Board made some additional changes that would allow the City of Lake Stevens to have two retail locations.

Under the moratorium the City planned to look at these changes, as well as the City's co-location prohibition, specifically as it relates to two facilities located in the same building. The City has found that when a marijuana business is in place other businesses are not locating next to it so it made sense to revisit this. This would leave other buildings open for other uses. Also there was concern regarding market saturation and so it was appropriate to look at whether the 100,000 square foot cap is still appropriate, or should it be reduced. The Planning Commission discussed this and concluded the 100,000 square foot cap is appropriate.

Director Wright said that definitions were also updated for consistency with State definitions, together with general cleanup. One recommendation was to change the process for the facilities from an outright permitted use to a use that requires an administrative conditional use permit. This was done because in the licensing process City staff spends a lot of time coordinating with other state and local agencies to ensure the businesses meet the performance standards in the industrial area.

The Planning Commission completed a public hearing process and determined to make recommendations on each of the amendments rather than recommending as an entire amendment. The City Attorney has reviewed the ordinance and made changes. Additionally, the process has gone through the entire public process including notifications to the community, a non-project environmental review, review by state and local agencies, and a review of the comprehensive plan to ensure consistency.

Mr. Wright next reviewed the Planning Commission recommendations which include remove the co-location provision, modify the definitions, authorize the sale of medical marijuana at licensed retail locations with the required endorsement from the Liquor and Cannabis Board, limiting the retail locations to the current one store allocated and not accept a second store, and that this be revisited in a couple of years. The Planning Commission also recommended that the 100,000 square foot cap be retained for marijuana production and processing, and that the permitting

process be changed to administrative conditional use permit. Director Wright also reported the public hearing was well attended.

Director Wright then responded to Councilmembers questions, including how additional retail stores are added and whether applications are pending, concerns about odor, and what would be allowed for sale of medical marijuana, including documentation of sales, and timing as to revisiting this ordinance in the future.

Director Wright responded to questions regarding licensing and tiers. He explained there are three tiers and when the City adopted its ordinance it limited facilities to Tier 2. Due to the rapid market growth Washington State Liquor and Cannabis Board reduced the Tier 2 facilities cap. The tier defines the area allowed for growing. The City's requirement is more restrictive because it is a total area devoted to both the growing and production portions of the business. This is really measuring the gross square footage of a building.

Mayor Spencer invited public comment from the audience.

Megan Stevens, 2906 113th Ave SE, Lake Stevens, supports the Planning Commission recommendation to cap the number of retail operations to one.

Telisha Packard, 924 117th Drive SE, Lake Stevens, also supports capping the number of retail locations to one.

Rhonda Call, 11029 30th Street SE, Lake Stevens, also supports capping the number of retail locations to one.

Jeff Greenhaw, 8142 NE 145th Place, Kenmore, commented he is the largest grower, and under the Tier 2 cap he can only use 10,000 square feet. He can apply for an endorsement to grow medical marijuana, but the state caps are higher. The City's cap means he cannot move into the rest of his building and move into the medical market. He commented the state requirements for odor are very strict. He does not support the lower cap.

Don Hartleben, 11704 20th Street NE, Lake Stevens, said the Planning Commission minutes need to be corrected. He clarified he does not want to open a retail location, but he was speaking on behalf of allowing a second store. He is tired of the stigma of marijuana, and alcohol is worse.

Daniel Tuengel, 7006 SR 9, Lake Stevens, commented there is a huge stigma associated with marijuana. He supports multiple retail locations and believes this would be a benefit to the community.

Stephanie Hansen, 1330 113th Avenue SE, Lake Stevens, spoke against allowing more than one retail location.

Kristi Tuita, 11805 1st Place SE, Lake Stevens, supports limiting retail to one location.

MOTION: Councilmember Daughtry moved, Councilmember Welch seconded, to close the public comment portion of the public hearing. On vote the motion carried (5-0-0-2).

MOTION: Councilmember Daughtry moved, Councilmember Tageant seconded, to close the public hearing.

Director Wright responded to additional questions of Council including the difference in growing retail vs. growing medical marijuana, whether it would be possible to split the cap between medical and retail marijuana, and how are recreational and medical marijuana retail customers differentiated.

VOTE: On vote the motion carried (5-0-0-2).

Councilmember McDaniel said she would like to see language showing how many businesses could be located in one facility, or if a split wall is inserted in a facility how that affects the Tier 2 cap of 60,000 square feet. She particularly would like more clarity on co-location. She also requested data from the Police Department on the positive and negative impacts of marijuana production, processing and sale to the community.

Councilmember Tageant would like to keep the cap where it is until the space is fully used, he would like to make sure odor issues are addressed and also to review with Council whether one retail location is servicing the community adequately.

Councilmember Welch is opposed to the sale of medical marijuana.

MOTION: Councilmember Daughtry moved, Councilmember Tageant seconded, to hold a first reading of Ordinance 958 Related to the Licensing, Production, Processing and Sale of Marijuana and Marijuana Products, Adding Definitions in LSMC 14.08.010, Amending LSMC 14.40.040; Amending Table 14.40-I of Chapter 14.40 LSMC; amending LSMC 14.44.097; and Repealing Ordinance 941, a Twelve (12) Month Moratorium Temporarily Prohibiting the Establishment, Siting, Location, Permitting, Licensing or Operation of New Retail Locations, and to hold a second reading of Ordinance 958 at the May 10, 2016 Council meeting. On vote the motion carried (5-0-0-2).

Mayor Spencer noted it was close to 9:00 p.m. and there was consensus among Council to extend the meeting thirty minutes.

Action Items:

Resolution 2016-07 Setting Public Hearing for Intention of Designating an Area to Provide for a Property Tax Exemption for Industrial/Manufacturing Industries: Director Wright presented the staff report and explained that in 2015 the Legislature enacted legislation providing a 10-year exemption from ad valorem property taxes imposed by certain cities for the value of new construction of qualifying industrial/manufacturing facilities. Lake Stevens is qualified under this legislation to provide this development incentive. Director Wright said the area impacted by this proposal is the Light Industrial and General Industrial zoning districts located in the Hartford area, along with the Business District zoning district located in the 20th Street SE corridor. In order to move forward the Council needs to approve Resolution 2016-07 which sets a public hearing to take formal action by ordinance. The public hearing would be scheduled for May 10, 2016. Director Wright invited questions and there were none.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Low, to approve Resolution 2016-07 Setting a Public Hearing for the Intention of Designating an Area to Provide

for a Property Tax Exemption for Industrial/Manufacturing Industries. On vote the motion carried (5-0-0-2).

Traffic Calming Program: Civil Engineer Adam Emerson presented the staff report and said that tonight's action is to approve the 2016 Traffic Calming Program. Mr. Emerson said the program puts policies and intent in place to guide Staff's responses to traffic issues that are brought forward, and that the proposed program is aimed at providing a fair and economic way of addressing citizen concerns about speeding in the City. The Public Works Subcommittee has reviewed this and had no comments on changes to this program. Mr. Emerson invited Councilmembers' questions and there were none.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember McDaniel, to approve the Traffic Calming Program 2016. On vote the motion carried (5-0-0-2).

Supplemental Agreement No. 1 to Master Professional Services Agreement with Amec Foster Wheeler for Lundeen Park Tree Replacement: Public Works Director Mick Monken presented the staff report and reviewed that the City has removed trees from Lundeen Park for sight visibility and to address some danger trees. Additionally 72 more danger trees have been identified for removal. Because these trees are mature, under the City's code a tree replacement plan is required. The City has a Master Professional Services Agreement with Amec Foster Wheeler who provides landscaping planning as one of their services. Director Monken invited questions and there were none.

MOTION: Moved by Councilmember Low, seconded by Councilmember Tageant, to authorize the Mayor to enter into Supplemental Agreement No. 1 to Master Professional Services Agreement with Amec Foster Wheeler for Lundeen Park Tree Replacement. On vote the motion carried (5-0-0-2).

Supplemental Agreement No. 2 to Master Professional Services Agreement with Tetra Tech for Engineering Services for 36th Street NE Bridge Inspection Service: Director Monken presented the staff report and said that following the County's recent bridge inspection it was recommended that the City perform a load rating and scouring review of the 36th Street NE Bridge. This action is considered a pro-active risk assessment to ensure the integrity and safety of the bridge. Director Monken then responded to Councilmembers' questions.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to approve services and authorize the Mayor to enter into Supplement Number 2 with Tetra Tech to perform bridge inspection services on the 36th Street NE Bridge for an amount not to exceed \$11,970. On vote the motion carried (5-0-0-2).

Approve Resolution 2016-080 Directing the Establishment of Policies and Procedures for the Use of Body Cameras by Law Enforcement: Chief Krusey presented the staff report and said that the Legislature adopted legislation intended to address new and up and coming technologies and establishing guidelines for the use of body cameras. The Legislature strongly encouraged cities not currently deploying body cameras on the effective date of the legislation to adopt an ordinance or resolution authorizing the use of body worn cameras prior to their use by law enforcement. Chief Krusey then responded to Councilmembers' questions.

MOTION: Moved by Councilmember Daughtry, seconded Councilmember McDaniel, to approve Resolution 2016-080 Directing the Establishment of Policies and Procedures for the Use of Body Cameras by Law Enforcement. On vote the motion carried (5-0-0-2).

Approve First Reading of Ordinance 959 Prohibiting Occupying Properties that Lack Adequate Water or Sewer Service: Chief Krusey presented the staff report and said that adoption of this ordinance makes it illegal to occupy premises that do not have water or sewer service. The ordinance also provides for code enforcement if such premises are occupied. Chief Krusey then responded to Councilmembers' questions.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Tageant, to approve the first reading of Ordinance 959 Prohibiting Occupying Properties that Lack Adequate Water or Sewer Service. On vote the motion carried (5-0-0-2).

Executive Session: None.

Study Session:

First Quarter Financial Update: There was consensus to carry this agenda item over to the May 10, 2016 meeting.

Adjourn:

Moved by Councilmember Low, seconded by Councilmember Welch, to adjourn the meeting at 9:07 p.m. On vote the motion carried (5-0-0-2).

John Spencer, Mayor

Kathy Pugh, Deputy City Clerk



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda May 10, 2016
Date: _____

Subject: Approve Amendment No. 1 to the Interlocal Agreement with Snohomish County to Provide Information Technology Services

Contact	Mary Swenson, Interim City	Budget	\$54,000
Person/Department:	Administrator	Impact:	_____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Approve Amendment No. 1 to the Interlocal Agreement Between the City of Lake Stevens and Snohomish County to Provide Information Technology Services and Supplemental Work Order (SWO-002-15) for Fiber Connectivity between the City of Lake Stevens and SCDIS.

SUMMARY/BACKGROUND: A new Interlocal agreement and supplemental work order for information technology services and fiber connectivity were previously approved by the City Council at the March 15, 2016 Council meeting. The County has now advised that it requires County Prosecuting Attorney approval and sign off prior to City approval. Upon review, the County Attorney requested that the County and City enter into an amendment to the original Interlocal Agreement that was approved by Council on April 27, 2015, rather than entering into a new interlocal agreement.

Staff and the City Attorney have reviewed Amendment No. 1 to the Interlocal Agreement and it provides for the same changes to the original 2015 Interlocal Agreement that the interlocal agreement previously approved by Council on March 15, 2016 contained, including a not to exceed amount of \$54,000. The only difference in SWO-002-15 is that the last number has been changed from 16 to 15, which reflects the year of the original agreement.

APPLICABLE CITY POLICIES: N/A

BUDGET IMPACT: \$54,000 (previously approved 3/15/16)

ATTACHMENTS:

1. Amendment No. 1 to the Interlocal Agreement Between the City of Lake Stevens and Snohomish County to Provide Information Technology Services
2. Supplemental Work Order SWO-002-15COLS for Fiber Connectivity between the City of Lake Stevens and SCDIS

ATTACHMENT 1

**AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT BETWEEN THE
CITY OF LAKE STEVENS AND SNOHOMISH COUNTY TO PROVIDE
INFORMATION TECHNOLOGY SERVICES**

THIS AMENDMENT NO. 1 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAKE STEVENS AND SNOHOMISH COUNTY TO PROVIDE INFORMATION TECHNOLOGY SERVICES (“Amendment No. 1”) is entered into as of this _____ day of _____, 2016, by and between Snohomish County, a political subdivision of the State of Washington (the “County”), and the City of Lake Stevens, a Washington municipal corporation (“COLS”).

RECITALS

- A. Whereas, the County and COLS entered into that certain agreement executed on June 13, 2015, entitled “Interlocal Agreement between the City of Lake Stevens and Snohomish County to Provide Information Technology Services” (the “Agreement”); and
- B. Whereas, the services provided to COLS in the Agreement specified “Net Equipment Hosting 1 Rack Unit Space” and four cross connects in the Snohomish County Information Services “Meet-Me-Room” as defined in Supplemental Work Order COLS SWO-001-15; and
- C. Whereas, the “not to exceed” amount of the Agreement over the five year contract term was stated at Three Thousand Dollars (\$3,000.00); and
- D. Whereas, COLS now desires an additional Eight (8) Rack Unit Spaces and unlimited cross connects in the Snohomish County Information Services Meet-Me-Room, as defined in Supplemental Work Order COLS SWO-002-15; and
- E. Whereas, the cost for these additional services is in excess of the “not to exceed” amount of the Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and COLS agree as follows:

1. Exhibit B, SCDIS/ COLS SWO-002-15 is added to the Agreement, attached hereto and incorporated by reference.
2. The “not to exceed” amount of the Agreement shall be increased to \$54,000 over the contract term; to accommodate the services defined in Exhibit B, COLS SWO-002-15; and to allow for additional services through Supplemental Work Orders to be added as needed.

ATTACHMENT 2

EXHIBIT B, SCDIS/ COLS SWO-002-15

Supplemental Work Order (#SWO-002-15COLS)

Fiber Connectivity between the City of Lake Stevens and SCDIS

This Supplemental Work Order (SWO) is executed between Snohomish County, through its Department of Information Services (the “County” or “SCDIS”), and City of Lake Stevens (“COLS”) pursuant to the terms and conditions of the Interlocal Master Agreement (IMA). The parties acknowledge they have read and understand the terms and conditions therein. All rights and obligations of the parties shall be subject to and governed by the terms of the IMA. This SWO sets forth the obligations of the parties with respect to SCDIS’s provision of information services to COLS. This SWO also serves as the Service Level Agreement between COLS and SCDIS.

- 1. Purpose:** The purpose of this SWO is for SCDIS to provide COLS supplemental information technology services as specified in Appendix A.
- 2. Scope of Work:** The specific services covered by this SWO include:
 - a.** The “primary” items listed in Appendix A – Services Listing, attached hereto and by this reference made a part of this SWO, and any item directly “associated” with the primary items after acceptance by SCDIS, per terms of section #1 of Attachment A of this SWO; and
 - b.** The “Basic Services” described in Appendix B, attached hereto and by this reference made a part of this SWO.
- 3. Term and Termination:** The term of this SWO is effective upon the date of execution by both parties for the period of five (5) years unless terminated upon written notification to the other party. Either party may terminate this SWO upon ninety (90) day’s written notification to the other party. In the event the IMA is terminated, this SWO shall also terminate on the IMA termination date.
- 4. Prohibited Use of Services:** COLS shall not use any Service provided within this SWO in a manner which SCDIS reasonably determines may adversely affect Snohomish County information systems, or other Snohomish County customers, the integrity and operations of Snohomish County’s business, or Snohomish County’s ability to provide services to other Snohomish County customers.
- 5. Authority to Monitor Services:** SCDIS has the right, but not the obligation, to monitor any activity and content associated with the use of the Services. SCDIS may cooperate with law enforcement agencies in any investigation related to the use of a Snohomish County Service and investigate any complaint or reported violation of law or Snohomish County policies and take any action it deems appropriate. Such action may include, but is not limited to, issuing warnings, suspension or termination of a Service, removal of materials on a Snohomish County-hosted web site, and disclosure of information to law enforcement agencies, including but not limited to user contact details, IP addressing and traffic information, usage history and posted content, in response to requests SCDIS reasonably deems to be legally enforceable.

EXHIBIT B, SCDIS/ COLS SWO-002-15

6. **Resale of Snohomish County Services:** COLS shall not resell or provide free of charge any Service to any third party without first entering into a Contract for Service with SCDIS which permits these activities.
7. **Designated Points of Contact and Escalation Points.** SCDIS's designated point of contact for COLS to request Support Services, contact Service personnel, request problem status updates, and receive problem resolutions is via the SCDIS Service Desk at (425) 388-3378, Monday – Friday, 7:30 a.m. – 5:00 p.m. Schedule is subject to change by written notice from SCDIS.

SCDIS Contacts and Escalation Points:

Service Desk	425-388-3378
Service Desk Supervisor	425-388-3938
Networking / Telecom Supervisor (Secondary)	425-388-7171
Client Services Supervisor	425.388-3938
Systems Manager (Primary)	425-388-3212
Technology Coordinator	425-388-3904
Director:	425-388-3730
FAX:	425-388-3999

COLS's designated point of contact for **SCDIS** to send invoices, problems solve, and otherwise conduct business shall be:

COLS Primary Contact:	Technical Contact:	Troy Stevens tstevens@lakestevenswa.gov 425-737-7103
	Invoicing Contact:	Joan Norris jnorris@lakestevenswa.gov 425-377-3236

8. **Payment for Services:** SCDIS will invoice COLS for these services on a yearly basis for the monthly recurring costs of the Network / Integration services deliverables as specified in Appendix A of this SWO. Payment of invoices shall occur within net forty-five (45) days from receipt of invoice. Payments that are more than forty-five (45) days delinquent shall incur a one percent (1%) late payment fee. SWO's with balances more than ninety (90) days past due may be terminated and services discontinued.
9. **Declined Equipment:** No equipment is provided by this SWO. All equipment maintenance is the responsibility of COLS
10. **Pricing and Service Fees:** The pricing and fee schedule for services provided by SCDIS are outlined in Appendix A of this SWO.
11. **Modifications / Changes:** This SWO may be modified at any time upon mutual written agreement of the parties. All such modifications will be made as an amendment to this SWO and will take precedence over the original SWO.
12. **Order of Precedence:** If there is a conflict between this SWO and the IMA, the conflict will be resolved by giving precedence first to the IMA.

EXHIBIT B, SCDIS/ COLS SWO-002-15

13. Assignment: Neither party shall assign any of the rights, duties, or obligations covered by this SWO without the prior express written request and consent of each party.

14. Notices: Notices and other communications between SCDIS and COLS which are required by or specified in this SWO may be delivered by electronic mail.

Communications related to this SWO may be directed to Snohomish County Department of Information Services at: SIS-Telecommunications@snoco.org. COLS shall provide SCDIS with a valid email address to be used by SCDIS for communications related to this SWO and shall update that address as needed. SCDIS shall fulfill its obligations under this SWO by providing COLS with notice at the email address most recently provided by COLS for use in providing notices pursuant to this SWO.

15. Responsibilities and Service Level Expectations:

a. **SCDIS Responsibilities:**

- i. Provide COLS 8Us of rack space and UPS power in SCDIS's Data Center for an Ethernet switch.
- ii. SCDIS takes no ownership regarding the repair of COLS owned equipment
- iii. SCDIS will provide escorted access to the Network Operations Center (NOC) between the hours of 7:00 am and 8:00 pm Pacific Standard Time, Monday through Friday and 7:00 am to 3:00 pm on Saturdays. Access to Network Operations Center after hours or on Sundays will result in a minimum three (3) hour charge at one hundred dollars (\$100.00) per hour. An additional \$200.00 per-incident will be charged as a flat fee for each after-hours incident management/access and response in excess of 12 hours. Contact 425-388-3378 for access to the facility.

b. **COLS Responsibilities**

- i. Provide fiber connectivity between COLS and SCDIS data facilities.
- ii. Provide Ethernet Switching equipment for 1RU rack space within SCDIS Data Center.
- iii. Provide maintenance of Ethernet Switching equipment.

16. Emergency Response: Emergency shall mean network outage, multi-user outage/critical event, or when COLS is unable to conduct business.

a. ***Response Time*** ***2 Hours***

b. COLS shall make contact with the SCDIS Service Desk upon discovery of an event to notify SCDIS of the event. The notification to the Service Desk will initiate the SCDIS response. SCDIS shall respond to the incident within the response time indicated and escalate the problem as necessary to achieve resolution. SCDIS will schedule network operations access as necessary.

17. Priority Problem Response: Priority problem shall mean network impairment, or when COLS is still able to conduct business but no practical workaround exists.

a. ***Response Time*** ***3 Hours***

b. COLS shall make contact with the SCDIS Service Desk upon discovery of an event to notify SCDIS of the event. The notification to the Service Desk will initiate the SCDIS response. SCDIS shall respond to the incident within the response time indicated and escalate the problem as necessary to achieve resolution. SCDIS will schedule network operations access as necessary.

EXHIBIT B, SCDIS/ COLS SWO-002-15

18. Routine Response: Routine response shall mean that the user is inconvenienced, or non-mission-critical application is impaired and a practical workaround exists.

- a. **Response Time** **3 Days (Maximum)**
- b. COLS shall make contact with the SCDIS Service Desk to notify SCDIS of the event. The notification to the Service Desk will initiate the SCDIS response. SCDIS shall respond to the incident when all other service requests of a higher priority have been answered, and SCDIS shall make every effort to respond within 3 business days of receiving notification of the problem. This category includes, but is not limited to, training issues, minor operational issues, and minor system inconveniences.

19. SWO Management: Unless otherwise indicated, all correspondence regarding this SWO should be directed to:

COLS Primary Contact: Troy Stevens, Information Systems Manager
1812 Main Street
Lake Stevens, WA 98258
(425) 737-7103
tstevens@lakestevenswa.gov

SCDIS Primary Contact: JD Braathen, Telecom Network Engineering Supervisor
Snohomish County
Department of Information Services
3000 Rockefeller Avenue, M/S 709
Everett, WA 98201
(425) 388-7171
JD.Braathen@snoco.org

By their signatures, **SCDIS** and **COLS** hereby acknowledge and accept the terms and conditions of this SWO.

Approved

Approved

City of Lake Stevens

Snohomish County

Signature

Signature

Print or Type Name

Print or Type Name

Title

Date

Title

Date

EXHIBIT B, SCDIS/ COLS SWO-002-15

Appendix A to Exhibit B- SWO COLS Services List and Summary Annual Costs

SCDIS will provide the following services at the prepaid support rate identified below. Each after-hours request has a 3 hour minimum charge at \$100.00 per hour. An additional \$200.00 per incident will be charged as a flat fee for each after-hours incident management/access and response in excess to 12 hours. (Access to Data Center/SCDIS Assistance after hours).

Note: Access during normal business hours will be covered under the Net Equipment Hosting service.

Network Services:

Services	Function and Identification	Qty	Date of Activation	LOC	Charge Each	Monthly Charge	Annual charge
Net Equipment Hosting 8 Rack Unit Space, unlimited cross-connects	Connectivity/Equipment hosting	8	Approximately 4/1/2016	SCDIS	\$50.00	\$400.00	\$4,800.00

SWO-002-15 - Total Recurring Charges: \$400.00 \$4,800.00

EXHIBIT B, SCDIS/ COLS SWO-002-15

Appendix B to Exhibit B – SWO Basic Services

Basic Services shall include co-location of COLS equipment within the Snohomish County Data Center. Co-location space has been established for Ethernet switching equipment and consists of 1 rack unit.

Hours of Service:

Interactive: Monday through Friday 8:00AM through 5:00PM Pacific Standard Time

Maintenance: Monday through Friday *8:00AM through 5:00PM Pacific Standard Time

***Note:** Saturday, Sunday, & Holidays Not Applicable. Resources may not always be available due to emergency and/or other contingencies.

Scheduled Outage for Maintenance: Each Saturday between 7:00 am and 12:00 pm Pacific Standard Time is scheduled for regular maintenance. This is essential to network health. Intermittent outages will occur during this period. If for some reason COLS will be working during those periods, then please contact SCDIS's Service Desk at 425-388-3378.

Network Services Infrastructure

Support Services and Maintenance

SCDIS shall provide support services and maintenance on SCDIS owned equipment as needed for standard Transport Services. This support and maintenance also includes all time and materials necessary to return this service and its associated equipment to working condition upon failure. ***These devices and Transports will be owned, operated and configured by SCDIS.***

Network Equipment Hosting

SCDIS shall provide Data Center Net Equipment Hosting of COLS owned equipment and transports in order to access SCDIS standard Transport Services: It will be incumbent on COLS to return this service and its associated equipment to working condition upon failure. ***These devices and Transports will be owned, operated and configured by the COLS.***

Purchase, Delivery and Installation

COLS shall purchase, prepare and deliver mutually agreed upon Ethernet Switching equipment for placement in the Snohomish County Data Center.

EXHIBIT B, SCDIS/ COLS SWO-002-15

Warranty Repair Assistance

COLS shall be solely responsible for warranty and repair of COLS owned equipment.

Help-Desk Dispatch and Telephone Support

SCDIS shall provide a single-point service to report suspected SCDIS problems that might involve **SCDIS owned equipment and Transports** and to assist with Data Center access and escort arrangements.

- Logging calls and dispatching the appropriate resources as necessary for on-site resolution/escort.
- Provide telephone support to assist COLS in the restoration of SCDIS Contracted Services.

COLS shall utilize this service to help insure that requests for assistance are proactively tracked and managed consistent with practices of SCDIS.

Basic Assistance

Basic assistance is limited to efforts deemed reasonable by SCDIS to encourage and promote the sharing of knowledge and information consistent with building cooperative services of interest to both the COLS and SCDIS.

In the event that SCDIS deems requests for assistance are beyond the scope of this SWO, SCDIS will work with COLS to develop and recommend approaches to meet COLS requirements.



LAKE STEVENS CITY COUNCIL
STAFF REPORT

**Council Agenda
Date:**

10 May 2016

Subject: 2016-17 Cyclone Fencing Services – Award of Contract

Contact Person/Department:	Mick Monken Public Works Director	Budget Impact:	\$75,000 not to exceed annually
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RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Award and authorize the Mayor to execute the 2016-17 Cyclone Fencing Services contract with Discount Fence, Inc. for an amount not to exceed \$75,000 annually.

SUMMARY/BACKGROUND: Each year the City performs a number of cyclone fencing jobs that include new cyclone fence placement and replacement of damaged fence. In most cases the fence is part of a safety fixture to protect the public and public property. The work is frequently a result of a vehicle impact. The way this contract is set up is to allow for a variety of unanticipated and planned fencing projects to proceed quickly using a single bid request.

The bid was set up on an estimated quantity for bidding purposed with the intent that increase in fencing quantities could be added to the contract up to a maximum annual total amount of \$75,000. The time period of the contract is for two years and has the same bid unit provided throughout the contract period.

Only a single bid was received being Discount Fence with a Total Base Bid of \$18,284.31. The Engineer's Estimate is \$25,950.87. A bid tabulation is included in Exhibit A. The call for bids used the MSRC roster. Discount Fence had been a provider of fencing services to the City and the work and timing has been satisfactory.

Under this action, staff is asking Council to approve a contract in the amount of \$75,000. The work to be performed under this contract could include budgeted fencing and emergency fencing repairs provided the total contract amount does not exceed the \$75,000.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: Funding will be provided from within the existing approved 2016 and 2017 budget or be brought before the Council in the next budget adjustment for those items not included in the associated year budget.

ATTACHMENTS:

- ▶ Exhibit A: Bid Tabulation
- ▶ Exhibit B: Request for Bid
- ▶ Exhibit C: Public Works Contract

EXHIBIT A

Revision: 3 May 2016

Item	Description	Est Qty	Unit	Engineer's Estimate		Discount Fence					
				Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$	Unit \$	Total \$
1	6' fence installed	400	LF	\$ 25.00	\$ 10,000.00	\$ 22.00	\$ 8,800.00	\$ -	\$ -	\$ -	\$ -
2	6' gate installed	50	LF	\$ 125.00	\$ 6,250.00	\$ 75.00	\$ 3,750.00		\$ -		\$ -
3	4' fence installed	60	LF	\$ 23.00	\$ 1,380.00	\$ 19.00	\$ 1,140.00		\$ -		\$ -
4	4' gate installed	30	LF	\$ 120.00	\$ 3,600.00	\$ 60.00	\$ 1,800.00		\$ -		\$ -
5	Remove existing	200	LF	\$ 10.00	\$ 2,000.00	\$ 5.00	\$ 1,000.00		\$ -		\$ -
6	Temp fencing	300	LF	\$ 2.00	\$ 600.00	\$ 1.00	\$ 300.00		\$ -		\$ -
					\$ 23,830.00		\$ 16,790.00		\$ -		\$ -
				WSST	\$ 2,120.87		\$ 1,494.31		\$ -		\$ -
				TOTAL	\$ 25,950.87		\$ 18,284.31		\$ -		\$ -

Exhibit B

**City of Lake Stevens
REQUEST FOR BID
2016-17 Cyclone Fencing Services**

Revision: 19 April 2016

Project No.: 16044

INTENT: The purpose is to competitively establish a contractor or pool of contractors to provide on-call services for limited scope Cyclone Fencing projects. The Master On-call Contract shall be used for “INDIVIDUAL TASK APPROVAL ORDER” projects that are short-term, basic and small in scale. If a contract is awarded from this request, it shall be a non-exclusive contract for the Services. The City may, at its sole discretion, utilize other contractors for the same or similar work without first terminating the contract. The City reserves the right to add or delete work quantities and work is subject to change at any time.

ESTIMATED BUDGET: The total estimated budget for all the Individual On-call Cyclone Fencing projects subject to this RFB and Contract is not to exceed \$75,000 annually. Each “INDIVIDUAL TASK APPROVAL ORDER” is limited to \$40,000 maximum. This does not guarantee any work or the dollar amount to any contractor from this request. The total dollar amount of work is subject to change and is based on the availability of budget funds.

LOCATION: To be determined. Location, height and length of fence, and possible gate configuration is dependent on the City selected site after the contract is awarded.

SCOPE OF WORK: On-call services for the installation of cyclone fencing and gates on public sites with 4 to 6 foot height 2 inch diamond galvanized cyclone fence. May require removal of existing wood or cyclone fencing. Work is to be performed as directed by the City and shall consist of the removal and disposal of existing fence and/or delivery and installation of a 4 foot or 6 foot high and possibly the installation of a gate. Fence and gate standards are shown in the two include Standard Plans. Spacing of vertical poles shall not exceed 10 feet. All material, workmanship, and specifications shall conform to accepted industry practice for public facilities.

During the course of installation of the fence, the contractor shall take care not to damage City properties and shall repair any damage that occurs from their site work. The contractor shall coordinate installation of new fencing with the City such that the site remains operational. The contractor shall have underground utilities located prior to fence installation.

All site work will be performed only after given direction and authorization to proceed for each site.

STANDARD PLANS

City of Lake Stevens Standard Plans 6-110 and 6-120 are included in **Attachment A**.

BID ITEMS DESCRIPTION:

All rates and pricing submitted shall include all wages, benefits, the cost of tools, equipment, ancillary supplies, overhead, profit, taxes and other administrative fees associated with the performance of this contract. (e.g.: Department of L & I Intent and Affidavit filing fees). Washington State Prevailing Wage rates for Snohomish County shall apply.

Bid Item 1 – Installation of 6’ high 9 gauge cyclone fence: (Per linear foot) shall include all material, labor, equipment, and site preparation necessary for the installation on the City’s designated site of a 6 foot high cyclone fence.

Bid Item 2 – Installation of a 6’ high 9 gauge cyclone fence gate: (Per linear foot) shall include all material, labor, equipment, and site preparation necessary for the installation on the City’s designated site of a 6 foot high cyclone fence gate. Maximum gate length is 10 feet.

Bid Item 3 – Installation of 4’ high 9 gauge cyclone fence: (Per linear foot) shall include all material, labor, equipment, and site preparation necessary for the installation on the City’s designated site of a 4 foot high cyclone fence.

Bid Item 4 – Installation of a 4’ high 9 gauge cyclone fence gate: (Per linear foot) shall include all material, labor, equipment, and site preparation necessary for the installation on the City’s designated site of a 4 foot high cyclone fence gate. Maximum gate length is 6 feet.

Bid Item 5 – Removal and disposal of existing fence: (Per linear foot) shall include all labor, equipment, and off-site disposal of existing fence and associated material. This could include both damage and non-damaged fence with a variety of fencing material: (cyclone, wood, wire, barb-wire, metal mesh, plastic, and other similar fencing materials).

Bid Item 6 – Installation and removal of temporary safety cyclone fencing (Per linear foot) shall include all labor, equipment and material to install, secure, and removal of a provided 6 foot high temporary safety fence on a City designated work site.

INQUIRIES: Questions on this RFB need to be directed to the following City staff:

Amanda Wells, Public Works Administrative Assistant
awells@lakestevenswa.gov
425-377-3231

Inquiries made and responses given may be posted on the City’s website for all potential bidders to review.

CONTRACT: Work shall comply with the terms and conditions of the sample contract included in ATTACHMENT B - SAMPLE CONTRACT.

CONTRACT DURATION: The contract will expired on the 31st of December 2017. If mutually agreed upon by the City and the service provider, could be extended on additional year.

TIME FOR COMPLETION OF WORK: Installation shall be completed within 30 calendar days of notice to proceed per site.

PAYMENT: Payment shall be made within 30 calendar days of invoicing following acceptance by the City.

WARRANTY: The contractor shall warrant that the materials and workmanship are free of defects for a period of 12 months after final City acceptance of the entire scope of this contract. Any repairs/or replacement required during the warranty period shall be performed within 30 calendar days following notification by the City.

PREVAILING WAGES: Prevailing wages are required on this project. See contract language on specific requirements.

PERMITS: The City will cover the City issued permits for this project. Other permits that may be required outside of the City’s requirements are the responsibility of the contractor to obtain.

BUSINESS LICENSE: Contractor is required to obtain a City Business License prior to performing work within the City.

BID SUBMITTAL: The bidder must complete the Bid Proposal section on this document. Failure to complete the Bid Proposal may be considered a non-responsive bid. Bid must be received by the City by **4th May 2016** at 4:00 pm at the City Hall located at 1812 Main Street,

PO BOX 257 Lake Stevens, WA 98258 or emailed to awells@lakestevenswa.gov. Post mark is not considered. Bids received after the deadline will not be considered.

Bid must include name of company, contact information, contractor's license number. The bid is to be provided as a Lump Sum and shall include all applied taxes.

AWARD PROCESS: The City will review bids received by the submission deadline. The review panel will select the bid of the lowest responsible bidder based on the qualities provided in the Bid Proposal (Attachment A). Note that the quantities shown on the bid proposal are strictly for bidding purpose and does not necessarily reflect true quantities under this contract. The City reserves the right to reject any and all bids.

The City reserves the right to request any respondent to clarify or correct its proposal or to supply any additional material deemed necessary to assist in determining a responsive proposal. All modifications and or corrections must be made in writing and executed and submitted in the same format and manner as the original proposal. Modification of a proposal already received will be considered only if the request is received prior to the submittal deadline. The City reserves the right to change the scope of work, duration of term or issue addendums at any time. The City also reserves the right to cancel, change or re-issue this request at any time.

Note: The Request for Bid and Bid Proposal shall become part of the contract if awarded the contract.

p:\public works\projects\2016 projects\16044 - 2016 fencing on-call\documents\rfb\rfb - 2016-17 on call fencing services.docx

ATTACHMENT A - Pricing Quotation Form and Standard Plans

City of Lake Stevens

Bid Proposal - 2016-17 Cyclone Fencing On-call Services – Pricing Quotation Form

The following proposal is for the installation of cyclone (chain link) fence on a single or variety of sites. Note that the quantities shown on the bid proposal are strictly for bidding purpose and does not necessarily reflect true quantities under this contract. The City reserves the right to increase, decrease, or delete the shown quantity over the term of the contract.

Description	Est Qty	Unit	Unit Bid	Total Unit per Item
Bid Item 1 – Installation of 6’ high 9 gauge cyclone fence \$ _____	400	LF	X \$ _____	=
Bid Item 2 – Installation of a 6’ high 9 gauge cyclone fence gate \$ _____	50	LF	X \$ _____	=
Bid Item 3 – Installation of 4’ high 9 gauge cyclone fence \$ _____	60	LF	X \$ _____	=
Bid Item 4 – Installation of a 4’ high 9 gauge cyclone fence gate \$ _____	30	LF	X \$ _____	=
Bid Item 5 – Removal and disposal of existing fence \$ _____	200	LF	X \$ _____	=
Bid Item 6 – Installation and removal of temp. safety cyclone fencing \$ _____	300	LF	X \$ _____	=
			SUB-TOTAL	\$ _____
			Sales tax (8.9%)	
				\$ _____
TOTAL BASE BID (Sub-Total + Sales Tax)				\$ _____

If awarded this bid, I will be able complete the installation by the date listed in this document.

Company: _____ Email: _____
 Address: _____ City: _____ Zip: _____
 Signature: _____ Date: _____ 2016
 Print Name: _____ Phone: _____

Bid Proposal must be provided to the City by **4:00 PM** on **4th May 2016**, late submittals will not be accepted. Email, FAX and mailed bids will be accepted using the following methods:

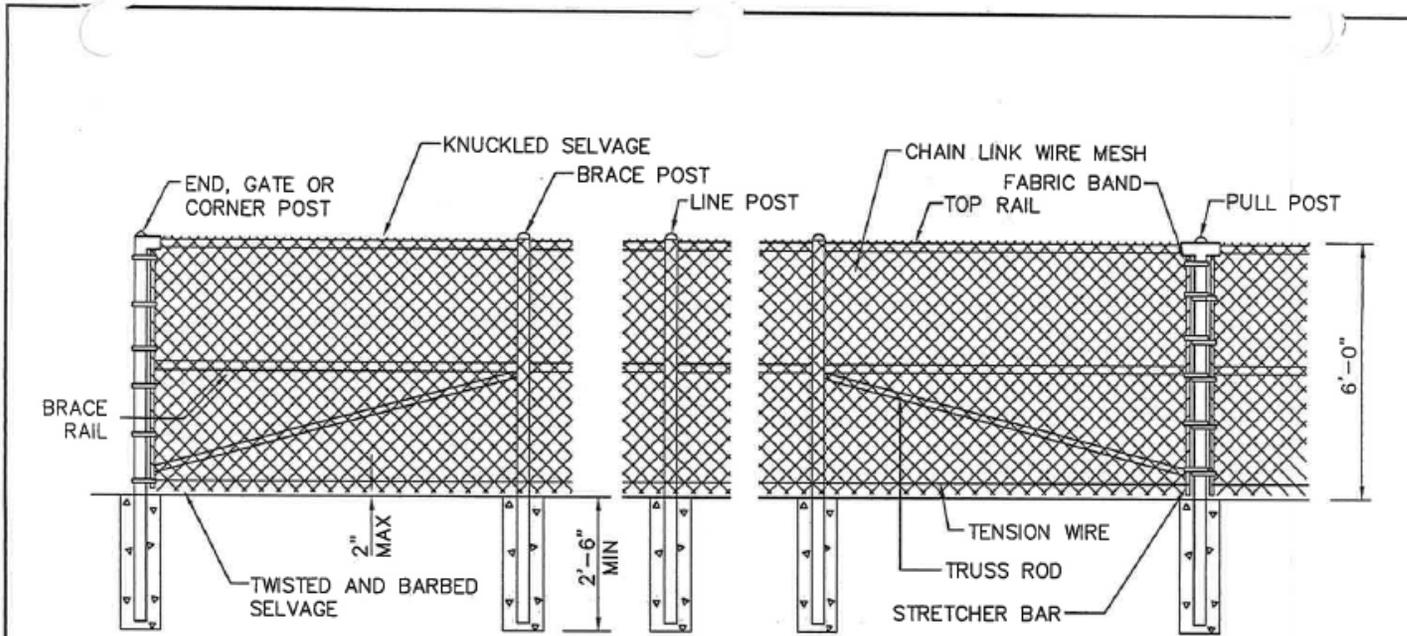
Email: Amanda Wells at awells@lakestevenswa.gov

FAX: (425) 334-0835 attn. Amanda Wells

Mail: 1812 Main Street P.O. Box 257, Lake Stevens, WA 98258 attn. Amanda Wells

The successful bidder will be required to execute a contract substantially in the form attached as **ATTACHMENT B**

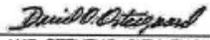
Attachment A – Standard Plans

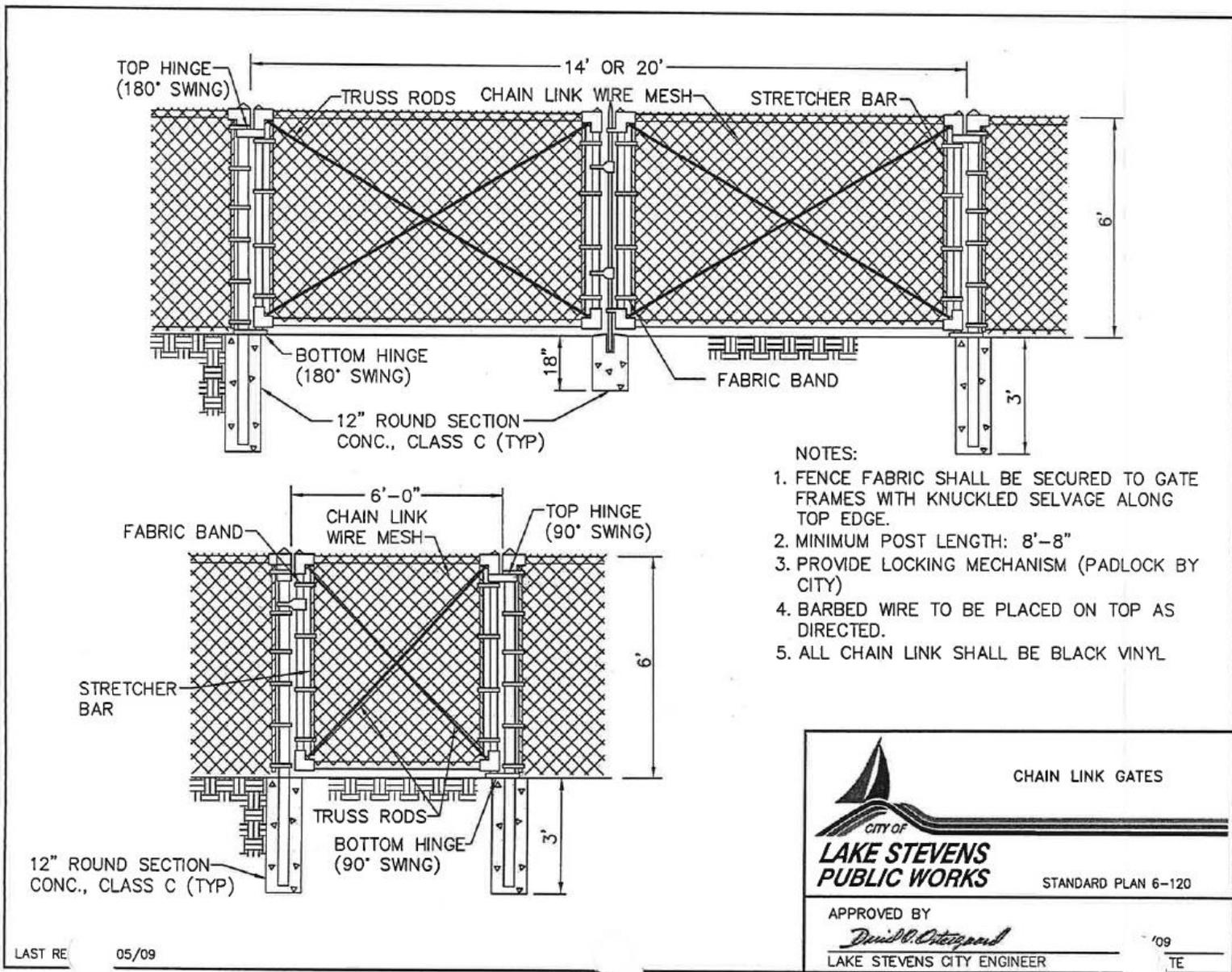


NOTES:

1. MATERIAL SHALL BE SCHEDULE 40
2. WIRE MESH SHALL BE 9 GAUGE WIRE
3. BARBED WIRE TO BE PLACED ON TOP AS DIRECTED
4. WOOD SLATS MAY BE REQUIRED
5. SCHEDULE 40 IS REQUIRED FOR ALL POSTS FOR FUTURE SLATS AND WIND SHEAR.
6. TENSION WIRE SHALL BE 7 GAUGE
7. ALL CHAIN LINK FENCE SHALL BE BLACK VINYL OR POWDER COATED

LAST REVISED 05/09

 <p>CITY OF LAKE STEVENS PUBLIC WORKS</p>	CHAIN LINK FENCE
	STANDARD PLAN 6-110
APPROVED BY  LAKE STEVENS CITY ENGINEER	05/09 DATE



ATTACHMENT C

**CITY OF LAKE STEVENS
MASTER NON-EXCLUSIVE ON-CALL PUBLIC WORKS CONTRACT
FOR
CYCLONE FENCING SERVICES**

THIS MASTER ON-CALL PUBLIC WORKS CONTRACT (“Contract”) is made and entered into this _____ day of _____, 2016, by and between and the City of Lake Stevens, a municipal corporation (“City”) and Discount Fence, a Washington partnership (“Contractor”).

WHEREAS, the City desires on-call cyclone fencing services; and

WHEREAS, the City solicited written Bid Proposals for the Contract; and

WHEREAS, whereas the City received and reviewed written Bid Proposals for the Contract, and has determined that Contractor is the lowest responsible bidder; and

WHEREAS, the Contractor and the City desire to enter into this Contract for said work and in accordance with the terms and conditions of this Contract.

NOW, THEREFORE, in consideration of the terms, conditions and agreements contained herein, the City and Contractor agree as follows:

1. Scope of Work—the Project.

The Contractor shall perform, carry out and complete the on-call Cyclone Fencing services as assigned per INDIVIDUAL TASK APPROVAL ORDER FORM (**Exhibit A**) in accordance with this Contract and the incorporated Contract Documents specified in Section 2. Each Task/Project shall be completed per the completion date on the INDIVIDUAL TASK APPROVAL ORDER FORM.

2. Contract Documents.

In addition to Contractor’s attached Bid Proposal, the following documents are incorporated into the Contract by this reference:

- a. Request for Proposal/Bid and Bid Documents
- b. Proposal/Bid Submittal (attached)
- c. Plans and Contract Drawings.
- d. INDIVIDUAL TASK APPROVAL ORDER FORM
- e. Prevailing Wage Rates

- f. 2014 Standard Specifications for Road, Bridge, and Municipal Construction (WSDOT/APWA) (“Standard Specifications”) (referenced but not attached).
- e. 2010 APWA Supplement General Special Provisions (referenced but not attached).
- f. Addenda (**if any**).

In the event of any inconsistencies or conflicts between the language of this Contract and these incorporated documents, the language of the Contract shall prevail over the language of the documents.

3. Commencement of Work.

Work shall not proceed under this Contract until the Contractor has met following conditions:

- a. The Contract has been signed and fully executed by the parties.
- b. The Contractor has provided the City with the certificates of insurance required under Section 22.
- c. The Contractor has obtained a City of Lake Stevens Business License.
- d. The Contractor has provided the City with satisfactory documentation that Contractor is licensed and bonded as a contractor in the Washington State.
- e. City has issued INDIVIDUAL TASK APPROVAL ORDER FORM

These conditions shall be satisfied within ten (10) calendar days of the City’s Notice of Award of the Contract to the Contractor. Upon satisfaction of these conditions, the City shall issue a Notice to Proceed and Contractor shall commence work within five (5) calendar days of the date of said Notice.

4. Time is of the Essence/Liquidated Damages.

Time is of the essence in the performance of this Contract. The Contractor shall diligently pursue the Project work to physical completion by the date specified in Section 1. If said work is not completed within the time specified, the Contractor agrees to pay the City as liquidated damages the sum set forth in Section 1-08.9 of the Standard Specifications for each and every calendar day said work remains uncompleted after expiration of the specified time.

5. Payment for Project.

a. Total Contract Sum for Project. Excluding approved changes orders, the City shall pay the Contractor for satisfactory completion of the INDIVIDUAL TASK APPROVAL ORDER FORM Projects under the Contract a total Contract Sum not to exceed \$40,000 for INDIVIDUAL TASK APPROVAL ORDER FORM Projects and not to exceed \$75,000 total for all INDIVIDUAL TASK APPROVAL ORDER FORM Projects under this Contract per. Work shall be in accordance with the bid price in Contractor’s Bid Proposal and including all applicable Washington State Sales Tax. The total INDIVIDUAL TASK APPROVAL ORDER FORM Project sum includes all expenses and costs incurred in planning, designing and constructing the INDIVIDUAL TASK APPROVAL ORDER FORM Project,

including, but not limited to, applicable sales and use taxes, costs and expenses for overhead, profit, labor, materials, supplies, permits, subcontractors, consultants, and professional services necessary to construct and complete the Project.

b. Payments shall be for Performance of Project Work. Payments for work provided hereunder shall be made following the performance of such work, unless otherwise permitted by law and approved in writing by the City. No payment shall be made for any work rendered by the Contractor except as identified and set forth in this Contract.

c. Right to Withhold Payments if Work is Unsatisfactory. If during the course of the Contract, the work rendered does not meet the requirements set forth in the Contract, the Contractor shall correct or modify the required work to comply with the requirements of the Contract. The City shall have the right to withhold payment for such work until it meets the requirements of the Contract.

d. Payments. Progress payments shall be based on the timely submittal by the Contractor of the City's standard payment request form. The form shall be appropriately completed and signed by the Contractor. Applications for payment not signed and/or completed shall be considered incomplete and ineligible for payment consideration. The City shall initiate authorization for payment after receipt of a satisfactorily completed payment request form and shall make payment to the Contractor within approximately thirty (30) calendar days thereafter. Progress payments shall be subject to withholding in accordance with subsection (f) below.

e. Payments for Alterations and/or Additions. Requests for changes orders and/or payments for any alterations in or additions to the work provided under this Contract shall be in accordance with the change order process set forth in Section 1-04.4 of the Standard Specifications.

f. Final Payment. As each INDIVIDUAL TASK APPROVAL ORDER FORM Project is a public works project under \$35,000, the City shall not require a payment and performance bond nor withhold statutory retainage under RCW Chapter 60.28. However, the parties agree that the City shall not make the Final Payment to the Contractor on any INDIVIDUAL TASK APPROVAL ORDER FORM Project under this Contract until the Public Works Director has issued a Final Acceptance of INDIVIDUAL TASK APPROVAL ORDER FORM Project and the following has occurred:

- i. Affidavits of Wages Paid for the Contractor and all Subcontractors are on file with the City
- ii. An Affidavit by the Contractor and all is on file with the City that sums due from the Contractor and all Subcontractors to the Washington State Department of Revenue, Employment Security Department, and Department of Labor and Industries for all taxes and penalties due or to become due with respect this Contract have been paid.
- iii. Releases from all of Contractor's subcontractors and/or suppliers have been provided to the City, or the period for filing claims by said subcontractors and/or suppliers has expired without claims being filed.

- iv. The Contractor shall provide the City with proof that insurance required under Section 22 remains in effect.
- v. Statement of Intent to Pay Prevailing Wages. The Contractor shall provide the City with a copy of the Contractor's Intent to Pay Prevailing Wages prior to Payment. Affidavits of payment of Prevailing Wage shall be submitted after completion of each INDIVIDUAL TASK APPROVAL ORDER FORM Project.
- g. Final Acceptance. Final Acceptance of the Project occurs when the Public Works Director has determined that the Project is one hundred percent (100%) complete and has been constructed in accordance with the Plans and Specifications.
- h. Payment in the Event of Termination. In the event this Contract is terminated by either party, the Contractor shall not be entitled to receive any further amounts due under this Contract until the work specified in the INDIVIDUAL TASK APPROVAL ORDER FORM Project – Scope of Work is satisfactorily completed, as scheduled, up to the date of termination. At such time, if the unpaid balance of the amount to be paid under the INDIVIDUAL TASK APPROVAL ORDER FORM Project exceeds the expense incurred by the City in finishing the work, and all damages sustained by the City or which may be sustained by the City or which may be sustained by the reason of such refusal, neglect, failure or discontinuance of Contractor performing the work, such excess shall be paid by the City to the Contractor. If the City's expense and damages exceed the unpaid balance, Contractor and his surety shall be jointly and severally liable therefore to the City and shall pay such difference to the City. Such expense and damages shall include all reasonable legal expenses and costs incurred by the City to protect the rights and interests of the City under the Contract.
- i. Maintenance and Inspection of Financial Records. The Contractor and its subcontractors shall maintain reasonable books, accounts, records, documents and other evidence pertaining to the costs and expenses allowable, and the consideration paid under this Contract, in accordance with reasonable and customary accepted accounting practices. All such books of account and records required to be maintained by this Contract shall be subject to inspection and audit by representatives of City and/or of the Washington State Auditor at all reasonable times, and the Contractor shall afford the proper facilities for such inspection and audit to the extent such books and records are under control of the City, and all Project Contracts shall similarly provide for such inspection and audit rights. Such books of account and records may be copied by representatives of City and/or of the Washington State Auditor where necessary to conduct or document an audit. The Contractor shall preserve and make available all such books of account and records in its control for a period of three (3) years after final payment under this Contract, and Bunker Repair Project subcontracts shall impose similar duties on the subcontractors.

6. Term of Contract.

The term of this Contract shall commence upon full execution of this Contract by the City and Contractor and shall terminate two years from commencement of contract and upon final payment by the City to the Contractor, unless sooner terminated by either party under Section 7 or applicable provision of the Contract.

7. Termination of Contract.

a. Except as otherwise provided under this Contract, either party may terminate this Contract upon ten (10) working days' written notice to the other party in the event that said other party is in default and fails to cure such default within that ten-day period, or such longer period as provided by the non-defaulting party. The notice of termination shall state the reasons therefore and the effective date of the termination.

b. The City may also terminate this Contract in accordance with the provisions of Section 1-08.10 of the Standard Specifications.

8. Status of Contractor.

The Contractor is a licensed, bonded and insured contractor as required and in accordance with the laws of the State of Washington. Contractor is acting as an independent contractor in the performance of each and every part of this Contract and INDIVIDUAL TASK APPROVAL ORDER FORM Project. No officer, employee, volunteer, and/or agent of either party shall act on behalf of or represent him or herself as an agent or representative of the City. Contractor and its officers, employees, volunteers, agents, contractors and/or subcontractors shall make no claim of City employment nor shall claim against the City any related employment benefits, social security, and/or retirement benefits. Nothing contained herein shall be interpreted as creating a relationship of servant, employee, partnership or agency between Contractor and the City.

9. Permits.

The City will obtain and cover the City issued permits for INDIVIDUAL TASK APPROVAL ORDER FORM Projects. Other permits that may be required outside of the City's requirements are the responsibility of the contractor to obtain and the Contractor will apply for, pay for and obtain any and all additional City, county, state and federal permits necessary to commence, construct and complete the INDIVIDUAL TASK APPROVAL ORDER FORM Project. All required permits and associated costs shall be included in the Total sum for the INDIVIDUAL TASK APPROVAL ORDER FORM Project.

10. Business License Required.

The Contractor shall obtain a City of Lake Stevens Business License prior to commencement of work under this Contract.

11. Work Ethic.

The Contractor shall perform all work and services under and pursuant to this Contract in timely, professional and workmanlike manner.

12. City Ownership of Work Products.

All work products (reports, maps, designs, specifications, etc.) prepared by or at the request of Contractor regarding the planning, design and construction of the INDIVIDUAL TASK APPROVAL ORDER FORM Project shall be the property of the City. Contractor shall provide the City with paper and electronic copies of all work products in possession or control of Contractor at the request of final payment of the INDIVIDUAL TASK APPROVAL ORDER FORM Project from Contractor or upon written request from the City.

13. Job Safety.

a. General Job Safety. Contractor shall take all necessary precaution for the safety of employees on the work site and shall comply with all applicable provisions of federal, state and local regulations, ordinances and codes. Contractor shall erect and properly maintain, at all times, as required by the conditions and progress of the work, all necessary safeguards for the protection of workers and the public and shall post danger signs warning against known and unusual hazards.

b. Trench Safety Systems. The Contractor shall ensure that all trenches are provided with adequate safety systems as required by RCW Chapter 49.17 and WAC 296-155-650 and -655. The Contractor is responsible for providing the competent person and registered professional engineer required by WAC 296-155-650 and -655.

14. Prevailing Wages.

Contractor shall pay its employees, and shall require its subcontractors to pay their employees, prevailing wages as required by and in compliance with applicable state and/or federal law and/or regulations, including but not limited to RCW Chapter 39.12 and RCW Chapter 49.28. Prior to final payment under the INDIVIDUAL TASK APPROVAL ORDER FORM Project of this Contract, Contractor shall certify in writing that prevailing wages have been paid for all work on the INDIVIDUAL TASK APPROVAL ORDER FORM Project as required and in accordance with applicable law and/or regulations.

15. Taxes and Assessments.

The Contractor shall be solely responsible for compensating its employees, agents, and/or subcontractors and for paying all related taxes, deductions, and assessments, including, but not limited to, applicable use and sales taxes, federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Contract.

16. Nondiscrimination Provision.

During the performance of this Contract, the Contractor shall comply with all applicable equal opportunity laws and/or regulations and shall not discriminate on the basis of race, age, color, sex, sexual orientation, religion, national origin, creed, veteran status, marital status, political

affiliation, or the presence of any sensory, mental or physical handicap. This provision shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, selection for training, and the provision of work and services under this Contract. The Contractor further agrees to maintain notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Contractor understands that violation of this provision shall be cause for immediate termination of this Contract and the Contractor may be barred from performing any services or work for the City in the future unless the Contractor demonstrate to the satisfaction of the City that discriminatory practices have been eliminated and that recurrence of such discriminatory practices is unlikely.

17. The Americans with Disabilities Act.

The Contractor shall comply, and shall require its subcontractors to comply, with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (ADA), and its implementing regulations, and Washington State's anti-discrimination law as contained in RCW Chapter 49.60 and its implementing regulations, with regard to the work and services provided pursuant to this Contract. The ADA provides comprehensive civil rights to individuals with disabilities in the area of employment, public accommodations, public transportation, state and local government services, and telecommunications.

18. Compliance With Law.

The Contractors shall perform all work and services under and pursuant to this Contract in full compliance with any and all applicable laws, rules, and regulations adopted or promulgated by any governmental agency or regulatory body, whether federal, state, local, or otherwise.

19. Guarantee of Work.

a. The Contractor guarantees and warrants all of its work, materials, and equipment provided and utilized for this Project to be free from defects for a period of one (1) year from the date of final acceptance of the INDIVIDUAL TASK APPROVAL ORDER FORM Project work. The Contractor shall remedy any defects in its INDIVIDUAL TASK APPROVAL ORDER FORM Project work, and the materials, and equipment utilized in the INDIVIDUAL TASK APPROVAL ORDER FORM Project and pay for any damages resulting therefrom which shall appear within a period of one (1) year from the date of final acceptance of the INDIVIDUAL TASK APPROVAL ORDER FORM Project work unless a longer period is specified. The City will give notice of observed defects with reasonable promptness.

b. The guarantee/warranty period shall be suspended from the time a significant defect is first documented by the City until the work or equipment is repaired or replaced by the Contractor and accepted by the City. In the event that fewer than ninety (90) calendar days remain in the guarantee period after acceptance of such repair or replacement (after deducting the period of suspension above), the guarantee period shall be extended to allow for at least ninety (90)

calendar days guarantee of the work from the date of acceptance of such repair or equipment.

c. The Contractor shall also provide the City with manufacturer's warranties for all components, materials and equipment installed as part of the INDIVIDUAL TASK APPROVAL ORDER FORM Project.

20. Contractor's Risk of Loss.

It is understood that the whole of the work under this Contract and INDIVIDUAL TASK APPROVAL ORDER FORM Projects is to be done at the Contractor's risk, and that he has familiarized himself with all existing conditions and other contingencies likely to affect the work, and has made his bid accordingly, and that he shall assume the responsibility and risk of all loss or damage to materials or work which may arise from any cause whatsoever prior to completion.

21. Indemnification and Hold Harmless.

a. The Contractor shall indemnify, defend and hold the City, its elected officials, agents, officers and/or employees and volunteers harmless from and against any and all claims, demands, liabilities, losses, costs, damages or expenses of any nature whatsoever (including all costs and attorneys' fees) to or by third parties arising from, resulting from or connected with the work and services performed or to be performed under this Contract by the Contractor and/or its directors, officers, agents, employees, consultants, and/or subcontractors to the fullest extent permitted by law and subject to the limitations provided below.

b. The Contractor's duty to indemnify the City for liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the concurrent negligence of (a) the City and/or its elected officials, agents, officers and/or employees, and (b) the Contractor and/or its directors, officers, agents, employees, consultants, and/or subcontractors, shall apply only to the extent of negligence of Contractor and/or its directors, officers, agents, employees, consultants, and/or subcontractors.

c. The Contractor specifically and expressly waives any immunity that may be granted it under the Washington State Industrial Insurance Act, Title 51 RCW, as provided in RCW 4.24.115. The indemnification obligation under this Contract shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable to or for any third party under workers compensation acts, disability benefits acts, or other employee benefits acts; provided the Contractor's waiver of immunity by the provisions of this paragraph extends only to claims against the Contractor by the City and does not include, or extend to, any claims by the Contractor's employees directly against Contractor. The obligations of Contractor under this subsection have been mutually negotiated by the parties hereto, and Contractor acknowledges that the City would not enter into this Contract without the waiver thereof of Contractor.

d. Nothing contained in this section or Contract shall be construed to create a liability or a right of indemnification by any third party.

f. The provisions of this section shall survive the expiration or termination of this Contract with respect to any event occurring prior to such expiration or termination.

22. Insurance.

The Contractor shall procure, and maintain for the duration of the Contract, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, their agents, representatives, employees or subcontractors. Failure by the Contractor to maintain the insurance as required shall constitute a material breach of contract upon which the City may, after giving five (5) working days' notice to the Contractor to correct the breach, immediately terminate the Contract or at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, off set against funds due the Contractor from the City.

a. Minimum Scope of Insurance.

The Contractor shall obtain insurance of the types described below:

- i. Automobile Liability insurance covering all owned non-owned, hired and leased vehicles. Coverage shall be written on at least as broad as Insurance Services Office (ISO) form CA Automobile 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
- ii. Commercial General Liability insurance shall be written on at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop gap liability, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the per project general aggregate limit using ISO form CG 25 03 05 09 or an equivalent endorsement There shall be no e exclusion for liability arising from explosion, collapse or underground property damage. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured- Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing at least as broad of coverage.
- iii. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- iv. Required. Builders Risk insurance covering interests of the City, the Contractor, Subcontractors, and Sub-contractors in the work. Builders Risk insurance shall be on a special perils policy form and shall insure against the perils of fire and extended coverage and physical loss or damage including

flood, earthquake, theft, vandalism, malicious mischief, and collapse. The Builders Risk insurance shall include coverage for temporary buildings, debris removal and damage to materials in transit or stored off-site. This Builders Risk insurance covering the work will have a deductible of \$5,000 for each occurrence, which will be the responsibility of the Contractor. Higher deductibles for floor and earthquake perils may be accepted by the City upon written request by the Contractor and written acceptance by the City. Any increased deductibles accepted by the City will remain the responsibility of the Contractor. The Builders Risk insurance shall be maintained until final acceptance of the work by the City.

b. Minimum Amounts of Insurance.

The Contractor shall maintain the following Insurance limits:

- i. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
- ii. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products-completed operations aggregate limit.
- iii. Required. Builders Risk insurance shall be written in the amount of the completed value of the project with no coinsurance provisions.

c. Other Insurance Provisions.

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability and Commercial General Liability insurance.

- i. The Contractor's insurance coverage shall be primary insurance with respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of the Contractor's insurance and shall not contribute with it.

d. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

e. Verification of Coverage.

The Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the Automobile Liability and Commercial General Liability insurance of

the Contractor before commencement of the work. Throughout the term of this Contract, the Contractor shall provide the City with proof of insurance upon request by the City.

Required. Before any exposure to loss may occur, the Contractor shall file with the City a copy of the Builders Risk insurance policy that includes all applicable conditions, exclusions, definitions, terms and endorsements related to this Project.

f. Contractor's Insurance for Other Losses.

The Contractor shall assume full responsibility for all loss or damage from any cause whatsoever to any tools, Contractor's employee owned tools, machinery, equipment, or motor vehicles owned or rented by the Contractor, or the Contractor's agents, suppliers or subcontractors as well as to any temporary structures, scaffolding and protective fences.

g. Subcontractors.

The Contractor shall include all subcontractors as insured under its policies or shall furnish separate certifications and endorsements for each subcontractor. All coverage for subcontractors shall be subject to all of the same insurance requirements as stated herein for the Contractor.

h. Waiver of Subrogation.

The Contractor and the City waive all rights against each other, any of their subcontractors, lower tier subcontractors, agents and employees, each of the other, for damages caused by fire or other perils to the extent covered by Builders Risk insurance or other property insurance obtained pursuant to the Insurance Requirements Section of this Contract or other property insurance applicable to the work. The policies shall provide such waivers by endorsement or otherwise.

i. Notice of Cancellation of Insurance.

In the event that the Contractor receives notice (written, electronic or otherwise) that any of the above required insurance coverage is being cancelled and/or terminated, the Contractor shall immediately (within forty-eight (48) hours) provide written notification of such cancellation/termination to the City.

23. Assignment and Subcontractors.

a. The Contractor shall not assign this Contract or any interest herein, nor any money due to or to become due hereunder, without first obtaining the written consent of the City.

b. The Contractor shall not subcontract any part of the services to be performed hereunder without first obtaining the consent of the City and complying with the provisions of this section.

c. In the event the Contractor does assign this Contract or employ any subcontractor, the Contractor agrees to bind in writing every assignee and subcontractor to the applicable terms and conditions of the Contract documents and INDIVIDUAL TASK APPROVAL ORDER FORM.

d. The Contractor shall, before commencing any work on any INDIVIDUAL TASK APPROVAL ORDER FORM Project, notify the City in writing of the names of any proposed subcontractors. The Contractor shall not employ any subcontractor or other person or organization (including those who are to furnish the principal items or materials or equipment), whether initially or as a substitute, against whom the City may have reasonable objection. Each subcontractor or other person or organization shall be identified in writing to the City by the Contractor prior to the date INDIVIDUAL TASK APPROVAL ORDER FORM Project to this Contract is signed by the Contractor. Acceptance of any subcontractor or assignee by the City shall not constitute a waiver of any right of the City to reject defective work or work not in conformance with the contract documents. If the City, at any time, has reasonable objection to a subcontractor or assignee, the Contractor shall submit an acceptable substitute.

e. The Contractor shall be fully responsible for all acts and omissions of its assignees, subcontractors and of persons and organization directly or indirectly employed by it and of persons and organizations for whose acts any of them may be liable to the same extent that it is responsible for the acts and omissions of person directly employed by it.

f. The Contract does not and shall not create or be construed to create any relationship, contractual or otherwise, between the City and any subcontractor or assignee. Nothing in the Contract shall create any obligation on the part of the City to pay or to assure payment of any monies due any subcontractor or assignee.

24. Severability.

a. If a court of competent jurisdiction holds any part, term or provision of this Contract or INDIVIDUAL TASK APPROVAL ORDER FORM Project to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Contract did not contain the particular provision held to be invalid.

b. If any provision of this Contract or INDIVIDUAL TASK APPROVAL ORDER FORM Project is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

25. Integration and Supersession.

This Contract sets forth all of the terms, conditions, and Contracts of the parties subject to and relative to the INDIVIDUAL TASK APPROVAL ORDER FORM Projects, and supersedes any and all such former Contracts which are hereby declared terminated and of no further force and effect upon the execution and delivery hereof. There are no terms, conditions, or Contracts with respect thereto except as provided herein, and no amendment or modification of this Contract shall be effective unless reduced to writing and executed by the parties. In the event of any conflicts or inconsistencies between this Contract and the Declaration, the terms of this Contract shall control in all cases.

26. Non-Waiver.

A waiver by either party hereto of a breach of the other party hereto of any covenant or condition of this Contract shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any Contract, covenant or condition of this Contract, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such Contract, covenant, condition or right.

27. Survival.

Any provision of this Contract which imposes an obligation after termination or expiration of this Contract shall survive the term or expiration of this Contract and shall be binding on the parties to this Contract.

28. Contract Representatives and Notices.

This Contract shall be administered for the City by the City's Contract Representative Barb Stevens, and shall be administered for the Contractor by the Contractor's Contract Representative Insert Name of Contractor Representative. Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

To the City:

City of Lake Stevens
Attn: City Clerk
1812 Main Street
Post Office Box 257
Lake Stevens, WA 98258-0257
425-334-1012

To the Contractor:

Discount Fence, Inc.
Attn: Michellaine M. Lee
7349 Ranger Station Road
Marblemount, WA 98267
360-873-4005

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

29. Third Parties.

The City and Contractor are the only parties to this Contract and are the only parties entitled to enforce its terms. Nothing in this Contract gives, is intended to give, or shall be construed to give or provide, any right or benefit, whether directly or indirectly or otherwise, to third persons.

30. Governing Law.

This Contract shall be governed by and construed in accordance with the laws of the State of Washington.

31. Venue.

The venue for any action to enforce or interpret this Contract shall lie in the Superior Court of Washington for Snohomish County, Washington.

32. Attorney Fees

Should either the City or the Contractor commence any legal action relating to the provisions of this Contract or the enforcement thereof, the prevailing party shall be awarded judgment for all costs of litigation including, but not limited to, costs, expert witnesses, and reasonable attorney fees.

33. Authority

The person executing this Agreement on behalf of Contractor represents and warrants that he or she has been fully authorized by Contractor to execute this Agreement on its behalf and to legally bind Contractor to all the terms, performances and provisions of this Agreement. The person executing this Contractor on behalf of the City represents and warrants that he or she has been fully authorized by the City to execute this Contractor on its behalf and to legally bind the City to all the terms, performances and provisions of this Contractor.

34. Counterparts.

This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Contract.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed the day and year first hereinabove written.

CITY OF LAKE STEVENS

CONTRACTOR

By: _____
John Spencer, Mayor

By: _____

Printed Name

Title

Approved as to Form:

Grant K. Weed, City Attorney

Acknowledgement of Waiver of Contractor's Industrial Insurance Immunity:

City Signature

Contractor Signature

Exhibit A

**INDIVIDUAL TASK ORDER FORM NO. _____
TO
CITY OF LAKE STEVENS
MASTER NON-EXCLUSIVE ON-CALL PUBLIC WORKS CONTRACT
FOR
CYCLONE FENCING SERVICES**

This INDIVIDUAL TASK ORDER No. _____ is made and entered into on the ____ day of _____, 2016, between the City of Lake Stevens, hereinafter called the "City" and _____, hereinafter called "Contractor"

This agreement is made pursuant to and in compliance with the City of Lake Stevens Master Non-Exclusive On-Call Public Works Contract for Cyclone Fencing Services dated _____, 2016 following a Request for Bid awarded on _____, 2016.

WITNESSETH THAT:

WHEREAS, the parties hereto have previously entered into the City of Lake Stevens Master Non-Exclusive On-Call Public Works Contract for Cyclone Fencing Services dated _____, 2016 following a Request for Bid awarded on _____, 2016 (Contract); and

WHEREAS, both parties desire to implement a Cyclone Fencing work project pursuant to the City of Lake Stevens Master Non-Exclusive On-Call Public Works Contract for Cyclone Fencing Services dated _____, 2016; and

NOW THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein or attached and incorporated, and made a part hereof, the parties hereto agree as follows:

Each and every provision of the City of Lake Stevens Master Non-Exclusive On-Call Public Works Contract for Cyclone Fencing Services dated _____, 2016 (Contract), shall remain in full force and effect, and the INDIVIDUAL TASK ORDER IS AS FOLLOWS:

1. The Scope of Services for this INDIVIDUAL TASK ORDER FORM NO. _____ is as follows:

(or as set forth in attached Exhibit 1)

Performance of the services shall be subject to the terms and conditions of the Contract.

2. INDIVIDUAL TASK APPROVAL ORDER FORM No _____ Project completion date is _____, 2016.

3. Additional specifications and requirements may be attached to this form (see attached Exhibit 2) and are incorporated into the City of Lake Stevens Master Non-Exclusive On-Call

Public Works Contract for Cyclone Fencing Services dated _____, 2016 (Contract) .

4. Pursuant to Contract Paragraph 5. Payment for Project.

The Contractor agrees to perform the services and provide the material described above for the amount not to exceed \$ _____, unless modified by the City in a signed written subsequent INDIVIDUAL TASK ORDER APPROVAL FORM. In no event shall the INDIVIDUAL TASK ORDER FORM project sum exceed \$40,000.

Work shall be in accordance with the bid price in Contractor’s Bid Proposal incorporated by herein by this reference and including all applicable Washington State Sales Tax. The total INDIVIDUAL TASK APPROVAL ORDER FORM Project sum includes all expenses and costs incurred in planning, designing and constructing the INDIVIDUAL TASK APPROVAL ORDER FORM Project, including, but not limited to, applicable sales and use taxes, costs and expenses for overhead, profit, labor, materials, supplies, permits, subcontractors, consultants, and professional services necessary to construct and complete the Project.

5. **The Total Amount payable to the Contractor under the Contract is summarized as follows:**

Original City of Lake Stevens Master Non-Exclusive On-Call Public Works Contract for Cyclone Fencing Services dated _____, 2016, Authorized Amount not to exceed per the duration of the Contract: \$75,000.00

INDIVIDUAL TASK APPROVAL ORDER FORM No _____ \$ _____

(List other INDIVIDUAL TASK APPROVAL ORDER FORM No _____ as they are implemented)

Grand Total of INDIVIDUAL TASK APPROVAL ORDER FORMS \$ _____

Balance Remaining under City of Lake Stevens Master Non-Exclusive On-Call Public Works Contract for Cyclone Fencing Services dated _____, 2016: \$ _____

IN WITNESS WHEREOF, the parties hereto have executed this INDIVIDUAL TASK APPROVAL ORDER FORM as of the day and year first above written.

CITY OF LAKE STEVENS

DISCOUNT FENCE, INC.

By: _____
John Spencer, Mayor

By: _____
Michellaine M. Lee

ATTEST/AUTHENTICATED:

By: _____
Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:

By: _____
Grant K. Weed, City Attorney

**Exhibit 1 - INDIVIDUAL TASK ORDER FORM NO. _____
Scope of Work and Costs**

**Exhibit 2 - INDIVIDUAL TASK ORDER FORM NO. _____
Additional specifications and requirements**



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Date: **Agenda** May 10, 2016

Subject: McKay Site-Specific Rezone (LUA2016-0004)

Contact Person/Department: Stacie Pratschner, Planning & Community Development
Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. Closed Record Hearing and First Reading for Ordinance 960 related to the McKay Rezone (LUA2016-0004).
2. **Motion to approve Ordinance 960:** An ordinance of the city of Lake Stevens, amending the Zoning for 5.64 acres as part of the McKay Rezone (City File No. LUA2016-0004) located at 7508 10th Street SE, Lake Stevens, WA 98258 and changing the zoning on two parcels of the project currently zoned Suburban Residential to Urban Residential.

SUMMARY:

Closed Record Hearing and First Reading of Ordinance 960 (**Exhibit 1**) related to the McKay Rezone (LUA2016-0004).

BACKGROUND/HISTORY:

The applicant, Harbour Homes, LLC., has applied for a site-specific zoning map amendment pursuant to Lake Stevens Municipal Code (LSMC) 14.16C.090(b)(1) of two parcels totaling approximately 5.64 acres in the Suburban Residential zoning district, located at 7508 10th Street SE, Lake Stevens, WA. No change is proposed to the underlying Medium Density Residential (MDR) land use designation. A future subdivision development under the proposed Urban Residential (UR) zoning could add 28.5 more average daily trips than would result from a subdivision of the property with the current Suburban Residential (SR) zoning. The project site is characterized by moderate to steep slopes in the southwestern portion of the project site, two wetlands and one on-site and one off-site Type Np streams.

The properties north and east are zoned Urban Residential, the property to the west is zoned Suburban Residential and the property to the southwest is the subject of a site-specific rezone application to change from the Suburban Residential zoning district to the Urban Residential zoning district (LUA2016-0010). All of the surrounding properties are identified by the Medium Density Residential land use designation. Future access to the site would be off 10th Street SE via a new road.

Site-specific rezones are Type IV applications subject to a recommendation from the Hearing Examiner to City Council per Chapter 14.16B LSMC, Part IV. The proponent has submitted a project narrative, critical areas report and traffic impact memorandum in support of the rezone.

The city received the application on January 15, 2016 and issued a Determination of Completeness on January 26, 2016. A public meeting was held on February 24, 2016. A public hearing was held on March 24, 2016 and the Hearing Examiner issued a recommendation of approval on April 5, 2016. City staff

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

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

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

FINDINGS AND CONCLUSIONS:

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

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

BUDGET IMPACT: There is not a budget impact.

EXHIBITS (attached):

Exhibit 1 – Ordinance 960, with exhibits including the Hearing Examiner Recommendation

Exhibit 2 – Staff Report

Exhibit 1

CITY OF LAKE STEVENS LAKE STEVENS, WASHINGTON

ORDINANCE NO. 960

AN ORDINANCE OF THE CITY OF LAKE STEVENS, AMENDING THE ZONING FOR 5.64 ACRES AS PART OF THE MCKAY REZONE (CITY FILE NO. LUA2016-0004) LOCATED AT 7508 10TH STREET SE, LAKE STEVENS, WA 98258 AND CHANGING THE ZONING ON TWO PARCELS OF THE PROJECT CURRENTLY ZONED SUBURBAN RESIDENTIAL TO URBAN RESIDENTIAL.

WHEREAS, the City received an application for a site-specific rezone (City File No. LUA2016-0004) on January 15, 2016 referred to as the McKay Rezone; and

WHEREAS, the McKay Rezone includes approximately 5.64 acres adjacent to 10th Street SE and east of State Route (SR) 204 (**Exhibit A**). The proposal would change the zoning designation on parcels 00431400700202 and 00431400800403 from Suburban Residential (SR) to Urban Residential (UR). Pursuant to the requirements for a site-specific zoning map amendment in Lake Stevens Municipal Code (LSMC) 14.16C.090, no change is proposed to the underlying Medium Density Residential (MDR) comprehensive plan land use designation.

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

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

WHEREAS, the Comprehensive Plan land use designation for the subject parcels are Medium Density Residential (MDR) per Ordinance No. 876, which supports the Urban Residential (UR) zoning designations per Table 14.36-I as found in Chapter 14.36 LSMC; and

WHEREAS, Ordinance Nos. 876 and 903 establish that this designation has been adopted into Chapter 14.36 (Zoning Districts and Zoning Map) LSMC, Chapter 14.40 (Permissible Uses) LSMC and 14.48 (Density and Dimensional Regulations) LSMC. Chapters 14.40 and 14.48 LSMC contains the applicable use and development regulations for the Urban Residential zoning district; and

WHEREAS, the City and its partner agencies reviewed the application materials pursuant to the requirements of LSMC 14.16C.090; and

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

WHEREAS, the city is in receipt of public comments submitted in writing and presented orally at the duly-held public meeting on February 24, 2016 and the duly held public hearing on March 24, 2016; and

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

WHEREAS, the Hearing Examiner conducted a duly noticed open-record public hearing on March 24, 2016, and all public testimony has been given full consideration; and

WHEREAS, the Hearing Examiner on April 5, 2016 provided the City with a decision recommending approval of the rezone request as the proposed rezone meets the legal criteria for approving a rezone as set forth in LSMC 14.16C.090 and applicable state requirements; and

WHEREAS, the City Council considered the Hearing Examiner's recommendation at a closed record public hearing on May 10, 2016.

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

Section 1. The City Council adopts and incorporates the findings and conclusions for approving a rezone, pursuant to LSMC 14.16C.090, as set forth in the Hearing Examiner's recommendation, attached hereto as **Exhibit B**, dated April 5, 2016 and the staff report, dated May 4, 2016.

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

- A. The open record public hearing of the Hearing Examiner and the closed record public hearing of the City Council satisfy the public participation requirements of Chapter 14.16A LSMC.
- B. The zoning map amendment adopted by this ordinance complies with the Growth Management Act (Chapter 36.70A RCW).
- C. The zoning map amendment adopted by this ordinance is consistent with the adopted Lake Stevens Comprehensive Plan per Ordinance No. 917.

Section 3. The Official Zoning Map is hereby amended, as depicted in **Exhibit A**, by changing the zoning on parcels 00431400700202 and 00431400800403 to Urban Residential (UR).

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

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

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

PASSED by the City Council of the City of Lake Stevens this 10th day of May, 2016.

John Spencer, Mayor

ATTEST/AUTHENTICATION:

Kathleen Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading: May 10, 2016

Published:

Effective Date:

Exhibit A

- Project number:
LUA2016-0004
- Project proponent:
Harbour Homes, LLC
- Current zoning: Suburban Residential
- Proposed zoning: Urban Residential



	Suburban Residential (SR)
	Urban Residential (UR)

Exhibit B

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

In the Matter of the Application of	)	No. LUA2016-0004
)	
Harbour Homes, LLC	)	McKay Property Site-Specific Rezone
)	
	)	FINDINGS, CONCLUSIONS,
<u>For a Site-Specific Rezone</u>	)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the Applicant’s request that the City of Lake Stevens rezone approximately 5.64 acres of property at 7508 10th Street from Suburban Residential to Urban Residential be **APPROVED**.

SUMMARY OF RECORD

Hearing Date:

The City of Lake Stevens Hearing Examiner held an open record hearing on the request on March 24, 2016.

Testimony:

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

- Stacie Pratschner, City Senior Planner
- Russ Wright, City Interim Planning Director
- Chris Burress, Applicant Representative

Exhibits:

The following exhibits were admitted into the record:

1. Land Use Development Application, received January 15, 2016
2. Applicant Narrative, received January 15, 2016
3. Conceptual Preliminary Site Plan, dated October 7, 2015
4. Notice of Complete Application, dated January 26, 2016
5. Notice Materials:
 - a. Notice of Application, dated February 1, 2016
 - b. Notice of Public Meeting, dated February 10, 2016
 - c. Notice of Public Hearing, dated February 26, 2016
6. Public Comments:
 - a. Email from Stacie Pratschner to Paul Fountain, dated February 11, 2016, with attached email string

*Findings, Conclusions, and Recommendation
City of Lake Stevens Hearing Examiner
McKay Property Site-Specific Rezone, No. LUA2016-0004*

- b. Email from Stacie Pratschner to Grant Kirby, dated February 16, 2016, with attached email string
- c. Email from Stacie Pratschner to Sue Gerou, dated February 16, 2016, with attached email string
7. Wetland Delineation Report, Skagit Wetlands & Critical Areas, dated August 25, 2014
8. Memorandum from Jason Walker and Erika Wittmann, Perteet, Inc., to Russell Wright, dated September 18, 2014
9. Traffic Study Memorandum, Gibson Traffic Consultants, Inc., dated January 14, 2016
10. Construction Plan Submittal Checklist, undated
11. Site Vicinity Map, dated October 7, 2015
12. Staff Report, dated March 14, 2016

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

FINDINGS

Application and Notice

1. Harbour Homes, LLC (Applicant) requests a zoning map amendment to rezone two parcels totaling approximately 5.64 acres from Suburban Residential (SR) to Urban Residential (UR). The subject property is located at 7508 10th Street.^{1,2} *Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 12, Staff Report, page 1.*
2. The City of Lake Stevens (City) deemed the application complete on January 26, 2016. On February 1, 2016, the City mailed notice of the application to the Applicant and property owners within 300 feet of the project site; published notice in the *Everett Herald*; and posted notice at City Hall, on the City's website, and at the property. On February 10, 2016, the City mailed notice of the public meeting associated with the rezone application to the Applicant and property owners within 300 feet; published notice in the *Everett Herald*; and posted notice at City Hall, on the City's website, and at the property. On March 9, 2016, the City mailed notice of the public hearing on the rezone application to the Applicant and property owners within 300 feet; published notice of the hearing in the *Everett Herald*; and posted notice of the hearing at City Hall, on the City's website, and at the property. *Exhibit 4; Exhibit 5.a; Exhibit 5.b; Exhibit 5.c; Exhibit 12, Staff Report, pages 2 and 3.*

¹ The property subject to the rezone request is identified by Snohomish County tax parcel numbers 00431400700202 and 0043140080403. A legal description of the property is included with the application and project narrative. *Exhibit 1; Exhibit 2.*

² A third, adjoining tax parcel owned by the Applicant comprising 4.69 acres is already zoned Urban Residential. *Exhibit 2.*

3. The City received several comments related to its notice materials. Paul and Kris Fountain asked the City to reduce the speed limit on 10th Street to mitigate the danger created by adding drivers to the road. They also asked the City to address water runoff accumulating in the drainage ditch on the south side of 10th Street. Grant Kirby expressed concern that the City is not keeping up with infrastructure development, that bike and walking path easements should be set aside in future developments, and that the Cavalero Park Master Plan should be implemented before further development is approved. Sue Gerou asked for frontage and roadway improvements to increase safety on neighborhood roadways and expressed concern over the loss of wildlife in the area.
Exhibit 6.

State Environmental Policy Act

4. City staff determined that the rezone was categorically exempt from review under the State Environmental Protection Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). City Senior Planner Stacie Pratschner testified that, under Washington Administrative Code (WAC) 197-11-800(6)(c)(ii), the rezone proposal is exempt from environmental review because the project site is in an urban growth area, the rezone request does not require an amendment to the City's Comprehensive Plan, and the Comprehensive Plan was previously subject to environmental review. Ms. Pratschner clarified that, were the Applicant to move forward with plans to subdivide the property, SEPA review for the specific proposal would be necessary. City Interim Planning Director Russ Wright testified that the property was annexed into the City in approximately 2006 and that its land use designation under the Comprehensive Plan has not been altered. *Exhibit 12, Staff Report, page 6; Testimony of Ms. Pratschner; Testimony of Mr. Wright.*

Site-Specific Rezone

5. The property is located on 10th Street, near SR-204, and it is currently developed with a single-family residence. Skagit Wetlands & Critical Areas (SWCA) performed a wetlands delineation survey at the property and determined that a Category III and small Category IV wetland sit on the property. A peer review commissioned by the City approved SWCA's determinations. A Type Ns stream crosses the property, and a Type Np stream runs south of the property. Critical area buffers required around the Type Np stream extend onto the property. Steep slopes rise along the southeastern and southern property boundaries. *Exhibit 7; Exhibit 8; Exhibit 11; Exhibit 12, Staff Report, pages 1, 2, 3, and 6.*
6. The GMA requires certain cities and counties to engage in a planning process. *RCW 36.70A.040*. Thirteen exclusive goals guide that process. *RCW 36.70A.020*. These goals concern urban growth, sprawl reduction, transportation, housing, economic development, property rights, permitting, natural resource industries, open space and recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation. *RCW 36.70A.020*. Any jurisdiction subject to the GMA's planning requirement must balance these sometimes competing goals, *Feil v. E. Wash. Growth*

- Mgmt. Hrgs. Bd.*, 172 P.2d 367, 259 P.3d 227 (2011), and produce a comprehensive plan that guides future growth and development. *RCW 36.70A.040-.120*. The jurisdiction must then enact development regulations implementing the comprehensive plan, *RCW 36.70A.040*, and otherwise act in conformity with the comprehensive plan. *RCW 36.70A.120*.
7. The City designated the property as Medium-Density Residential (MDR) under its Comprehensive Plan. The City adopted the MDR designation to allow single-family, two-family, and some multi-family residential development with a gross density between 4 to 12 units per acre based on zoning. The MDR designation allows both the Suburban Residential (SR) and Urban Residential (UR) zoning designations. The MDR designation includes detached and attached units, accessory units, townhouses, condominiums, duplexes, tourist homes, special service homes, and manufactured/mobile homes. The MDR designation also allows limited public/semi-public, community, and recreational uses. The City places the MDR designation on property located in transitional areas between high-density designations and rural areas where infrastructure is readily available. *City Comprehensive Plan, Land Use Element, Pages LU-14 and LU-17*. The City has designated the surrounding properties on all sides MDR. *Exhibit 2; Exhibit 12, Staff Report, pages 1, 2, and 4*.
 8. Parcels to the north and east are zoned UR. Parcels to the west and south are zoned SR, although an application currently before the Hearing Examiner requests rezoning of the property to the southwest from SR to UR. The surrounding lots are, where developed, generally developed with single-family residences. *Exhibit 12, Staff Report, page 2*.
 9. The SR and UR zoning districts are “designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.” *Lake Stevens Municipal Code (LSMC) 14.36.010(a)*. The SR and UR zoning districts “are designed primarily to accommodate single-family detached residential uses at medium densities in areas served by public water and sewer facilities. Some types of two-family residences are allowed in these districts on larger lots.” *LSMC 14.36.010(b)*.
 10. Lots in the SR zoning district must be a minimum of 9,600 square feet, and those in the UR zoning district 7,500 square feet. *Table 14.48-1 LSMC*. *LSMC 14.48.070*, however, allows a reduction in the minimum lot sizes through the use of clustered housing. In the UR zone, *LSMC 14.48.070* allows minimum lot sizes of 6,000 square feet. *Exhibit 12, Staff Report, pages 4 and 5*.

11. The presence of the wetlands and stream, along with their buffers and the buffer from the off-site Type Np stream, constrain development on some of the property. The Applicant would use the clustered housing provisions of LSMC 14.48.070 to divide the property into 31 lots if the rezone is approved. Without the rezone, the Applicant could only divide the land into 28 clustered lots. The difference between division under SR and UR standards therefore amounts to three lots. *Exhibit 2; Exhibit 12, Staff Report, page 4.*
12. Conditions related to a specific land use application would require the Applicant to comply with City ordinances, including its critical area ordinances, and compliance would mitigate environmental impacts of the rezone and proposed subdivision. *Exhibit 12, Staff Report, pages 3 through 6.*
13. Gibson Traffic Consultants (Gibson) determined that, if developed under the UR zoning district standards, a subdivision on the property would result in an additional 286 daily trips, with 23 of those trips occurring during peak morning hours and 30 of them occurring during peak evening hours. Gibson estimated that this would produce 29 daily trips, 3 peak morning hour trips, and 3 peak evening hour trips more than would be produced by division of the land under SR standards. City staff determined the difference would not adversely affect levels of service at key intersections as the Applicant would pay traffic impact mitigation fees. *Exhibit 8; Exhibit 12, Staff Report, page 6.*
14. Adequate public facilities and services serve the property. Snohomish County PUD would provide water and service at the property. The Lake Stevens Sewer District would provide sewer service. The City would provide stormwater and police services at the property. Puget Sound Energy would provide gas service. Comcast and Verizon would provide cable and phone services. Allied Waste/Waste Management would collect garbage at the property. The Lake Stevens Fire District would provide emergency services and the Lake Stevens School District would provide schools. *Exhibit 12, Staff Report, page 2.*

Testimony

15. Senior Planner Stacie Pratschner testified that, were the developer to move forward with subdividing the two parcels, environmental impacts, more detailed traffic impacts, and stormwater impacts would be addressed with a specific land use application. She further acknowledged that any preliminary plat would be subject to the subdivision criteria of Chapter 58.17 RCW and would require safe access to schools, and payment of impact fees associated with schools, parks, and traffic. Prior to work beginning, construction mitigation plans would be required along with a full drainage/stormwater plan. Ms. Pratschner testified that, during review and update of the City's Comprehensive Plan, citizens indicated that they believed the southwest portion of the City would be most suitable for increased growth and that the proposed rezone would be consistent with this. She further noted that the City's Comprehensive Plan calls for access to a diverse range

of housing opportunities and this rezone would support that element of the Comprehensive Plan. *Testimony of Ms. Pratschner.*

16. Interim Planning Director Russ Wright testified that the City is part of the Puget Sound Regional Council (PSRC) and, as such, is required to strike a balance between commercial and residential growth. Mr. Wright explained that the rezone is warranted because of a need for additional property in the City's UR zoning district in line with specific goals from the PSRC's buildable lands report. *Testimony of Mr. Wright.*
17. Applicant Representative Chris Burress testified that changing the zoning would create consistent zoning throughout the intended subdivision related to the project site because the eastern half of the potential subdivision is already zoned UR. He stated that, should the rezone be approved, he imagines the Applicant would be ready to move forward soon with a preliminary plat application. *Testimony of Mr. Burress.*

Staff Recommendation

18. Ms. Pratschner testified that City staff recommends the Hearing Examiner forward a recommendation of approval to the City Council. *Exhibit 12, Staff Report, page 7; Testimony of Ms. Pratschner.*

CONCLUSIONS

Jurisdiction

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

Criteria

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

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

- (7) Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
- (8) The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated, taking into account all applicable regulations, or the unmitigated impacts are acceptable;
- (9) The amendment complies with all other applicable criteria and standards in this title.³

LSMC 14.16C.090(g).

Conclusion Based on Findings

The proposed rezone satisfies the criteria for approval found in LSMC 14.16.090(g) and should be approved. The proposed rezone would not require amendment of the City Comprehensive Plan and would be consistent with the MDR designation affixed to the property. The proposed rezone would further Comprehensive Plan Housing Element goals. The proposed rezone would, as conditioned, serve the public health, safety, and welfare by allowing for increased housing in the UR zoning district. The property is suitable for single-family residential development that complies with the standards of the UR zone, as modified by the clustered housing provisions of LSMC 14.48.070, including its lot size and dimension standards. Although the proposed rezone is categorically exempt from SEPA, the Applicant would need to submit an environmental checklist at the time of development permit application. Conditions of approval associated with a specific land use application would ensure that the Applicant complies with all relevant environmental regulations. The proposed rezone would not add a significantly greater number of vehicle trips as compared to development of the property under its existing zoning designation and would not adversely affect levels of service at key intersections. Adequate public facilities and services would be available for the property.
Findings 1 – 18.

RECOMMENDATION

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends the Applicant's request for a Site-Specific Rezone of property at 7508 10th Street from Suburban Residential to Urban Residential be **APPROVED**, with the following conditions:

1. Exhibit 10 depicts the area to be rezoned from the Suburban Residential zoning district to the Urban Residential zoning district. This rezone is contingent upon the Hearing Examiner's recommendation of approval and final approval by the City Council. Upon approval, the proposed change shall be incorporated into an official revised Lake Stevens zoning map.

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

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

Recommended this 5th day of April 2016.



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

Exhibit 2



Planning and Community Development **Type IV Review – Site-Specific Rezone** The McKay Property Rezone / LUA2016-0004

Hearing Date: March 24, 2016

A. PROJECT DESCRIPTION AND REQUEST

The applicant, Harbour Homes, LLC., has applied for a site-specific zoning map amendment pursuant to Lake Stevens Municipal Code (LSMC) 14.16C.090(b)(1) of two parcels totaling approximately 5.64 acres in the Suburban Residential (SR) zoning district, located at 7508 10th Street, Lake Stevens, WA (**Exhibit 1**). The applicant requests that the subject parcels change from the Suburban Residential (SR) zoning district to the Urban Residential (UR) zoning district. No change is proposed to the underlying Medium Density Residential comprehensive plan land use designation. The primary contact for the project, Mr. Jamie Waltier of Harbour Homes, LLC, has submitted a project narrative, a traffic study memorandum and a wetland delineation in support of the proposed rezone (**Exhibit 2**). The properties directly east and north are zoned Urban Residential, and the property to the southwest is the subject of a site-specific rezone application as well to change from the Suburban Residential (SR) zoning district to the Urban Residential (UR) zoning district (Silverstone Site-Specific Rezone application, LUA2016-0010). The properties to the west and south are in the Suburban Residential (SR) zoning district. All of the surrounding properties are identified by the Medium Density Residential comprehensive land use designation. The project site is characterized by moderate to steep slopes in the southwestern portion of the project site, two wetlands and on-site and one off-site Type Np streams. The buffers from the off-site Type Np stream will impact future development on the property. Future access to the site would be via a new road connected to 10th Street SE (**Exhibit 3**). The property directly east of the requested rezone is in the Urban Residential zoning district (APN 00431400600500) and is proposed to be included in the future potential subdivision proposal.

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

B. GENERAL INFORMATION

1. Date of Application: January 15, 2016
2. Completeness Date: January 26, 2016
3. Project Name: The Silverstone Site-Specific Rezone
4. Project Location: 7508 10th Street SE, Lake Stevens, WA 98258
5. Tax Parcel Number: 00431400700202 and 00431400800403
6. Property Owner: The Estate of Esther McKay c/o Ms. Marie Wagner
7. Applicant: Harbour Homes, LLC
8. Contact: Mr. Jamie Waltier of Harbour Homes, LLC

9. Total Area of Project: 5.64 acres / 245,678.40

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

AREA	LAND USE DESIGNATION	ZONING	EXISTING USE
Project Site	Medium Density Residential	Suburban Residential	Undeveloped
North	Medium Density Residential	Urban Residential	Single Family Residences
South	Medium Density Residential	Suburban Residential	Single Family Residence
East	Medium Density Residential	Urban Residential	Single Family Residences
West	Medium Density Residential	Suburban Residential	Single Family Residences

11. Public Utilities and Services Provided by:

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

C. ANALYSIS¹

1. Application Process:

- a. The applicant, Harbour Homes, LLC, submitted a Type IV application for a site-specific rezone on January 15, 2016 (**Exhibit 1**), accompanied by a project narrative (**Exhibit 2**) and supporting documents. Rezones are Type IV permit applications pursuant to Chapter 14.16B LSMC: Part IV and subject to the regulations of LSMC 14.16C.090. The Hearing Examiner provides recommendations to the City Council for Type IV permits.
- b. The city deemed the application complete on January 26, 2016 (**Exhibit 4**).

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

2. Notices²

- a. The city published a Notice of Application per LSMC 14.16A.230 and LSMC 14.16B.415 on February 1, 2016 (**Exhibit 5a**).

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

² Public notice includes a combination of project site and city website posting, publication in the Everett Herald and mailing of postcards pursuant to the requirements of Lake Stevens Municipal Code 14.16A.225 and LSMC 14.16B.440.

- b. The city published a Notice of Public Meeting per LSMC 14.16B.425 on February 9, 2016 (**Exhibit 5b**).
- c. The city published a Notice of Public Hearing per LSMC 14.16B.440 on March 9, 2016 (**Exhibit 5c**).
- d. The city is in receipt of emails of concern about the proposed rezone application (**Exhibit 6**). These comments include concerns about potential new traffic, protection of the environment and wildlife, drainage and infrastructure requirements. Below are a further discussion of these concerns in the context of a future development application:
 - i. Environmental concerns: The wetland report submitted by the applicant (**Exhibit 7**) and peer-reviewed by the city's wetland consultant (**Exhibit 8**) confirms the presence of a Category III wetland a Category IV wetland and two Type Np streams (one stream is on-site and another is off-site). At the time of development permit application, the applicants shall be required to submit a State Environmental Policy Act (SEPA) checklist in compliance with the Washington State Growth Management Act (GMA) and local municipal code in order to ensure that best available science is used to protect the environment and wildlife.
 - ii. Traffic and infrastructure concerns: The public expressed concerns about the potential impacts on local roads from additional traffic generated by new homes on the subject parcel, and the questioned the level of public improvements the applicants would be required to construct pursuant to a subdivision approval. The applicant has submitted a traffic impact memorandum for staff review (**Exhibit 9**). The approval of the proposed rezone will result in 28.5 more average daily trips, 2.25 AM peak-hour trips and 3 PM peak-hour trips than what would result from a subdivision of the property with the current Suburban Residential zoning.

A future preliminary subdivision application shall be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Full frontage improvements (curbs, gutters, planters and sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the city as part of final subdivision approval pursuant to Chapter 14.56 LSMC. Pursuant to LSMC 14.112.010, the city shall implement the Capital Facilities element of the lake Stevens Comprehensive Plan and GMA by collecting traffic impact fees to further ensure that adequate public street system facilities are available to serve traffic from any new development.

- iii. Public safety during construction: The public has expressed concerns about potential nuisances that may result from construction on the subject parcel, including erosion control, drainage and stormwater runoff. Prior to construction plan approval for any potential development, the applicant shall submit full construction plans from a licensed surveyor and stamped and by a professional engineer (**Exhibit 10**). The construction plans shall include the following elements:
 - A. A drainage and stormwater plan meeting the requirements of the currently adopted Department of Ecology (DOE) Stormwater Manual;
 - B. A Stormwater Pollution Prevention Plan (SWPPP) that shows the type and location of all temporary erosion and sedimentation control (TESC) and demonstrates best management practices (BMP's); and
 - C. A road and transportation plan complying with the provisions of the city's Engineering Design and Development Standards (EDDS) and Title 14.

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

3. Comprehensive Plan, Permissible Uses and Rezone Criteria:

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

Existing Land Use Designation	Proposed Land Use Designation
Medium-Density Residential	NO CHANGE: Remain Medium-Density Residential
Existing Zoning District	Proposed Zoning District
Suburban Residential	Urban Residential

- b. Upon approval of the zoning map amendment change from the Suburban Residential (SR) zoning district to the Urban Residential (UR) zoning district, the subject property will be subject to the regulations for the Urban Residential zone. Chapters 14.40 and 14.48 LSMC contain the applicable development regulations for the Urban Residential zone. LSMC 14.36.010 (a) and (b) establishes the following objectives for the city’s residential zones in general, and provides further detail on the purpose of both the UR and SR zoning districts:

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

(b) The Suburban Residential (SR-4) and Urban Residential (UR) districts are designed primarily to accommodate single-family detached residential uses at medium densities in areas served by public water and sewer facilities. Some types of two-family residences are allowed in these districts on larger lots.”

- c. Development Intensity

Pursuant to the current 9600 square foot minimum lot size requirement for lots in the Suburban Residential (SR) zoning district per Table 14.48-I LSMC, the subject parcels have a gross density of 25 potential lots (5.64 acres x 43,560 square feet = 245,678.40 square feet / 9,600 square foot minimum lot size = 25 lots).

The parcel may have a gross density of 32 potential lots if the rezone is approved and the lots change to the Urban Residential zoning district (9.95 acres x 43,560 square feet = 245,678.40 square feet / 7,500 square foot minimum lot size = 32 lots).

The amount of lots that are feasible on the entire project site (including the parcel directly east which is already in the Urban Residential zoning district, APN 00431400600500) is limited by the presence of two streams and wetlands; the current SR zoning in combination with the site characteristics has the potential to yield approximately 24 lots. The approval of the rezone request would permit the applicant to create approximately 32 lots utilizing the clustering provisions of LSMC 14.48.070. The city will review all site-specific impacts related to the land use and zoning changes at the time of development permit application.

- d. Rezone criteria are found in LSMC 14.16C.090. The applicant has provided a narrative corresponding to the following specific criteria. A brief analysis will follow.
- i. *Rezones are either site-specific or area-wide. Map amendments are considered major if they rezone five or more tracts of land in separate ownership or any parcel of land, regardless of the number of lots or owners, in excess of 50 acres. All other map amendments are minor.* The proposed rezone is for a two parcels totaling approximately 5.64 acres. This proposal is a minor map amendment.
 - ii. *Site-specific rezones are rezones of a particular property(ies) which conform to the Comprehensive Plan or an adopted subarea plan.* The proposed rezone will conform to the current Comprehensive Plan land use designation of Medium Density Residential. This proposal is a site-specific rezone.
 - iii. *A site-specific rezone shall be reviewed in the manner and following the procedures established in Chapters 14.16A and 14.16B for a Type IV review.* The applicant has submitted a Type IV application (**Exhibit 1**) in compliance with LSMC 14.16C.090(c). The proposal shall be referred to the Hearing Examiner for a recommendation to City Council pursuant to LSMC 14.16C.090(e)(1).
 - iv. *Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or the City Administration.(2) Any other person may also petition the Planning Department to amend the Official Zoning Map. The petition shall be filed with the Department of Planning and Community Development and shall include: (i) The name, address, and phone number of the applicant; (ii) A description of all land proposed to be rezoned including a map highlighting the specific parcels; and (iii) A rationale for the proposed map changes.* The applicant has submitted a Type IV application (**Exhibit 1**), a project narrative (**Exhibit 2**) and supporting documentation in compliance with LSMC 14.16C.090(d).
 - v. *No application shall be filed which on it's face will not comply with the Lake Stevens Comprehensive Plan.* No change is proposed to the underlying Comprehensive Plan Land Use designation.
 - vi. *No application without signatures of owners representing 75 percent of the area proposed for rezone shall be filed or accepted for filing.* Pursuant to current Snohomish County records, the property owner is The Estate of Esther McKay c/o Ms. Marie Wagner. Ms. Wagner's signature is present on the submitted Type IV application (**Exhibit 1**).
 - vii. If the concurrent rezone is approved, the proposal will be consistent with Comprehensive Land Use Map designation of Medium Density Residential.
 - viii. The rezone is consistent with the Growth Management Act as the city can establish its local zoning and has met public notice requirements.
 - ix. The proposed rezone advances identified goals and policies of the Comprehensive Plan Housing Element. At the time of development, any application will need to meet state and local regulations in effect and ensure concurrency standards are met.
 - x. The amendment will advance the public health, safety and welfare of the public pursuant to added roads and sidewalks, utility connections and the construction of housing in advancement of the Housing Element Goals and Policies of the city's Comprehensive Plan.
 - xi. The site contains adequate area to develop and will be accessed via connections with At the time of development, any application will need to meet state and local regulations in effect and ensure concurrency standards are met.

- xii. The proposal will not be materially detrimental to adjacent land uses as conditioned.
- xiii. As conditioned and in accordance with municipal standards there will be adequate infrastructure to develop the site under the proposed zoning.
- xiv. Environmental impacts can be mitigated.
- xv. The proposal complies with municipal standards for a rezone application.
- xvi. The project is not within a designated subarea.

4. Environmental Review and Critical Areas:

- a. The proposal is exempt from SEPA review pursuant to Chapter 16.04 LSMC and the WAC 197-11-800 (6)(c)(ii) because the applicant does not propose an amendment to the city's Comprehensive Plan.
- b. There are two wetlands identified on the site (one Category III wetland and one Category IV wetland). Work near the identified critical areas and their buffers will be subject to the requirements of Chapter 14.88 LSMC at the time of development (see Section C.2.d.i. for further discussion of critical areas on site).
- c. There are two Type Np streams identified on and near the property which will subject to the requirements of Chapter 14.88 LSMC at the time of development (See Section C.2.d.i. for further discussion of critical areas on site).

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

5. Traffic Impacts:

- a. Chapter 14.112 LSMC establishes mitigation requirements for traffic impacts to Lake Stevens' roads from development.
- b. The property is located in the Traffic Impact Zone 3: South Lake Stevens. The subject property will be subject to applicable traffic impact fees in effect at the time of development.
- c. The applicant submitted a traffic study memorandum on January 29, 2016 (**Exhibit 9**). The conceptual future subdivision would add approximately 295.12 average daily trips, 23.25 AM peak-hour trips and 31 PM peak-hour trips. When compared to the current existing potential build-out, the approval of the rezone request would generate 28.56 more average daily trips, 2.25 more AM peak-hour trips and 3 more PM peak-hour trips. Public Works approved this memorandum on February 8, 2016 and has determined that there will be no adverse impacts to existing service levels pursuant to the application of traffic impact mitigation fees per Chapter 14.112 LSMC. At the time of development permit application, the applicants shall submit a traffic analysis that reflects the formal submitted proposal.

Traffic impacts, should the proposal be approved, would result in an increase of 3 PM Peak Hour trips over the current zoning, which has a negligible effect on levels of service measured at key intersections.

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

D. CONDITIONS

The requested site-specific minor zoning map amendment (LUA2016-0010) is consistent with the rezone criteria, permit processing procedures, the existing Comprehensive Land Use designation and all other applicable municipal code requirements, subject to the Conditions noted below:

1. **Exhibit 10** depicts the area to be rezoned from the Suburban Residential zoning district to the Urban Residential zoning district. This rezone is contingent upon the Hearing Examiner's recommendation of approval and final approval by City Council. Upon approval, the proposed change will be incorporated into an official revised Lake Stevens zoning map.
2. All future development must comply with federal, state and local regulations in effect at the time of application.

E. STAFF RECOMMENDATION

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

CITY OF LAKE STEVENS, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Recommendation Completed by



March 14, 2016

Stacie Pratschner, *Senior Planner*

Date of Completion

F. RECONSIDERATION AND APPEALS

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

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

G. EXHIBITS¹

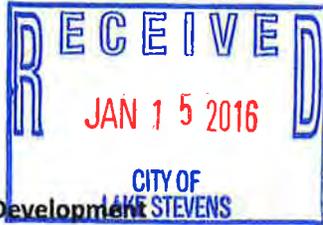
1. Type IV Application, received on January 15, 2016
2. Applicant Narrative, received on January 15, 2016

3. Conceptual Preliminary Site Plan, received on January 15, 2016
4. Notice of Complete Application, issued on January 26, 2016
5. Notices
 - a. Notice of Application, issued on February 1, 2016
 - b. Notice of Public Meeting, issued on February 10, 2016
 - c. Notice of Public Hearing, issued on , 2016
6. Emails of concern with staff responses
7. Wetland Delineation report, received on January 15, 2016
8. Memorandum from Perteet to city staff, received on January 15, 2016
9. Traffic Study Memorandum, received on January 15, 2016
10. Construction Plan Submittal Checklist
11. Site Vicinity Map

Distributed to the Following Parties:

1. Seattle Pacific Homes, Inc.: Applicant
2. Mr. Merle Ash with Land Technologies, Inc.: Primary Contact
3. The Vinje Solveig Testamentary Trust, c/o Ms. Katherine Boumique: Property Owner
4. Parties of Record

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



Planning and Community Development

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

To Be Completed By Staff	
Date of Application:	<u>1.15.16</u>
Staff Initials:	<u>JMM</u>
Permit Number:	<u>LUA2016-0004</u>

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

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

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

Property Information	Site Address: 7508 10th Street SE, Lake Stevens, WA 98258			
	Assessor Parcel No: See attached	Area of property	Square Feet: 453,024	Acres: 10.4
	Land Use Designation: Med Density Residential		Zoning: Suburban Residential to Urban Residential	
	Number of Buildings on Site/: 1		Number to be Retained: 0	
	Existing Impervious Surface Area: 11,200 sf		Proposed Impervious Surface Area: 174,240 sf	
Applicant	Name/Company: Harbour Homes, LLC			
	Address: 1441 N. 34th St., STE 200		City/State/Zip: Seattle, WA 98103	
	Phone: (206) 315-8130		Applicants relationship to owner: Grantee	
	Fax: (206) 315-8131		Email: jwaltier@harbourhomes.com	
Primary Contact	Name/Company: Jamie Waltier/ Harbour Homes, LLC			
	Address: 1441 N. 34th St., STE 200		City/State/Zip: Seattle, WA 98103	
	Phone: (206) 315-8130		Email: jwaltier@harbourhomes.com	
	Fax: (206) 315-8131			

Property Owner	Name/Company: The Estate of Esther McKay C/O Marie Wagner				
	Address: 5307 77th PL NE		City/State/Zip: Marysville, WA 98270		
	Phone: (360) 659-2585		Email: em.wagner@frontier.com		
	Fax:				
Project Description	Grading Quantities		Cut:		Fill:
	Proposed project/land use (attach additional sheets if necessary):				
	New 31 lot subdivision				
Building Information	Gross Floor Area of Existing and Proposed Buildings:				
	Bldg 1:	Bldg 2:	Bldg 3:	Bldg 4:	Bldg 5:
	Gross Floor Area by Use of Buildings (please describe use as well as floor area):				
	Use 1:				
	Use 2:				
	Use3:				
	Use4:				

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

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

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

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


 Signature of Property Owner/Agent

1/13/2016
 Date of Application

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



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

To be completed by staff

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

STATEMENT OF OWNERSHIP/APPLICANT AUTHORITY

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

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

Applicant

Signature: 

Name: Jamie Waltier

Address: 1441 N. 34th St., STE 200
Seattle, WA 98103

Phone: (206) 315-8130

Email address: jwaltier@harbourhomes.com

Property Owner(s)

Signature: 

Name: Marie Wagner

Address: 5307 77th PL NE
Marysville, WA 98270

Phone: (360) 659-2585

Email address: em.wagner@frontier.com

Signature: _____

Name: _____

Address: _____

Phone: _____

Email address: _____

**D.R. STRONG
CONSULTING ENGINEERS
KIRKLAND WA 98033**

DRS Project No. 15111
12/28/15

LEGAL DESCRIPTION:

LOT 5, BLOCK 6, EAST EVERETT FIVE ACRE TRACTS DIVISION 'A & B',
ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 5, OF PLATS,
PAGE 36, RECORDS OF SNOHOMISH COUNTY, WASHINGTON

TOGETHER WITH THAT PORTION OF LOT 2, BLOCK 7, EAST EVERETT FIVE
ACRE TRACTS DIVISION "B", ACCORDING TO THE PLAT THEREOF,
RECORDED IN VOLUME 5 OF PLATS, PAGE 36, RECORDS OF SNOHOMISH
COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE EAST
ALONG THE NORTH LINE OF SAID LOT, 170 FEET TO THE POINT OF
BEGINNING; THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID LOT, 210
FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF SAID LOT, 8 FEET;
THENCE SOUTH PARALLEL TO THE EAST LINE OF SAID LOT TO THE SOUTH
LINE OF SAID LOT; THENCE EAST ALONG SAID SOUTH LINE TO THE
SOUTHEAST CORNER OF SAID LOT; THENCE NORTH ALONG THE EAST LINE
OF SAID LOT TO THE NORTHEAST CORNER THEREOF; THENCE WEST ALONG
THE NORTH LINE OF SAID LOT TO THE POINT OF BEGINNING;

TOGETHER WITH THE EAST 415.3 FEET OF LOT 4, BLOCK 8, EAST EVERETT
FIVE ACRE TRACTS DIVISION "B", ACCORDING TO THE PLAT THEREOF,
RECORDED IN VOLUME 5 OF PLATS, PAGE 36, RECORDS OF SNOHOMISH
COUNTY, WASHINGTON;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON

R:\2015\1\15111\2\Documents\Legals\15111_Site Legal Desc.doc

LOT #	LOT AREA	Min Lot Area For Zone	DECREASE IN LOT AREA
1	6,005	7,500	1,495
2	6,052	7,500	1,448
3	6,056	7,500	1,444
4	6,061	7,500	1,439
5	7,066	7,500	434
6	9,351	7,500	0
7	9,182	7,500	0
8	8,109	7,500	0
9	6,887	7,500	613
10	7,153	7,500	347
11	10,844	9,600	0
12	10,148	9,600	0
13	8,015	9,600	1,585
14	11,227	9,600	0
15	11,166	9,600	0
16	9,231	9,600	369
17	15,125	9,600	0
18	8,223	9,600	1,377
19	14,118	9,600	0
20	7,829	9,600	1,771
21	8,866	9,600	734
22	8,475	9,600	1,125
23	8,564	9,600	1,036
24	7,571	7,500	0
25	7,787	7,500	0
26	6,245	7,500	1,255
27	6,044	7,500	1,456
28	6,002	7,500	1,498
UR Total Area in Lots under Minimum			11,429
UR Area Provided in Open Space			11,778
SR Total Area in Lots under Minimum			7,997
SR Area Provided in Open Space			10,095

* Enter '0" where Lot Area >7,500

** Enter '0" where Lot Area >9,600

Proposed Rezone:

The applicant is proposing to rezone the two SR parcels into UR. Once the rezone action is approved, the applicant will seek approval for a clustered subdivision pursuant to LSMC 14.48.070. The lot sizes will be decreased from the minimum lot area of 7,500 SF. to no less than 6,000 SF. An open space area (outside of critical areas) will be provided to mitigate for individual lot size reductions. The following table and the attached layout (attachment "D") is a preliminary demonstration of such land subdivision.

LOT #	LOT AREA	DECREASE IN LOT AREA
1	6,005	1,495
2	6,052	1,448
3	6,052	1,448
4	6,061	1,439
5	7,066	434
6	9,351	0
7	9,181	0
8	8,109	0
9	6,887	613
10	7,153	347
11	7,176	324
12	6,765	735
13	7,561	0
14	10,472	0
15	14,241	0
16	8,537	0
17	9,112	0
18	10,129	0
19	8,223	0
20	6,832	668
21	6,967	533
22	6,967	533
23	8,662	0
24	8,276	0
25	6,205	1,295
26	7,892	0
27	7,790	0
28	6,153	1,347
29	6,086	1,414
30	6,088	1,412
31	6,242	1,258
Total Area in Lots under Minimum		16,743
Area Provided in Open Space Tract		17,408

There are several critical areas on Site which have been identified by previous land use applications and verified by City. Those areas include, steep slopes, a Category III wetland area, and Np stream. Attached is the Skagit Wetlands & Critical Areas wetland delineation dated August 25th, 2014 and Pertteet confirmation memorandum dated September 18, 2014, (Attachments "A" and "B").

Project Density Under Current Zoning Designation:

LSMC 14.48.070

The parcels current zoning will most likely yield a net density of 28 lots of a cluster subdivision. The westerly two parcels currently zoned SR will require a minimum lot area of 7,500 SF in a cluster subdivision (a reduction from 9,600 SF) with minimum lot width of 80 feet. The easterly parcel zoned UR will require 6,000 SF minimum lot area (instead of 7,500 SF) with a minimum lot width of 60 feet.

Table 14.48-1: Density and Dimensional Standards

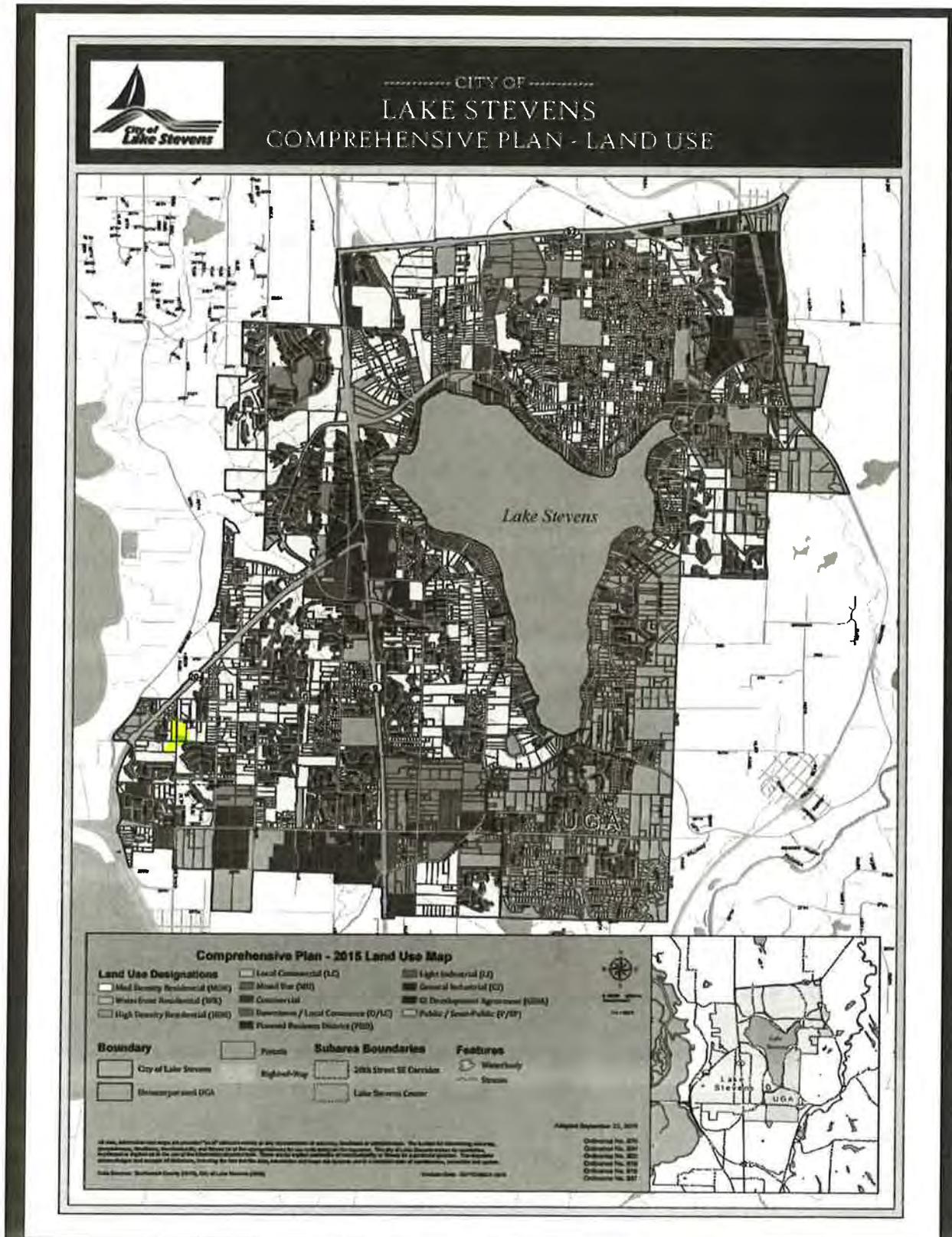
Zone	Minimum Lot Size		Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width (ft.)	Building Setback Requirements Minimum Distance, in feet, from: ⁴						Height Limitation (ft.)	
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right-of-Way Line		Nonarterial Street Centerline ¹		Ultimate Arterial Street Right-of-Way Line			Lot Line, Tract or Easement ²
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign		
Waterfront Residential	9,600 ft ²	7,500 ft ²	9,600 ft ²	50	25	12.5	55	42.5	25	12.5	5	35
✓ Suburban Residential ²	5 acres/ 9,600 ft ²	5 acres/ 7,500 ft ²	5 acres/ 9,600 ft ²	80	25	12.5	55	42.5	25	12.5	5	35
✓ Urban Residential ²	5 acres/ 7,500 ft ²	6,000 ft ²	7,500 ft ²	60	20	10	50	40	20	10	5	35
High Urban Residential	3,600 ft ²	N/A	3,600 ft ²	40	15	5	45	35	20	5	5	35
Multi-Family Residential	3,000 ft ²	N/A	0 ft ²	50	0	0	30	30	10	0	0	60
Neighborhood Commercial	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	35
Mixed Use	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30 ft ²	0	0	0	60
Local Business	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	60
Central Business District	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	60
Planned Business District	0 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	40
Sub-Regional Commercial	0 ft ²	N/A	0 ft ²	10	0	0	30	30	0	0	0	85
Light Industrial	0 ft ²	N/A	N/A	10	0	0	30	30	0	0	0	85
General Industrial	0 ft ²	N/A	N/A	10	0	0	30	30	0	0	0	85
Public/Semi-Public	0 ft ²	N/A	N/A	0	0	0	0	0	0	0	0	60

The following table and the attached preliminary subdivision layout illustrate a cluster subdivision with hybrid zoning as described above. The difference in the minimum lot area between a standard subdivision and a cluster subdivision will have to be compensated for in an open space area to be located outside of any critical area.

(10,000 sq ft)

Comprehensive Plan Designation:

City of Lake Stevens Comprehensive Plan – 2015 Land Use Map designates the land use on this property to be **Medium Density Residential (MDR)**



Parcel	Zoning	Parcel Size (acres)
00431400600500 ✓	Urban Residential (UR)	4.69
00431400700202 ✓	Suburban Residential (SR)	2.42
00431400800403 ✓	Suburban Residential (SR)	3.22

} ~ 5.64

Per LSMC 14.16A.220(g), the rezone and subdivision applications may be reviewed concurrently; however, the rezone application must be acted on by the Hearing Examiner prior to the subdivision.

Justification:

The applicant proposed rezone will cause the yield to increase from approximately 28 units to 31 units. The increase in the yield should have no adverse impact on surrounding properties and a slight increase for public services. The Site overall density is lower than that of many comparable parcels. The Site contains several critical areas as stated above. Those areas and their associated buffers account for nearly 126,104 SF. (g)(3)

✓	TRACT 999	77,051
✓	TRACT 998	36,896
✓	TRACT 997	12,157

(g)(6)
↓
(g)(8)

As demonstrated on attached layouts, the subdivision road and other infrastructure will be virtually the same for 31 lots or 28 lots.

LSMC 14.16C.090(d)(2)(iii)

NE 1/4 SECTION 23, TOWNSHIP 29 N, RANGE 5 E, W.M.
MCKAY REZONE AND SUBDIVISION

Exhibit 3



MCKAY REZONE AND SUBDIVISION
 SUBDIVISION FEASIBILITY
 7508 10TH STREET SE
 LAKE STEVENS, WA 98258

HARBOUR HOMES, LLC
 Harbour Homes
 1441 N 34TH ST, STE 200
 SEATTLE, WA 98103
 206.315.8130



UR = Urban Residential
 SR = Single Residential

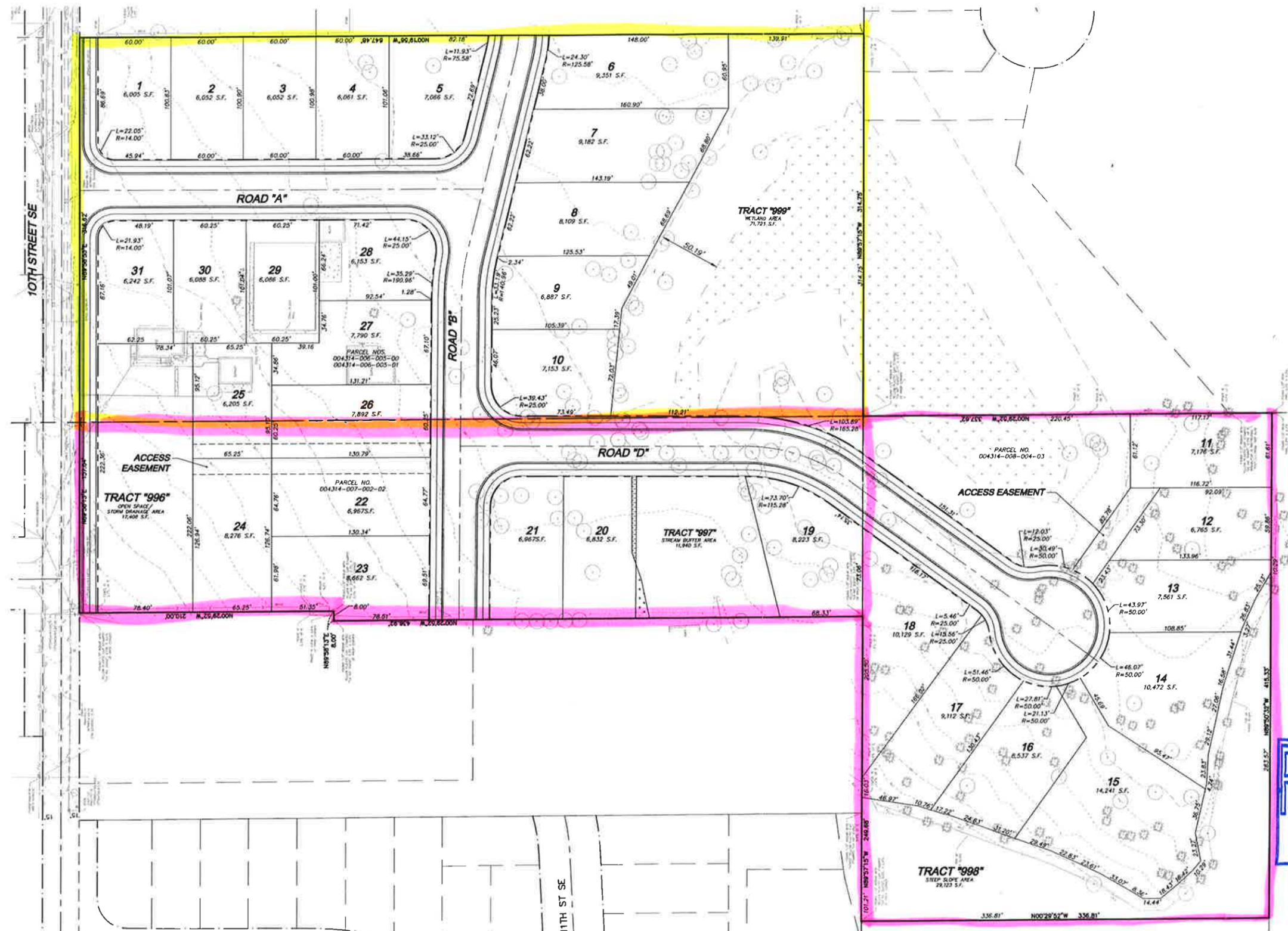


DATE	REVISION	APP

DRAFTED BY: CWA
 DESIGNED BY: LRJ
 PROJECT ENGINEER: LRJ
 DATE: 10.07.15
 PROJECT NO.: 15111

DRAWING: 1
 SHEET: 1 OF 1

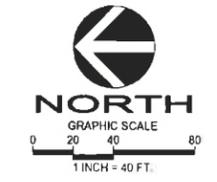
LOT #	LOT AREA
1	6,005 S.F.
2	6,052 S.F.
3	6,052 S.F.
4	6,061 S.F.
5	7,066 S.F.
6	9,351 S.F.
7	9,182 S.F.
8	8,109 S.F.
9	6,887 S.F.
10	7,153 S.F.
11	7,176 S.F.
12	6,765 S.F.
13	7,561 S.F.
14	10,472 S.F.
15	14,241 S.F.
16	8,537 S.F.
17	9,112 S.F.
18	10,129 S.F.
19	10,129 S.F.
20	6,832 S.F.
21	6,967 S.F.
22	6,967 S.F.
23	6,662 S.F.
24	8,276 S.F.
25	6,205 S.F.
26	7,892 S.F.
27	7,790 S.F.
28	6,153 S.F.
29	6,088 S.F.
30	6,088 S.F.
31	6,242 S.F.
TRACT 996	71,723 S.F.
TRACT 998	29,123 S.F.
TRACT 997	11,940 S.F.
TRACT 996	17,408 S.F.



PROJECT DESCRIPTION:
 PARCEL NUMBERS: 00431400600501, 00431400700202, AND 00431400800403
 SITE ADDRESS: 7508 10TH STREET SE LAKE STEVENS, WA
 SITE AREA: 445,085 SF (ACRES 10.2177)
 CURRENT ZONING: UR, SR

DISCLAIMER
 IMPORTANT ADVISORY PERTAINING TO THE INFORMATION CONTAINED HEREIN:
 LAYOUT IS FOR ILLUSTRATION PURPOSES ONLY. IT MUST NOT BE RELIED UPON TO BUY, SELL, OR MARKET PROPERTY. THIS ILLUSTRATION IS INTENDED TO DEMONSTRATE SITE'S POTENTIAL LOT YIELD BASED ON ASSUMPTIONS WHICH HAVE NOT BEEN CONFIRMED BY DRS OR ANY JURISDICTIONAL AUTHORITY.

NOTE:
 WETLAND FLAGS BY OTHERS





Planning & Community Development

City of Lake Stevens
PO Box 257
Lake Stevens, WA 98258

January 26, 2016

Mr. Jamie Waltier, Primary Contact of Record
Harbour Homes, LLC
1441 N. 34th Street, Suite 200
Seattle, WA 98103

Notice of Complete Application: The McKay Subdivision Site-Specific Rezone (LUA2016-0004)

Dear Mr. Waltier:

This letter is to inform you that the City has determined your application for a site-specific rezone at 7508 10th Street SE, Lake Stevens, WA, case number **LUA2016-0004**, to be complete. This determination of completeness means that the basic information needed to start the review has been submitted. However, the city may require additional or corrected information as we proceed to ensure the request meets city requirements.

Feel free to contact me at 425-377-3219 or spratschner@lakestevenswa.gov if you have any questions or concerns.

Sincerely,



Stacie Pratschner, AICP
Senior Planner

Cc: The Estate of Esther McKay, c/o Ms. Marie Wagner

Exhibit 5a

PROJECT NAME/ FILE NUMBER: McKay Subdivision: Site-Specific Rezone / LUA2016-0004
APPLICANT: Mr. Jamie Waltier, Harbour Homes, LLC
PROJECT LOCATION: 7508 10th Street SE, Lake Stevens, WA
PARCEL NUMBERS: 00431400700202 and 00431400800403
DATE OF APPLICATION: January 15, 2016
NOTICE OF APPLICATION ISSUED: February 1, 2016
END OF COMMENT PERIOD: February 15, 2016

PROPOSED PROJECT DESCRIPTION:

- **Project Description:** The applicant proposes a site specific rezone pursuant to LSMC 14.16C.090(b)(1) of two parcels in the Suburban Residential (SR) zoning district. The two parcels, comprising approximately 5.62 acres, would rezone to the Urban Residential zoning (UR) district. The applicant will then seek preliminary plat approval for 31-lot subdivision, which will include the UR-zoned parcel directly east in addition to the proposed rezone area.
- **Required Documents:** Wetland report and traffic study.
- **Project Consistency:** The proposed zoning map amendment request conforms with the Comprehensive Plan, and parcels directly north and east are also in the Urban Residential zoning district.
- **Application Type:** Site-Specific Rezone / Type IV (Quasi-Judicial Review)

PUBLIC REVIEW AND COMMENT:

Interested parties may submit written comments within 14 days of this Notice by sending them to City Hall, Attn: Stacie Pratschner, PO Box 257, Lake Stevens, WA 98258 or by email at spratschner@lakestevenswa.gov.

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

For additional information please contact the Department of Community Development at 425-377-3223.

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

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

PROJECT NAME/ FILE NUMBER: McKay Subdivision: Site-Specific Rezone / LUA2016-0004
APPLICANT: Mr. Jamie Waltier, Harbour Homes, LLC
PROJECT LOCATION: 7508 10th Street SE, Lake Stevens, WA
DATE OF PUBLIC MEETING: / TIME: Wednesday, February 24th at 6:00 pm
HEARING LOCATION: Community Center next to City Hall (1808 Main Street, Lake Stevens, WA 98258)

PROPOSED PROJECT DESCRIPTION:

- **Project Description:** The applicant proposes a site specific rezone pursuant to LSMC 14.16C.090(b)(1) of two parcels in the Suburban Residential (SR) zoning district. The two parcels, comprising approximately 5.62 acres, would rezone to the Urban Residential zoning (UR) district. The applicant will then seek preliminary plat approval for 31-lot subdivision, which will include the UR-zoned parcel directly east in addition to the proposed rezone area.
- **Required Documents:** Wetland report and traffic study.
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- **Application Type:** Site-Specific Rezone / Type IV (Quasi-Judicial Review)

PUBLIC REVIEW AND COMMENT:

Interested parties may submit written comments before the meeting or testify at the public meeting. Comments can be submitted to City Hall, Attn: Stacie Pratschner, PO Box 257, Lake Stevens, WA 98258 or by email at spratschner@lakestevenswa.gov. Persons who submit written or oral testimony may appeal the decision.

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

For additional information please contact the Department of Planning and Community Development at 425-377-3223.

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

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

PROJECT NAME/ FILE NUMBER: McKay Subdivision: Site-Specific Rezone / LUA2016-0004
APPLICANT: Mr. Jamie Waltier, Harbour Homes, LLC
PROJECT LOCATION: 7508 10th Street SE, Lake Stevens, WA
DATE OF PUBLIC HEARING / TIME: Thursday, March 24, 2016 at 6:45pm
HEARING LOCATION: Lake Stevens Fire District Conference Room
1825 S. Lake Stevens Rd.
Lake Stevens, WA 98258

PROPOSED PROJECT DESCRIPTION:

- Project Description: The applicant proposes a site specific rezone pursuant to LSMC 14.16C.090(b)(1) of two parcels in the Suburban Residential (SR) zoning district. The two parcels, comprising approximately 5.62 acres, would rezone to the Urban Residential zoning (UR) district. The applicant will then seek preliminary plat approval for 31-lot subdivision, which will include the UR-zoned parcel directly east in addition to the proposed rezone area.
- Required Documents: Wetland report and traffic study.
- Project Consistency: The proposed zoning map amendment request conforms with the Comprehensive Plan, and parcels directly north and east are also in the Urban Residential zoning district.
- Application Type: Site-Specific Rezone / Type IV (Quasi-Judicial Review)

PUBLIC REVIEW AND COMMENT:

Interested parties may submit written comments before the hearing or testify at the public hearing. Comments can be submitted to City Hall, Attn: Stacie Pratschner, PO Box 257, Lake Stevens, WA 98258 or by email at spratschner@lakestevenswa.gov. Persons who submit written or oral testimony may appeal the decision.

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For additional information please contact the Department of Planning and Community Development at 425-377-3223.

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

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

Stacie Pratschner

From: Stacie Pratschner
Sent: Thursday, February 11, 2016 1:13 PM
To: 'Paul Fountain'
Subject: RE: McKay Subdivision: site specific - map amendment/LUA2016-0004

Hello Mr. and Mrs. Fountain,

Thank you for submitting the comments below to the City concerning the rezone application for the McKay property (LUA2016-0004). I have forwarded your concerns onto our Public Works Director, because the traffic and drainage concerns will fall under his purview at the time of development permit application (i.e. the preliminary plat application). When and if the applicants decide to move forward with a subdivision, both a stormwater report and traffic report will be required prior to construction plan approval.

Your comments will be included in the staff report to the Hearing Examiner. Thank you again, and please don't hesitate to contact me if I can provide further information.

Sincerely,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov

Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

-----Original Message-----

From: Paul Fountain [mailto:fountainpapaok@comcast.net]
Sent: Thursday, February 11, 2016 10:30 AM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: McKay Subdivision: site specific - map amendment/LUA2016-0004

Attention Planner,

We received notice of application for development of land located at 7508 10th St. SE., Lake Stevens. Our residence is located at 7601 10th St. SE, Lake Stevens and is located across from the property - located north - with 10th Street between the two properties.

We have two concerns/ issues that we would like to have considered during this review.

First, we would like the City to consider reducing the speed limit on 10th Street from the current 35 MPH limit. The road is approximately .5 miles in length. It runs from HWY 204 to 79th Street. The entrance on HWY 204 is a right turn heading east on 79th. The exit onto HWY 204 is a stop sign with a right turn only. The approach to the stop sign is a significant down hill with unclear visibility to the upcoming stop sign and cars waiting to enter HWY 204. The other end of 10th Street is a 3 way stop with the entrance from 10th Street to 79th a substantial uphill grade. The vehicles approaching from the north on 79th Street have a step back stop sign that many vehicles tend to "coast" through heading south on 79th Street. The intersection is quite busy during the day but with heavy traffic during the morning commute and evening commute.

We have lived here since 1978 and the road has basically not changed. It is a two lane narrow road with no shoulders, partial open drainage ditches and multiple driveways. Over the past few years the traffic has doubled and tripled as result of new development in the area. Many vehicles exit HWY 204 to come up 10th Street to bypass 20th Street, and the congestion there, to access residences in the immediate area. The vehicles tend to travel in excess of the 35 MPH speed limit but even those that travel 35 MPH are traveling too fast. It is unsafe for current residences to exit their driveways, unsafe for anyone getting their mail, unsafe for anyone who is walking on the road and unsafe for any large vehicles that pass on the road. With construction in the area we have many dump trucks and also delivery trucks come down the hill heading west at what might be the speed limit but the size, speed and noise suggest that they are traveling too fast with having to brake the last third of the hill heading to HWY 204. There isn't a day goes by when a few driver's accelerate either uphill or downhill for a quarter of a mile to reach 35 MPH and above with many i am sure approaching 50 MPH or above.

We would suggest a speed limit of 25 MPH for this .5 mile narrow rural road that is now the main road for all the additional cars created by the development over the last 10 years. With the added 31 homes planned for this development coming on and off 10th Street, it will add more volume and the potential for an accident to happen. We understand the driver's may continue to speed and exceed the speed limit but at least a 25 MPH limit will alert the majority of drivers that it is not a main thoroughfare.

Second, we would like the City to consider handling the water runoff that accumulates in the drainage ditch that runs on the south side of 10th Street. When we first moved in this ditch was mainly exposed except for a few areas under driveways. With development and the sewer line, some areas have been covered. It still collects substantial amount of water from the hillside and the new developments over the years. The amount of water is pretty constant and heavy with hard rains and if anything the volume has increased over the years. On the northeast corner of the proposed subdivision the ditch is open and flows along the property until it goes under 10th Street and empties into our pasture. With the proposed development it would be our hope that the water could be controlled and contained in a new storm water drain. With the potential of new storm drains, sidewalks and curbs it is an opportunity to take the volume of water that is collected in the current drainage ditch and direct it away from being channeled under the road and dumped into our pasture. The current set up has the potential to create flooding if the ditch is plugged and overflows. it also has the potential to erode 10th Street during heavy rains and runoff. We have experienced a number of "100 year storms" since 1978 when the ditch has overflowed. With the amount of vehicles using the road and the number of homes in the area, it seems sense to avoid future problems by channeling this water into a proper storm drain.

Thank you for the opportunity to submit our comments and we appreciate your review of our concerns.

Paul and Kris Fountain
7601 10th ST SE
Lake Stevens, WA 98258
425 334 8826

Stacie Pratschner

From: Stacie Pratschner
Sent: Tuesday, February 16, 2016 9:03 AM
To: 'Grant Kirby'
Subject: RE: McKay #LUA2016-0004
Attachments: Collector-ROW.PDF

Good morning Mr. Kirby,

Thank you for taking the time to contact the City and comment on the proposed McKay site-specific rezone application (LUA2016-0004). If the rezone application is approved by the Hearing Examiner and the applicants decide to move forward with a subdivision application, full frontage improvements (curb/gutter/planters/sidewalks) shall be required on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. The City will also require road connectivity pursuant to the requirements of Chapter 14.56 of the Lake Stevens Municipal Code (LSMC). The review of the stormwater vault will take place at the construction plan phase (after preliminary plat approval).

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Sincerely,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Grant Kirby [mailto:granthkirby@yahoo.com]
Sent: Monday, February 15, 2016 10:29 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: McKay #LUA2016-0004

To Whom It Concerns:

I had the opportunity to review the files Friday on the proposed McKay development. I would like to take this opportunity to give comment.

The concern I have is the City is not keeping up with infrastructure development to support all the subdivisions being built. Large houses on small lots equates to kids playing in the streets. In the case of the southeast sector of the City of Lake Stevens, there was a real opportunity to require developers to have bike and walking path easement set asides. This could add another level of connectivity to schools and parks for our kids. Present infrastructure does not accommodate this option.

There are a few things I would like added or changed. Make sure there is connectivity to Cavalero community and future development to east. Require developer to built a common use area above water containment vault, preferably a play field for the kids.

I would just add Cavalero Park master plan needs to be implemented soon. In fact I would not approve anymore subdivision development in the area until there is movement in park development.

Grant Kirby

Stacie Pratschner

From: Stacie Pratschner
Sent: Tuesday, February 16, 2016 10:56 AM
To: 'Sue Gerou'
Cc: Jill Meis
Subject: RE: PROJECT NAME/ FILE NUMBER: McKay Subdivision: Site-Specific Rezone / LUA2016-0004
Attachments: Collector-ROW.PDF

Good morning Ms. Gerou,

Thank you for taking the time to contact the City and comment on the proposed McKay site-specific rezone application (LUA2016-0004). If the rezone application is approved by the Hearing Examiner and the applicants decide to move forward with a subdivision application, full frontage improvements (curb/gutter/planters/sidewalks) shall be required on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. The City will also require road connectivity pursuant to the requirements of Chapter 14.56 of the Lake Stevens Municipal Code (LSMC). A future preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Staff has received other concerns from neighbors in that area about traffic flow on 20th; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

At the time of subdivision application, the project proponents will be required to establish a Native Growth Protection Area (NGPA) around all critical areas identified on site. This NGPA has no further development potential and is protected in perpetuity from land disturbance.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Sue Gerou [mailto:smgerou@gmail.com]
Sent: Monday, February 15, 2016 9:33 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: PROJECT NAME/ FILE NUMBER: McKay Subdivision: Site-Specific Rezone / LUA2016-0004

To whom it may concern,

I live across the street from the proposed McKay subdivision and have concerns about having an additional 31 homes added to our neighborhood. With the addition of the subdivision up the hill it has made it hard to get out of my driveway and has made it hazardous to walk around the neighborhood. The street does not have sidewalks and with the additional traffic that we currently have, it is not safe. With an additional 31 houses I feel that it will be impossible to attempt to go for walks in the neighborhood that we live in. Will you make road improvements to make the neighborhood safe or will we have the same thing happen that I see around the other new subdivisions? The people that have been living in a neighborhood get nothing and just have to deal with the additional traffic and unsafe conditions. With all of the additional homes that are being built, will you do something to improve traffic flow on 20th, hwy 9 and/or 204?

With the new neighborhood that went in up the hill from us, the land clearing caused the wildlife to be on the move, we had been inundated with rats, the local coyote pack ended up running the road yipping and one of the deer that we have in the neighborhood was clipped by a car. It has settled down but the coyote pack and the deer now live in the area that is set to be rezoned. The "wildlife" areas that I have seen in the other new subdivisions do not look very big so will this one have an area that is large enough for the local wildlife or will the wildlife be driven out? If this subdivision goes through, I will miss seeing the eagles and hawks hunt in the field. I will miss seeing the deer in the evening and the coyotes at night.

I would like you to consider that the proposed changes will impact more than just the people in the neighborhood.

Sincerely,
Sue Gerou

Attachment A

Skagit Wetlands & Critical Areas
320 East Fairhaven, Ste. 206
Burlington, WA 98233
(360) 391-9571
skagitwetlands@hotmail.com



August 25, 2014

Wetland Delineation

7508 10th St SE
Lake Stevens, WA 98258

00431400600501
00431400800403
00431400700202

Section 23, Township 29 North, Range 05E

Literature Review

Prior to an onsite investigation, a literature review of available resources regarding this property was made with the following results:

- The USDA Soil Survey of Snohomish County indicates no potential hydric soils onsite, or in the vicinity.
- Review of available aerial photography shows no evidence of wetland presence in the vicinity.
- Washington State Department of Natural Resources mapping shows no stream presence onsite.
- Mapping put forth by the Washington State Department of Fish and Wildlife indicates no streams onsite.
- Washington State Department of Fish and Wildlife mapping indicates no documented use by salmonid fishes onsite or within the adjacent mapped streams.
- Snohomish County GIS data indicates wetland presence adjacent to this property.
- Snohomish County mapping indicates two small streams to be found on or neighboring these properties.
- Mapping as available from the Washington State Department of Fish and Wildlife Priority Habitat and Species Program indicates no Priority Species or habitats of such have primary association directly with this property. Bald eagle nesting was noted roughly 350 feet south of the southernmost property line in 2012.
- The National Wetland Inventory mapping shows no wetland presence onsite.

NWI Mapping of vicinity.



Subject property highlighted in yellow (general).

Neighborhood Review

In conjunction with the site investigation, a neighborhood review was conducted. This included broad site investigation, interviews with the neighbors, and review of neighboring projects (engineering and land use) to ascertain how outside activities may have or are impacting the subject property. Some notable findings included the following:

- It was learned from the neighbor to the north (Frank Bathurst) that there is very deep, well working drainage on his property (abutting the eastern property line of the subject property that he installed, draining to the roadside ditch. He noted that winter wetness on the subject property was much less (he mows that that portion of the property and walks the property as a whole daily with his dogs).
- The neighbor to the south (Richard Snow) explained the subject property history (in relation to wetlands/streams) as he knew it, being one of past and recent changes. Per his knowledge, decades ago the mapped stream (northern) was dammed and/or excavated for multiple fish ponds on the subject property. WA WDFW ordered the ponds filled. By his direct observation, the

stream in question was also noted to flow for much longer duration, with more flow, and extend farther east than present (until just recently). This changed when the large development to the south was constructed (Mystic Ridge), with himself observing a water regime change, presumably due to the re-routing of previously natural runoff into the developments stormwater infrastructure to drain farther south.

- Large curtain drains were observed uphill of the subject property, across the slope.
- Stormwater outfalls (Mystic Ridge) were noted to the south (not with topography), while individual home drainage was noted to deposit onto the subject property in the southeast corner.



Large curtain drain (left) just uphill from the subject property. One of several drainage outfalls depositing onto the subject property from neighboring development (right). While difficult to see, a 4" PVC drain pipe deposits onto a pile of quarry spalls, located next to wetland flag A1.

Site Inspection

We walked through the entire study area for a thorough visual coverage. We sampled the soils, vegetation, and for indicators of near-surface hydrology and wetland and upland conditions. We recorded the data at 4 representative sample plot locations (two representative of the wetland conditions, two as a paired point representation of the upland side of the delineated edge). The wetlands were located, boundaries flagged with sequentially-numbered (A1-20, B1-2) pink flagging on surrounding vegetation. Wetland B was noted to be wholly on the subject property, while portions of the wetland identified as Wetland A was found partially offsite, with the portion flagged being that area of the wetland that affects the subject property.

Offsite wetland areas were also inspected fully. Those to the south and east were within a homeowners association open space area, while the streams to the south and east were privately owned, access was via traverse of waters of the State. While inspected, no flagging or specific delineation was made offsite, although both properties were noted to have had previous delineations done, and stream mapping was reference from sub-meter GPS to Snohomish County data; accuracy was found satisfactory to high.

The onsite wetland flag locations were subsequently collected via sub-meter GPS (Thales MobileMapper with radio beacon correction via NAS Whidbey). Wetland location and configuration is shown in the supplied displays. Offsite, non-delineated stream locations were collected by Skagit Wetlands staff via sub-meter GPS and/or public data was utilized.

Findings

Wetlands

Multiple wetlands affect this property, but have been identified as a single unit (Wetland A), with one exception (Wetland B). The wetlands are in a state of transition due to recent and more historic land use practices, and considering the timing of field work, a conservative estimation of the wetlands being a mosaic is assumed barring wet season review of hydrology to break them out individually (a site specific issue). Field work has supported the statement of the neighbors, that the property once had a drainage that was excavated for multiple ponds, and later filled in. This is supported most especially in the soils (fill), but also in the topography, hydrology, and vegetative patterns. Such past work does not affect regulatory status, but does make understanding the property easier, although traditional indicators have been replaced more with best judgment assumptions.

Of concern with the delineation process is the affects that the development to the south has had on the subject properties wetlands. What appears to have happened is much of the historic groundwater flow has been diverted from the wetland into the stormwater system of the development, essentially dewatering the main drainage path, and without seeing the property during the wet season; it is difficult to distinguish some current conditions from relic features. Conversely, drainage from the development appears to have stretched the wetland farther east, but again is difficult to distinguish due to the season, such "newer" wetlands have weak indicators and/or it is difficult to distinguish non-regulated stormwater deposition from wetlands when they merge as one. Wet season review during the early growing season may again change the indicated boundary somewhat, especially in the southeast portion of the wetland (area flagged A1-6).

The wetland was rated utilizing the most up to date form of the Washington State Wetland Rating System for Western Washington. For rating purposed, a depressional designation was used with a final category based on functions being a Category III wetland with a combined score of 35. Points were awarded conservatively at this time largely due to the timing, with further documentation on some aspects possibly lowering the rating at a later date. The rating breakdown is as follows:

- Score for Water Quality Functions: 10
- Score for Hydrologic Functions: 5
- Score for Habitat Functions: 20

Wetland B (flagging) is a very small (less than 300sf) Category IV wetland. This wetland is very small depressional wetland found within a relic drainage pattern (former stream path?) and identified by a deep, dark, silt loam that is out of place, even within this linear depression, again likely indicating an excavation that was filled with outsourced fill material. The wetland is vegetated almost exclusively with creeping buttercup surrounded by alder scrub, with a faint depression and drainage pattern. The surrounding buffer is similar in composition.

While hydric soil and hydrophytic vegetation criteria were met even as fill material (now relic), hydrology indicators were not directly observed, likely due to the timing of site visits, with hydrology indicators observed indirectly; the faint drainage pattern (sub-surface water movement only), sparser vegetation, slight concave surface. However, none of the indicators are conclusive, but a conservative determination was made rather than waiting for comprehensive monitoring for this very small area, but should be noted that further review could very likely indicate that this area, with a relatively recently changed hydrologic regime, may very well not meet the full criteria for a positive wetland determination.

Assessment Factors

1) Soils

The *Soil Survey of Snohomish County Area, Washington* published by the U.S.D.A. Soil Conservation Service (now the N.R.C.S.) lists the dominating soils of this property as a single soil series, Tokul gravelly loam. This is a moderately well drained soil formed in volcanic ash and loess underlain by glacial till. Within a typical profile, the A horizon is a gravelly loam with a dark brown (10YR3/2 Munsell Color Chart reading) color. The B Horizon lightens to a reddish or yellowish brown (7.5YR4/4), underlain by cemented till (all measurements are general in nature). This is the soil that we find in our upland Soil Pits. Tokul is a Dystric Entic Durochrepts, in Hydrologic Group C, and is not known as hydric.

Within the wetland areas, all of the soils inspected met hydric criteria where applicable (hummocky areas within the wetlands did not, nor did all of the areas noted as impacted by drainage, but were largely surrounded or transitioning to soils that did). At the delineated edge, the soils met criteria F6, Redox dark, or Depleted dark surface, but failed to meet criteria on the upland side. The exception to this was in areas where it is assumed that ponds once were. If one looks carefully, one can see the spoil piles from excavation, while grown over, still noticeable, and within the wetland areas are soils that do not fit the area, noted as a very deep, dark silt loam. This is not a soil that would form naturally in these surroundings, sitting directly on top of a cemented hard pan, surrounded by defined gravelly loams; this is a soil that was placed, very likely to fill ponds as previously indicated. Within more undisturbed areas of both the onsite and offsite wetlands the soil indicators were very weak, regardless of the obvious hydrology, suggesting that the hydrology is not lasting (or recent in nature), being based upon high precipitation events and flashy road/stormwater runoff and influxes.

In further discussion with the positive determination of the small Category IV wetland, "Wetland B", it should be noted that this soil, appearing to be a fill material, could have relic redoximorphic features, and/or gain such features from compaction induced artificially (mechanical compaction or ungulate grazing are commonly seen). An example of such is in the front of the property where tractors or mowers compact the soil preventing vertical drainage through the profile, and water is subsequently locked into the upper, compacted portion of the soil profile longer, creating redoximorphic features, and may not reflect the true hydrologic regime (this was noted in small areas in the front grassy areas along the mown edge).

Soil Map of Vicinity



Subject area bound in yellow
72/73-Tokul gravelly medial loam

2) Hydrology

Hydrology indicators used for wetland determination were watermarked leaves, and evidence of very shallow inundation, or indicator of such (water marks, sparsely vegetated concave surface). At no point is there any area of these wetlands that appears to have significant (greater than 4-5 inches depth of live storage) surface inundation at any time of the year. "Wetland B" was noted as likely having saturated soils only. Throughout the wetland areas, hydrology indicators were transferred where not present via readily available topography features.

Most of the hydrology historically entering this property and wetland/stream feature would have been shallow groundwater drainage; upslope precipitation infiltrated to the soil C horizon, and then flowed downslope on top of this cemented layer. This natural pattern has now been significantly disturbed. Drainage into and out of this area has been altered from its historic norm in several ways, much of which has been previously discussed. Ditching and draining projects both on and offsite is the most obvious, but there are also areas of fill, grading, and compaction that have severely affected the natural hydrological regime, and are certainly not limited to the subject property with an intense residential development found upslope.

3) Vegetation

The vegetation of the front portion of this property is greatly disturbed for the most part from what was naturally found, being largely field/lawn with relic planted pasture and lawn grasses, while the southernmost parcel is mature conifer forest, inbetween the two regimes is an area of pioneering shrubs and saplings (including the wetlands). The home site area has had a lack of maintenance over recent years, and some weedy species have become interspersed such as common dandelion, spotted cats ear, and notably creeping buttercup that has taken over the north side of shrub and tree banks as it often does, and blackberries are invading rapidly from the sides. While wholly not inclusive, outside of the grasses and relic garden plantings surrounding the home that intrudes into the property, the upland areas (including offsite for reference) were observed to have dominating and notable populations of the following:

Pseuedotsuga menziesii, Douglas fir, FACU
Sambucus racemosa, Red elderberry, FACU
Polystichum munitum, Sword fern, FACU
Rubus ursinus, Trailing blackberry, FACU
Ilex aquifolium, English holly, FACU
Oemleria cerasiformis, Indian plum, FACU
Rubus discolor, Himalayan blackberry FACU
Athyrium filix-femina, Lady fern FAC
Rubus spectabilis, Salmonberry, FAC
Thuja plicata, Western red cedar, FAC
Alnus rubra, Red Alder, FAC
Acer macrophyllum, Bigleaf maple, FACU
Populus trichocarpa, Black cottonwood, FAC
Ranunculus repens, Creeping buttercup, FAC
Phalaris arundinacea, Reed canary grass, FACW

The wetlands were very sparse overall in the vegetation diversity, and sparse in areas of vegetation at all, but included the following:

Tolmiea menziesii, Piggy back plant, FAC
Ranunculus repens, Creeping buttercup, FAC
Rubus discolor, Himalayan blackberry FACU
Athyrium filix-femina, Lady fern FAC
Rubus spectabilis, Salmonberry, FAC
Alnus rubra, Red Alder, FAC

Regulatory Analysis

The City of Lake Stevens Municipal Code (LSMC) Table 14.88-2 gives a buffer of 50 feet for the Category III wetlands and 35 feet for Category IV wetlands when part of a high intensity land use project. The buffers are reducible in some fashion per LSMC when following standard mitigation sequencing, however, no spatial impacts to buffers have been identified at this time, nor are any direct impacts to wetlands currently proposed.

Non fish bearing streams are afforded a 50-foot buffer in the City of Lake Stevens, with the exception of streams in ravines over 10 feet in depth, where a 25-foot buffer is measured from the top of bank (LSMC 14.88.430(c)1). The buffers shown on the supplied site plan may or may not exceed the required top of slope measurements and buffers.

Other considerations will likely be required per LSMC, signage, permanent protection, and possibly fencing. Access to the rear of the property will also require impacts to buffers and possibly a stream crossing. A mitigation plan would be required for such work.

Disclaimer

This wetland delineation is based upon physical circumstances that are described in manuals and publications utilized by Federal, State, and Local agencies. The wetland delineation methodology used in this report is consistent with the routine on-site determination method prescribed by the 1987 Corps of Engineers Wetland Delineation Manual and by the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coasts Regional Supplement. No guarantees are given that the delineation will concur precisely with those performed by agencies with jurisdiction or by other qualified professionals. This report is provided for the use of the specified recipient only and is not intended for use by other parties or purposes.

Respectfully submitted,



Matt Mahaffie
Skagit Wetlands & Critical Areas, LLC

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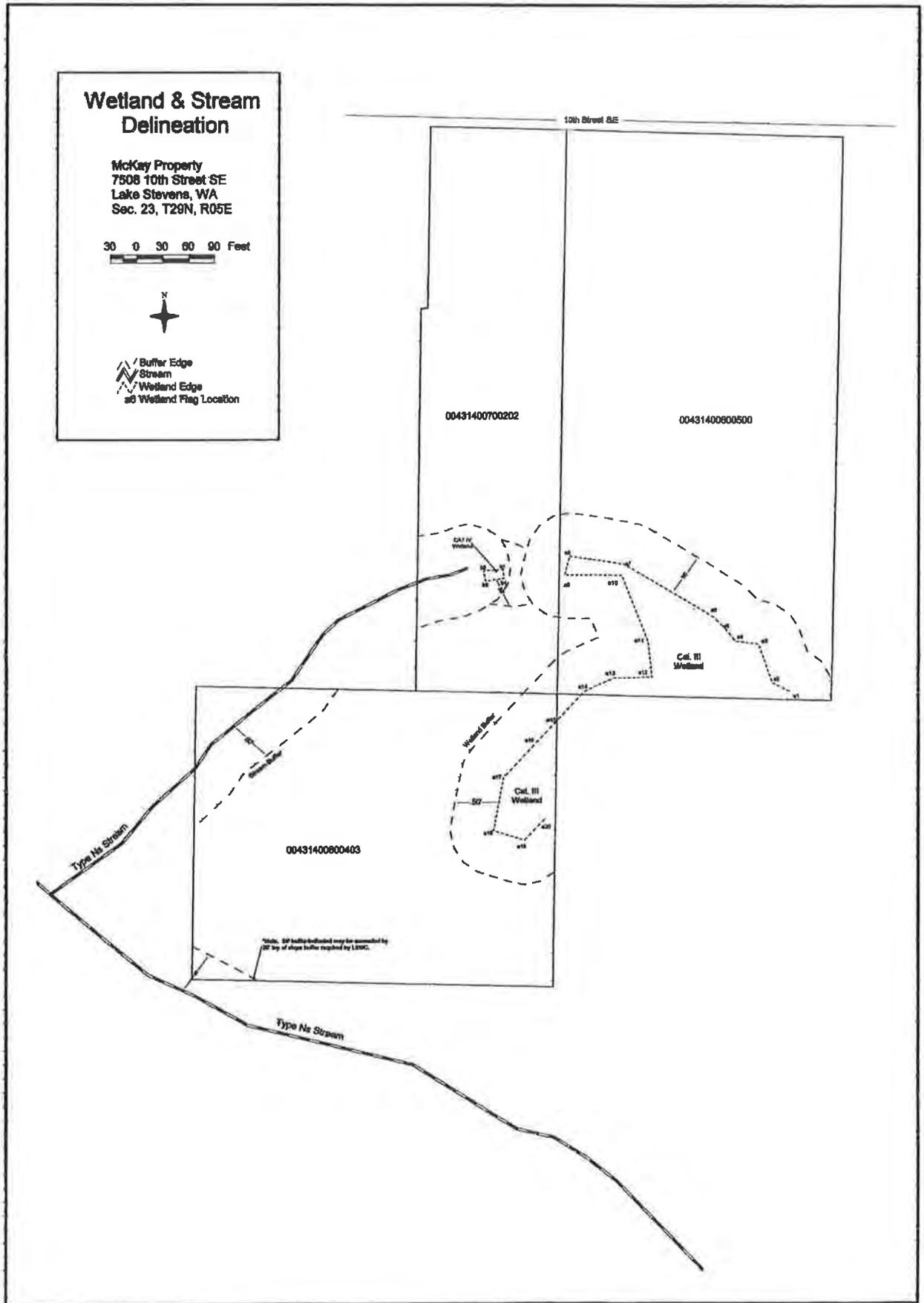
Appendices

Appendix A: Delineation Site Plan

Appendix B: Wetland Rating Form

Appendix C: Representative Wetland Data Forms

Appendix A: Delineation Site Plan



Appendix B: Wetland Rating Form

Wetland name or number _____

WETLAND RATING FORM – WESTERN WASHINGTON
 Version 2 – Updated July 2006 to increase accuracy and reproducibility among users
 Updated Oct. 2008 with the new WDFW definitions for priority habitats

Name of wetland (if known): _____

Date of site visit: 7-8/2014

Rated by: M Mahaffie Trained by Ecology? Yes No

Date of training: 5/07

SEC: 23

TOWNSHP: 29

RNGE: 05

Is S/T/R in Appendix D? Yes No

Map of wetland unit: Figure _____ Estimated size 1-1.25 ac. area total, (mosaic)

SUMMARY OF RATING

Category based on FUNCTIONS provided by wetland: I II III IV

Category I =	Score > 70
Category II =	Score 51 - 69
Category III =	Score 30 - 50
Category IV =	Score < 30

Score for Water Quality Functions

10

Score for Hydrologic Functions

5

Score for Habitat Functions

20

TOTAL Score for Functions

35

Category based on SPECIAL CHARACTERISTICS of Wetland I II Does not apply

Final Category (choose the "highest" category from above")

III

Summary of basic information about the wetland unit.

Wetland Unit has Special Characteristics	Wetland HGM Class used for Rating
Estuarine <input type="checkbox"/>	Depressional <input checked="" type="checkbox"/>
Natural Heritage Wetland <input type="checkbox"/>	Riverine <input type="checkbox"/>
Bog <input type="checkbox"/>	Lake-fringe <input type="checkbox"/>
Mature Forest <input type="checkbox"/>	Slope <input type="checkbox"/>
Old Growth Forest <input type="checkbox"/>	Flats <input type="checkbox"/>
Coastal Lagoon <input type="checkbox"/>	Freshwater Tidal <input type="checkbox"/>
Interdunal <input type="checkbox"/>	<input type="checkbox"/>
None of the above <input type="checkbox"/>	Check if unit has multiple HGM classes present <input type="checkbox"/>

Does the wetland being rated meet any of the criteria below? If you answer YES to any of the questions below you will need to protect the wetland according to the regulations regarding the special characteristics found in the wetland.

Check List for Wetlands that Need Additional Protection (in addition to the protection recommended for its category)	YES	NO
SP1. Has the wetland unit been documented as a habitat for any Federally listed Threatened or Endangered animal or plant species (T/E species)? For the purposes of this rating system, "documented" means the wetland is on the appropriate state or federal database.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP2. Has the wetland unit been documented as habitat for any State listed Threatened or Endangered animal species? For the purposes of this rating system, "documented" means the wetland is on the appropriate state database. Note: Wetlands with State listed plant species are categorized as Category 1 Natural Heritage Wetlands (see p. 19 of data form).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP3. Does the wetland unit contain individuals of Priority species listed by the WDFW for the state?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SP4. Does the wetland unit have a local significance in addition to its functions? For example, the wetland has been identified in the Shoreline Master Program, the Critical Areas Ordinance, or in a local management plan as having special significance.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

To complete the next part of the data sheet you will need to determine the Hydrogeomorphic Class of the wetland being rated.

The hydrogeomorphic classification groups wetlands in to those that function in similar ways. This simplifies the questions needed to answer how well the wetland functions. The Hydrogeomorphic Class of a wetland can be determined using the key below. See p. 24 for more detailed instructions on classifying wetlands.

Wetland name or number _____

D Depressional and Flat Wetlands		Points
WATER QUALITY FUNCTIONS - Indicators that wetland functions to improve water quality.		(only 1 score per box)
D 1	Does the wetland have the <u>potential</u> to improve water quality?	(see p 38)
D 1.1	Characteristics of surface water flows out of the wetland: • Unit is a depression with no surface water leaving it (no outlet) points = 3 <input type="checkbox"/> • Unit has an intermittently flowing, OR highly constricted, permanently flowing outlet... points = 2 <input checked="" type="checkbox"/> • Unit has an unconstricted, or slightly constricted, surface outlet (<i>permanently flowing</i>).. points = 1 <input type="checkbox"/> • Unit is a "flat" depression (Q.7 on key), or in the Flats class, with permanent surface outflow and no obvious natural outlet and/or outlet is a man-made ditch points = 1 <input type="checkbox"/> (If ditch is not permanently flowing treat unit as "intermittently flowing") Provide photo or drawing	Figure <input type="checkbox"/> 2
D 1.2	The soil 2 inches below the surface (or duff layer) is clay or organic (use NRCS definitions) YES points = 4 NO points = 0	0
D 1.3	Characteristics of persistent vegetation (emergent, shrub, and/or forest Cowardin class): • Wetland has persistent, ungrazed vegetation > = 95% of area points = 5 <input type="checkbox"/> • Wetland has persistent, ungrazed vegetation > = 1/2 of area points = 3 <input checked="" type="checkbox"/> • Wetland has persistent, ungrazed vegetation > = 1/10 of area points = 1 <input type="checkbox"/> • Wetland has persistent, ungrazed vegetation < 1/10 of area..... points = 0 <input type="checkbox"/> Map of Cowardin vegetation classes	Figure <input type="checkbox"/> 3
D 1.4	Characteristics of seasonal ponding or inundation: This is the area of the wetland that is ponded for at least 2 months, but dries out sometime during the year. Do not count the area that is permanently ponded. Estimate area as the average condition 5 out of 10 years. • Area seasonally ponded is > 1/2 total area of wetland points = 4 <input type="checkbox"/> • Area seasonally ponded is > 1/4 total area of wetland points = 2 <input type="checkbox"/> • Area seasonally ponded is < 1/4 total area of wetland points = 0 <input checked="" type="checkbox"/> Map of Hydroperiods	Figure <input type="checkbox"/> 0
Total for D 1		Add the points in the boxes above 5
D 2	Does the wetland have the <u>opportunity</u> to improve water quality? Answer YES if you know or believe there are pollutants in groundwater or surface water coming into the wetland that would otherwise reduce water quality in streams, lakes or groundwater downgradient from the wetland? Note which of the following conditions provide the sources of pollutants. A unit may have pollutants coming from several sources, but any single source would qualify as opportunity. <input type="checkbox"/> Grazing in the wetland or within 150 ft <input type="checkbox"/> Untreated stormwater discharges to wetland <input type="checkbox"/> Tilled fields or orchards within 150 ft. of wetland <input type="checkbox"/> A stream or culvert discharges into wetland that drains developed areas, residential areas, farmed fields, roads, or clear-cut logging <input type="checkbox"/> Residential, urban areas, golf courses are within 150 ft. of wetland <input type="checkbox"/> Wetland is fed by groundwater high in phosphorus or nitrogen <input type="checkbox"/> Other _____ <input type="checkbox"/> YES multiplier is 2 <input type="checkbox"/> NO multiplier is 1	(see p. 44) Multiplier 2
◆ TOTAL - Water Quality Functions Multiply the score from D1 by D2; then add score to table on p. 1		10
HYDROLOGIC FUNCTIONS - Indicators that wetland unit functions to reduce flooding and stream degradation.		
D 3	Does the wetland have the <u>potential</u> to reduce flooding and erosion?	(see p 46)
D 3.1	Characteristics of surface water flows out of the wetland unit • Unit is a depression with no surface water leaving it (no outlet) points = 4 <input type="checkbox"/> • Unit has an intermittently flowing, OR highly constricted permanently flowing outlet.... points = 2 <input checked="" type="checkbox"/> • Unit is a "flat" depression (Q.7 on key) or in the Flats class, with permanent surface outflow and no obvious natural outlet and/or outlet is a man-made ditch points = 1 <input type="checkbox"/> (If ditch is not permanently flowing treat unit as "intermittently flowing") • Unit has an unconstricted, or slightly constricted, surface outlet (<i>permanently flowing</i>) points = 0	2
D 3.2	Depth of storage during wet periods. Estimate the height of ponding above the bottom of the outlet. For units with no outlet measure from the surface of permanent water or deepest part (if dry). • Marks of ponding are 3 ft. or more above the surface or bottom of the outlet points = 7 <input type="checkbox"/> • The wetland is a "headwater" wetland points = 5 <input type="checkbox"/> • Marks of ponding between 2 ft. to < 3 ft. from surface or bottom of outlet..... points = 5 <input type="checkbox"/> • Marks are at least 0.5 ft. to < 2 ft. from surface or bottom of outlet points = 3 <input type="checkbox"/> • Wetland is flat (yes to Q2 or Q.7 on key) but has small depressions on the surface that trap water . points = 1 <input type="checkbox"/> • Marks of ponding less than 0.5 ft..... points = 0 <input checked="" type="checkbox"/>	0
D 3.3	Contribution of wetland unit to storage in the watershed: Estimate the ratio of the area of upstream basin contributing surface water to the wetland to the area of the wetland unit itself. • The area of the basin is less than 10 times the area of unit points = 5 <input type="checkbox"/> • The area of the basin is 10 to 100 times the area of the unit points = 3 <input checked="" type="checkbox"/> • The area of the basin is more than 100 times the area of the unit..... points = 0 <input type="checkbox"/> • Entire unit is in the FLATS class points = 5 <input type="checkbox"/>	3
Total for D 3		Add the points in the boxes above 5

Wetland name or number _____

D 4	<p>Does the wetland have the opportunity to reduce flooding and erosion?</p> <p>Answer YES if the unit is in a location in the watershed where the flood storage, or reduction in water velocity, it provides helps protect downstream property and aquatic resources from flooding or excessive and/or erosive flows. Answer NO if the water coming into the wetland is controlled by a structure such as flood gate, tide gate, flap valve, reservoir etc. OR you estimate that more than 90% of the water in the wetland is from groundwater in areas where damaging groundwater flooding does not occur. <i>Note which of the following indicators of opportunity apply.</i></p> <p><input type="checkbox"/> Wetland is in a headwater of a river or stream that has flooding problems. <input type="checkbox"/> Wetland drains to a river or stream that has flooding problems <input type="checkbox"/> Wetland has no outlet and impounds surface runoff water that might otherwise flow into a river or stream that has flooding problems <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> YES multiplier is 2 <input checked="" type="checkbox"/> NO multiplier is 1</p>	<p>(see p. 49)</p> <p>Multiplier</p> <p>1</p>
◆	<p>TOTAL ~ Hydrologic Functions Multiply the score from D3 by D4; then <i>add score to table on p. 1</i></p>	<p>5</p>

Comments: _____

Wetland name or number _____

H 2	Does the wetland have the <u>opportunity</u> to provide habitat for many species?	(only 1 score per box)
	<p>H 2.1 Buffers (see P. 80): <i>Choose the description that best represents condition of buffer of wetland unit. The highest scoring criterion that applies to the wetland is to be used in the rating. See text for definition of "undisturbed".</i></p> <p><input type="checkbox"/> 100m (330 ft) of relatively undisturbed vegetated areas, rocky areas, or open water > 95% of circumference. No structures are within the undisturbed part of buffer (relatively undisturbed also means no grazing, no landscaping, no daily human use)..... points = 5</p> <p><input type="checkbox"/> 100m (330 ft) of relatively undisturbed vegetated areas, rocky areas, or open water > 50% circumference..... points = 4</p> <p><input type="checkbox"/> 50m (170 ft) of relatively undisturbed vegetated areas, rocky areas, or open water > 95% circumference points = 4</p> <p><input type="checkbox"/> 100m (330 ft) of relatively undisturbed vegetated areas, rocky areas, or open water > 25% circumference..... points = 3</p> <p><input checked="" type="checkbox"/> 50m (170 ft) of relatively undisturbed vegetated areas, rocky areas, or open water for > 50% circumference points = 3</p> <p>If buffer does not meet any of the criteria above:</p> <p><input type="checkbox"/> No paved areas (except paved trails) or buildings within 25m (80 ft) of wetland > 95% circumference. Light to moderate grazing or lawns are OK points = 2</p> <p><input type="checkbox"/> No paved areas of buildings within 50m of wetland for > 50% circumference. Light to moderate grazing or lawns are OK..... points = 2</p> <p><input type="checkbox"/> Heavy grazing in buffer..... points = 1</p> <p><input type="checkbox"/> Vegetated buffers are < 2m wide (6.6 ft) for more than 95% circumference (e.g. tilled fields, paving, basalt bedrock extend to edge of wetland) points = 0</p> <p><input type="checkbox"/> Buffer does not meet any of the criteria above points = 1</p> <p style="text-align: right;">Arial photo showing buffers</p>	<p>Figure <input type="checkbox"/></p> <p style="text-align: right;">3</p>
	<p>H 2.2 Corridors and Connections (see p. 81)</p> <p>H 2.2.1 Is the wetland part of a relatively undisturbed and unbroken vegetated corridor (either riparian or upland) that is at least 150 ft. wide, has at least a 30% cover of shrubs, forest or native undisturbed prairie, that connects to estuaries, other wetlands or undisturbed uplands that are at least 250 acres in size? (<i>Dams in riparian corridors, heavily used gravel roads, paved roads, are considered breaks in the corridor.</i>)</p> <p style="text-align: center;"><input type="checkbox"/> YES = 4 points (go to H 2.3) <input checked="" type="checkbox"/> NO = go to H 2.2.2</p> <p>H. 2.2.2 Is the wetland part of a relatively undisturbed and unbroken vegetated corridor (either riparian or upland) that is at least 50 ft. wide, has at least 30% cover of shrubs or forest, and connects to estuaries, other wetlands or undisturbed uplands that are at least 25 acres in size? OR a Lake-fringe wetland, if it does not have an undisturbed corridor as in the question above?</p> <p style="text-align: center;"><input type="checkbox"/> YES = 2 points (go to H 2.3) <input checked="" type="checkbox"/> NO = go to H 2.2.3</p> <p>H. 2.2.3 Is the wetland:</p> <ul style="list-style-type: none"> • Within 5 mi (8km) of a brackish or salt water estuary OR • Within 3 miles of a large field or pasture (> 40 acres) OR • Within 1 mile of a lake greater than 20 acres? <p style="text-align: right;"><input checked="" type="checkbox"/> YES = 1 point <input type="checkbox"/> NO = 0 points</p>	<p style="text-align: right;">1</p>

Comments: _____

Wetland name or number _____

	<p>H 2.3 <u>Near or adjacent to other priority habitats listed by WDFW</u> (see p. 82): (see new and complete descriptions of WDFW priority habitats, and the counties in which they can be found, in the PHS report http://wdfw.wa.gov/hab/phslist.htm) Which of the following priority habitats are within 330 ft. (100m) of the wetland unit? <i>NOTE: the connections do not have to be relatively undisturbed.</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Aspen Stands: Pure or mixed stands of aspen greater than 0.4 ha (1 acre). <input type="checkbox"/> Biodiversity Areas and Corridors: Areas of habitat that are relatively important to various species of native fish and wildlife (full descriptions in WDFW PHS report p. 152). <input type="checkbox"/> Herbaceous Balds: Variable size patches of grass and forbs on shallow soils over bedrock. <input checked="" type="checkbox"/> Old-growth/Mature forests: (Old-growth west of Cascade crest) Stands of at least 2 tree species, forming a multi-layered canopy with occasional small openings; with at least 20 trees/ha (8 trees/acre) > 81 cm (32 in) dbh or > 200 years of age. (Mature forests) Stands with average diameters exceeding 53 cm (21 in) dbh; crown cover may be less than 100%; decay, decadence, numbers of snags, and quantity of large downed material is generally less than that found in old-growth; 80 - 200 years old west of the Cascade crest. <input type="checkbox"/> Oregon white Oak: Woodlands Stands of pure oak or oak/conifer associations where canopy coverage of the oak component is important (full descriptions in WDFW PHS report p. 158). <input checked="" type="checkbox"/> Riparian: The area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. <input type="checkbox"/> Westside Prairies: Herbaceous, non-forested plant communities that can either take the form of a dry prairie or a wet prairie (full descriptions in WDFW PHS report p. 161). <input checked="" type="checkbox"/> Instream: The combination of physical, biological, and chemical processes and conditions that interact to provide functional life history requirements for instream fish and wildlife resources. <input type="checkbox"/> Nearshore: Relatively undisturbed nearshore habitats. These include Coastal Nearshore, Open Coast Nearshore, and Puget Sound Nearshore. (full descriptions of habitats and the definition of relatively undisturbed are in WDFW report: pp. 167-169 and glossary in Appendix A). <input type="checkbox"/> Caves: A naturally occurring cavity, recess, void, or system of interconnected passages under the earth in soils, rock, ice, or other geological formations and is large enough to contain a human. <input type="checkbox"/> Cliffs: Greater than 7.6 m (25 ft) high and occurring below 5000 ft. <input type="checkbox"/> Talus: Homogenous areas of rock rubble ranging in average size 0.15 - 2.0 m (0.5 - 6.5 ft), composed of basalt, andesite, and/or sedimentary rock, including riprap slides and mine tailings. May be associated with cliffs. <input checked="" type="checkbox"/> Snags and Logs: Trees are considered snags if they are dead or dying and exhibit sufficient decay characteristics to enable cavity excavation/use by wildlife. Priority snags have a diameter at breast height of > 51 cm (20 in) in western Washington and are > 2 m (6.5 ft) in height. Priority logs are > 30 cm (12 in) in diameter at the largest end, and > 6 m (20 ft) long. <div style="text-align: right; margin-right: 20px;"> If wetland has 3 or more priority habitats = 4 points If wetland has 2 priority habitats = 3 points If wetland has 1 priority habitat = 1 point No habitats = 0 points </div> <p>Note: All vegetated wetlands are by definition a priority habitat but are not included in this list. Nearby wetlands are addressed in question H 2.4)</p>	4
	<p>H 2.4 <u>Wetland Landscape:</u> Choose the one description of the landscape around the wetland that best fits (see p. 84)</p> <ul style="list-style-type: none"> • There are at least 3 other wetlands within 1/2 mile, and the connections between them are relatively undisturbed (light grazing between wetlands OK, as is lake shore with some boating, but connections should NOT be bisected by paved roads, fill, fields, or other development points = 5 <input type="checkbox"/> • The wetland is Lake-fringe on a lake with little disturbance and there are 3 other lake-fringe wetlands within 1/2 mile points = 5 <input type="checkbox"/> • There are at least 3 other wetlands within 1/2 mile, BUT the connections between them are disturbed..... points = 3 <input checked="" type="checkbox"/> • The wetland fringe on a lake with disturbance and there are 3 other lake-fringe wetlands within 1/2 mile..... points = 3 <input type="checkbox"/> • There is at least 1 wetland within 1/2 mile..... points = 2 <input type="checkbox"/> • There are no wetlands within 1/2 mile points = 0 <input type="checkbox"/> 	3
	<p>H 2 TOTAL Score – opportunity for providing habitat Add the scores from H2.1, H2.2, H2.3, H2.4</p>	11
	<p style="text-align: right;">TOTAL for H 1 from page 8</p>	9
◆	<p>Total Score for Habitat Functions Add the points for H 1 and H 2; then record the result on p. 1</p>	20

Comments: _____

Appendix C: Representative Wetland Data Forms

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project Site: 7506 10th Street SE City/County: Lake Stevens/Snohomish Sampling Date: 8-25-14
 Applicant/Owner: McKay State: WA Sampling Point: DP 1
 Investigator(s): M. Mahaffie Section, Township, Range: 23/29/05
 Landform (hilllope, terrace, etc.): Drainage depression Local relief (concave, convex, none): concave Slope (%): 2-3
 Subregion (LRR): a Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Alderwood NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology , significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology , naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Hydric Soil Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Remarks: <u>Data point taken wetland aside flag #18, 6' East.</u>			

VEGETATION – Use scientific names of plants

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet:	
1. <u><i>Alnus rubra</i></u>	<u>30</u>	<u>yes</u>	<u>FAC</u>	Number of Dominant Species That Are OBL, FACW, or FAC:	<u>2</u> (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata:	<u>2</u> (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC:	<u>100</u> (A/B)
4. _____	_____	_____	_____	Prevalence Index worksheet:	
50% = _____, 20% = _____	_____	= Total Cover		Total % Cover of:	Multiply by:
Sapling/Shrub Stratum (Plot size: 3x10)				OBL species	x1 = _____
1. <u><i>Rubus spectabilis</i></u>	<u>60</u>	<u>yes</u>	<u>FAC</u>	FACW species	x2 = _____
2. _____	_____	_____	_____	FAC species	x3 = _____
3. _____	_____	_____	_____	FACU species	x4 = _____
4. _____	_____	_____	_____	UPL species	x5 = _____
5. _____	_____	_____	_____	Column Totals:	_____ (A) _____ (B)
50% = _____, 20% = _____	<u>30</u>	= Total Cover		Prevalence Index = B/A = _____	
Herb Stratum (Plot size: 3R)				Hydrophytic Vegetation Indicators:	
1. <u><i>Athyrium filix-femina</i></u>	<u>80</u>	<u>yes</u>	<u>FAC</u>	<input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation	
2. <u><i>Lysichiton americanum</i></u>	<u>10</u>	<u>no</u>	<u>OBL</u>	<input checked="" type="checkbox"/> 2 - Dominance Test is >50%	
3. _____	_____	_____	_____	<input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹	
4. _____	_____	_____	_____	<input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
5. _____	_____	_____	_____	<input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹	
6. _____	_____	_____	_____	<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)	
7. _____	_____	_____	_____	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
50% = _____, 20% = _____	<u>40</u>	= Total Cover			
Woody Vine Stratum (Plot size: _____)				Hydrophytic Vegetation Present?	
1. _____	_____	_____	_____	Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/>
2. _____	_____	_____	_____		
50% = _____, 20% = _____	_____	= Total Cover			
% Bare Ground in Herb Stratum <u>30</u>					
Remarks: <u>Canopy (tree stratum not indicative of data point, 100% coverage but only alder rooted in wetland.</u>					

Project Site: _____

SOIL

Sampling Point: DP1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-10	10YR 2/2						sl	
10+	5Y 5/2						sandy g lm	dense, compacted

¹Type: C= Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

- | | | |
|---|---|---|
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Sandy Redox (S5) | <input type="checkbox"/> 2 cm Muck (A10) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Stripped Matrix (S6) | <input type="checkbox"/> Red Parent Material (TF2) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) | <input type="checkbox"/> Very Shallow Dark Surface (TF12) |
| <input checked="" type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) | <input type="checkbox"/> Other (Explain in Remarks) |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input checked="" type="checkbox"/> Depleted Matrix (F3) | |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Redox Dark Surface (F6) | |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | <input type="checkbox"/> Depleted Dark Surface (F7) | |
| | <input type="checkbox"/> Redox Depressions (F8) | |

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): 10

Hydric Soils Present?

Yes

No

Remarks: Data point at wetland edge, soil changes rapidly uphill by matter of feet to redish brown over yellowish brown sub surface (upland).

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

Secondary Indicators (2 or more required)

- | | | |
|--|--|--|
| <input type="checkbox"/> Surface Water (A1) | <input checked="" type="checkbox"/> Water-Stained Leaves (B9) | <input type="checkbox"/> Water-Stained Leaves (B9) |
| <input type="checkbox"/> High Water Table (A2) | (except MLRA 1, 2, 4A, and 4B) | (MLRA 1, 2, 4A, and 4B) |
| <input type="checkbox"/> Saturation (A3) | <input type="checkbox"/> Salt Crust (B11) | <input type="checkbox"/> Drainage Patterns (B10) |
| <input type="checkbox"/> Water Marks (B1) | <input type="checkbox"/> Aquatic Invertebrates (B13) | <input type="checkbox"/> Dry-Season Water Table (C2) |
| <input type="checkbox"/> Sediment Deposits (B2) | <input type="checkbox"/> Hydrogen Sulfide Odor (C1) | <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) |
| <input type="checkbox"/> Drift Deposits (B3) | <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) | <input checked="" type="checkbox"/> Geomorphic Position (D2) |
| <input type="checkbox"/> Algal Mat or Crust (B4) | <input type="checkbox"/> Presence of Reduced Iron (C4) | <input checked="" type="checkbox"/> Shallow Aquitard (D3) |
| <input type="checkbox"/> Iron Deposits (B5) | <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) | <input checked="" type="checkbox"/> FAC-Neutral Test (D5) |
| <input type="checkbox"/> Surface Soil Cracks (B6) | <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) | <input type="checkbox"/> Raised Ant Mounds (D6) (LRR A) |
| <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) | <input type="checkbox"/> Other (Explain in Remarks) | <input type="checkbox"/> Frost-Heave Hummocks (D7) |
| <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) | | |

Field Observations:

Surface Water Present? Yes No Depth (inches): _____

Water Table Present? Yes No Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes No Depth (inches): 0

Wetland Hydrology Present?

Yes

No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project Site: 7508 10th Street SE City/County: Lake Stevens/Snohomish Sampling Date: 8-25-14
 Applicant/Owner: McKay State: WA Sampling Point: DP2
 Investigator(s): M. Mahaffie Section, Township, Range: 23/29/05
 Landform (hillslope, terrace, etc.): Drainage depression Local relief (concave, convex, none): concave Slope (%): 2-3
 Subregion (LRR): a Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Aldenwood NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Wetland Hydrology Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Remarks: <u>Data point taken above wet only, upland side flag #18, 6' West.</u>			

VEGETATION – Use scientific names of plants

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet:	
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC:	_____ (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata:	_____ (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC:	_____ (A/B)
4. _____	_____	_____	_____	Prevalence Index worksheet:	
50% = _____, 20% = _____	_____	= Total Cover		Total % Cover of:	Multiply by:
Sapling/Shrub Stratum (Plot size: 3x10)				OBL species	x1 = _____
1. _____	_____	_____	_____	FACW species	x2 = _____
2. _____	_____	_____	_____	FAC species	x3 = _____
3. _____	_____	_____	_____	FACU species	x4 = _____
4. _____	_____	_____	_____	UPL species	x5 = _____
50% = _____, 20% = _____	<u>30</u>	= Total Cover		Column Totals:	_____ (A) _____ (B)
Herb Stratum (Plot size: 3'R)				Prevalence Index = B/A = _____	
1. <u>Rubus ursinus</u>	<u>30</u>	<u>yes</u>	<u>FACU</u>	Hydrophytic Vegetation Indicators:	
2. _____	_____	_____	_____	<input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation	
3. _____	_____	_____	_____	<input type="checkbox"/> 2 - Dominance Test is >50%	
4. _____	_____	_____	_____	<input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹	
5. _____	_____	_____	_____	<input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
6. _____	_____	_____	_____	<input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹	
7. _____	_____	_____	_____	<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)	
8. _____	_____	_____	_____	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
50% = _____, 20% = _____	<u>30</u>	= Total Cover		Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Woody Vine Stratum (Plot size: _____)					
1. _____	_____	_____	_____		
2. _____	_____	_____	_____		
50% = _____, 20% = _____	_____	= Total Cover			
% Bare Ground in Herb Stratum <u>70</u>					

Remarks: Canopy (tree stratum not indicative of data point, 100% coverage but all rooted 20' plus away in differing topography).

Project Site: _____

SOIL

Sampling Point: DPUP

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-14	10YR 3/2	_____	_____	_____	_____	_____	gl	_____
14+	5Y 5/4	_____	_____	_____	_____	_____	gl	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

¹Type: C= Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<input type="checkbox"/> Histic (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soils Present? Yes No

Remarks: Data point at wetland edge, soil changes rapidly uphill by matter of feet to redish brown over yellowish brown sub surface.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)	Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	

Field Observations:

Surface Water Present? Yes No Depth (inches): _____

Water Table Present? Yes No Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes No Depth (inches): 0

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Approx 10-12" elevation gain above wetland surface. Hydrology likely in form of saturation to within 8-10" of surface during winter and early growing season. Such hydrology will stop within 2-3' farther uphill.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project Site: 7508 10th Street SE City/County: Lake Stevens/Snohomish Sampling Date: 8-25-14
 Applicant/Owner: McKey State: WA Sampling Point: DP 3
 Investigator(s): M. Mahaffie Section, Township, Range: 23/29/05
 Landform (hillslope, terrace, etc.): Drainage depression Local relief (concave, convex, none): concave Slope (%): 2-3
 Subregion (LRR): a Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Alderwood NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology , significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology , naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Hydric Soil Present?	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>		
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/>		
Remarks: <u>Wetland slide A11 3 feet. Chosen as representation of natural drainage path relic feature as typical of natural wetland soils . Veg criteria discounted</u>			

VEGETATION – Use scientific names of plants

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet:	
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC:	_____ (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata:	_____ (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC:	_____ (A/B)
4. _____	_____	_____	_____	Prevalence Index worksheet:	
50% = _____, 20% = _____	_____	= Total Cover		Total % Cover of:	Multiply by:
<u>Sapling/Shrub Stratum (Plot size: _____)</u>				OBL species	x1 = _____
1. _____	_____	_____	_____	FACW species	x2 = _____
2. _____	_____	_____	_____	FAC species	x3 = _____
3. _____	_____	_____	_____	FACU species	x4 = _____
4. _____	_____	_____	_____	UPL species	x5 = _____
5. _____	_____	_____	_____	Column Totals:	_____ (A) _____ (B)
50% = _____, 20% = _____	_____	= Total Cover		Prevalence Index = B/A = _____	
<u>Herb Stratum (Plot size: 3'R)</u>				Hydrophytic Vegetation Indicators:	
1. _____	_____	_____	_____	<input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation	
2. _____	_____	_____	_____	<input type="checkbox"/> 2 - Dominance Test is >50%	
3. _____	_____	_____	_____	<input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹	
4. _____	_____	_____	_____	<input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
5. _____	_____	_____	_____	<input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹	
6. _____	_____	_____	_____	<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)	
7. _____	_____	_____	_____	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
50% = _____, 20% = _____	0	= Total Cover		Hydrophytic Vegetation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<u>Woody Vine Stratum (Plot size: _____)</u>					
1. _____	_____	_____	_____		
2. _____	_____	_____	_____		
50% = _____, 20% = _____	_____	= Total Cover			
<u>% Bare Ground in Herb Stratum 100</u>					

Remarks: Plot limited to drainage path only, no veg within.

Project Site: _____

SOIL

Sampling Point: DP3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-8	10YR 3/1						gl	
8+	5Y 5/2						sandy gl	cemented
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____

¹Type: C= Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)

- Sandy Redox (S5)
- Stripped Matrix (S6)
- Loamy Mucky Mineral (F1) (except MLRA 1)
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____
 Depth (inches): 8

Hydric Soils Present? Yes No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)
- Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Stunted or Stressed Plants (D1) (LRR A)
- Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)
- Raised Ant Mounds (D6) (LRR A)
- Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes No Depth (inches): _____
 Water Table Present? Yes No Depth (inches): _____
 Saturation Present? (includes capillary fringe) Yes No Depth (inches): 0

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project Site: 7508 10th Street SE City/County: Lake Stevens/Snohomish Sampling Date: 8-25-14
 Applicant/Owner: McKay State: WA Sampling Point: DP4
 Investigator(s): M. Mahaffie Section, Township, Range: 23/29/05
 Landform (hillslope, terrace, etc.): Drainage depression Local relief (concave, convex, none): concave Slope (%): 2-3
 Subregion (LRR): a Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: Alderwood NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology , significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology , naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Wetland Hydrology Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks: <u>Upland side A11 3 feet. Paired point to DP3</u>			

VEGETATION – Use scientific names of plants

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet:	
1. _____	_____	_____	_____	Number of Dominant Species That Are OBL, FACW, or FAC:	1 (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata:	2 (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC:	50 (A/B)
4. _____	_____	_____	_____	Prevalence Index worksheet:	
50% = _____, 20% = _____	_____	= Total Cover		Total % Cover of:	Multiply by:
Sapling/Shrub Stratum (Plot size: 15x5)				OBL species	x1 = _____
1. <u>Rubus spectabilis</u>	50	yes	FAC	FACW species	x2 = _____
2. _____	_____	_____	_____	FAC species	60 x3 = 180
3. _____	_____	_____	_____	FACU species	10 x4 = 40
4. _____	_____	_____	_____	UPL species	x5 = _____
5. _____	_____	_____	_____	Column Totals:	70 (A) 220 (B)
50% = _____, 20% = _____	30	= Total Cover		Prevalence Index = B/A = 3.14	
Herb Stratum (Plot size: 3'R)				Hydrophytic Vegetation Indicators:	
1. <u>Polygonum munitum</u>	10	yes	FACU	<input type="checkbox"/> 1 – Rapid Test for Hydrophytic Vegetation	
2. _____	_____	_____	_____	<input type="checkbox"/> 2 - Dominance Test is >50%	
3. _____	_____	_____	_____	<input checked="" type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹	
4. _____	_____	_____	_____	<input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
5. _____	_____	_____	_____	<input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹	
6. _____	_____	_____	_____	<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)	
7. _____	_____	_____	_____	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
8. _____	_____	_____	_____	Hydrophytic Vegetation Present?	
9. _____	_____	_____	_____	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
50% = _____, 20% = _____	10	= Total Cover			
Woody Vine Stratum (Plot size: _____)					
1. _____	_____	_____	_____		
2. _____	_____	_____	_____		
50% = _____, 20% = _____	_____	= Total Cover			
% Bare Ground in Herb Stratum 100					

Remarks: Plot limited to drainage path only, no veg within.

Project Site: _____

SOIL

Sampling Point: DP4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-8	10YR 3/2						sl	
8+	5Y 5/4						sl	

¹Type: C= Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils³:	
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input checked="" type="checkbox"/> Depleted Matrix (F3)		
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)		
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)		
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)		

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):
 Type: _____
 Depth (inches): 8

Hydric Soils Present? Yes No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:	
Primary Indicators (minimum of one required; check all that apply)	Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	
<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	
<input type="checkbox"/> Salt Crust (B11)	
<input type="checkbox"/> Aquatic Invertebrates (B13)	
<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	
<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	
<input type="checkbox"/> Presence of Reduced Iron (C4)	
<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	
<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	
<input type="checkbox"/> Other (Explain in Remarks)	

Field Observations:

Surface Water Present? Yes No Depth (inches): _____

Water Table Present? Yes No Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes No Depth (inches): 0

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Attachment B



Perteet

Memorandum



To: Russ Wright, Senior Planner, City of Lake Stevens

From: Jason Walker, ASLA, PWS, Environmental Manager
Erika Wittmann, MES, MHR, CESCL, Environmental Planner

Date: September 18, 2014

Re: 7508 10th Street SE 30-Lot Subdivision-- Initial Critical Areas Review, Delineation and Rating Confirmation

PROJECT DESCRIPTION

Initial delineation and rating conformation for wetland and stream critical areas for pending 30 residential lot development on parcels 00431400600501, 00431400800403 and 431400700202 (approximately 9.4 acres). The property is located at 7508 10th Street, Lake Stevens, WA 98258.

DOCUMENTS REVIEWED

The following documents and resource information have been received and reviewed by Perteet for this project:

- Wetland Delineation Report with included resource information review, ratings, and delineation data forms prepared by Skagit Wetlands & Critical Areas, August 25, 2014

SITE VISIT

On September 18, 2013, Perteet Inc. conducted a site visit at the above referenced property; in-attendance were Matt Mahaffie (Skagit Wetlands & Critical Areas, LLC), Jason Walker and Erika Wittmann (Perteet, Inc). The purpose of this visit was to conduct a critical areas review of the property based on the report prepared for this area to verify wetland boundaries, ratings, and streams. During this site visit we observed the subject parcels south of 10th Street SE.

Perteet observed vegetation, hydrologic indicators, soils, and the landform associated with streams and buffers at the west side of Parcel 00431400800403 and a large mosaic wetland area associated with 00431400700202 and 00431400600501.

REVIEW COMMENTS

1. The site was observed to have prior disturbance characteristics consistent with descriptions in the report. Site hydrology was apparently altered in the past, along with areas of land surface modification. No recent site disturbance was evident. Alterations affecting wetlands were plausibly done ten or more years ago from the apparent age of reestablishing vegetation.
2. Perteet concurs with the provided characterizations, stream classifications, delineated wetland boundaries and ratings.
3. In the provided report, the streams were identified as Np and these features each occur in



Perteet

Memorandum

ravines farther south. For streams in ravines, the applicant is advised to evaluate the Fish and Wildlife Conservation Areas buffers for consistency with LSMC 14.88.430(c)(1) when a topographic survey is completed.

4. We agree with the conservative approach used to delineate a large mosaic wetland, rated as a Category III with a rating score of 35 (water quality 10, hydrology 5, habitat score 20). A very small (approximately 300 SF) Category IV wetland was also identified.
5. No modifications to critical areas were proposed or are approved at this time.

END OF MEMORANDUM



TRAFFIC STUDY MEMORANDUM

To: Mick Monken – City of Lake Stevens
 From: Edward Koltonowski
 Project: McKay Plat, GTC #16-009
 City of Lake Stevens Rezone Application, Trip Generation & Scoping Memo
 Date: January 14, 2016

This memorandum summarizes the trip generation, distribution, and traffic mitigation fees for the KcKay Plat development in the City of Lake Stevens. A preliminary plan was prepared for 28 Single Family residential units, and this memo is for a rezoning change to include 3 more residential units, bringing the development to 31 total Single Family residential units. The site is located at 7508 10t Street SE. There is currently one Single Family Detached residential unit which will be removed. One site access is planned to connect the development to 10th Street SE. A site vicinity map is included in Figure 1 in the attachments.

The site does not appear to be part of the Lake Stevens 20th Street corridor sub area plan. Therefore additional intersections and access analysis may be required after review of this scoping trip generation/distribution letter.

Trip Generation

Trip Generation for the new addition is based on data contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition (2012), LUC 210, single family detached. This use matches the existing adjacent land use and the proposed use of the new addition. The ADT, AM peak-hour and PM peak-hour trip generation are summarized in Table 1.

Table 1: PM Peak Trip Generation Summary

Land Use	Size	Average Daily Trips	AM Peak-Hour Trips			PM Peak-Hour Trips		
			In	Out	Total	In	Out	Total
Single Family Detached	31 Units	295.12	5.81	17.44	23.25	19.53	11.47	31.00
Single Family Detached (Removed)	-1 Unit	-9.52	-0.19	-0.56	-0.75	-0.63	-0.37	-1.00
TOTAL		285.60	5.62	16.88	22.50	18.90	11.00	30.00

McKay Plat Development

Trip Generation & Mitigation Memo

Note that this rezone only adds 3 more units to the density based of the client's analysis. That would result in only 28.56 ADT, 2.25 AM Peak-Hour trips, and 3 PM Peak-Hour trips more than the prior zoning.

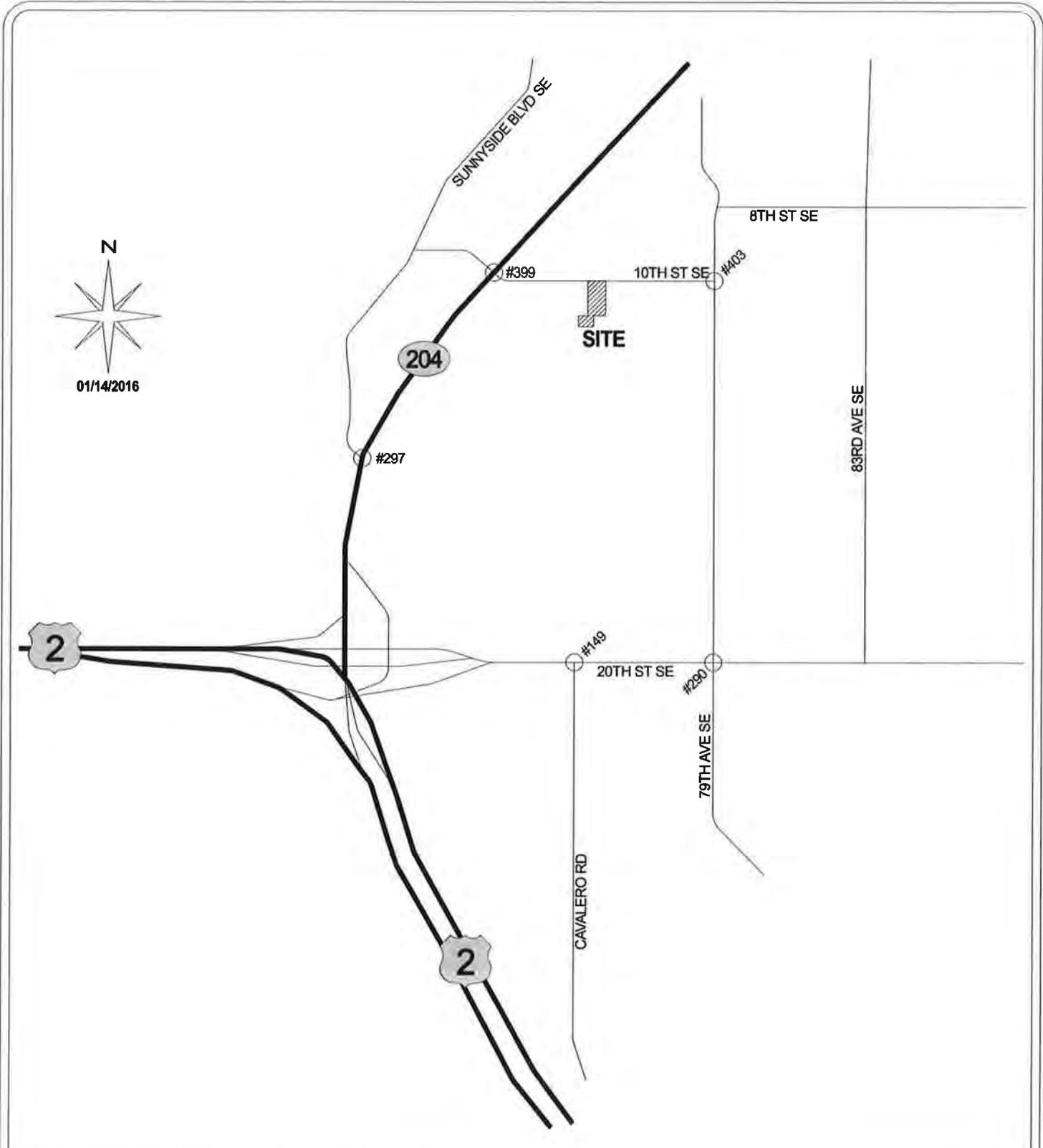
The trip generation calculations are included in the attachments.

Trip Distribution and Assignment

The McKay Plat development will generate 286 ADT, 23 AM Peak-Hour Trips, and 30 PM Peak-Hour Trips. The intersection of SR 204 at 10th Street SE is a right in right out intersection, so 81% of the trips will approach the site from the west on 10th Street SE, and 19% of the trips generated will approach the site from the east on 10th Street SE. Approximately 23% of the trips will leave the site and travel west on 10th Street SE, while 69% of the trips generated will leave the site and travel east and then South on 79th Avenue SE. The remaining 8% of trips will leave the site and travel to the east on 8th Street SE. AM and PM Peak-Hour Distribution maps are included as Figure 2A & 2B and Figure 3A and 3B respectively.

Mitigation Fees

The City of Lake Stevens has a commercial traffic mitigation fee of \$2,917 per new PM peak-hour trip in TIZ 3. The development is anticipated to generate 30.00 new PM peak-hour trips, which will result in traffic mitigation fees of \$87,510.00. The development should not be responsible for off-site improvements due to the very low number of new PM peak-hour trips generated by the site. The City may require additional analysis because the site is outside the 20th Street Zoning Subarea plan.



GIBSON TRAFFIC CONSULTANTS

**TRAFFIC IMPACT STUDY
GTC #16-009**

**MCKAY PLAT
30 NEW UNITS**

LEGEND



PROJECT SITE



KEY INTERSECTION

FIGURE 1

SITE VICINITY MAP

SNOHOMISH COUNTY

NE 1/4 SECTION 23, TOWNSHIP 29 N, RANGE 5 E, W.M.
MCKAY REZONE AND SUBDIVISION



<p>D.R. STRONG CONSULTING ENGINEERS 1000 10TH STREET SE LAKE STEVENS, WA 98258</p>	<p>HARBOUR HOMES, LLC</p> <p>1441 N 54TH ST, STE 200 SEATTLE, WA 98103 206.316.8130</p>	<p>MCKAY REZONE AND SUBDIVISION</p> <p>SUBDIVISION FEASIBILITY</p> <p>7508 10TH STREET SE LAKE STEVENS, WA 98258</p>	DATE: _____ REVISION: _____ APP: _____
			DRAWN BY: J. G.M. DESIGNED BY: J.B.J. PROJECT NUMBER: 180 DATE: 10/27/15 PROJECT NO.: 13111 SHEETS: 1 OF 1

McKay Plat
 GTC #16-009

**Trip Generation for: Development Peak Weekday
 (a.k.a.): Average Weekday Daily Trips (AWDT)**

LAND USES	ITE LU code	VARIABLE	Gross Trips				Internal Crossover		NET EXTERNAL TRIPS BY TYPE								
			Trip Rate	% IN	% OUT	In+Out (Total)	% of Gross Trips	Trips In+Out (Total)	IN BOTH DIRECTIONS		DIRECTIONAL ASSIGNMENTS						
									TOTAL	% of Ext. Trips	In+Out (Total)	% of Ext. Trips	In+Out (Total)	% of Ext. Trips	In	Out	
Single Family Detached	210	31 Units	9.52	50%	50%	295.12	0%	0.00	0%	0.00	295.12	0%	0.00	0.00	0.00	147.56	147.56
Single Family Detached (Removed)	210	3 Units	9.52	50%	50%	28.56	0%	0.00	0%	0.00	28.56	0%	0.00	0.00	0.00	14.28	14.28
Total						323.68		0.00		0.00	323.68		0.00	0.00	0.00	161.84	161.84

McKay Plat
 GTC #16-009

AM Peak-Hour

%	New ADT	New AM Peak Hour Trips		
		In	Out	Total
100%	324	6	19	26
1%	3.24	0.06	0.19	0.26
2%	6.47	0.13	0.38	0.51
3%	9.71	0.19	0.57	0.77
4%	12.95	0.25	0.77	1.02
5%	16.18	0.32	0.96	1.28
6%	19.42	0.38	1.15	1.53
7%	22.66	0.45	1.34	1.79
8%	25.89	0.51	1.53	2.04
9%	29.13	0.57	1.72	2.30
10%	32.37	0.64	1.91	2.55
11%	35.60	0.70	2.10	2.81
12%	38.84	0.76	2.30	3.06
13%	42.08	0.83	2.49	3.32
14%	45.32	0.89	2.68	3.57
15%	48.55	0.96	2.87	3.83
16%	51.79	1.02	3.06	4.08
17%	55.03	1.08	3.25	4.34
18%	58.26	1.15	3.44	4.59
19%	61.50	1.21	3.63	4.85
20%	64.74	1.27	3.83	5.10
21%	67.97	1.34	4.02	5.36
22%	71.21	1.40	4.21	5.61
23%	74.45	1.47	4.40	5.87
24%	77.68	1.53	4.59	6.12
25%	80.92	1.59	4.78	6.38
26%	84.16	1.66	4.97	6.63
27%	87.39	1.72	5.17	6.89
28%	90.63	1.78	5.36	7.14
29%	93.87	1.85	5.55	7.40
30%	97.10	1.91	5.74	7.65
31%	100.34	1.97	5.93	7.91
32%	103.58	2.04	6.12	8.16
33%	106.81	2.10	6.31	8.42
34%	110.05	2.17	6.50	8.67
35%	113.29	2.23	6.70	8.93
36%	116.52	2.29	6.89	9.18
37%	119.76	2.36	7.08	9.44
38%	123.00	2.42	7.27	9.69
39%	126.24	2.48	7.46	9.95
40%	129.47	2.55	7.65	10.20
41%	132.71	2.61	7.84	10.46
42%	135.95	2.68	8.03	10.71
43%	139.18	2.74	8.23	10.97
44%	142.42	2.80	8.42	11.22
45%	145.66	2.87	8.61	11.48
46%	148.89	2.93	8.80	11.73
47%	152.13	2.99	8.99	11.99
48%	155.37	3.06	9.18	12.24
49%	158.60	3.12	9.37	12.50
50%	161.84	3.19	9.57	12.75
51%	165.08	3.25	9.76	13.01
52%	168.31	3.31	9.95	13.26
53%	171.55	3.38	10.14	13.52
54%	174.79	3.44	10.33	13.77
55%	178.02	3.50	10.52	14.03
56%	181.26	3.57	10.71	14.28
57%	184.50	3.63	10.90	14.54
58%	187.73	3.69	11.10	14.79
59%	190.97	3.76	11.29	15.05
60%	194.21	3.82	11.48	15.30
61%	197.44	3.89	11.67	15.56
62%	200.68	3.95	11.86	15.81
63%	203.92	4.01	12.05	16.07
64%	207.16	4.08	12.24	16.32
65%	210.39	4.14	12.43	16.58
66%	213.63	4.20	12.63	16.83
67%	216.87	4.27	12.82	17.09
68%	220.10	4.33	13.01	17.34
69%	223.34	4.40	13.20	17.60
70%	226.58	4.46	13.39	17.85
71%	229.81	4.52	13.58	18.11
72%	233.05	4.59	13.77	18.36
73%	236.29	4.65	13.96	18.62
74%	239.52	4.71	14.16	18.87
75%	242.76	4.78	14.35	19.13
76%	246.00	4.84	14.54	19.38
77%	249.23	4.90	14.73	19.64
78%	252.47	4.97	14.92	19.89
79%	255.71	5.03	15.11	20.15
80%	258.94	5.10	15.30	20.40
81%	262.18	5.16	15.50	20.66
82%	265.42	5.22	15.69	20.91
83%	268.65	5.29	15.88	21.17
84%	271.89	5.35	16.07	21.42
85%	275.13	5.41	16.26	21.68
86%	278.36	5.48	16.45	21.93
87%	281.60	5.54	16.64	22.19
88%	284.84	5.61	16.83	22.44
89%	288.08	5.67	17.03	22.70
90%	291.31	5.73	17.22	22.95
91%	294.55	5.80	17.41	23.21
92%	297.79	5.86	17.60	23.46
93%	301.02	5.92	17.79	23.72
94%	304.26	5.99	17.98	23.97
95%	307.50	6.05	18.17	24.23
96%	310.73	6.12	18.36	24.48
97%	313.97	6.18	18.56	24.74
98%	317.21	6.24	18.75	24.99
99%	320.44	6.31	18.94	25.25
100%	323.68	6.37	19.13	25.50

McKay Plat
 GTC #16-009

PM Peak-Hour

%	New ADT	New PM Peak Hour Trips		
		In	Out	Total
100%	324	21	13	34
1%	3.24	0.21	0.13	0.34
2%	6.47	0.43	0.25	0.68
3%	9.71	0.64	0.38	1.02
4%	12.95	0.86	0.50	1.36
5%	16.18	1.07	0.63	1.70
6%	19.42	1.29	0.75	2.04
7%	22.66	1.50	0.88	2.38
8%	25.89	1.71	1.01	2.72
9%	29.13	1.93	1.13	3.06
10%	32.37	2.14	1.26	3.40
11%	35.60	2.36	1.38	3.74
12%	38.84	2.57	1.51	4.08
13%	42.08	2.78	1.64	4.42
14%	45.32	3.00	1.76	4.76
15%	48.55	3.21	1.89	5.10
16%	51.79	3.43	2.01	5.44
17%	55.03	3.64	2.14	5.78
18%	58.26	3.86	2.26	6.12
19%	61.50	4.07	2.39	6.46
20%	64.74	4.28	2.52	6.80
21%	67.97	4.50	2.64	7.14
22%	71.21	4.71	2.77	7.48
23%	74.45	4.93	2.89	7.82
24%	77.68	5.14	3.02	8.16
25%	80.92	5.36	3.15	8.50
26%	84.16	5.57	3.27	8.84
27%	87.39	5.78	3.40	9.18
28%	90.63	6.00	3.52	9.52
29%	93.87	6.21	3.65	9.86
30%	97.10	6.43	3.77	10.20
31%	100.34	6.64	3.90	10.54
32%	103.58	6.85	4.03	10.88
33%	106.81	7.07	4.15	11.22
34%	110.05	7.28	4.28	11.56
35%	113.29	7.50	4.40	11.90
36%	116.52	7.71	4.53	12.24
37%	119.76	7.93	4.65	12.58
38%	123.00	8.14	4.78	12.92
39%	126.24	8.35	4.91	13.26
40%	129.47	8.57	5.03	13.60
41%	132.71	8.78	5.16	13.94
42%	135.95	9.00	5.28	14.28
43%	139.18	9.21	5.41	14.62
44%	142.42	9.42	5.54	14.96
45%	145.66	9.64	5.66	15.30
46%	148.89	9.85	5.79	15.64
47%	152.13	10.07	5.91	15.98
48%	155.37	10.28	6.04	16.32
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50%	161.84	10.71	6.29	17.00
51%	165.08	10.92	6.42	17.34
52%	168.31	11.14	6.54	17.68
53%	171.55	11.35	6.67	18.02
54%	174.79	11.57	6.79	18.36
55%	178.02	11.78	6.92	18.70
56%	181.26	12.00	7.04	19.04
57%	184.50	12.21	7.17	19.38
58%	187.73	12.42	7.30	19.72
59%	190.97	12.64	7.42	20.06
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86%	278.36	18.42	10.82	29.24
87%	281.60	18.64	10.94	29.58
88%	284.84	18.85	11.07	29.92
89%	288.08	19.06	11.20	30.26
90%	291.31	19.28	11.32	30.60
91%	294.55	19.49	11.45	30.94
92%	297.79	19.71	11.57	31.28
93%	301.02	19.92	11.70	31.62
94%	304.26	20.13	11.83	31.96
95%	307.50	20.35	11.95	32.30
96%	310.73	20.56	12.08	32.64
97%	313.97	20.78	12.20	32.98
98%	317.21	20.99	12.33	33.32
99%	320.44	21.21	12.45	33.66
100%	323.68	21.42	12.58	34.00

City of Lake Stevens - Traffic Impact Fee Determination Worksheet

Name of Development: McKay Plat

Date Prepared: 1/14/2016 Prepared by: Gibson Traffic Consultants Inc.

Base Impact Fee Calculation

1. Land use: (1)

2. PM Peak Hour Trip Number from latest edition of ITE Trip Generation Manual

Code: Average Trip Generation Rate (2)

3. Pass-by Trip reduction

Percentage from Table T-1 percentage x (2) (3)

4. Total new Peak Hour Trips

(2) - (3) (4)

5. Traffic Impact Zone (TIZ) Per Trip Fee: see Figure 1 for map of TIZ

TIZ 1 = \$2,039 TIZ 2 & TIZ 3 = \$2,917 Per Trip Fee: (5)

6. Calculated Base Impact Fee

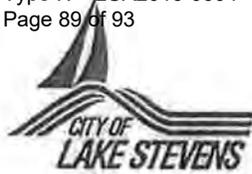
(4) X (5) (6)

Offsite System Improvements – Credits for offsite transportation improvements may be given when the improvements are portions of a project identified in the City’s Capital Facility Plan used in the determination of the Traffic Impact Fee “per trip fee.” City staff can provide a list of the system projects. The determination of a credit is based on City approved costs estimates provided by the Developer’s site engineer. A credit for offsite system improvements cannot be greater than the Calculated Base Impact Fee.

State Environmental Policy Act (SEPA) – excerpt from City Municipal Code

14.112.070 Relationship to the State Environmental Policy Act (SEPA).

This chapter establishes minimum impact fees, applied to all developments. These fees are presumed to mitigate traffic demand on the capacity of the city street system. However, each development shall be reviewed and be subject to the substantive authority of SEPA for potential adverse traffic impacts on the street system not mitigated by this fee.



Construction Plan Submittal Checklist



Project File Number: _____ Accepted By: _____

Project Name: _____ Date: _____

Checklist must be submitted in conjunction with the 1st Review Construction Plan Application.

Review #: 1 2 3 4 5

NOTE: All materials submitted for review must use and comply with City of Lake Stevens Engineering Design and Development Standards (EDDS), City of Lake Stevens Municipal Code (LSMC), the most recent adopted version of the Department of Ecology's Stormwater Management Manual for Western Washington (SWMM), and the Low Impact Development Technical Guidance Manual for Puget Sound (LID). Any deviations shall include a deviation request form. LSMC and City of Lake Stevens EDDS can be provided upon request.

FILE INVENTORY AND PLAN SUBMITTAL

Plans shall be accompanied by the following required documents and approvals if applicable:

Applicant / Staff Verify

- / Hearing Examiner's Report & Related Correspondence.
- / SEPA Checklist and DNS; if a previous SEPA decision was issued, please include a copy.
(Any project including >100 cubic yards of grading requires SEPA review).
- / Approval of Critical Areas Study and/or Mitigation Plan.
- / Approval of required ROW dedication, frontage improvements, and setbacks
(ie. sidewalks, planter strips, power lines, etc...)
- / Approval of Preliminary Drainage Report and Geotechnical Report.
- / Approval of Traffic Mitigation Fees and Traffic Study.

"The above requirements relate to general land development technical issues. Please be aware that these requirements are limited to the issues and topics identified in the comment letters and shall not be construed as a complete and all encompassing review of a proposal. Various engineering aspects relating to storm drainage, roads, utilities etc. will be reviewed in detail upon construction plan submittal. Additional comments that could change the design of these concepts may be likely at that time."

Submittal shall contain: (check satisfied conditions, circle missing elements)

Applicant / Staff Verify

- / Construction Plan Submittal Checklist.
- / A complete set of surveyed construction plans prepared by a licensed surveyor and stamped by a Professional Engineer. Plans need to include applicable information such as a Cover Sheet, Grading Plan, SWPPP, Drainage Plan, Signage and Striping Plan, Sanitary Sewer and Water Plans, Roads and Transportation Plans, Construction Notes,

Public Works Department
1812 Main Street, P O Box 257, Lake Stevens, WA 98258
(425)377-3222 (425)212-3327 fax

- right margin.
- o a City of Lake Stevens Project Number.
- o a Professional Engineer's seal, signature, date of signature, and expiration date (**Final Plans Only**).
- o ¼ Section, Section, Township and Range centered at top border.
- o an Acknowledgement Block for City Engineer (attached) with located in lower right corner.
- o an approval Block for Fire Marshal (attached) on Water Plans or other applicable plans.
- o an approval Block for Post Master on applicable plans.
- o a note on all sheets that "The Contractor shall verify the location of all existing utilities prior to any construction. Agencies involved shall be notified within a reasonable time prior to the start of construction." Provide a prominent note "Call 1-800-424-5555 Before You Dig".
- o a north arrow.
- o an engineering scale on site plans shall not be more than 1" = 20' nor less than 1" = 50'.
- o a complete legend for line types, hatches, and symbols on **ALL** plans and profiles.

GENERAL REQUIREMENTS FOR ALL SITE AND TOPOGRAPHIC INFORMATION

- o Show onsite benchmark locations and provide descriptions.
- o Existing contours shown as dashed lines at a minimum of 5-foot intervals. Also show enough topographic details offsite to resolve questions of slope, setbacks, drainage, ect.
- o Proposed contours, shown as solid lines, at the same intervals as existing contours. Spot elevations may be required to illustrate adequate drainage on flat sites.
- o All property lines are to be shown with bearings, distances, and ties to controlling corners or subdivision corners.
- o Show location, size and type of any existing or proposed structures, impervious areas, drainage facilities, wells, drain fields, drain field reserve areas, roads, pavement, striping, signs, easements, setbacks, and utilities on the site. Clearly differentiate between proposed and existing elements.
- o Property lines are to be shown with bearings, distances, and ties to controlling corners or subdivision corners. Show existing and proposed drainage pattern(s), storm drainage and LID facilities (e. g. ditch lines, culverts, catch basins, french drains, surface drainage or sheet flow arrows). Clearly/ differentiate between proposed and existing.
- o Show location of all property boundaries, easements, lakes, streams, creeks and structures on site and within 50 feet of site boundaries.
- o Show location of all wetlands, sensitive areas, primary association areas for threatened and endangered species, and erosion hazardous areas and landslide areas on site and those within 100 feet of the site boundaries.
- o Show location of all setbacks and buffers from critical areas, property lines, structures, and utilities.
- o Show location of all existing and proposed native growth protection areas (NGPA's) or native growth

- o Show locations of temporary stockpiles.
- o Show all construction BMP's and reference or provide standard details.
- o Show construction site access.
- o Show flow arrows or paths for stormwater control during construction.
- o Protect drain inlets.
- o Stabilize soils, slopes, channels and outlets.
- o Control sources of pollution.
- o Control dewatering (sites requiring dewatering will need to develop a dewatering plan).

DRAINAGE PLAN

Note: The Drainage Plan and stormwater design will comply with Section 5 of the EDDS, Title 11 of the LSMC, the SWMMWW, and the LID Manual.

- o Provide spot elevations/flow arrows/contours for stormwater flow at post-development construction.
- o Convey or control water from proposed and existing roads and/or adjacent properties.
- o Show locations of emergency overflows and bypasses.
- o Show roof drains and yard drains.
- o Provide a 15' minimum drainage easement for open channel storm drainage facilities and closed storm drainage facilities.
- o Provide a 15' minimum building setback line from the top of bank of a defined channel.
- o Provide a 10' minimum building setback for closed drainage systems.
- o If a drainage easement is to run along a lot line within a subdivision, the easement may straddle the lot line provided the drainage facilities can be located entirely along one lot.
- o Access is to be provided for inspection and maintenance purposes for drainage structures that are to be located within an easement.
- o No storm sewer pipe within a drainage easement shall have its centerline closer than 5' to a rear or side property line.
- o Minimum storm sewer pipe diameter in right of way and between catch basins and/or manholes shall be 12".
- o 24" pipe cover is preferred for storm drain systems. Alternative pipe material and City approval will be required for pipes with less than 24" of cover.
- o Show all sizes, pipe materials and structures.
- o Show direction of pipe flow.
- o Show pipe's invert, slope, length, type, and catch basin grate elevation on plan view.
- o Show existing and proposed storm drainage system profile(s) with pipe size, slope, catch basin type, location, station, rim and invert elevations.
- o Provide energy dissipater at outfalls.

STORMWATER SITE PLAN (DRAINAGE REPORT)

Note: Road and transportation design shall comply with the EDDS and Title 14 of the LSMC.

- o Travel and parking lane(s) must be labeled on the roadway sections.
- o Provide typical roadway sections and identify street names and classifications.
- o Provide road alignment with 100 foot stationing and stationing at PCs and PTs with bearing and distances on centerlines
- o Provide right of way lines and widths for existing and proposed road and intersecting roads
- o Provide channelization plan and match or tie into existing channelization.
- o Provide a signalization plan.
- o Provide street illumination if applicable. PUD submittal may be required.
- o Provide curve data with radius, delta, arc length, and tangent distance for all curves. These may be shown in a curve table.
- o Show details for frontage improvements and overlays.
- o Show limits of existing and proposed paving including grinds and overlays.
- o All new residential access streets shall have traffic calming devices.
- o Provide mailbox location and detail with Post Master approval.
- o Rock facings over 4' in height are to be designed by a Geotechnical Engineer and are subject to approval by the Public Works Director or Designee.
- o Minimum road grade is to be 0.5%.
- o Grades are to be shown to 3 decimal places and as a percent.
- o Vertical curves are to show elevations and stations of vertical PI (s) , P.C. (s) , PT (s), sag (low point) and crest (high point).
- o Super elevation criteria/data is required to be shown for all roads greater than 25 MPH design speed.
- o Include sight distance triangles at each roadway intersection. EDDS provide design standards for the sight distance triangles.

NE 1/4 SECTION 23, TOWNSHIP 29 N, RANGE 5 E, W.M.
MCKAY REZONE AND SUBDIVISION

Exhibit 11



MCKAY REZONE AND SUBDIVISION
 SUBDIVISION FEASIBILITY
 7508 10TH STREET SE
 LAKE STEVENS, WA 98258

HARBOUR HOMES, LLC
 Harbour Homes
 1441 N 34TH ST, STE 200
 SEATTLE, WA 98103
 206.315.8130

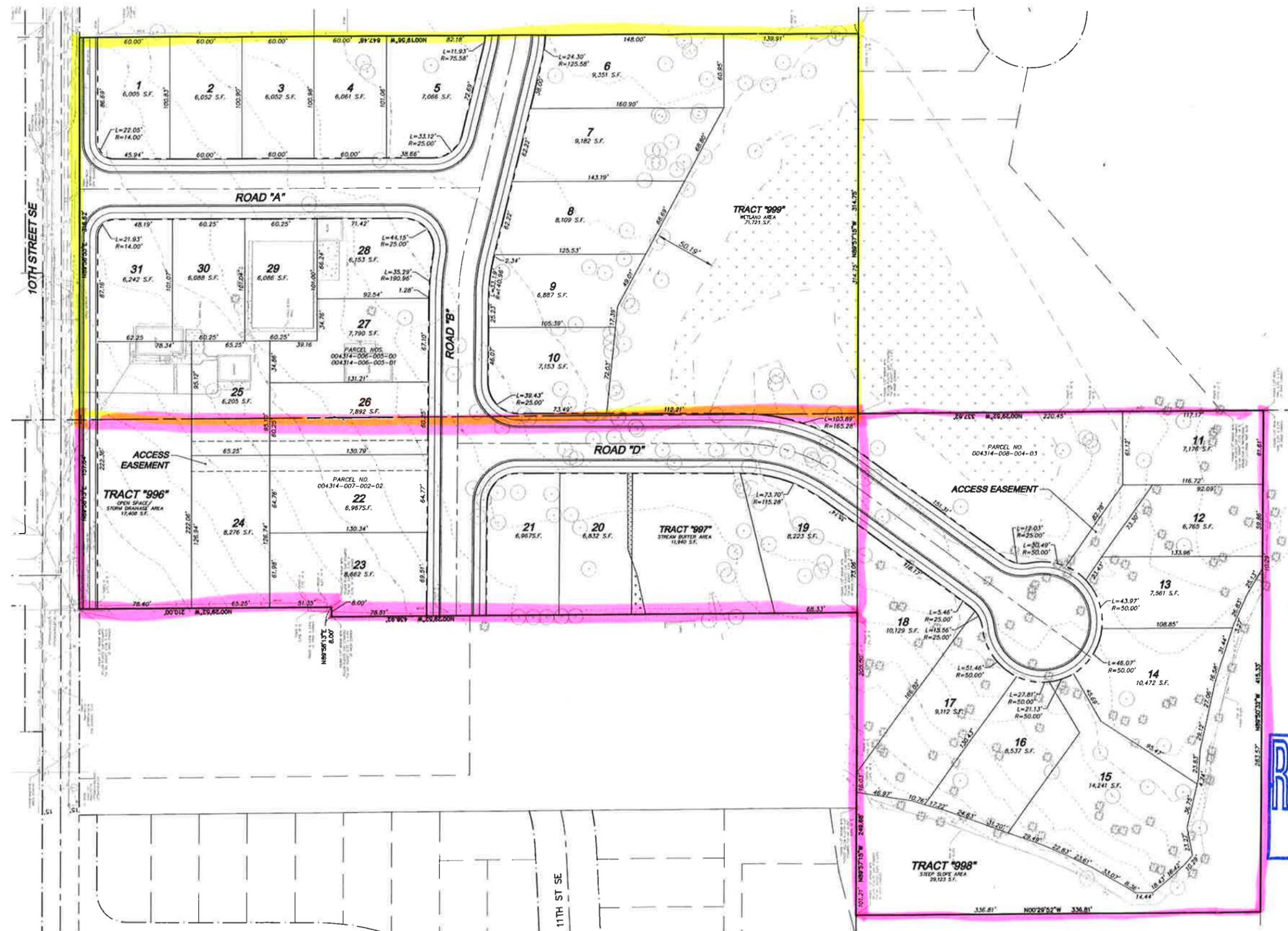


DATE	REVISION	APPROVED

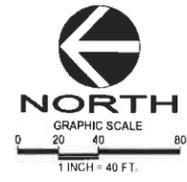
DRAFTED BY: CWA
 DESIGNED BY: LRJ
 PROJECT ENGINEER: LRJ
 DATE: 10.07.15
 PROJECT NO.: 15111

DRAWING: 1
 SHEET: 1 OF 1

LOT #	LOT AREA
1	6,005 S.F.
2	6,052 S.F.
3	6,052 S.F.
4	6,061 S.F.
5	7,066 S.F.
6	9,351 S.F.
7	9,182 S.F.
8	8,109 S.F.
9	6,887 S.F.
10	7,153 S.F.
11	7,176 S.F.
12	6,765 S.F.
13	7,561 S.F.
14	10,472 S.F.
15	14,241 S.F.
16	8,537 S.F.
17	9,112 S.F.
18	10,129 S.F.
19	10,129 S.F.
20	6,832 S.F.
21	6,967 S.F.
22	6,967 S.F.
23	8,662 S.F.
24	8,276 S.F.
25	6,205 S.F.
26	7,892 S.F.
27	7,790 S.F.
28	6,153 S.F.
29	6,086 S.F.
30	6,088 S.F.
31	6,242 S.F.
TRACT 999	71,723 S.F.
TRACT 998	29,123 S.F.
TRACT 997	11,940 S.F.
TRACT 996	17,408 S.F.



= UR
 = SR



PROJECT DESCRIPTION:
 PARCEL NUMBERS: 00431400600501, 00431400700202, AND 00431400800403
 SITE ADDRESS: 7508 10TH STREET SE LAKE STEVENS, WA
 SITE AREA: 445,085 SF (ACRES 10.2177)
 CURRENT ZONING: UR, SR

DISCLAIMER
 IMPORTANT ADVISORY PERTAINING TO THE INFORMATION CONTAINED HEREIN:
 LAYOUT IS FOR ILLUSTRATION PURPOSES ONLY. IT MUST NOT BE RELIED UPON TO BUY, SELL, OR MARKET PROPERTY. THIS ILLUSTRATION IS INTENDED TO DEMONSTRATE SITE'S POTENTIAL LOT LAYOUT BASED ON ASSUMPTIONS WHICH HAVE NOT BEEN CONFIRMED BY DRS OR ANY JURISDICTIONAL AUTHORITY.

NOTE:
 WETLAND FLAGS BY OTHERS

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

ORDINANCE NO. 960

AN ORDINANCE OF THE CITY OF LAKE STEVENS, AMENDING THE ZONING FOR 5.64 ACRES AS PART OF THE MCKAY REZONE (CITY FILE NO. LUA2016-0004) LOCATED AT 7508 10TH STREET SE, LAKE STEVENS, WA 98258 AND CHANGING THE ZONING ON TWO PARCELS OF THE PROJECT CURRENTLY ZONED SUBURBAN RESIDENTIAL TO URBAN RESIDENTIAL.

WHEREAS, the City received an application for a site-specific rezone (City File No. LUA2016-0004) on January 15, 2016 referred to as the McKay Rezone; and

WHEREAS, the McKay Rezone includes approximately 5.64 acres adjacent to 10th Street SE and east of State Route (SR) 204 (**Exhibit A**). The proposal would change the zoning designation on parcels 00431400700202 and 00431400800403 from Suburban Residential (SR) to Urban Residential (UR). Pursuant to the requirements for a site-specific zoning map amendment in Lake Stevens Municipal Code (LSMC) 14.16C.090, no change is proposed to the underlying Medium Density Residential (MDR) comprehensive plan land use designation.

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

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

WHEREAS, the Comprehensive Plan land use designation for the subject parcels are Medium Density Residential (MDR) per Ordinance No. 876, which supports the Urban Residential (UR) zoning designations per Table 14.36-I as found in Chapter 14.36 LSMC; and

WHEREAS, Ordinance Nos. 876 and 903 establish that this designation has been adopted into Chapter 14.36 (Zoning Districts and Zoning Map) LSMC, Chapter 14.40 (Permissible Uses) LSMC and 14.48 (Density and Dimensional Regulations) LSMC. Chapters 14.40 and 14.48 LSMC contains the applicable use and development regulations for the Urban Residential zoning district; and

WHEREAS, the City and its partner agencies reviewed the application materials pursuant to the requirements of LSMC 14.16C.090; and

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

WHEREAS, the city is in receipt of public comments submitted in writing and presented orally at the duly-held public meeting on February 24, 2016 and the duly held public hearing on March 24, 2016; and

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

WHEREAS, the Hearing Examiner conducted a duly noticed open-record public hearing on March 24, 2016, and all public testimony has been given full consideration; and

WHEREAS, the Hearing Examiner on April 5, 2016 provided the City with a decision recommending approval of the rezone request as the proposed rezone meets the legal criteria for approving a rezone as set forth in LSMC 14.16C.090 and applicable state requirements; and

WHEREAS, the City Council considered the Hearing Examiner's recommendation at a closed record public hearing on May 10, 2016.

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

Section 1. The City Council adopts and incorporates the findings and conclusions for approving a rezone, pursuant to LSMC 14.16C.090, as set forth in the Hearing Examiner's recommendation, attached hereto as **Exhibit B**, dated April 5, 2016 and the staff report, dated May 4, 2016.

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

- A. The open record public hearing of the Hearing Examiner and the closed record public hearing of the City Council satisfy the public participation requirements of Chapter 14.16A LSMC.
- B. The zoning map amendment adopted by this ordinance complies with the Growth Management Act (Chapter 36.70A RCW).
- C. The zoning map amendment adopted by this ordinance is consistent with the adopted Lake Stevens Comprehensive Plan per Ordinance No. 917.

Section 3. The Official Zoning Map is hereby amended, as depicted in **Exhibit A**, by changing the zoning on parcels 00431400700202 and 00431400800403 to Urban Residential (UR).

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

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

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

PASSED by the City Council of the City of Lake Stevens this 10th day of May, 2016.

John Spencer, Mayor

ATTEST/AUTHENTICATION:

Kathleen Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading: May 10, 2016

Published:

Effective Date:

Exhibit A

- Project number:
LUA2016-0004
- Project proponent:
Harbour Homes, LLC
- Current zoning: Suburban Residential
- Proposed zoning: Urban Residential



	Suburban Residential (SR)
	Urban Residential (UR)

Exhibit B

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

In the Matter of the Application of	)	No. LUA2016-0004
)	
Harbour Homes, LLC	)	McKay Property Site-Specific Rezone
)	
	)	FINDINGS, CONCLUSIONS,
<u>For a Site-Specific Rezone</u>	)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the Applicant's request that the City of Lake Stevens rezone approximately 5.64 acres of property at 7508 10th Street from Suburban Residential to Urban Residential be **APPROVED**.

SUMMARY OF RECORD

Hearing Date:

The City of Lake Stevens Hearing Examiner held an open record hearing on the request on March 24, 2016.

Testimony:

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

- Stacie Pratschner, City Senior Planner
- Russ Wright, City Interim Planning Director
- Chris Burress, Applicant Representative

Exhibits:

The following exhibits were admitted into the record:

1. Land Use Development Application, received January 15, 2016
2. Applicant Narrative, received January 15, 2016
3. Conceptual Preliminary Site Plan, dated October 7, 2015
4. Notice of Complete Application, dated January 26, 2016
5. Notice Materials:
 - a. Notice of Application, dated February 1, 2016
 - b. Notice of Public Meeting, dated February 10, 2016
 - c. Notice of Public Hearing, dated February 26, 2016
6. Public Comments:
 - a. Email from Stacie Pratschner to Paul Fountain, dated February 11, 2016, with attached email string

*Findings, Conclusions, and Recommendation
City of Lake Stevens Hearing Examiner
McKay Property Site-Specific Rezone, No. LUA2016-0004*

- b. Email from Stacie Pratschner to Grant Kirby, dated February 16, 2016, with attached email string
- c. Email from Stacie Pratschner to Sue Gerou, dated February 16, 2016, with attached email string
7. Wetland Delineation Report, Skagit Wetlands & Critical Areas, dated August 25, 2014
8. Memorandum from Jason Walker and Erika Wittmann, Perteet, Inc., to Russell Wright, dated September 18, 2014
9. Traffic Study Memorandum, Gibson Traffic Consultants, Inc., dated January 14, 2016
10. Construction Plan Submittal Checklist, undated
11. Site Vicinity Map, dated October 7, 2015
12. Staff Report, dated March 14, 2016

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

FINDINGS

Application and Notice

1. Harbour Homes, LLC (Applicant) requests a zoning map amendment to rezone two parcels totaling approximately 5.64 acres from Suburban Residential (SR) to Urban Residential (UR). The subject property is located at 7508 10th Street.^{1,2} *Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 12, Staff Report, page 1.*
2. The City of Lake Stevens (City) deemed the application complete on January 26, 2016. On February 1, 2016, the City mailed notice of the application to the Applicant and property owners within 300 feet of the project site; published notice in the *Everett Herald*; and posted notice at City Hall, on the City's website, and at the property. On February 10, 2016, the City mailed notice of the public meeting associated with the rezone application to the Applicant and property owners within 300 feet; published notice in the *Everett Herald*; and posted notice at City Hall, on the City's website, and at the property. On March 9, 2016, the City mailed notice of the public hearing on the rezone application to the Applicant and property owners within 300 feet; published notice of the hearing in the *Everett Herald*; and posted notice of the hearing at City Hall, on the City's website, and at the property. *Exhibit 4; Exhibit 5.a; Exhibit 5.b; Exhibit 5.c; Exhibit 12, Staff Report, pages 2 and 3.*

¹ The property subject to the rezone request is identified by Snohomish County tax parcel numbers 00431400700202 and 0043140080403. A legal description of the property is included with the application and project narrative. *Exhibit 1; Exhibit 2.*

² A third, adjoining tax parcel owned by the Applicant comprising 4.69 acres is already zoned Urban Residential. *Exhibit 2.*

3. The City received several comments related to its notice materials. Paul and Kris Fountain asked the City to reduce the speed limit on 10th Street to mitigate the danger created by adding drivers to the road. They also asked the City to address water runoff accumulating in the drainage ditch on the south side of 10th Street. Grant Kirby expressed concern that the City is not keeping up with infrastructure development, that bike and walking path easements should be set aside in future developments, and that the Cavalero Park Master Plan should be implemented before further development is approved. Sue Gerou asked for frontage and roadway improvements to increase safety on neighborhood roadways and expressed concern over the loss of wildlife in the area.
Exhibit 6.

State Environmental Policy Act

4. City staff determined that the rezone was categorically exempt from review under the State Environmental Protection Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). City Senior Planner Stacie Pratschner testified that, under Washington Administrative Code (WAC) 197-11-800(6)(c)(ii), the rezone proposal is exempt from environmental review because the project site is in an urban growth area, the rezone request does not require an amendment to the City's Comprehensive Plan, and the Comprehensive Plan was previously subject to environmental review. Ms. Pratschner clarified that, were the Applicant to move forward with plans to subdivide the property, SEPA review for the specific proposal would be necessary. City Interim Planning Director Russ Wright testified that the property was annexed into the City in approximately 2006 and that its land use designation under the Comprehensive Plan has not been altered. *Exhibit 12, Staff Report, page 6; Testimony of Ms. Pratschner; Testimony of Mr. Wright.*

Site-Specific Rezone

5. The property is located on 10th Street, near SR-204, and it is currently developed with a single-family residence. Skagit Wetlands & Critical Areas (SWCA) performed a wetlands delineation survey at the property and determined that a Category III and small Category IV wetland sit on the property. A peer review commissioned by the City approved SWCA's determinations. A Type Ns stream crosses the property, and a Type Np stream runs south of the property. Critical area buffers required around the Type Np stream extend onto the property. Steep slopes rise along the southeastern and southern property boundaries. *Exhibit 7; Exhibit 8; Exhibit 11; Exhibit 12, Staff Report, pages 1, 2, 3, and 6.*
6. The GMA requires certain cities and counties to engage in a planning process. *RCW 36.70A.040*. Thirteen exclusive goals guide that process. *RCW 36.70A.020*. These goals concern urban growth, sprawl reduction, transportation, housing, economic development, property rights, permitting, natural resource industries, open space and recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation. *RCW 36.70A.020*. Any jurisdiction subject to the GMA's planning requirement must balance these sometimes competing goals, *Feil v. E. Wash. Growth*

- Mgmt. Hrsg. Bd.*, 172 P.2d 367, 259 P.3d 227 (2011), and produce a comprehensive plan that guides future growth and development. *RCW 36.70A.040-.120*. The jurisdiction must then enact development regulations implementing the comprehensive plan, *RCW 36.70A.040*, and otherwise act in conformity with the comprehensive plan. *RCW 36.70A.120*.
7. The City designated the property as Medium-Density Residential (MDR) under its Comprehensive Plan. The City adopted the MDR designation to allow single-family, two-family, and some multi-family residential development with a gross density between 4 to 12 units per acre based on zoning. The MDR designation allows both the Suburban Residential (SR) and Urban Residential (UR) zoning designations. The MDR designation includes detached and attached units, accessory units, townhouses, condominiums, duplexes, tourist homes, special service homes, and manufactured/mobile homes. The MDR designation also allows limited public/semi-public, community, and recreational uses. The City places the MDR designation on property located in transitional areas between high-density designations and rural areas where infrastructure is readily available. *City Comprehensive Plan, Land Use Element, Pages LU-14 and LU-17*. The City has designated the surrounding properties on all sides MDR. *Exhibit 2; Exhibit 12, Staff Report, pages 1, 2, and 4*.
 8. Parcels to the north and east are zoned UR. Parcels to the west and south are zoned SR, although an application currently before the Hearing Examiner requests rezoning of the property to the southwest from SR to UR. The surrounding lots are, where developed, generally developed with single-family residences. *Exhibit 12, Staff Report, page 2*.
 9. The SR and UR zoning districts are “designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.” *Lake Stevens Municipal Code (LSMC) 14.36.010(a)*. The SR and UR zoning districts “are designed primarily to accommodate single-family detached residential uses at medium densities in areas served by public water and sewer facilities. Some types of two-family residences are allowed in these districts on larger lots.” *LSMC 14.36.010(b)*.
 10. Lots in the SR zoning district must be a minimum of 9,600 square feet, and those in the UR zoning district 7,500 square feet. *Table 14.48-1 LSMC*. *LSMC 14.48.070*, however, allows a reduction in the minimum lot sizes through the use of clustered housing. In the UR zone, *LSMC 14.48.070* allows minimum lot sizes of 6,000 square feet. *Exhibit 12, Staff Report, pages 4 and 5*.

11. The presence of the wetlands and stream, along with their buffers and the buffer from the off-site Type Np stream, constrain development on some of the property. The Applicant would use the clustered housing provisions of LSMC 14.48.070 to divide the property into 31 lots if the rezone is approved. Without the rezone, the Applicant could only divide the land into 28 clustered lots. The difference between division under SR and UR standards therefore amounts to three lots. *Exhibit 2; Exhibit 12, Staff Report, page 4.*
12. Conditions related to a specific land use application would require the Applicant to comply with City ordinances, including its critical area ordinances, and compliance would mitigate environmental impacts of the rezone and proposed subdivision. *Exhibit 12, Staff Report, pages 3 through 6.*
13. Gibson Traffic Consultants (Gibson) determined that, if developed under the UR zoning district standards, a subdivision on the property would result in an additional 286 daily trips, with 23 of those trips occurring during peak morning hours and 30 of them occurring during peak evening hours. Gibson estimated that this would produce 29 daily trips, 3 peak morning hour trips, and 3 peak evening hour trips more than would be produced by division of the land under SR standards. City staff determined the difference would not adversely affect levels of service at key intersections as the Applicant would pay traffic impact mitigation fees. *Exhibit 8; Exhibit 12, Staff Report, page 6.*
14. Adequate public facilities and services serve the property. Snohomish County PUD would provide water and service at the property. The Lake Stevens Sewer District would provide sewer service. The City would provide stormwater and police services at the property. Puget Sound Energy would provide gas service. Comcast and Verizon would provide cable and phone services. Allied Waste/Waste Management would collect garbage at the property. The Lake Stevens Fire District would provide emergency services and the Lake Stevens School District would provide schools. *Exhibit 12, Staff Report, page 2.*

Testimony

15. Senior Planner Stacie Pratschner testified that, were the developer to move forward with subdividing the two parcels, environmental impacts, more detailed traffic impacts, and stormwater impacts would be addressed with a specific land use application. She further acknowledged that any preliminary plat would be subject to the subdivision criteria of Chapter 58.17 RCW and would require safe access to schools, and payment of impact fees associated with schools, parks, and traffic. Prior to work beginning, construction mitigation plans would be required along with a full drainage/stormwater plan. Ms. Pratschner testified that, during review and update of the City's Comprehensive Plan, citizens indicated that they believed the southwest portion of the City would be most suitable for increased growth and that the proposed rezone would be consistent with this. She further noted that the City's Comprehensive Plan calls for access to a diverse range

of housing opportunities and this rezone would support that element of the Comprehensive Plan. *Testimony of Ms. Pratschner.*

16. Interim Planning Director Russ Wright testified that the City is part of the Puget Sound Regional Council (PSRC) and, as such, is required to strike a balance between commercial and residential growth. Mr. Wright explained that the rezone is warranted because of a need for additional property in the City's UR zoning district in line with specific goals from the PSRC's buildable lands report. *Testimony of Mr. Wright.*
17. Applicant Representative Chris Burress testified that changing the zoning would create consistent zoning throughout the intended subdivision related to the project site because the eastern half of the potential subdivision is already zoned UR. He stated that, should the rezone be approved, he imagines the Applicant would be ready to move forward soon with a preliminary plat application. *Testimony of Mr. Burress.*

Staff Recommendation

18. Ms. Pratschner testified that City staff recommends the Hearing Examiner forward a recommendation of approval to the City Council. *Exhibit 12, Staff Report, page 7; Testimony of Ms. Pratschner.*

CONCLUSIONS

Jurisdiction

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

Criteria

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

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

- (7) Adequate public facilities and services are likely to be available to serve the development allowed by the proposed zone;
- (8) The probable adverse environmental impacts of the types of development allowed by the proposed zone can be mitigated, taking into account all applicable regulations, or the unmitigated impacts are acceptable;
- (9) The amendment complies with all other applicable criteria and standards in this title.³

LSMC 14.16C.090(g).

Conclusion Based on Findings

The proposed rezone satisfies the criteria for approval found in LSMC 14.16.090(g) and should be approved. The proposed rezone would not require amendment of the City Comprehensive Plan and would be consistent with the MDR designation affixed to the property. The proposed rezone would further Comprehensive Plan Housing Element goals. The proposed rezone would, as conditioned, serve the public health, safety, and welfare by allowing for increased housing in the UR zoning district. The property is suitable for single-family residential development that complies with the standards of the UR zone, as modified by the clustered housing provisions of LSMC 14.48.070, including its lot size and dimension standards. Although the proposed rezone is categorically exempt from SEPA, the Applicant would need to submit an environmental checklist at the time of development permit application. Conditions of approval associated with a specific land use application would ensure that the Applicant complies with all relevant environmental regulations. The proposed rezone would not add a significantly greater number of vehicle trips as compared to development of the property under its existing zoning designation and would not adversely affect levels of service at key intersections. Adequate public facilities and services would be available for the property.
Findings 1 – 18.

RECOMMENDATION

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends the Applicant's request for a Site-Specific Rezone of property at 7508 10th Street from Suburban Residential to Urban Residential be **APPROVED**, with the following conditions:

1. Exhibit 10 depicts the area to be rezoned from the Suburban Residential zoning district to the Urban Residential zoning district. This rezone is contingent upon the Hearing Examiner's recommendation of approval and final approval by the City Council. Upon approval, the proposed change shall be incorporated into an official revised Lake Stevens zoning map.

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

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

Recommended this 5th day of April 2016.



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



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Date: **Agenda** May 10, 2016

Subject: Silverstone Site-Specific Rezone (LUA2016-0010)

Contact Person/Department: Stacie Pratschner, Planning & Community Development
Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. Closed Record Hearing and First Reading for Ordinance 961 related to the Silverstone Rezone (LUA2016-0010).
2. **Motion to approve Ordinance 961:** An ordinance of the city of Lake Stevens, amending the zoning for a 9.95 acre parcel as part of the Silverstone Rezone (City File No. LUA2016-0010) located at 1317 71st Avenue SE, Lake Stevens, WA 98258 and changing the zoning on the subject parcel from Suburban Residential to Urban Residential.

SUMMARY:

Closed Record Hearing and First Reading of Ordinance 961 (**Exhibit 1**) related to the Silverstone Rezone (LUA2016-0010).

BACKGROUND/HISTORY:

The applicant, Seattle Pacific Homes, Inc., has applied for a site-specific zoning map amendment pursuant to Lake Stevens Municipal Code (LSMC) 14.16C.090(b)(1) of an approximately 9.95 acre parcel in the Suburban Residential zoning district, located at 1317 71st Avenue SE, Lake Stevens, WA. No change is proposed to the underlying Medium Density Residential (MDR) land use designation. A future subdivision development under the proposed Urban Residential (UR) zoning could add 77 more average daily trips than would result from a subdivision of the property with the current Suburban Residential (SR) zoning. The project site is characterized by moderate to steep slopes and a Type “F” stream on the eastern portion of the property. The Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species (PHS) map indicates the probability of an eagle nest near the property as well.

The properties north, south and west are zoned Suburban Residential, and the property to the east is zoned Urban Residential. Two parcels directly northwest of the project location are also the subject of a site-specific rezone application to change from the Suburban Residential zoning district to the Urban Residential zoning district (LUA2016-0004). All of the surrounding properties are identified by the Medium Density Residential land use designation. Future access to the site would be via new roads connected to 71st Avenue SE and 72nd Avenue SE.

Site-specific rezones are Type IV applications subject to a recommendation from the Hearing Examiner to City Council, per Chapter 14.16B LSMC, Part IV. The proponent has submitted a project narrative and traffic impact analysis in support of the rezone.

The city received the application on January 29, 2016 and issued a Determination of Completeness on February 4, 2016. A public meeting was held on February 24, 2016. A public hearing was held on March 24, 2016 and the Hearing Examiner issued a recommendation of approval on April 5, 2016. City staff provided public notice for all actions by a combination of publication in the Everett Herald, direct mailings, posting the site and posting city bulletin boards.

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

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

FINDINGS AND CONCLUSIONS:

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

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

BUDGET IMPACT: There is not a budget impact.

EXHIBITS (attached):

Exhibit 1 – Ordinance 961, with exhibits including the Hearing Examiner Recommendation

Exhibit 2 – Staff Report

Exhibit 1

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

In the Matter of the Application of	)	No. LUA2016-0010
)	
Seattle Pacific Homes, Inc.	)	Silverstone Property Site-Specific Rezone
)	
	)	FINDINGS, CONCLUSIONS,
<u>For a Site-Specific Rezone</u>	)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the Applicant’s request for a rezone of approximately 9.95 acres of property at 1317 71st Avenue SE from Suburban Residential to Urban Residential be **APPROVED**.

SUMMARY OF RECORD

Hearing Date:

The City of Lake Stevens Hearing Examiner held an open record hearing on the request on March 24, 2016.

Testimony:

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

- Stacie Pratschner, City Senior Planner
- Russ Wright, City Interim Planning Director
- Merle Ash, Applicant Representative
- Adam Emerson, City Engineering Department
- Tom Matlack
- Leif Johnston
- Adam Gessaman
- Jerold Wynne
- Amy Maheshwari
- Darren Carlson
- Kim Carlson

Exhibits:

The following exhibits were admitted into the record:

1. Land Use Development Application, received January 29, 2016
2. Applicant Narrative, received January 29, 2016
3. Conceptual Preliminary Site Plan, undated
4. Notice of Complete Application, dated February 4, 2016

Findings, Conclusions, and Recommendation
City of Lake Stevens Hearing Examiner
Silverstone Property Site-Specific Rezone, No. LUA2016-0010

5. Notice Materials:
 - a. Notice of Application, dated February 8, 2016
 - b. Notice of Public Meeting, dated February 9, 2016
 - c. Notice of Public Hearing, dated March 9, 2016
6. Public Comments:
 - a. Email from Jill Meis to Jerry Wynne, dated February 25, 2016, with attached email string
 - b. Email from Stacie Pratschner to Lana Johnston, dated February 23, 2016, with attached email string
 - c. Email from Stacie Pratschner to Cindy Hendrickson, dated February 23, 2016, with attached email string
 - d. Email from Stacie Pratschner to Mari Cline, dated February 23, 2016, with attached email string
 - e. Email from Stacie Pratschner to Adam Gessaman, dated February 22, 2016, with attached email string
 - f. Email from Stacie Pratschner to Keith Glasscock, dated February 22, 2016, with attached email string
 - g. Email from Stacie Pratschner to Liz Maduell, dated February 22, 2016, with attached email string
 - h. Email from Stacie Pratschner to Ann Marie Hawryluk, dated February 22, 2016, with attached email string
 - i. Email from Stacey Pratschner to Amy Losee, dated February 22, 2016, with attached email string
 - j. Email from Stacie Pratschner to Christi Beal, dated February 22, 2016, with attached email string
 - k. Email from Stacie Pratschner to Mike King, dated February 22, 2016, with attached email string
 - l. Email from Stacie Pratschner to Jerry Wynne, dated February 22, 2016, with attached email string
7. Email from Stacie Pratschner to Ruth Milner, dated February 22, 2016, with attached email string and Washington Department of Fish and Wildlife Priority Habitat Species Map
8. Traffic Impact Analysis, Gibson Traffic Consultants, dated January 2016
9. Construction Plan Submittal Checklist, undated
10. Non-Judicial Binding Agreement Appointing a Trustee, dated July 22, 2014, with attached Last Will and Testament
11. Site Vicinity Map, undated
12. Staff Report, dated March 14, 2016

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

Findings, Conclusions, and Recommendation
City of Lake Stevens Hearing Examiner
Silverstone Property Site-Specific Rezone, No. LUA2016-0010

FINDINGS

Application and Notice

1. Merle Ash, on behalf of Seattle Pacific Homes, Inc. (Applicant), requests a zoning map amendment to rezone an approximately 9.95 acre parcel from Suburban Residential to Urban Residential. The subject property is located at 1317 71st Avenue SE.¹ *Exhibit 1; Exhibit 2; Exhibit 12, Staff Report, page 1.*
2. The City of Lake Stevens (City) deemed the application complete on February 4, 2016. On February 8, 2016, the City mailed notice of the application to the Applicant and property owners within 300 feet of the project site; published notice in the *Everett Herald*; and posted notice at City Hall, on the City's website, and at the property. The next day, the City mailed notice of the public meeting associated with the rezone application to the Applicant and property owners within 300 feet; published notice in the *Everett Herald*; and posted notice at City Hall, on the City's website, and at the property. On March 9, 2016, the City mailed notice of the public hearing on the rezone application to the Applicant and property owners within 300 feet; published notice of the hearing in the *Everett Herald*; and posted notice of the hearing at City Hall, on the City's website, and at the property. *Exhibit 5.a; Exhibit 5.b; Exhibit 5.c; Exhibit 12, Staff Report, pages 2 and 3.*
3. The City received several public comments in response to its notice materials. Neighboring property owners Jerold Wynne, David and Cindy Hendrickson, Mari and Douglas Cline, Leif and Lana Johnston, Adam Gessaman, Keith Glasscock, Liz Maduell, Ann Marie Hawryluk, Suzanne Marlatt, Kevin, Amy, Jordyn, Sophia, and Wyatt Losee (The Losees), Christi Beal, Mike King, Dan and Kiersten Lanahan, John Schilaty, and Amy Maheshwari all wrote to express concern about development effects. Specifically, these residents expressed concerns over:
 - traffic impacts, especially on the adjoining Cavalero Ridge subdivision
 - bald eagles on the property
 - loss of greenspace and wildlife habitat
 - development inconsistent with adjoining residential neighborhoods
 - parking issues
 - decreased property value in adjoining neighborhoods
 - unsafe construction conditions
 - safety for neighborhood children
 - noise impacts*Exhibit 6.*

¹ The property subject to the rezone request is identified by Snohomish County tax parcel number 00431400800300. A legal description of the property is included with the application and project narrative. *Exhibit 1; Exhibit 2.*

State Environmental Policy Act

4. City staff determined that the rezone was categorically exempt from review under the State Environmental Protection Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). City Senior Planner Stacie Pratschner testified that, under Washington Administrative Code (WAC) 197-11-800(6)(c)(ii), the rezone proposal is exempt from environmental review because the project site is in an urban growth area, the rezone does not require an amendment to the City's Comprehensive Plan, and the Comprehensive Plan was previously subject to environmental review. Ms. Pratschner clarified that, were the Applicant to move forward with plans to subdivide the property, SEPA review for the specific land use proposal would be necessary. *Exhibit 12, Staff Report, page 6; Testimony of Ms. Pratschner.*

Site-Specific Rezone

5. The property is currently undeveloped. Moderate and steep slopes are present at the site, and these slopes may constitute Geologically Hazardous Areas under Chapter 14.88 Lake Stevens Municipal Code (LSMC). A Type "F" stream crosses the eastern portion of the property; this stream is a critical area under Chapter 14.88 LSMC. There are nesting bald eagles at or near the project site. Ms. Pratschner testified that City staff has been in touch with the Washington Department of Fish and Wildlife (WDFW) to discuss the eagles. Applicant Representative Merle Ash testified that, if development moved forward, the Applicant would adhere to any requirements from WDFW or the U.S. Department of Fish and Wildlife related to eagle protection, including buffering or limitations on hours of operation. Mr. Ash also testified that the Department of Ecology requires adequate buffers to protect streams and wetlands and that, should development move forward, the Applicant would adhere to buffering and protection requirements. *Exhibit 6.b; Exhibit 6.i; Exhibit 12, Staff Report, pages 3 and 6; Testimony of Ms. Pratschner; Testimony of Mr. Ash.*
6. The GMA requires certain cities and counties to engage in a planning process. *RCW 36.70A.040*. Thirteen exclusive goals guide that process. *RCW 36.70A.020*. These goals concern urban growth, sprawl reduction, transportation, housing, economic development, property rights, permitting, natural resource industries, open space and recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation. *RCW 36.70A.020*. Any jurisdiction subject to the GMA's planning requirement must balance these sometimes competing goals, *Feil v. E. Wash. Growth Mgmt. Hrgs. Bd.*, 172 P.2d 367, 259 P.3d 227 (2011), and produce a comprehensive plan that guides future growth and development. *RCW 36.70A.040-.120*. The jurisdiction must then enact development regulations implementing the comprehensive plan, *RCW 36.70A.040*, and otherwise act in conformity with the comprehensive plan. *RCW 36.70A.120*.
7. The City designated the property as Medium-Density Residential (MDR) under its Comprehensive Plan. The City adopted the MDR designation to allow single-family, two-family, and some multi-family residential development with a gross density between

- 4 to 12 units per acre based on zoning. The MDR designation allows both the Suburban Residential (SR) and Urban Residential (UR) zoning designations. The MDR designation includes detached and attached units, accessory units, townhouses, condominiums, duplexes, tourist homes, special service homes, and manufactured/mobile homes. The MDR designation also allows limited public/semi-public, community, and recreational uses. The City places the MDR designation on property located in transition areas between high-density designations and rural areas where infrastructure is readily available. *City Comprehensive Plan, Land Use Element, Pages LU-14 and LU-17.* The City has designated the surrounding properties on all sides MDR. *Exhibit 1; Exhibit 12, Staff Report, pages 1, 2, and 4.*
8. The property is currently zoned SR. The City has also zoned parcels to the north, south, and east as SR, although an application has been filed to rezone the parcel to the northwest as UR. The City has zoned the parcel to the west UR. The surrounding lots are, where developed, generally developed with single-family residences. *Exhibit 11; Exhibit 12, Staff Report, page 2.*
 9. The SR and UR zoning districts are “designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.” *LSMC 14.36.010(a).* The SR and UR zoning districts “are designed primarily to accommodate single-family detached residential uses at medium densities in areas served by public water and sewer facilities. Some types of two-family residences are allowed in these districts on larger lots.” *LSMC 14.36.010(b).*
 10. Lots in the SR zoning district must be a minimum of 9,600 square feet, and those in the UR zoning district 7,500 square feet. *Table 14.48-1 LSMC.* *LSMC 14.48.070* allows for reductions in minimum lot sizes through the use of clustered housing techniques. In the UR zone, *LSMC 14.48.070* permits lots with minimum sizes of 6,000 square feet. *Exhibit 12, Staff Report, pages 4 and 5.*
 11. As noted above, there are steep slopes and a stream on the property; these critical areas limit development on portions of the property. Given those constraints, and the use of clustered housing, subdivision of the property within the SR zone would yield 24 lots. Subdivision of the property using the clustering provisions of *LSMC 14.48.070* within the UR zone would yield 32 lots. The rezone would thus enable the Applicant to create an additional eight lots when subdividing the property. *Exhibit 2; Exhibit 12, Staff Report, pages 4 and 5.*
 12. The Applicant would be required to comply with SEPA and the best available science provisions of the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, at the time of development permit application. Conditions of approval related to a specific land use application would require the Applicant to comply with City ordinances, including its critical area ordinances, and compliance would mitigate environmental

impacts of the rezone and proposed subdivision. *Exhibit 2; Exhibit 7; Exhibit 12, Staff Report, pages 3 and 6.*

13. The property sits near an arterial, SR-204. If subdivided according to the preliminary site plans included with the rezone application, lots in the proposed subdivision fronting 71st Avenue SE would access SR-204 from that street. The remaining lots, a majority of the total number, would exit the proposed subdivision using 72nd Avenue SE. That route would take vehicular traffic through another subdivision (Cavalero Ridge) before reaching local arterials. Gibson Traffic Consultants (Gibson) determined that, if developed under the SR zoning district standards, a subdivision on the property would result in 228 average daily trips, with 18 of those occurring during the AM peak hours and 24 during PM peak hours. Gibson determined that, if the rezone is approved and the parcel is developed under the UR zoning district standards, a subdivision on the property would produce 305 average daily trips, with 24 of those made during AM peak hours and 32 during PM peak hours. The net difference amounts to 77 average daily trips, 6 AM peak hour trips, and 8 PM peak hour trips. The proposed subdivision would likely result in less than a second more of delay at studied intersections if developed under the UR standards as compared to development under SR standards. Gibson further concluded that the development proposed for the property was served by adequate roads, meaning that it would not have site access problems, and that the proposed development would not impact traffic concurrency in the relevant area. City development staff evaluated the proposal and determined that it would not adversely impact SR-204 or 20th Street SE. The Applicant would pay traffic impact mitigation fees appropriate to Traffic Impact Zone 3. *Exhibit 2; Exhibit 8; Exhibit 12, Staff Report, page 3.*
14. Utilities run to the frontage and are also stubbed to the south property line of the parcel. Snohomish County PUD would provide water service to the property. The Lake Stevens Sewer District would provide sewer service and upgrades to the sewer system would accommodate the proposed increase in use. The City would provide stormwater and police services. Puget Sound Energy would provide gas service. Comcast and Verizon would provide cable and phone services. Allied Waste/Waste Management would collect garbage. The Lake Stevens Fire District would provide emergency services. The Lake Stevens School District would provide schools serving the property. The Applicant would pay impact fees to mitigate impacts on local schools. *Exhibit 2; Exhibit 12, Staff Report, page 2.*
15. In its project narrative, the Applicant states that the City has experienced significant population expansion since 1995, when it became subject to the planning requirements of the GMA, with its population increasing from 5,091 to 39,000 residents. The City projects a further increase in population of 11,000 residents over the next 20 years. Average home price also increased between 1995 and 2016, rising from somewhat under \$200,000 to \$350,000. Denser development would allow development of more affordable housing. *Exhibit 2.*

Testimony

16. Ms. Pratschner testified generally about the application and how it would meet the site-specific rezone requirements of LSMC 14.16C.090(g). She noted that, if the rezone was approved and the Applicant moved forward with subdividing the land, the proposal would have to comply with all of the plat requirements of Chapter 58.17 RCW and Title 14 LSMC, including stormwater requirements, requirements to provide safe walking routes for school children, set aside of open space, tree retention requirements, critical areas requirements, and requirements for construction plan approval. Ms. Pratschner testified that the rezone would satisfy Policy 3.1.1 of the City's Comprehensive Plan by increasing residential density in an urban growth area and providing for different types and densities of housing. She explained that, during review of the City's Comprehensive Plan, citizens expressed a preference to concentrate residential growth in the southwest portion of the City, where the rezone is proposed. *Testimony of Ms. Pratschner.*
17. City Interim Planning Director Russ Wright testified that the City's Comprehensive Plan was recently updated and has been certified and approved by all governmental agencies with oversight, including the Puget Sound Region Council. Mr. Wright explained that the City seeks to achieve a balance between commercial and residential development and that increasing residential density in urban growth areas helps satisfy this goal. He stated that, during review of the Comprehensive Plan, the City conducted extensive research, including conducting surveys at community events, online surveys, polling, and holding public meetings, and determined that City residents preferred that increased residential growth occur in the southwestern portion of the City, where the rezone is proposed. Mr. Wright noted that the City has recently gone live with a portal on its website that allows the public to check the status of all pending land use applications and review plans, reports, and staff comments related to each application. He testified that, were the proposal to subdivide the property to move forward, citizens would be able to use this new tool to stay apprised of all activity related to the proposal. *Testimony of Mr. Wright.*
18. Adam Emerson, City Engineering Department, testified about traffic issues related to the rezone and the potential subdivision. Mr. Emerson testified that the City has been in discussion with the Applicant about potentially providing a second roadway access to the plat but that traffic studies thus far conducted do not indicate that the rezone and increased residential density would affect level of service requirements at key intersections in the area. Mr. Wright clarified that, with a rezone application, there is a different level of traffic analysis than would occur with an application for a specific land use proposal. He stressed that the level of analysis used for a rezone application seeks to determine whether the change from one zoning designation to another would create a level of service failure at key intersections near the rezone. Mr. Wright testified that, if the plan to subdivide the property moved forward, an additional traffic study would need to be performed to address more specific impacts, including looking at impacts on additional intersections and sight distances. *Testimony of Mr. Emerson; Testimony of Mr. Wright.*

19. Mr. Ash testified generally about how the rezone application satisfies the criteria of LSMC 14.16C.090(g). He noted that the proposal would be consistent with density existing in the development to the south and would be generally compatible with other residential neighborhoods in the area. Mr. Ash testified that the proposal would benefit the health, safety, and general welfare because the Applicant would pay large fees for school mitigation, roads, and parks, and the increased density would provide an increased tax base for the City. He noted that the rezone is warranted because the population characteristics of the area have changed so dramatically in recent years: increased density in residential neighborhoods allows for increased population growth. Mr. Ash testified that, were the project to move forward, the Applicant would comply with all environmental requirements of the City code and that all impacts could be mitigated. He noted that he attended the public meeting related to the application and understands the public's concerns about the proposal. Specific to traffic impacts, Mr. Ash stated that, while he understands neighborhood concerns over traffic, the traffic engineering studies do not indicate that the rezone would detrimentally affect levels of service in the area. He also noted that, were the subdivision proposal to move forward, the Applicant would produce a stormwater pollution prevention plan (SWPPP) to address stormwater and erosion concerns, that noise levels from construction would remain within allowable levels from the City code, and on-site parking would be provided for all contractors to avoid parking issues in the neighboring subdivision. *Testimony of Mr. Ash.*
20. Tom Matlack testified that he does not feel circumstances have changed enough to warrant the rezone and that, because of the number of homes already available in the City's housing stock, higher intensity urban zoning is unnecessary. *Testimony of Mr. Matlack.*
21. Leif Johnston testified that he does not believe the rezone meets all of the requirements of LSMC 14.16C.090(g). Specifically, Mr. Johnston testified that the zoning amendment would not serve the public health, safety, or welfare because greater residential densities lead to higher crime, and infrastructure improvements, especially to roadways, are necessary before further development occurs. He stressed that the property has significantly defined critical areas and does not believe the rezone would be consistent with the City's commitments to sustainability and environmental protection. He thinks that further environmental studies should be performed prior to any development. Mr. Johnston also stated that he believed the rezone would be detrimental to the adjoining Cavalero Ridge neighborhood, where he lives, because increased traffic burdens would pose a risk to children in the neighborhood. He testified that he does not believe the area is suitable for urban density development because it is a suburban area. *Testimony of Mr. Johnston.*
22. Adam Gessaman, another resident of Cavalero Ridge, testified that, because the City has failed to enforce no parking requirements on streets in Cavalero Ridge, the street connecting the proposed development to Cavalero Ridge would be insufficient to handle additional traffic impacts. He testified that he is not sure how the problem could be

alleviated at this point because it is too late to widen the impacted streets in the Cavalero Ridge neighborhood. *Testimony of Mr. Gessaman.*

23. Long-time area resident Jerold Wynne testified that traffic issues have grown increasingly worse over the years and that he is worried that the traffic study did not adequately account for other area residents cutting through the Cavalero Ridge neighborhood to avoid traffic elsewhere or account for impacts from Boeing shift changes. Mr. Wynne also testified that he did not receive notice for the initial public meeting and believes the City should update its information related to notice and be more diligent about how notice is provided. He did state that he received notice for the open record hearing. Mr. Wynne believes that many of the parking problems in the Cavalero Ridge neighborhood could be solved if the City striped no parking zones and clearly delineating driving lanes. He noted that the fish stream on site has been known as Fox Creek since the 1950s and that it was a salmon-bearing stream prior to construction of SR-204. Mr. Wynne noted that there still are trout in the stream. He also testified that there are short-haired pygmy rabbits on the property, a threatened species. *Testimony of Mr. Wynne.*
24. Amy Maheshwari testified about her concerns with school bus routes in the area and over-crowding of area schools. She worked with the elementary school for some time to try and get a bus stop in the Cavalero Ridge neighborhood but was told by the school district that it would be unsafe to place a bus stop in the area because of the repeated violators parking in no parking zones. Ms. Maheshwari stated that, although that issue has since been resolved, she is worried that development of a new subdivision on the adjoining property would lead to the school again moving the bus stop. She also noted that area schools are already overcrowded due to new developments in the area and that additional density will exacerbate this issue. *Testimony of Ms. Maheshwari.*
25. Darren Carlson testified that he has seen dramatic traffic increases in the three years he has lived in Cavalero Ridge and is worried that traffic impacts are significantly more pronounced than indicated in the Applicant's traffic report. Mr. Carlson also expressed concern over the school bus stop issue and impacts neighboring development could have on the water retention basin and private, neighborhood parks maintained by the Cavalero Ridge Homeowners' Association. *Testimony of Mr. Carlson.*
26. Kim Carlson testified that she believes the Applicant's traffic report is inadequate. She also noted that area schools are overcrowded. *Testimony of Ms. Carlson.*
27. In response to public testimony, Mr. Ash testified that he sympathizes with public concerns about growth but the Growth Management Act encourages greater residential density in urban growth areas in an effort to preserve other open spaces, critical areas, and resource lands. He noted that area schools would be notified if the proposal to subdivide the property were to move forward and would have the opportunity to comment on the proposal. Mr. Ash also stated that any development on the property

would not create additional stormwater impacts on neighboring properties. *Testimony of Mr. Ash.*

Staff Recommendation

28. Ms. Pratschner testified that City staff recommends the Hearing Examiner forward a recommendation of approval to the City Council. *Exhibit 12, Staff Report, page 7; Testimony of Ms. Pratschner.*

CONCLUSIONS

Jurisdiction

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

Criteria

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

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

- (9) The amendment complies with all other applicable criteria and standards in this title.²

LSMC 14.16C.090(g).

Conclusions Based on Findings

The proposed rezone satisfies the criteria for approval found in LSMC 14.16.090(g) and should be approved. The proposed rezone would not require amendment of the City Comprehensive Plan and would be consistent with the Comprehensive Plan designation of the property: Urban Residential zoning is allowed in property designated Medium Density Residential by the Comprehensive Plan. The proposed rezone would further the goals of the Comprehensive Plan Housing Element by providing for additional affordable housing options in the City. Conditions placed on any future land development permits would ensure that the proposed subdivision would comply with the development regulations required by the Growth Management Act and Title 14 of the Lake Stevens Municipal Code. The proposed rezone would, as conditioned, serve the public health, safety, and welfare by adding to the City's stock of code-compliant housing. Changed circumstances, specifically the City's growth over the last several decades and need for denser development, warrant the rezone. The property is suitable for single-family residential development that complies with the standards of the UR zone, including its lot size and dimension standards. Although the proposed rezone is categorically exempt from SEPA review, the Applicant would need to submit an environmental checklist at the time of development permit application and conditions of approval related to a specific land use application would ensure that the Applicant complies with all relevant environmental, stormwater, and critical areas regulations. The proposed rezone would not add a significantly greater number of vehicle trips as compared to development of the property under its existing zoning designation and would not noticeably increase traffic delays at key intersections or affect concurrency in the relevant area. Adequate public facilities and services are available to the property.

Although the public has expressed serious concerns over traffic impacts from development of the land in question, those concerns would be more adequately addressed when the Applicant brings a specific land use application forward. As Interim Planning Director Russ Wright explained, at this point the traffic impact analysis only addressed whether a change in the zoning designation from Suburban Residential to Urban Residential would cause levels of service at key intersections to fall below allowable levels. The report indicates that it would not. Additional traffic study is warranted that more thoroughly addresses concerns about traffic impacts in the area when a specific proposal is at hand. Further, other public concerns—including concerns over protecting critical areas and providing adequate access to schools and bus stops—would also be more adequately addressed at the time the Applicant produces a specific proposal to subdivide the property. *Findings 1 – 28.*

² LSMC 14.16C.090(g) includes a tenth criteria inapplicable to this application related to adopted subarea plans.

RECOMMENDATION

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends the Applicant's request for a Site-Specific Rezone of property at 1317 71st Avenue SE from Suburban Residential to Urban Residential be **APPROVED**, with the following conditions:

1. Exhibit 10 depicts the area to be rezoned from the Suburban Residential zoning district to the Urban Residential zoning district. This rezone is contingent upon the Hearing Examiner's recommendation of approval and final approval by the City Council. Upon approval, the proposed change shall be incorporated into an official revised Lake Stevens zoning map.
2. All future development shall comply with federal, state, and local regulations in effect at the time of application.

Recommended this 5th day of April 2016.



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

Exhibit 2



Planning and Community Development Type IV Review – Site-Specific Rezone

The Silverstone Property Rezone / LUA2016-0010

Hearing Date: March 24, 2016

A. PROJECT DESCRIPTION AND REQUEST

The applicant, Seattle Pacific Homes, Inc., has applied for a site-specific rezone, pursuant to Lake Stevens Municipal Code (LSMC) 14.16C.090(b)(1), of an approximately 9.95-acre parcel in the Suburban Residential (SR) zoning district, located at 1317 - 71st Avenue SE, Lake Stevens, WA (**Exhibit 1**). The applicant requests that the subject parcel change from the Suburban Residential (SR) zoning district to the Urban Residential (UR) zoning district. No change is proposed to the underlying Medium Density Residential comprehensive plan land use designation. The property directly northwest is also being reviewed for a site-specific rezone application, under a separate application, to change from the Suburban Residential (SR) zoning district to the Urban Residential (UR) zoning district (McKay Site-Specific Rezone application, LUA2016-0004). The primary contact for the project, Mr. Merle Ash of Land Technologies, Inc., has submitted a project narrative, traffic study and a traffic impact fee worksheet in support of the proposed rezone (**Exhibit 2**). The project site is characterized by moderate and steep slopes and a Type "F" stream on the eastern portion of the property. Future access to the site would be via a new road connected to 72nd Avenue SE (**Exhibit 3**). The city will review all site-specific impacts related to the land use and zoning changes at the time of development permit application.

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

B. GENERAL INFORMATION

1. Date of Application: January 29, 2016
2. Completeness Date: February 4, 2016
3. Project Name: The Silverstone Site-Specific Rezone
4. Project Location: 1317 - 71st Avenue, Lake Stevens, WA 98258
5. Tax Parcel Number: 00431400800300
6. Property Owner: Ms. Katherine Boumique – Solveig Vinje Testamentary Trust
7. Applicant: Seattle Pacific Homes, Inc.
8. Contact: Mr. Merle Ash of Land Technologies, Inc.
9. Total Area of Project: 9.95 acres / 433,422 square feet
10. Comprehensive Plan Land Use Designations, Zoning Designation and Existing Land Uses of the Site and Surrounding Area:

AREA	LAND USE DESIGNATION	ZONING	EXISTING USE
Project Site	Medium Density Residential	Suburban Residential	Single Family Residence
North	Medium Density Residential	Suburban Residential	Single Family Residences and Undeveloped
South	Medium Density Residential	Suburban Residential	Single Family Residences
East	Medium Density Residential	Suburban Residential	Single Family Residences
West	Medium Density Residential	Urban Residential	Single Family Residences and NGPA/Detention/Open Space Tracts

11. Public Utilities and Services Provided by:

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

C. ANALYSIS¹

1. Application Process:

- a. The applicant, Seattle Pacific Homes, Inc. submitted a Type IV application for a site-specific rezone on January 29, 2016 (**Exhibit 1**), accompanied by a project narrative (**Exhibit 2**). Rezones are Type IV permit applications pursuant to Chapter 14.16B LSMC: Part IV and subject to the regulations of LSMC 14.16C.090. The Hearing Examiner provides recommendations to the City Council for Type IV permits.
- b. The city deemed the application complete on February 4, 2016 (**Exhibit 4**).

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

2. Notices²

- a. The city published a Notice of Application per LSMC 14.16A.230 and LSMC 14.16B.415 on February 8, 2016 (**Exhibit 5a**).

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

² Public notice includes a combination of project site and city website posting, publication in the Everett Herald and mailing of postcards pursuant to the requirements of Lake Stevens Municipal Code 14.16A.225 and LSMC 14.16B.440.

- b. The city published a Notice of Public Meeting per LSMC 14.16B.425 on February 9, 2016 (**Exhibit 5b**).
- c. The city published a Notice of Public Hearing per LSMC 14.16B.440 on March 9, 2016 (**Exhibit 5c**).
- d. The city is in receipt of over 15 letters and emails of concern about the proposed rezone application (**Exhibit 6a**). The comments and concerns expressed in writing were also voiced by citizens during the Public Meeting held on February 24, 2016 (**Exhibit 6b**). Three common themes have emerged from the written and verbal comments, which are discussed in the bullet points below:
 - i. Environmental concerns: The public voiced concerns about future development as it relates to the application of rules and regulations for environmental and wildlife protection. City critical areas records do indicate the presence of moderate and steep slopes as defined by LSMC 14.88.600(b)(3) and a Type "F" stream as defined by LSMC 14.88.400(g)(2). Pursuant to email correspondence between staff and the Washington Department of Fish and Wildlife (**Exhibit 7**), the WDFW Priority Habitats and Species (PHS) map indicates the probability of an eagle nest on the eastern portion of the property. At the time of development permit application, the applicants shall be required to submit a State Environmental Policy Act (SEPA) checklist in compliance with the Washington State Growth Management Act (GMA) and local municipal code in order to ensure that best available science is used to protect the environment and wildlife.
 - ii. Traffic and infrastructure concerns: The public expressed concerns about the potential impacts on local roads from additional traffic generated by new homes on the subject parcel, and the questioned the level of public improvements the applicants would be required to construct pursuant to a subdivision approval. The applicant has submitted a traffic impact analysis report for staff review (**Exhibit 8**). The report states that trip generation calculations for the potential Silverstone subdivision development have been calculated for the development potential with the rezone and a comparison between the maximum build-out with the existing zoning and the proposed zoning. Under the proposed zoning, a conceptual future subdivision could add approximately 305 average daily trips, 24 AM peak-hour trips and 32 PM peak-hour trips. Public Works approved this initial report on February 11, 2016 and has determined that there will be no adverse impacts to SR-204 or 20th Street SE. At the time of development permit application, the applicants shall submit a traffic analysis that reflects the formal submitted proposal.

A future preliminary subdivision application shall be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Full frontage improvements (curbs, gutters, planters and sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the city as part of final subdivision approval pursuant to Chapter 14.56 LSMC. Pursuant to LSMC 14.112.010, the city shall implement the Capital Facilities element of the lake Stevens Comprehensive Plan and GMA by collecting traffic impact fees to further ensure that adequate public street system facilities are available to serve traffic from any new development.
 - iii. Public safety during construction: The public has expressed concerns about potential nuisances that may result from construction on the subject parcel, including air quality, erosion control, stormwater runoff, noise from large equipment and parking for on-site construction workers. Prior to construction plan approval for any potential development, the applicant shall submit full construction plans from a licensed surveyor and stamped and by a professional engineer (**Exhibit 9**). The construction plans shall include the following elements:

- A. A drainage and stormwater plan meeting the requirements of the currently adopted Department of Ecology (DOE) Stormwater Manual;
- B. A Stormwater Pollution Prevention Plan (SWPPP) that shows the type and location of all temporary erosion and sedimentation control (TESC) and demonstrates best management practices (BMP's); and
- C. A road and transportation plan complying with the provisions of the city's Engineering Design and Development Standards (EDDS) and Title 14.

Construction work hours within the City of Lake Stevens are 7 AM to 9 PM on weekdays and 9 AM to 9 PM on weekends.

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

3. Comprehensive Plan, Permissible Uses and Rezone Criteria:

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

Existing Land Use Designation	Proposed Land Use Designation
Medium-Density Residential	NO CHANGE: Remain Medium-Density Residential
Existing Zoning District	Proposed Zoning District
Suburban Residential	Urban Residential

- b. Upon approval of the zoning map amendment change from the Suburban Residential (SR) zoning district to the Urban Residential (UR) zoning district, the subject property will be subject to the regulations for the Urban Residential zone. Chapters 14.40 and 14.48 LSMC contain the applicable development regulations for the Urban Residential zone. LSMC 14.36.010 (a) and (b) establishes the following objectives for the city's residential zones in general, and provides further detail on the purpose of both the UR and SR zoning districts:

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

(b) The Suburban Residential (SR-4) and Urban Residential (UR) districts are designed primarily to accommodate single-family detached residential uses at medium densities in areas served by public water and sewer facilities. Some types of two-family residences are allowed in these districts on larger lots.”

- c. Development Intensity

Pursuant to the current 9600 square foot minimum lot size requirement for lots in the Suburban Residential (SR) zoning district per Table 14.48-I LSMC, the subject parcel has a

an approximate gross density of 45 potential lots (9.95 acres x 43,560 square feet = 433,422 square feet / 9,600 square foot minimum lot size = 45 lots).

The parcel may have a gross density of 57 potential lots if the rezone is approved and the lot changes to the Urban Residential zoning district (9.95 acres x 43,560 square feet = 433,422 square feet / 7,500 square foot minimum lot size = 57 lots).

The amount of lots that are feasible on the site are limited by the presence of steep slopes and a Type "F" stream; the current SR zoning in combination with the site characteristics has the potential to yield approximately 24 lots. The approval of the rezone request would permit the applicant to create approximately 32 lots utilizing the clustering provisions of LSMC 14.48.070. Necessary roads, stormwater features and other infrastructure will also affect overall net density.

- d. Rezone criteria are found in LSMC 14.16C.090. The applicant has provided a narrative corresponding to the following specific criteria. A brief analysis will follow.
 - i. *Rezoning is either site-specific or area-wide. Map amendments are considered major if they rezone five or more tracts of land in separate ownership or any parcel of land, regardless of the number of lots or owners, in excess of 50 acres. All other map amendments are minor.* The proposed rezone is for a single parcel approximately 10 acres in size. This proposal is a minor map amendment.
 - ii. *Site-specific rezoning is rezoning of a particular property(ies) which conform to the Comprehensive Plan or an adopted subarea plan.* The proposed rezone will conform to the current Comprehensive Plan land use designation of Medium Density Residential. This proposal is a site-specific rezone.
 - iii. *A site-specific rezone shall be reviewed in the manner and following the procedures established in Chapters 14.16A and 14.16B for a Type IV review.* The applicant has submitted a Type IV application (**Exhibit 1**) in compliance with LSMC 14.16C.090(c). The proposal shall be referred to the Hearing Examiner for a recommendation to City Council pursuant to LSMC 14.16C.090(e)(1).
 - iv. *Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or the City Administration.(2) Any other person may also petition the Planning Department to amend the Official Zoning Map. The petition shall be filed with the Department of Planning and Community Development and shall include: (i) The name, address, and phone number of the applicant; (ii) A description of all land proposed to be rezoned including a map highlighting the specific parcels; and (iii) A rationale for the proposed map changes.* The applicant has submitted a Type IV application (**Exhibit 1**), a project narrative (**Exhibit 2**) and supporting documentation in compliance with LSMC 14.16C.090(d).
 - v. *No application shall be filed which on its face will not comply with the Lake Stevens Comprehensive Plan.* No change is proposed to the underlying Comprehensive Plan Land Use designation.
 - vi. *No application without signatures of owners representing 75 percent of the area proposed for rezone shall be filed or accepted for filing.* Pursuant to Superior Court Case No. 13-4-00665-6, the successor trustee of the testamentary trust of Solveig Vinje is Ms. Kathleen Bournique (**Exhibit 10**). Ms. Bournique's signature is present on the submitted Type IV application (**Exhibit 1**).
 - vii. If the concurrent rezone is approved, the proposal will be consistent with Comprehensive Land Use Map designation of Medium Density Residential.

- viii. The rezone is consistent with the Growth Management Act as the city can establish its local zoning and has met public notice requirements.
- ix. The proposed rezone advances identified goals and policies of the Comprehensive Plan Housing Element. At the time of development, any application will need to meet state and local regulations in effect and ensure concurrency standards are met.
- x. The amendment will advance the public health, safety and welfare of the public pursuant to added roads and sidewalks, utility connections and the construction of housing in advancement of the Housing Element Goals and Policies of the city's Comprehensive Plan.
- xi. The site contains adequate area to develop and will be accessed via connections with At the time of development, any application will need to meet state and local regulations in effect and ensure concurrency standards are met.
- xii. The proposal will not be materially detrimental to adjacent land uses as conditioned.
- xiii. As conditioned and in accordance with municipal standards there will be adequate infrastructure to develop the site under the proposed zoning.
- xiv. Environmental impacts can be mitigated.
- xv. The proposal complies with municipal standards for a rezone application.
- xvi. The project is not within a designated subarea.

4. Environmental Review and Critical Areas:

- a. The proposal is exempt from SEPA review pursuant to Chapter 16.04 LSMC and the WAC 197-11-800 (6)(c)(ii) because the applicant does not propose an amendment to the city's Comprehensive Plan.
- b. Sloped areas that may be considered Geologically Hazardous Areas per Chapter 14.88 LSMC, Part VI are located on the subject property. Any modification to these areas would be subject to the requirements of LSMC 14.88.600 - .670 LSMC (See Section C.2.d.i. for further discussion of critical areas on site).
- c. There is a Type "F" stream identified near the sloped portion of the property which will subject to the requirements of Chapter 14.88 LSMC at the time of development (See Section C.2.d.i. for further discussion of critical areas on site).
- d. At the time of development permit application, the project proponents shall contact the U.S. Department of Fish and Wildlife to ascertain the applicability of a Bald Eagle Management Plan (**Exhibit 7**).

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

5. Traffic Impacts:

- a. Chapter 14.112 LSMC establishes mitigation requirements for traffic impacts to Lake Stevens' roads from development.
- b. The property is located in the Traffic Impact Zone 3: South Lake Stevens. The subject property will be subject to applicable traffic impact fees in effect at the time of development.
- c. The applicant submitted a traffic report on January 29, 2016 (**Exhibit 8**). The conceptual future subdivision would add approximately 305 average daily trips, 24 AM peak-hour trips

and 32 PM peak-hour trips. When compared to the current existing potential build-out, the approval of the rezone request would generate 77 more average daily trips, 6 more AM peak-hour trips and 8 more PM peak-hour trips. Public Works approved this initial report on February 11, 2016 and has determined that there will be no adverse impacts to SR-204 or 20th Street SE. At the time of development permit application, the applicants shall submit a traffic analysis that reflects the formal submitted proposal.

Traffic impacts, should the proposal be approved, would result in an increase of 8 PM Peak Hour trips over the current zoning, which has a negligible effect on levels of service measured at key intersections.

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

D. CONDITIONS

The requested site-specific minor zoning map amendment (LUA2016-0010) is consistent with the rezone criteria, permit processing procedures, the existing Comprehensive Land Use designation and all other applicable municipal code requirements, subject to the Conditions noted below:

1. **Exhibit 10** depicts the area to be rezoned from the Suburban Residential zoning district to the Urban Residential zoning district. This rezone is contingent upon the Hearing Examiner's recommendation of approval and final approval by City Council. Upon approval, the proposed change will be incorporated into an official revised Lake Stevens zoning map.
2. All future development must comply with federal, state and local regulations in effect at the time of application.

E. STAFF RECOMMENDATION

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

CITY OF LAKE STEVENS, DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

Recommendation Completed by



March 14, 2016

Stacie Pratschner, *Senior Planner*

Date of Completion

F. RECONSIDERATION AND APPEALS

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

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

G. EXHIBITS¹

1. Type IV Application, received on January 29, 2016
2. Applicant Narrative, received on January 29, 2016
3. Conceptual Preliminary Site Plan, received on January 29, 2016
4. Notice of Complete Application, issued on February 4, 2016
5. Notices
 - a. Notice of Application, issued on February 8, 2016
 - b. Notice of Public Meeting, issued on February 9, 2016
 - c. Notice of Public Hearing, issued on March 9, 2016
6. Emails and letters of concern with staff responses
7. Email correspondence between staff and the WDFW
8. Traffic Impact Analysis report and Traffic Impact Fee worksheet by Gibson Traffic Consultants, received January 29, 2016
9. Construction Plan Submittal Checklist
10. Superior Court Case No. 13-4-00665-6
11. Site Vicinity Map

Distributed to the Following Parties:

1. Seattle Pacific Homes, Inc.: Applicant
2. Mr. Merle Ash with Land Technologies, Inc.: Primary Contact
3. The Vinje Solveig Testamentary Trust, c/o Ms. Katherine Boumique: Property Owner
4. Parties of Record

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



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

<p>To Be Completed By Staff</p> <p>Date of Application: _____</p> <p>Staff Initials: _____</p> <p>Permit Number: _____</p>

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

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

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

Property Information	Site Address: 1317 71st Ave SE, Lake Stevens, WA 98258			
	Assessor Parcel No: 004314-008-003-00	Area of property	Square Feet: 433,422	Acres: 9.95
	Land Use Designation: Medium Density Residential	Zoning: Suburban Residential		
	Number of Buildings on Site/: 4	Number to be Retained: 0		
	Existing Impervious Surface Area:	Proposed Impervious Surface Area:		
Applicant	Name/Company: Seattle Pacific Homes, Inc.			
	Address: 120 SW Everett Mall Way, #100		City/State/Zip: Everett, WA 98204	
	Phone: 425.953.2803		Applicants relationship to owner:	
	Fax:		Email: darin.h@seapachomes.com	
Primary Contact	Name/Company: Merle Ash / Land Technologies, Inc.			
	Address: 18820 3rd Ave NE		City/State/Zip: Arlington, WA 98223	
	Phone: 360.652.9727		Email: merle@landtechway.com	
	Fax:			

Property Owner	Name/Company: Vinje Solveig Testamentary Trust- Attn Katherine Bournique				
	Address: 7911 196th St SE		City/State/Zip: Snohomish, WA 98296		
	Phone: 425-508-3615		Email:		
	Fax:				
Project Description	Grading Quantities na		Cut:		Fill:
	Proposed project/land use (attach additional sheets if necessary):				
	Rezone from Suburban Residential to Urban Residential				
Building Information	Gross Floor Area of Existing and Proposed Buildings: na				
	Bldg 1:	Bldg: 2	Bldg 3:	Bldg 4:	Bldg 5:
	Gross Floor Area by Use of Buildings (please describe use as well as floor area):				
	Use 1:				
	Use 2:				
	Use3:				
	Use4:				

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

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

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

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

→ 
 Signature of Property Owner/Agent

1/28/16
 Date of Application

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



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

To be completed by staff

Date of Application: _____

Staff Initials: _____

Permit Number: _____

STATEMENT OF OWNERSHIP/APPLICANT AUTHORITY

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

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

Applicant

Signature: 

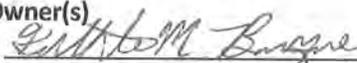
Name: Seattle Pacific Homes, Inc.

Address: 120 SW Everett Mall Way, Suite 100
Everett, WA 98204

Phone: 425.953.2803

Email address: darin.h@seapachomes.com

Property Owner(s)

Signature: 

Name: Vinje Solveig Testamentary Trust
Attn Katherine Bournique

Address: F/B/O John Petrelli,
7911 196th St SE, Snohomish, WA 98296

Phone: 425-508-3615

Email address: key4homes@gmail.com

Signature: _____

Name: _____

Address: _____

Phone: _____

Email address: _____

January 28, 2016

City of Lake Stevens
Planning & Community Development
PO Box 257
Lake Stevens, WA 98258

Att: Russ Wright

RE: Petition for Site-Specific Rezone for Parcel Number: **00431400800300**

Property Address: 1317 71st Ave, Lake Stevens, WA 98258

Legal Description: EAST EVERETT 5 AC TR DIV A & B BLK 008 D-00 LOT 3 REFER TO 4314-008-003-0102 FOR MH ONLY

Applicant: SeaPac Homes, 120 SW Everett Mall Way, Suite 100, Everett WA, 98204

Contact: Merle Ash, Land Technologies, Phone: 360-652-9727, Email: Merle@landtechway.com

Existing Zoning: Suburban Residential (SR)

Comprehensive Plan Designation: Medium Density Residential (MDR)

Proposed Zoning: Urban Residential (UR)

Summary: The request for map amendment is for a Site Specific Rezone consistent with the Lake Stevens Comprehensive Plan. The specific site is 9.95 acres in an area referred to as Cavalero Hill. It has frontage on 71st Ave SE and 72nd Ave SE is “stubbed” to its south property line. The plat of Cavalero Ridge is adjacent to the south property line with lots west of the site just across 71st Ave SE.

The plat of Cavalero Ridge is smaller lots ranging from 4500 square feet to 6500 square feet on average. Cavalero Ridge was platted when this area was still in Snohomish County before annexation into the City.

The current City zoning of SR requires standard lot sizes of 9600 square feet that can be reduced to 7500 square feet using Cluster provisions of City Code. Minimum lot width is 80 feet. These lot sizes and widths would be inconsistent with the existing development along the entire south property line and west across 71st. The Cavalero Ridge lots are generally 6000 square feet and 50 to 60 feet wide.

The requested rezone would allow development consistent with the existing development on two sides. The UR zone allows 60 feet wide lots and down to 6000 square feet using the Cluster Subdivision Provisions of Lake Stevens Code.

Amendment Complies with Comprehensive Plan: the Comprehensive Plan has the site designated as Med Density Residential (MDR) which allows single-family residential development with a gross density between four and twelve lots per acre. Both the SR zone and UR zone are facilitating zones for the MDR designation.

Due to a stream and associated critical areas in the NE corner of the site, the requested zoning will only produce 3.2 lots per gross acre. With the SR zone only 2.4 lots per gross acre are feasible.

The proposed amendment complies with the Comprehensive Plan Land Use Map, policies and provisions of the Comprehensive Plan.

Amendment is in Compliance with the Growth Management Act (GMA): RCW 36.70A.020 Planning Goals encourages development in urban areas where adequate public facilities exist. A second goal is to reduce sprawl or the inappropriate conversion of undeveloped land into sprawling, low-density development.

The proposed map amendment is located in the City limits of an urban area with adequate roads and utilities at its frontage. The rezone will provide a suiting residential density consistent with existing development in the neighborhood.

Providing Urban Development in an Urban Area is in compliance with GMA.

The amendment serves to advance the Public Health, Safety and Welfare: the Public in Washington State and Snohomish County voted in support of the Growth Management Act enacted in 1990. The purpose of the GMA is to reduce sprawl and protect natural resources. This project is Consistent with GMA and therefore it advances the Public Health, Safety, and Welfare.

Also found in *Henderson vs Kittitas County* that any future development, when meeting zoning and design standards, will have no immediate adverse impact on the area. Any future development will have to comply with standards for construction, road building, and water rights.

This same Court Decision found that increasing the lot yields provided more tax money that would provide additional services to the community as a benefit to public health, safety, and welfare. It was also stated in this decision that like stated in the first paragraph of this section that the *“primary benefit of the rezone, however, is that it furthers the goals of the comprehensive plan to...”* by increasing diverse use of land and reducing “rural sprawl”.

Changed Circumstances: When GMA was enacted in 1990 there was a population in Snohomish County of 465,000 people (465, 642 per census); current populations in Snohomish County (includes Lake Stevens) is 757,600 people. The City of Lake Stevens had a population of only 5,091 in 1995 when the county enacted the GMA. Today, just 20 years later, that population has grown to 39,000 and expected to increase by 11,000 by 2035. Lake Stevens was incorporated in 1960 with 900 residences and is now approaching 40,000. Increases and accommodations of that increase is a changed circumstance that warrants this change in zoning to help accommodate expected growth.

In 1995 when GMA was enacted in Snohomish County, the average cost of a home was under \$200,000. Today the average cost in Snohomish County (including Lake Stevens) is over \$350,000. Per Zillow, the median home value is \$418,000. The average income per family earns about \$67,000 which only qualifies the median income earner to a \$266,000 home. This change in average home prices requires a change in lot sizes to produce any homes that can be near “affordable”. Due to this Change Circumstance, the large 9600

square foot lots required with the current zoning are unaffordable for the median family income. The rezone allows for the development of lot sizes and homes that help make homes more affordable.

Access and utilities had not been available to the site. Roads and essential utilities are now at the site and upgraded sewer treatment facilities can accommodate the planned development.

This area had been essentially larger rural like lots when first included in the Urban Growth Area. Development adjacent to this property has since been developed at dimensions and densities more consistent with the UR zone. The UR zone allows 6000 sf lots and minimum widths of 60 feet which are consistent with adjacent lots. Development types and patterns have changed.

General conformance with zoning standards: the subject property is 9.95 acres minus some area that will be set aside as Open Space/Critical Areas. The net area will provide for approximately 32 lots using the cluster provisions of Lake Stevens Municipal Code. Adequate residential roads front the property and are stubbed into the south property line. Water and sewer are available at the frontage and at the stub. Development per the existing zoning would be the same as it will be with the successful rezone.

Amendment will not be materially detrimental to uses or property in the immediate vicinity: adjacent properties are developed with lots consistent with the proposed rezone. The Amendment would reduce a detriment to uses in the immediate vicinity by allowing homes on lots similar to the adjacent properties. If larger lots were developed next to these smaller lots, the likelihood would be a decrease in value of the adjacent existing properties.

Adequate public facilities are available: Roads and utilities are at the frontage and stubbed to the south property line. Upgrades to the Sewer Treatment facilities can accommodate this minor increase in use.

Adverse environmental impacts can be mitigated: no significant environmental impacts are anticipated and any minor impacts have been accounted for in the Municipal Code and Standards. Specific impacts to roads, schools, and parks will be mitigated by paying appropriate fees.

Complies with applicable criteria and standards: the petition is consistent with applicable criteria and standards as has been briefly presented in above addressing of Decision Criteria of LSMC 14.16C.090(g). The application complies with the Lake Stevens Comprehensive Plan as a Site-Specific Rezone that does not change the existing Comprehensive Plan Map. The Designation is to remain Med Density Residential (MDR) and will only change the underlying zone from the SR facilitating zone to the UR facilitating zone.





Planning & Community Development

City of Lake Stevens
PO Box 257
Lake Stevens, WA 98258

February 4, 2016

Mr. Merle Ash, Primary Contact of Record
Land Technologies, Inc.
18820 3rd Avenue NE
Arlington, WA 98223

Notice of Complete Application: The Silverstone Property Site-Specific Rezone (LUA2016-0010)

Dear Mr. Ash:

This letter is to inform you that the City has determined your application for a site-specific rezone at 1317 71st Avenue SE, Lake Stevens, WA, case number **LUA2016-0010**, to be complete. This determination of completeness means that the basic information needed to start the review has been submitted. However, the city may require additional or corrected information as we proceed to ensure the request meets city requirements.

Feel free to contact me at 425-377-3219 or spratschner@lakestevenswa.gov if you have any questions or concerns.

Sincerely,



Stacie Pratschner, AICP
Senior Planner

Cc: Seattle Pacific Homes, Inc., Applicant

PROJECT NAME/ FILE NUMBER: Silverstone Property: Site-Specific Rezone / LUA2016-0010
APPLICANT: Seattle Pacific Homes, Inc.
PROJECT LOCATION: 1317 71st Avenue SE, Lake Stevens, WA 98258
PARCEL NUMBER: 00431400800300
DATE OF APPLICATION: January 29, 2016
NOTICE OF APPLICATION ISSUED: February 8, 2016
END OF COMMENT PERIOD: February 22, 2016

PROPOSED PROJECT DESCRIPTION:

- Project Description: The applicant proposes a site specific rezone pursuant to LSMC 14.16C.090(b)(1) of a parcel in the Suburban Residential (SR) zoning district. The parcel is approximately 9.95 acres and would rezone to the Urban Residential zoning (UR) district. The applicant will then seek preliminary plat approval for a 32-lot subdivision.
- Required Documents: Traffic study.
- Project Consistency: The proposed zoning map amendment request conforms to the Comprehensive Plan, and adjacent parcels to the east are also in the Urban Residential zoning district.
- Application Type: Site-Specific Rezone / Type IV (Quasi-Judicial Review)

PUBLIC REVIEW AND COMMENT:

Interested parties may submit written comments within 14 days of this Notice by sending them to City Hall, Attn: Stacie Pratschner, PO Box 257, Lake Stevens, WA 98258 or by email at spratschner@lakestevenswa.gov.

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

For additional information please contact the Department of Community Development at 425-377-3223.

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

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

PROJECT NAME/ FILE NUMBER: Silverstone Property: Site-Specific Rezone / LUA2016-0010
APPLICANT: Seattle Pacific Homes, Inc.
PROJECT LOCATION: 1317 71st Avenue SE, Lake Stevens, WA 98258
DATE OF PUBLIC MEETING: / TIME: Wednesday, February 24th at 6:30 pm
MEETING LOCATION: Community Center next to City Hall (1808 Main Street, Lake Stevens, WA 98258)

PROPOSED PROJECT DESCRIPTION:

- Project Description: The applicant proposes a site specific rezone pursuant to LSMC 14.16C.090(b)(1) of a parcel in the Suburban Residential (SR) zoning district. The parcel is approximately 9.95 acres and would rezone to the Urban Residential zoning (UR) district. The applicant will then seek preliminary plat approval for a 32-lot subdivision.
- Required Documents: Traffic study.
- Project Consistency: The proposed zoning map amendment request conforms to the Comprehensive Plan, and adjacent parcels to the east are also in the Urban Residential zoning district.
- Application Type: Site-Specific Rezone / Type IV (Quasi-Judicial Review)

PUBLIC REVIEW AND COMMENT:

Interested parties may submit written comments before the meeting or testify at the public meeting. Comments can be submitted to City Hall, Attn: Stacie Pratschner, PO Box 257, Lake Stevens, WA 98258 or by email at spratschner@lakestevenswa.gov. Persons who submit written or oral testimony may appeal the decision.

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

For additional information please contact the Department of Planning and Community Development at 425-377-3223.

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

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

PROJECT NAME/ FILE NUMBER: Silverstone Property: Site-Specific Rezone / LUA2016-0010
APPLICANT: Seattle Pacific Homes, Inc.
PROJECT LOCATION: 1317 - 71st Avenue SE, Lake Stevens, WA 98258
DATE OF PUBLIC HEARING / TIME: Thursday, March 24, 2016 @ 7:30pm
HEARING LOCATION: **Lake Stevens Fire District Conference Room**
1825 S. Lake Stevens Rd.
Lake Stevens, WA 98258

PROPOSED PROJECT DESCRIPTION:

- Project Description: The applicant proposes a site specific rezone pursuant to LSMC 14.16C.090(b)(1) of a parcel in the Suburban Residential (SR) zoning district. The parcel is approximately 9.95 acres and would rezone to the Urban Residential zoning (UR) district. The applicant will then seek preliminary plat approval for a future subdivision.
- Application Type: Site-Specific Rezone / Type IV (Quasi-Judicial Review)

PUBLIC REVIEW AND COMMENT:

Interested parties may submit written comments before the hearing or testify at the public hearing. Comments can be submitted to City Hall, Attn: Stacie Pratschner, PO Box 257, Lake Stevens, WA 98258 or by email at spratschner@lakestevenswa.gov. Persons who submit written or oral testimony may appeal the decision.

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

For additional information please contact the Department of Planning and Community Development at 425-377-3223.

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

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

Stacie Pratschner

From: Jill Meis
Sent: Thursday, February 25, 2016 12:36 PM
To: Jerry Wynne
Cc: Stacie Pratschner
Subject: RE: Rezone for "The Silverstone Property"
Attachments: 20160225115252.pdf

Hello Mr. Wynne,

Thank you for checking with the Auditor's office and attaching the survey for us. The addresses provided to the city for noticing are gathered using the Assessor information. I have attached the Assessor information that is current as of today for your property to review. The mailing is sent to the "owner address" because the "taxpayer address" can often be the mortgage or management company and the "property address" is often vacant land. The statement that I made last night was an attempt to help the public and ensure the proper resident gets the notice. If you need any further information or I can be of help to you, please let me know.

Thank you,

Jill Meis
Permit Specialist
City of Lake Stevens
Permit/Planning Department
425-377-3223



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.

From: Stacie Pratschner
Sent: Thursday, February 25, 2016 11:51 AM
To: Jerry Wynne <jwynne@alexanderprint.com>
Cc: Jill Meis <jmeis@lakestevenswa.gov>
Subject: FW: Rezone for "The Silverstone Property"

Hi Mr. Wynne,

Thank you for attending the public meeting last night and for commenting on the proposed rezone. I've cc'd Jill Meis (jmeis@lakestevenswa.gov), our Permit Specialist on this correspondence. She was the staff person that you had discussion with last night concerning your address and the actions you can take to correct the information. I'm not as familiar with the addressing process as she is, so please work with Jill if we can be of additional assistance in that regard.

Your comments will be included in the staff report to the Hearing Examiner. Thanks again, and let me know if I can provide additional information.

Sincerely,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Jerry Wynne [<mailto:jwynne@alexanderprint.com>]
Sent: Thursday, February 25, 2016 11:18 AM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: FW: Rezone for "The Silverstone Property"

Property"

Ms Pratschner, in regards to the mailing that was to notify me of the 24 February meeting, last night, you have stated to me that the reason that I did not receive this public notice was the fact that the Snohomish county Assessor's Office listed the property address as an Everett 98205 address. Therefore the important notice was returned to point of origin, your office.

As you can see by the attachments the Assessor's Office has the correct address, your office has made an error in using old data that stems from prior annexation addresses. These people are voters and tax payers in Lake Stevens that pay to have the correct information supplied to them for notifications that will impact their lives. Check your facts before you make unsubstantiated public statements.

The explanations for different types of densities of housing and platting lots sizes were not as clear as it could have been, remember you need to explain the ABC's like we are 3rd graders when it comes to development. The developer see 3 more houses, I see 1.2 million dollars in additional sales. The community sees additional traffic impact.

I would like to see lane striping on the streets for lane designation and parking designation, just like every other cluster development, I would like to have a traffic counter on 71st to accurately count vehicles. 71st is an entryway for multiple developments, since 20th is such a disaster to drive. I can see why the Scholl District balks at entry into this development, they do not want to exit onto SR 204.

Jerold Wynne
1221 71st Ave SE
LakeStevens, Was 98258

Stacie Pratschner

From: Stacie Pratschner
Sent: Tuesday, February 23, 2016 10:48 AM
To: 'Lana Johnston'
Subject: RE: Proposed Residential Development at 1317 71st Ave Se

Hi Leif,

An EIS is triggered by the NEPA (National Environmental Policy Act) process. NEPA requires federal agencies to assess the environmental impacts of their proposed actions, for example in the adoption of federal land management actions or the construction of highways or other publicly-owned facilities (i.e. a project where federal dollars are involved). If the applicants decide to move forward with a development proposal on the Silverstone property, that proposal will be subject to a SEPA review. The State Environmental Policy Act ensures environmental values are considered during the decision-making process by state and local agencies in issuing permits for development; you can find a copy of the checklist here. Chapter 16 LSMC describes how the city processes SEPA checklists and makes threshold determinations prior to development.

At the time of development application, the city will contact all impacted agencies with a copy of the applicant's checklist and the threshold determination (this includes Fish and Wildlife). If at that time USFWS determines that a bald eagle management plan is required, the applicants will work directly with that agency and the plan will become a condition of approval for the development.

Thank you and please let me know if I can provide additional information.

Sincerely,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Lana Johnston [mailto:johnston42003@gmail.com]
Sent: Tuesday, February 23, 2016 10:23 AM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Re: Proposed Residential Development at 1317 71st Ave Se

Hi Stacie, has the city done an EIS an environmental impact study on this land?

Thank you,

additionally, i know eagles are not endangered but they are protected!

Thanks,

Leif

On Mon, Feb 22, 2016 at 10:56 AM, <spratschner@lakestevenswa.gov> wrote:

Hello Mr. and Mrs. Johnston,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). The requested change from the SR zoning district (minimum lot size 9600 square feet) to the UR zoning district (minimum lot size 7500 square feet) will permit lot's that may be allowed to be as small as 6000 square feet in size if the applicants apply for a cluster subdivision per Chapter 14.48 LSMC. The Cavalero Ridge lots south of the proposed rezone are between 5000 square feet and 6100 square feet in size. The lots to the north (the Vinje Block, along 11th Street SE) are between 4000 and 6000 square feet. The lot's to the west along 71st Avenue SE are approximately 5600 to 6100 square feet in size. The applicants are not proposing a Comprehensive Plan Amendment to change the land use designation (just the zoning change from SR to UR) to a higher density, so the underlying designation will remain medium density residential and be consistent with the intensity of other developments in the area.

Per the Washington State Growth Management Act and Chapter 14.88 of the Lake Stevens Municipal Code, the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. Any identified critical areas will be required to be set aside in a Native Growth Protection Area (NGPA), which will have no development density and will be protected in perpetuity from land disturbance. The applicants have not yet applied for any land use development applications.

The city's recently updated Comprehensive Plan is available [here](#), and Chapter 3 provides an outline of the city's housing needs and the goals and policies in place to meet those needs. Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP

Senior Planner

City of Lake Stevens | Planning & Community Development

1812 Main Street | PO Box 257

Lake Stevens, WA 98258-0257

[425.377.3219](tel:425.377.3219) | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Lana Johnston [<mailto:johnston42003@gmail.com>]
Sent: Monday, February 22, 2016 7:55 AM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Proposed Residential Development at 1317 71st Ave Se

Please see attached letter regarding our concerns with the new development.

Thank you very much,

--

Leif & Lana Johnston

--

Leif & Lana Johnston

Stacie Pratschner

From: Stacie Pratschner
Sent: Tuesday, February 23, 2016 8:10 AM
To: 'Cindy Hendrickson'
Subject: RE: Silverstone Property Proposal
Attachments: Silverstone Rezone TIA - Final.pdf

Hello Mrs. Hendrickson,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. A future preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Staff has received other concerns from neighbors in your area about traffic flow and the safety of the public; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

The city's recently updated Comprehensive Plan is available [here](#), and Chapter 3 provides an outline of the city's housing needs and the goals and policies in place to meet those needs. I've also attached the applicants preliminary traffic study for your review.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

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Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Cindy Hendrickson [mailto:cindyhendrickson11@hotmail.com]
Sent: Monday, February 22, 2016 4:55 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Cc: davidlynnwoodmoto@hotmail.com
Subject: Silverstone Property Proposal

To whom it may concern,

We live at 7305 14th Pl SE in the Cavalero Ridge neighborhood. Our house sits right on the greenbelt of the proposed new development. We are opposed to this new development and to rezoning of the property. This new development would create a tremendous amount of traffic in our neighborhood. Our children would no longer be able to play outside with the increase of cars using our roads.

Thanks,
David and Cindy Hendrickson
425-232-8217
206-200-6727

Stacie Pratschner

From: Stacie Pratschner
Sent: Tuesday, February 23, 2016 8:07 AM
To: 'Mari Cline'
Subject: RE: Fwd: Concerning the new home development xxxxxx off of 72nd Avenue.docx
Attachments: Silverstone Rezone TIA - Final.pdf

Hello Ms. Cline,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. Staff has received other concerns from neighbors in your area about traffic flow and the safety of the public; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

The city's recently updated Comprehensive Plan is available [here](#), and Chapter 3 provides an outline of the city's housing needs and the goals and policies in place to meet those needs. I've also attached the applicants preliminary traffic study for your review.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Mari Cline [mailto:maricline@sbcglobal.net]
Sent: Monday, February 22, 2016 3:49 PM

To: Stacie Pratschner <spratschner@lakestevenswa.gov>

Subject: Fw: Fwd: Concerning the new home development xxxxxxx off of 72nd Avenue.docx

Attached please find our concerns regarding the Silverstone subdivision. Thank you

Mari Cline
281-636-9835

On Sunday, February 21, 2016 11:24 AM, Doug Cline <d.e.cline@sbcglobal.net> wrote:

Sent from my iPad

Begin forwarded message:

From: "Cline, Douglas E" <douglas.e.cline@boeing.com>

Date: February 21, 2016 at 11:09:37 AM PST

To: "d.e.cline@sbcglobal.net" <d.e.cline@sbcglobal.net>

Subject: Concerning the new home development xxxxxxx off of 72nd Avenue.docx

Concerning the new home development xxxxxx off of 72nd Avenue.

This development as laid out will have a significant negative impact on the Cavlero Ridge subdivision and the surrounding neighborhoods in general.

The current planed street layout will only allow traffic in and out through 71st avenue SE or 72nd avenue SE. All traffic from the subdivision heading to highway 2 and I-5 will exit through the cavalero ridge subdivion to get to 79th street and 20th street. This route through the neighborhood has many turns and is a narrow street with restricted parking where many residents had resorted to using signs to warn drivers of children at play.

The home lot layouts are decreasing the amount of greenspace and significantly adding to the congestion in the area. Lake Stevens has only the highway 2 trestle as a direct route to I5 and to work and retail shopping. The west bound bridge is in desparate need of resurfacing with only two lanes, an expansion is need to support the increased traffic that already causes traffic delays by 5:30 am on normal work days. Highway 9 is not a viable alternate as it narrows to one lane in each direction and passes through Marysville and Snohomish. Further development will only aggravate these traffic problem to the point where all property values in Lake Stevens will start to fall.

Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 10:48 AM
To: 'Adam Gessaman'
Subject: RE: Silverstone Property; Site-Specific Map Amendment / LUA2016-0010
Attachments: Silverstone Rezone TIA - Final.pdf

Good morning Mr. Gessaman,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). The requested change from the SR zoning district (minimum lot size 9600 square feet) to the UR zoning district (minimum lot size 7500 square feet) will permit lot's that may be allowed to be as small as 6000 square feet in size if the applicants apply for a cluster subdivision per Chapter 14.48 LSMC. The Cavaleiro Ridge lots south of the proposed rezone are between 5000 square feet and 6100 square feet in size. The lots to the north (the Vinje Block, along 11th Street SE) are between 4000 and 6000 square feet. The lot's to the west along 71st Avenue SE are approximately 5600 to 6100 square feet in size. The applicants are not proposing a Comprehensive Plan Amendment to change the land use designation (just the zoning change from SR to UR) to a higher density, so the underlying designation will remain medium density residential and be consistent with the intensity of other developments in the area. The Stonebriar subdivision was granted preliminary approval by Snohomish County, and is developing per the Snohomish County regulations in effect at the time of approval. A new subdivision proposal at the Silverstone property would be subject to the city's setbacks and density and dimensional requirements of Chapter 14.48 LSMC, including more restrictive impervious surface allowances. If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. A future preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Staff has received other concerns from neighbors in that area about traffic flow; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

Per the Washington State Growth Management Act and Chapter 14.88 of the Lake Stevens Municipal Code, the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. Permitted construction hours within the city are 7 am to 9 pm on week days and 9 am to 9 pm on weekends, and noise levels generated by work on site must comply with the dB(A) restrictions of LSMC 14.44.210. The applicants have not yet applied for any land use development applications.

The city's recently updated Comprehensive Plan is available [here](#), and Chapter 3 provides an outline of the city's housing needs and the goals and policies in place to meet those needs. I've also attached the applicants preliminary traffic study and proposed lot layout (final page) for your review.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Adam Gessaman (via Google Docs) [mailto:drive-shares-noreply@google.com]
Sent: Sunday, February 21, 2016 9:20 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Silverstone Property; Site-Specific Map Amendment / LUA2016-0010

Adam Gessaman has attached the following document:



Rezone Letter



Hi Stacie,

Please find attached my letter opposing the proposed rezone in LUA2016-0010.

I would appreciate it if you could confirm receipt of this email and said attachment.

Thank you!

-Adam Gessaman

Adam and Brenda Gessaman
7233 14th Pl. SE
Lake Stevens, WA 98258

City Hall
Attn: Stacie Pratschner
PO Box 257
Lake Stevens, WA 98258

Re: Silverstone Property: Site-Specific Rezone / LUA2016-0010

To whom it may concern,

I'm writing to ask the city to decline to rezone parcel number 00431400800300 as requested by Seattle Pacific Homes, Inc. My wife and I have lived in the Cavalero Ridge neighborhood for 3.5 years, and I am a life-long Lake Stevens resident. I am writing to oppose the request to rezone the adjacent property to Urban Residential density as it will have a material impact on the adjacent properties, as well as the character and safety of the neighborhood.

First, the proposed zoning is inconsistent with the current zoning to the north and south. While adjacent to parcels zoned Urban Residential to the east, the rationale that this land *should* be developed at its highest possible density when that density is out of character with the immediately contiguous neighborhood is questionable. Additionally, less than 25% of the perimeter is adjacent to the area zoned Urban Residential. It is surrounded by Suburban Residential parcels to the north, west and south. Furthermore, residents purchase homes in Lake Stevens using property zoning types as an indicator for the type of future development that will surround them. We purchased our house excited that we were near the 20th Street business district--the opportunity for future services was a possible feature promised by the zoning map. Similarly, we purchased knowing that the land behind our house would some day develop into a neighborhood consistent with the neighborhood we chose to make our home. One only has to look at the other high-density developments in Lake Stevens to see that re-zoning this parcel to enable a developer to reduce the minimum lot sizes and frontages by 25% produces a neighborhood inconsistent in character to that of Cavalero Ridge. Of particular concern, after observing the construction in D.R. Horton's new Stonebriar subdivision, is the minimum setback construction on all sides, including to the rear. The potential for a neighbor's deck to be constructed less than five feet from our back fence off the second story of their house is a very real concern. Due to lot size requirements, minimal setbacks and residence sq-ft-to-lot ratios, that invasive scenario appears unlikely to occur in a subdivision zoned suburban residential (Figure 1) or in a subdivision constructed along the more typical suburban model like Avery Park which was platted prior to annexation by the city of Lake Stevens (Figure 2). It appears to be commonplace trend in much of the nearby Urban Residential construction (Figures 3 and 4).

Second, 14th Place is already a relatively busy suburban street on most mornings and afternoons due to the density of traffic provided by the residents of Cavalero Ridge. As it is the only "through" street in the neighborhood, it carries a significant traffic burden for a residential street. 14th Place is also often used by residents of D.R. Horton's new Stonebriar subdivision taking advantage of the right-turn off of SR-204, a burden that may further increase with the completion of more homes in Westview Ridge. It is important to

note that this street is already signed for one-sided parking, a regulation which is frequently ignored and is largely unenforced by the Lake Stevens Police Department, resulting in unpredictable reductions to a single lane. Currently there are 56 homes downhill of our house whose residents and guests must drive past it to get to I-5 and future amenities offered in the 20th street corridor. Adding an additional 32 homes would provide a 57% load increase on this one street segment. At the current zoned density, some quick math indicates that roughly 24 homes could be built on parcel number 00431400800300, resulting in a lower, but still significant, 42% percent increase in traffic load. This increased traffic has a very real potential reduce the safety of my children and other children in this neighborhood, and with any increase over the planned density that risk is compounded. I would, of course, prefer the lower impact scenario.

Finally, the land is currently host to a pond and grass field. From his bedroom window my son has watched ducklings float on the pond and deer graze in the field. Wildlife and a great view for us, the neighbors, certainly doesn't preclude this land from development, nor do I necessarily oppose the expansion of suburban development in Lake Stevens. I'm wise enough to bow to the forces of progress. But to transition from undeveloped land to the highest density single-family zoning type in Lake Stevens forces me to conclude that part of what would be lost by the city allowing this re-zoning is a sense of trust between the city and its residents. While I recognize the city's authority to zone and re-zone land, I also ask the city to recognize that zoning is a statement of expected use by the city and as such residents who purchase adjacent to areas slated for development under one zoning code buy into the expected character of the development prescribed by that zoning code. Furthermore, increasing the density of the adjacent subdivision will place an additional, unplanned, and unmitigatable burden on the existing road infrastructure.

Thus, I respectfully reiterate my opposition to the proposed rezoning in Silverstone Property: Site-Specific Rezone / LUA2016-0010.

Sincerely,

Adam Gessaman

Figure 1. Back yard separation in Cavalero Ridge (Zoned SR)



Figure 2. Back yard separation in Avery Park (Phase 2), annexed in 2010 and zoned UR.



Figure 3. Back yard separation in Stonebriar with high deck at property line and no yard (Zoned UR)



The lot on the left is 0.12 acres, the lot on the left is 0.06 acres according to county records.

Figure 4. Back yard separation in Stonebriar with high deck and roughly 8 foot yard. (Zoned UR)



Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 4:02 PM
To: 'Keith Glasscock'
Cc: Adam Emerson
Subject: RE: Concerns regarding rezoning LUA2016-0010
Attachments: Silverstone Rezone TIA - Final.pdf

Hello Mr. Glasscock,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. Staff has received other concerns from neighbors in your area about traffic flow and the safety of the public; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

The city's recently updated Comprehensive Plan is available [here](#), and Chapter 3 provides an outline of the city's housing needs and the goals and policies in place to meet those needs. I've also attached the applicants preliminary traffic study for your review.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Keith Glasscock [mailto:kgairman@gmail.com]
Sent: Monday, February 22, 2016 2:42 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Concerns regarding rezoning LUA2016-0010

Good day,

I live at 1433 72nd AVE SE in the Cavalero Ridge development.

I do not support the proposed land use changes to the parcel for the following reasons:

- 1) Increased traffic through the existing Cavalero Ridge neighborhood
- 2) Decreased traffic safety of our children due to #1
- 3) Decreased availability of street parking
- 4) Decreased home values on existing homes in the Cavalero Ridge development

Narrative:

The proposed plat map shows that the only road access to lots 6-32 of the new development will be via 72nd AVE SE, the street I live on. In order for the residents of those homes to travel to either highway 204, or to the highway 2 bridge, they will have to travel along the streets in the Cavalero Ridge development for quite some distance. Since simple observation shows that very few homes in the area have less than two vehicles, one could conclude that the total traffic would increase by 54 vehicles per day once construction is complete. Prior to that time, the roads will have to support a much more significant increase in the form of construction traffic.

You are likely unaware that exiting 71st AVE onto HWY 204 is a mandatory right turn. The ramping, poor visibility, and inadequate acceleration space available makes that exit (and associated entrance) unsafe to use during inclement weather and high traffic periods. The result is that much of the traffic entering and leaving the development must pass through the majority of the Cavalero Ridge development to access an arterial roadway.

The increase in traffic will make the neighborhood less safe for the children that play in the front yards of homes. Additionally, street parking availability will decrease because construction vehicles and homeowners of new homes in the development will likely find it impossible to use street parking within that development. It is easy to surmise that those changes to my neighborhood will result in a "taking" of value from our homes.

I believe that all of these concerns can be alleviated by making some significant changes to the plat map and traffic control to HWY 204.

- 1) Reorient the street within the new development to make the only entrance and exit onto 71st AVE SE at the farthest northern point possible.
- 2) Change access to HWY 204 to allow vehicles to access and exit the neighborhoods from either direction safely. A traffic light would be ideal.

If the traffic changes outlined above are incorporated into the approval of zoning change, I would support the changes.

Respectfully,
Keith Glasscock

Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 4:26 PM
To: 'Liz Maduell'
Subject: RE: Silverstone Properties Site Plan
Attachments: Silverstone Rezone TIA - Final.pdf

Dear Ms. Maduell,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. The city will reach out to the School District for comments and requirements prior to granting preliminary approval for any subdivision application. Staff has received other concerns from neighbors in your area about traffic flow and the safety of the public; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

Per the Washington State Growth Management Act and Chapter 14.88 of the Lake Stevens Municipal Code, the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. Because eagles are no longer listed as threatened or endangered in Washington State, the regulatory authority for the nests has shifted from State Fish and Wildlife to the federal government: http://wdfw.wa.gov/conservation/bald_eagle/. USFWS may require the applicants to submit a bald eagle management plan prior to development on the property.

The city's recently updated Comprehensive Plan is available [here](#), and Chapter 3 provides an outline of the city's housing needs and the goals and policies in place to meet those needs. I've also attached the applicants preliminary traffic study for your review.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

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1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



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From: Liz Maduell [mailto:lmcgeeca@gmail.com]
Sent: Monday, February 22, 2016 4:08 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>; Mike <mmaduell@swfinstitute.org>; Liz Maduell <lmcgeeca@gmail.com>
Subject: Silverstone Properties Site Plan

To whom it may concern,

February 22, 2016

I am writing to voice my concerns about the proposed new development that would be built next to Cavalero Ridge behind 14th Pl SE. I live at 7330 14th Pl SE with my husband and our five children. We bought our home in December 2013 and for many reasons. We love this area and how many families are in this subdivision, love that there is a greenbelt throughout the neighborhood, we love feeling like we are secluded but near amenities that we like, the school district is amazing.

My concerns for this proposed development is the increase in traffic. Its already hard to navigate through the neighborhood since the streets are narrow. Another concern is the destruction of more nature so we can squeeze more people here. Another concern is about our schools. We are zoned into Hillcrest Elementary. Its capacity is 550 students, they are currently at 750 students due to the influx of new construction. Also we have seen coyotes in that area plus there are two eagles nests in that area.

We can not allow this to happen. There is no reason to have another development here when there is already so many available developments.

Thank you,

Liz Maduell

415-860-2094

[Lmcgeeca@gmail.com](mailto:lmcgeeca@gmail.com)

7330 14th Pl SE, Lake Stevens, WA 98258

Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 11:03 AM
To: 'Ann Marie Hawryluk'
Subject: RE: Proposed Land Use - 1317 71st Avenue SE, Lake Stevens, 98258
Attachments: Silverstone Rezone TIA - Final.pdf

Good morning Ms. Hawryluk,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. A future preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Staff has received other concerns from neighbors in that area about traffic flow and the safety of the public during any construction on site; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

Per the Washington State Growth Management Act and Chapter 14.88 of the Lake Stevens Municipal Code, the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. Any identified critical areas will be required to be set aside in a Native Growth Protection Area (NGPA), which will have no development density and will be protected in perpetuity from land disturbance. The applicants have not yet applied for any land use development applications.

The city's recently updated Comprehensive Plan is available [here](#), and Chapter 3 provides an outline of the city's housing needs and the goals and policies in place to meet those needs. I've also attached the applicants preliminary traffic study and proposed lot layout (final page) for your review.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Ann Marie Hawryluk [mailto:am.hawryluk@gmail.com]
Sent: Monday, February 22, 2016 10:29 AM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Proposed Land Use - 1317 71st Avenue SE, Lake Stevens, 98258

Good morning,

I am writing to file a complaint against the proposed land use at 1317 71st Avenue SE, Lake Stevens, 98258. As a long-term resident of the Cavalero Ridge development, our family has been subject to years of deleterious impacts from poorly executed construction projects in our neighborhood. Our daughter's leg was broken as a result of the inadequate safety measures and job site clean up during the building phase of Burton Homes/Encore Homes when they purchased the remaining plat from Burnstead Homes. The lack of proper oversight by the city and county resulted in unsafe conditions that led to our daughter breaking her leg during the routine use of a sidewalk in our neighborhood. To subject our family to danger again for a poorly managed construction site is an unacceptable risk.

In addition, there are multiple bald eagle nests in the trees located on the proposed land site. These eagles are visible daily in our neighborhood and their safety and the health of our neighborhood's ecosystem would be placed in jeopardy with the initiation of additional construction and the accompanying noise. The construction period of the Burton Homes/Encore Homes resulted in deer habitat disruption, they now walk through neighborhood areas looking for food because of their habitat being destroyed, so to jeopardize the local wildlife again is without value.

From a capacity stand point, there is already too much traffic through the Cavalero Ridge neighborhood, and children are no longer able to safely bike in the roads or play outside of their homes due to the high volume of vehicular traffic. I have had to flag down more than a dozen drivers in the past year who have been zipping around our neighborhood unchecked at speeds over 40 miles/hour. Where are our speed bumps? Where is the city planning for the safety of citizens? To have additional traffic coming through the road, especially when speed bumps have been denied for our children's safety, would place our children at significant jeopardy. Also, as Lake Stevens must be well aware, 20th Avenue and Rte. 204 are ill-prepared for additional traffic and the overflow will result in additional traffic through the Stonebridge and Westview Ridge neighborhoods, which have already added significant stress to these roads out to Rte. 2 with their recent growth.

Lake Stevens lacks the infrastructure to continue to grow at this pace. Continuing to kill wildlife habitats, expand well beyond what the narrow roads can handle and stress an old and unkempt Rte 2 bridge are ideas without merit. There needs to be a brake placed on the unbridled growth in Lake Stevens until the infrastructure is up to speed and able to handle these many, MANY new communities. I have watched traffic skyrocket and road rage flare because of the inability of Rte. 2 to handle the traffic volumes that flow across. Any accident on

Rte. 2 causes hour plus delays. Why no thought is given to the horribly inadequate roads prior to allowing more homes to be built is baffling. Please take a opportunity to pause, actually consider what impact this unmetered growth has on existing residents and our safety and stop trying to take an attitude that feels akin to "drill, baby, drill."

Thank you,
Ann Marie Hawryluk
360-840-1526

Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 10:07 AM
To: 'Amy Losee'
Subject: RE: Silverstone Property Concerns

Good morning Ms. Losee,

Thank you for your email; I wasn't able to open the letter you attached (my computer didn't recognize the program that was used to create it) but the city has received many concerns about the Silverstone rezone application and has been reaching out via email to address some of those concerns. I've copied and pasted our response below for your review. Please don't hesitate to contact me if I can provide additional information.

Thanks again,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

COPIED EMAIL BELOW:

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. A future preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Staff has received other concerns from neighbors in that area about traffic flow; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

Per the Washington State Growth Management Act and Chapter 14.88 of the Lake Stevens Municipal Code, the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. Permitted construction hours within the city are 7 am to 9 pm on week days and 9 am to 9 pm on weekends, and noise levels generated by work on site must comply with the dB(A) restrictions of LSMC 14.44.210. The applicants have not yet applied for any land use development applications.

The city's recently updated Comprehensive Plan is available [here](#), and Chapter 3 provides an outline of the city's housing needs and the goals and policies in place to meet those needs.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

From: Amy Losee [mailto:amylosee52@yahoo.com]
Sent: Sunday, February 21, 2016 4:14 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Silverstone Property Concerns

Hello,
I have attached a letter below with my concerns for the proposal of the Silverstone homes.
Thank you,
Amy Losee

To whom it may concern:

We are the Losee family, Kevin, Amy and our three children, and we would like to express our concerns against the proposed 32-lot subdivision - Silverstone Property in Lake Stevens.

We have lived on 14th PI SE in Lake Stevens for over two years and our home backs up to the beautiful grove of trees where the new subdivision is planned to be built. We have many concerns about the proposed construction, but mainly the loss of the forest behind our home would be a tragic mistake, and a negative impact on the entire region in which we live. You probably can imagine how sad it would be for us living in this home to look out our windows to see a large group of other homes where once was such a beautiful wild life area. This will be a great loss to the whole neighborhood; and not only for our neighborhood but the joining neighborhoods as well that also get to view these trees every day. That land is home to many animals. During our time here we have heard coyotes all summer, and frogs throughout winter and spring. On several occasions we've heard an owl and of course those trees are home to eagles and many species of birds.

We understand that new construction brings financial resources into our community which helps to build our community but we feel that this new growth must come with a careful balancing of the impact on the green areas in our beautiful community. There is a real need to find a careful compromise between growth and saving our environment. It seems there is plenty of open land on that space without cutting down trees. Would it be so bad to allow new homes to be built without disturbing this wildlife sanctuary? The trees and its related wildlife are what attracted us to Lake Stevens in the first place. It's a small town feel away from the bigger cities. If you drive through our neighborhood you will see how beautiful it is. It would be such a loss to lose these amazing trees that have been growing for centuries.

Along with these concerns we worry about the other problems this would bring. Our neighborhood is already congested with traffic. Many of us already worry about having our kids outside because of all the cars that drive through. Adding that many homes and having the entrance into this development which is well into our neighborhood would significantly increase the traffic to this area impacting the safety of our children. In addition, we have expressed concerns to the school many times about the overcrowding of our bus stop. The school refuses to add a bus stop closer into our neighborhood, which results in a very overcrowded stop for our children. We have had several instances of children almost hit by cars at this overcrowded small stop. The new homes will add significant increased danger to an already potentially dangerous situation.

Disruption during the construction period is a temporary problem but it is a big problem. The noise pollution, the dirt, the parking for construction workers. This isn't some neighborhood far away from others. This is our backyard. This is right outside where my toddler naps.

I hope you will take our concerns to heart. It is a harsh reality to move to a city you love and have that city change. I understand that Lake Stevens is growing and that's not a bad thing. But I know there will be so much regret if we don't protect what makes this city special. Homes within beautiful neighborhoods are what makes Lake Stevens so great.

Thank you for taking the time to hear our concerns.

The Losees – Kevin, Amy, Jordyn, Sophia and Wyatt
(916) 203-7354
amylosee52@yahoo.com
7329 14th PI SE
Lake Stevens, WA 98258

Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 10:04 AM
To: 'Christi Beal'
Subject: RE: Silverstone Property LUA2016-0010 Public Comment

Dear Mrs. Beal,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. A future preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Staff has received other concerns from neighbors in that area about traffic flow; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

Per the Washington State Growth Management Act and Chapter 14.88 of the Lake Stevens Municipal Code, the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. Permitted construction hours within the city are 7 am to 9 pm on week days and 9 am to 9 pm on weekends, and noise levels generated by work on site must comply with the dB(A) restrictions of LSMC 14.44.210. The applicants have not yet applied for any land use development applications.

The city's recently updated Comprehensive Plan is available [here](#), and Chapter 3 provides an outline of the city's housing needs and the goals and policies in place to meet those needs.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

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1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



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From: Christi Beal [mailto:doll21695@hotmail.com]
Sent: Sunday, February 21, 2016 3:11 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Silverstone Property LUA2016-0010 Public Comment

February 21, 2016

Mrs. Christina Beal
1419 72nd Ave. SE
Lake Stevens, WA 98258
doll21695@hotmail.com

Re: Public Review of Project LUA2016-0010

Attn: Mrs. Stacie Pratschner,

It has come to my attention that Seattle Pacific Homes, Inc. has applied to rezone a 10 acre lot near my residence for a 32 lot subdivision. This is very concerning to me as a member of the neighboring subdivision Cavalero Ridge. Recently there has been a lot of new growth in the area with very little concern for overcrowding/traffic. Housing developments continue to go in with very little attention to the underlying infrastructure. Traffic and parking are already noticeable problems. The proposed subdivision only adds to the problem with only one main road and very little new parking. I originally moved to Lake Stevens because the local government had a reasonable plan for future growth. They made an effort to not lose the small town feel of Lake Stevens. However, in recent years it seems that public officials are more interested in reaping the tax dollars that come with population growth. The more houses we can shove on a small plot of land the better.

The lot in question is also home to a variety of wildlife (coyotes, deer, owls, hawks, and on occasion a bald eagle). During past construction projects, much of the wildlife flee the area but often return as soon as the noise level returns to normal. If this project was to continue as scheduled, there will be very little reserved land left for the wildlife.

If construction is allowed to continue as proposed, I hope the city is ready to help enforce noise ordinances and parking regulations. Parking of construction vehicles, parking of construction worker vehicles, and construction supplies should stay within the subdivision. It is already a huge inconvenience for the residents of the area; they should not be further burdened by inconsiderate contractors/workers.

Please consider more than the fiscal scope of this project before approving this land use proposal.

Thanks you for your thoughtful consideration!
Christi Beal

Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 9:32 AM
To: 'Mike king'
Subject: RE: Silverstone Property Application

Dear Mr. King,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, per the Washington State Growth Management Act and Chapter 14.88 of the Lake Stevens Municipal Code the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. The applicants have not yet applied for any land use development applications.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

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-----Original Message-----

From: Mike king [mailto:mbking82@yahoo.com]
Sent: Friday, February 19, 2016 5:59 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Silverstone Property Application

My name is Michael King and I live in lot 67 with my wife Kayla and 2 daughters in the cavelro ridge neighborhood which would be the neighboring community to the proposed Silverstone Property at 1317 71st ave se lake Stevens, wa 98258. My lot would be directly affected as that it will share a property line with the proposed subdivision. I am against this proposal for many reasons but mainly because it will be completely destroying a green belt which was a big part of the reason we chose to live in the lot that we do. Please deny their application.

Thank you for your time
Mike

Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 9:43 AM
To: 'Jerry Wynne'
Subject: RE: The Silverstone Property LUA2016-0010 Rezone

Hello Mr. Wynne,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. A future preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Prior to any construction on site, the applicant would submit a full stormwater and drainage report that addresses erosion control on site and long term stormwater mitigation (runoff, quarry spalled construction entrances, wheel washing stations, and dust control). Staff has received other concerns from neighbors in that area about traffic flow and stormwater; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

Per the Washington State Growth Management Act and Chapter 14.88 of the Lake Stevens Municipal Code, the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. Permitted construction hours within the city are 7 am to 9 pm on week days and 9 am to 9 pm on weekends, and noise levels generated by work on site must comply with the dB(A) restrictions of LSMC 14.44.210. The city provided notice to surrounding properties, but staff did note after the mailing that many of the subject addresses from the Snohomish County website have not been updated with the right zip code and many of the mailers may not have made it to the correct address. The applicants have not yet applied for any land use development applications.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

From: Jerry Wynne [mailto:jwynne@alexanderprint.com]
Sent: Sunday, February 21, 2016 11:02 AM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: The Silverstone Property LUA2016-0010 Rezone

Stacie Pratschner, enclosed response for LUA2016-0010 Rezone.

Jerry Wynne
1221 71st Ave SE
Lake Stevens, WA 98258

Jerold Wynne
1221 71st Avenue SE
Lake Stevens, WA 98258

City of Lake Stevens
Attn: Stacie Pratschner
P.O. Box 257
Lake Stevens, WA 98258

19 February 2016

SUBJECT: The Silverstone Property LUA2016-0010

Response for Public Review and Comment as follows;

- Access roads to development, will there be more than one?
- Construction workers parking need to be on-site only not on narrow streets, agreed to by developer in writing.
- Run-off during construction plan need to be address since my property is downhill from site, I would need to see the plan for mitigation.
- Hours of operation for weekdays and weekends, what are the hours?
- Wheel washing on site for vehicles exiting. Available from OSW.
- Noise level in decibels for adjacent properties.
- Dust and dirt mitigation plan for adjacent properties.
- Category of wetlands and setback from the fish bearing Fox Creek running through the property.
- Existence of the Short Eared Brown Pygmy Rabbit who burrow in the side of the gully of Fox Creek, the genre of rabbit is a threatened species.
- Adjacent properties of 300 feet have never received mailing as stated in postings at property, why not?

I have been a residence on our property since 1968 and have seen the changes under the UGA that cities like Lake Stevens and Snohomish County had to designate. The development of Cavalero Ridge was unbearable for us because of very unprofessional oversight by Snohomish County. Because we are adjacent on the north side and several of our 40 year old evergreen trees will have root balls growing over property lines, if will cause an issue if disturbed.

Respectfully,

Jerold Wynne

Jerold Wynne
1221 71st Avenue SE
Lake Stevens, WA 98258

City of Lake Stevens
Attn: Stacie Pratschner
P.O. Box 257
Lake Stevens, WA 98258

19 February 2016

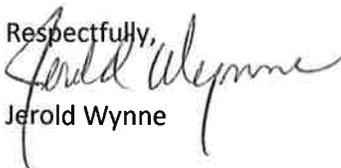
SUBJECT: The Silverstone Property LUA2016-0010

Response for Public Review and Comment as follows;

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- Construction workers parking need to be on-site only not on narrow streets, agreed to by developer in writing.
- Run-off during construction plan need to be address since my property is downhill from site, I would need to see the plan for mitigation.
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I have been a residence on our property since 1968 and have seen the changes under the UGA that cities like Lake Stevens and Snohomish County had to designate. The development of Cavalero Ridge was unbearable for us because of very unprofessional oversight by Snohomish County. Because we are adjacent on the north side and several of our 40 year old evergreen trees will have root balls growing over property lines, if will cause an issue if disturbed.

Respectfully,


Jerold Wynne

Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 10:56 AM
To: 'Lana Johnston'
Subject: RE: Proposed Residential Development at 1317 71st Ave Se

Hello Mr. and Mrs. Johnston,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). The requested change from the SR zoning district (minimum lot size 9600 square feet) to the UR zoning district (minimum lot size 7500 square feet) will permit lot's that may be allowed to be as small as 6000 square feet in size if the applicants apply for a cluster subdivision per Chapter 14.48 LSMC. The Cavaleiro Ridge lots south of the proposed rezone are between 5000 square feet and 6100 square feet in size. The lots to the north (the Vinje Block, along 11th Street SE) are between 4000 and 6000 square feet. The lot's to the west along 71st Avenue SE are approximately 5600 to 6100 square feet in size. The applicants are not proposing a Comprehensive Plan Amendment to change the land use designation (just the zoning change from SR to UR) to a higher density, so the underlying designation will remain medium density residential and be consistent with the intensity of other developments in the area.

Per the Washington State [Growth Management Act](#) and Chapter 14.88 of the Lake Stevens Municipal Code, the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. Any identified critical areas will be required to be set aside in a Native Growth Protection Area (NGPA), which will have no development density and will be protected in perpetuity from land disturbance. The applicants have not yet applied for any land use development applications.

The city's recently updated Comprehensive Plan is available [here](#), and Chapter 3 provides an outline of the city's housing needs and the goals and policies in place to meet those needs. Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

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From: Lana Johnston [mailto:johnston42003@gmail.com]
Sent: Monday, February 22, 2016 7:55 AM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Proposed Residential Development at 1317 71st Ave Se

Please see attached letter regarding our concerns with the new development.

Thank you very much,

--

Leif & Lana Johnston

2/21/2016

To Whom it May Concern:

Regarding; the proposed property for residential development at 1317 71 Ave Se, Lake Stevens, WA 98258.

I am a concerned tax paying citizen of Lake Stevens concerned with overcrowding and over development of our most precious resource, land and wildlife. We live right on the boarder of the proposed new development and over the past 3 years since my family and I have lived in the area we have witness multiple Owls, Eagles, deer and Coyote who live in and use the land and trees that are proposed for development and destruction. It is my greatest concern that if the city is to allow the residential development and all that comes with that, roads, concrete, black-top it will forever change the Eagles, Owls and all the wildlife's habitat that our great ecosystem depends on. If the development is approved it will destroy the trees that our nations symbol lives in and raises its young in. Furthermore, history proves that over development of our ecosystem surrounding the Snohomish valley will further destroy our great Snohomish river ecosystem and all the fish and other wildlife we are trying to save. Snohomish County and the Port of Everett have spent millions of dollars on repairing the salmon spawning grounds in the Snohomish valley and if we allow more development on the ridges and streams that feed the valley we are only destroying all the work they have already done to save our ecosystem, salmon and wildlife.

I implore the city of Lake Stevens to do the right thing and not allow the proposed residential development that many nesting eagles and owls use and that streams that feed the Snohomish river with spawning salmon grounds runs through!

Thank you for your time,

Leif & Lana Johnston

7411 14th Pl Se

Lake Stevens, WA

Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 9:30 AM
To: 'amysmaheshwari@yahoo.com'
Subject: RE: Silverstone Proposed Property

Dear Mr. and Mrs. Maheshwari,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. The City will also require road connectivity pursuant to the requirements of Chapter 14.56 of the Lake Stevens Municipal Code (LSMC). A future preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Staff has received other concerns from neighbors in that area about traffic flow; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

Per the Washington State Growth Management Act and Chapter 14.88 of the Lake Stevens Municipal Code, the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. Permitted construction hours within the city are 7 am to 9 pm on week days and 9 am to 9 pm on weekends. The applicants have not yet applied for any land use development applications.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

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From: marlatt@reagan.com [mailto:marlatt@reagan.com]
Sent: Friday, February 19, 2016 8:30 AM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Silverstone Proposed Property

To Whom it May Concern:

This is in regard to the proposed subdivision on 71st Ave. We currently live on 72nd Ave SE, the entrance to the proposed project. We wanted to voice concern over the organization of entrances to the project, as the main way in would be through our development, Cavalero Ridge. We have enjoyed a neighborhood feel without thoroughfare traffic. Please consider the traffic added to our neighborhood in facilitating the planning of the Silverstone project. We currently have access on 71st and 15th.

Many neighbors have voiced their opinion of developing what seems like a greenbelt area but understanding designated properties and open spaces will make the transition easier. It is our hope to have minimal traffic through the process of building and with a new neighborhood if the proper planning takes place beforehand.

Thank you for your time,
Suzanne Marlatt

Stacie Pratschner

From: marlatt@reagan.com
Sent: Monday, February 22, 2016 10:31 AM
To: Stacie Pratschner
Subject: RE: Silverstone Property

Dear Mrs. Pratschner,

Thanks so much for responding to our concerns and comments, we appreciate the avenue to voice them. A lot goes into planning a development, much of which we know nothing about, and we mainly wanted to voice things to consider. In general, our main concerns are for the safety and overall health of our neighborhood; i.e. traffic, crime, etc.

Very Respectfully,

Suzanne Marlatt

-----Original Message-----

From: spratschner@lakestevenswa.gov
Sent: Monday, February 22, 2016 11:09am
To: marlatt@reagan.com
Subject: Silverstone Property

Dear Ms. Marlatt,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. The City will also require road connectivity pursuant to the requirements of Chapter 14.56 of the Lake Stevens Municipal Code (LSMC). A future preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Staff has received other concerns from neighbors in that area about traffic flow; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

Per the Washington State Growth Management Act and Chapter 14.88 of the Lake Stevens Municipal Code, the city is required to use best available science to both designate and protect critical areas (wetlands, wildlife habitat) in the course of land use development. The applicants have not yet applied for any land use development applications.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

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1812 Main Street | PO Box 257
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Stacie Pratschner

From: jubal marlatt <marlatt@reagan.com>
Sent: Friday, February 19, 2016 8:29 AM
To: Stacie Pratschner
Subject: Silverstone Proposed Property

Follow Up Flag: Follow up
Flag Status: Completed

To Whom it May Concern:

This is in regard to the proposed subdivision on 71st Ave. We currently live on 72nd Ave SE, the entrance to the proposed project. We wanted to voice concern over the organization of entrances to the project, as the main way in would be through our development, Cavalero Ridge. We have enjoyed a neighborhood feel without thoroughfare traffic. Please consider the traffic added to our neighborhood in facilitating the planning of the Silverstone project. We currently have access on 71st and 15th.

Many neighbors have voiced their opinion of even developing what seems like a greenbelt area but understanding designated properties and open spaces will make the transition easier. It is our hope to have minimal traffic through the process of building and with a new neighborhood if the proper planning takes place beforehand.

Thank you for your time,
Suzanne Marlatt

Stacie Pratschner

From: Stacie Pratschner
Sent: Wednesday, February 17, 2016 8:43 AM
To: 'Kiersten and Dan Lanahan'
Subject: RE: Silverstone Property: Site - Specific Rezone / LUA2016 - 0010
Attachments: Silverstone Rezone TIA - Final.pdf

Dear Mr. and Mrs. Lanahan,

Thank you for taking the time to contact the City and comment on the proposed Silverstone site-specific rezone application (LUA2016-0010). If the rezone application is approved by the Hearing Examiner and the applicants then decide to move forward with a subdivision application, a traffic study by a professional engineer shall be required and full frontage improvements (curb/gutter/planters/sidewalks) shall be constructed on all adjacent right-of-ways and on any new roads dedicated to the City as part of final approval. The City will also require road connectivity pursuant to the requirements of Chapter 14.56 of the Lake Stevens Municipal Code (LSMC). A future preliminary subdivision application will be subject to the criteria of Chapter 58.17 of the RCW's, which requires provisions for safe access to schools, parks, recreation and playgrounds via sidewalks and streets. Staff has received other concerns from neighbors in that area about traffic flow; our Public Works Department is aware of these concerns and we'll have an Engineer available for questions at the public meeting scheduled for February 24th.

The applicants have not yet applied for any land use development applications, but I've attached their preliminary traffic impact analysis and potential lot layout (page E-1 of the report) for your review.

Thank you again, and please don't hesitate to contact me if I can provide additional information about the proposed rezone application.

Best Regards,

Stacie Pratschner, AICP
Senior Planner

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From: Kiersten and Dan Lanahan [mailto:kierdan@yahoo.com]
Sent: Tuesday, February 16, 2016 6:29 PM

To: Stacie Pratschner <spratschner@lakestevenswa.gov>

Subject: Silverstone Property: Site - Specific Rezone / LUA2016 - 0010

Planner,

We are a home owners in Cavalero Ridge, Lake Stevens. I received a notice of application regarding LUA2016 - 0010. I have serious concerns about the safety of our neighborhood. Our community is full of young children at play and an increase of traffic (especially the construction traffic) is very worrisome. Has the city done any traffic studies? Our neighborhood streets are narrow and there is parking on only one side of the street. Can you please provide a layout of the proposed project with any proposed routes of egress, and the results of any recent surveys the city has conducted. As i am sure you are aware, the construction to the south-east of our community is not completely built out yet. Perhaps the full understanding of the traffic and local congestion may not be adequately understood. Another concern to us is the probable addition of more school traffic. I would encourage someone from the planning office to observe the 4:00 drop off of our elementary kids. We already have an unsafe and dangerous situation. Any increase in this condition with only make the likelihood of a serious accident more probable.

We are asking that the city planners take these issues into account and not act too hastily in approving the noted application at the expense of our community.

Thank you,
Dan and Kiersten Lanahan

Stacie Pratschner

From: Stacie Pratschner
Sent: Tuesday, February 16, 2016 2:32 PM
To: 'Buzz Schilaty'
Subject: RE: Silverstone Property

Hi Mr. Schilaty,

You can just show up to the public meeting scheduled for Wednesday the 24th. It won't be as formal as a hearing and you'll have opportunities to speak with the project proponents and staff about the proposal.

Thank you and see you then,

Stacie Pratschner, AICP
Senior Planner

City of Lake Stevens | Planning & Community Development
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Buzz Schilaty [mailto:buzz4buzz@gmail.com]
Sent: Tuesday, February 16, 2016 2:22 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Silverstone Property

Stacie Pratschner
Lake Stevens Planning

Dear Stacie:

re: Silverstone Property

Do I need to sign up in advance to testify at the Wednesday, February 24th hearing or just show up?

Thank you for your cooperation.

Go Go Go !

John "Buzz" Schilaty

Stacie Pratschner

From: Stacie Pratschner
Sent: Monday, February 22, 2016 3:55 PM
To: Milner, Ruth L (DFW); Jamie.Bails@dfw.wa.gov
Subject: RE: eagle nest

Hello Jamie and Ruth,

Thank you both for your quick replies and good information, this is very helpful to me and to the applicants as well. I'll let the project proponents know that when they move forward with a development permit application, they'll need to be in touch with Mark Miller to find out any permit requirements or restrictions.

Thanks again,

Stacie Pratschner, AICP
Senior Planner

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Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Milner, Ruth L (DFW) [mailto:Ruth.Milner@dfw.wa.gov]
Sent: Monday, February 22, 2016 3:31 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Cc: Bails, Jamie L (DFW) <Jamie.Bails@dfw.wa.gov>
Subject: FW: eagle nest

Stacie,

Below is the WDFW PHS map of the eagle nest in that area. The red dot is the nest, the darker halo is a 330' buffer, the lighter one is the 660' buffer. The US Fish and Wildlife Service manages eagle nests using those buffers, under the federal Bald and Golden Eagle Act. You will need to contact Mark Miller with USFWS to find out their permit requirements and what they will and will not allow. Be warned, he's very hard to get hold of.

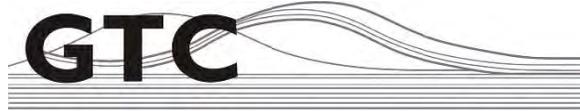
And, the City of Lake Stevens should be able to access the WDFW PHS maps to review all the sensitive data that we are aware of in the area. The mapping may not include everything, but it definitely shows the eagle nest:

<http://wdfw.wa.gov/mapping/phs/>

Ruth

Ruth Milner
WDFW District Wildlife Biologist
PO Box 1100
La Conner, WA 98257
360-466-4345 ext 265



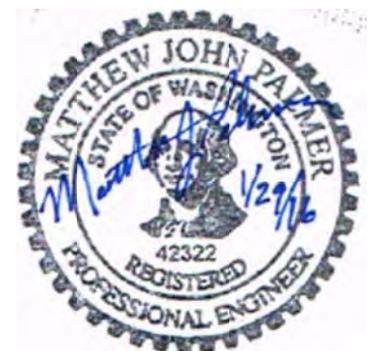


Gibson Traffic Consultants
2802 Wetmore Avenue
Suite 220
Everett, WA 98201
425.339.8266

Silverstone Development and Rezone Traffic Impact Analysis

Jurisdiction: Lake Stevens

January 2016



GTC #16-026

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1. DEVELOPMENT IDENTIFICATION

Gibson Traffic Consultants, Inc. (GTC) has been retained to provide a trip generation, distribution and intersection analysis for the proposed rezone and development of the Silverstone property in the City of Lake Stevens. Matthew Palmer, responsible for this report and traffic analysis, is a licensed professional engineer (Civil) in the State of Washington and member of the Washington State section of ITE.

The Silverstone development site is currently zoned for a maximum of 24 residential units. The proposed rezone would increase the maximum number of residential units by 8 units to a total of 32 units. The property is located at the end of 72nd Avenue SE on the east side of SR-204 in the city of Lake Stevens. A site vicinity map has been included in Figure 1.

2. METHODOLOGY

Trip generation calculations for the Silverstone development have been performed according to data contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 9th Edition (2012)*. Based on previous scoping discussions with the City of Lake Stevens on projects within close proximity to the site, GTC has analyzed the following off-site intersection and also reviewed the city's concurrency intersections for impacts of the rezone and WSDOT's intersections:

- 20th Street SE at 79th Avenue SE – Signalized

GTC has analyzed the off-site intersections for the existing, 2025 baseline, 2025 future with development conditions as well as a proposed 2025 future with development scenario where 20th Street SE is converted to a 5 lane road under the proposed rezoning conditions.

The peak-hour level of service (LOS) analysis calculations were completed using the *Synchro 9.1, Build 903* software. This software applies the operational analysis methodology of the current *Highway Capacity Manual (HCM)*. Traffic congestion is generally measured in terms of level of service. In accordance with the 2010 HCM, road facilities and intersections are rated between LOS A and LOS F, with LOS a being free flow and LOS F being forced flow or over-capacity conditions. The level of service at two-way stop-controlled intersections is based on the average delay of the worst approach. The level of service at signalized and all-way stop-controlled intersections is based on the average delay for all approaches. Geometric characteristics and conflicting traffic movements are taken into consideration when determining level of service values. The level of service criteria is summarized in Table 1.

Table 1: Level of Service Criteria for Intersections

Level of ¹ Service	Expected Delay	Intersection Control Delay (Seconds per Vehicle)	
		Unsignalized Intersections	Signalized Intersections
A	Little/No Delay	≤10	≤10
B	Short Delays	>10 and ≤15	>10 and ≤20
C	Average Delays	>15 and ≤25	>20 and ≤35
D	Long Delays	>25 and ≤35	>35 and ≤55
E	Very Long Delays	>35 and ≤50	>55 and ≤80
F	Extreme Delays ²	>50	>80

3. TRIP GENERATION CALCULATIONS

Trip generation calculations for the Silverstone development have been performed according to data contained in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual, 9th Edition (2012)*. The trip generation calculations for the Silverstone development were calculated for the development potential with the rezone and a comparison between the max build-out with the existing zoning and the new proposed zoning.

3.1 Development with Proposed Zoning

The proposed zoning change would allow for up to 32 single-family dwelling units on the site. The Silverstone development is proposing to build 32 single-family dwellings on the site. The trip generation with the rezone has been calculated using the average trip generation rates for ITE Land Use Code 210, Single-Family Dwelling unit as published in the *ITE Trip Generation Manual, 9th Edition*. There are two existing single-family dwelling that the development will receive credit for. The trip generation will therefore be calculated for 30 net new single-family dwelling units. The trip generation summary of the property with the proposed rezone is summarized in Table 2.

¹ **Source:** *Highway Capacity Manual 2010*.

LOS A: Free-flow traffic conditions, with minimal delay to stopped vehicles (no vehicle is delayed longer than one cycle at signalized intersection).

LOS B: Generally stable traffic flow conditions.

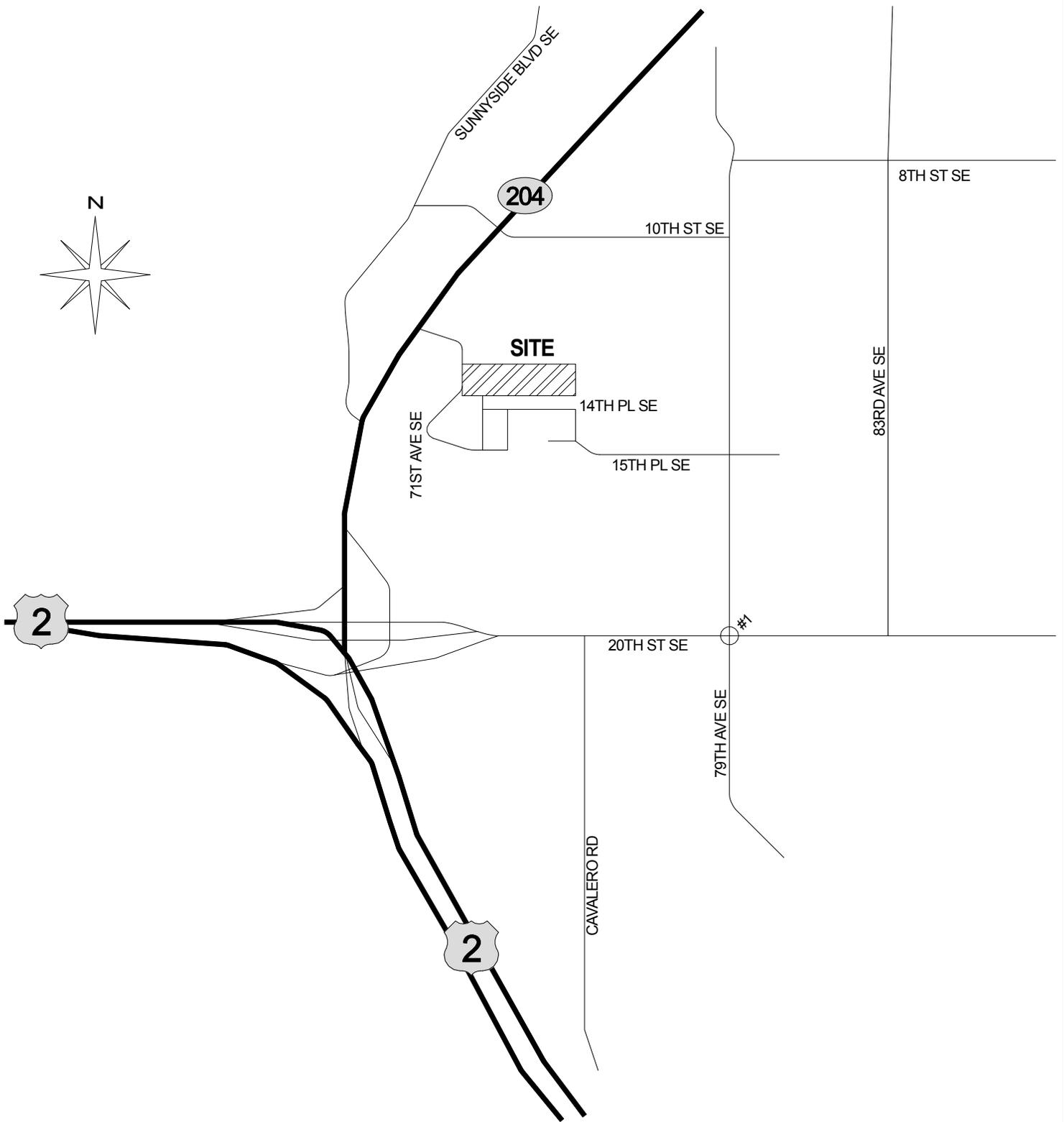
LOS C: Occasional back-ups may develop, but delay to vehicles is short term and still tolerable.

LOS D: During short periods of the peak hour, delays to approaching vehicles may be substantial but are tolerable during times of less demand (i.e. vehicles delayed one cycle or less at signal).

LOS E: Intersections operate at or near capacity, with long queues developing on all approaches and long delays.

LOS F: Jammed conditions on all approaches with excessively long delays and vehicles unable to move at times.

² When demand volume exceeds the capacity of the lane, extreme delays will be encountered with queuing which may cause severe congestion affecting other traffic movements in the intersection.



GIBSON TRAFFIC CONSULTANTS

**TRAFFIC IMPACT STUDY
GTC #16-026**

**SILVERSTONE
32 SINGLE FAMILY DWELLINGS**

LEGEND



PROJECT SITE



STUDY INTERSECTION

FIGURE 1

SITE VICINITY MAP

SNOHOMISH COUNTY

Table 2: Development with Proposed Zoning Trip Generation Summary

30 New Single-Family Residential Units	Average Daily Trips			AM Peak-Hour Trips			PM Peak-Hour Trips		
	Inbound	Outbound	Total	Inbound	Outbound	Total	Inbound	Outbound	Total
Generation Rate	9.52 trips per unit			0.75 trips per unit			1.00 trips per unit		
Splits	50%	50%	100%	25%	75%	100%	63%	37%	100%
Trips	143	143	286	5	17	22	19	11	30

With the proposed zoning, the development would result in 286 Average Daily Trips (ADT), 22 AM peak-hour trips and 30 PM peak-hour trips.

3.1 Existing Zoning Comparison

The existing zoning provides for a maximum of 24 single-family dwellings to be built on the site. With the proposed zoning change, there will be a max of 32 units allowed on the site. A comparison of the max trip generation of the existing zoning and the proposed zoning is shown in Table 3.

Table 3: Zoning Change Max Trip Generation Comparison

Land Use Zoning	Average Daily Trips	AM Peak-Hour Trips	PM Peak-Hour Trips
Proposed – 32 single-family dwelling units	305	24	32
Existing – 24 single-family dwelling units	228	18	24
CHANGE IN TRIP GENERATION	+77	+6	+8

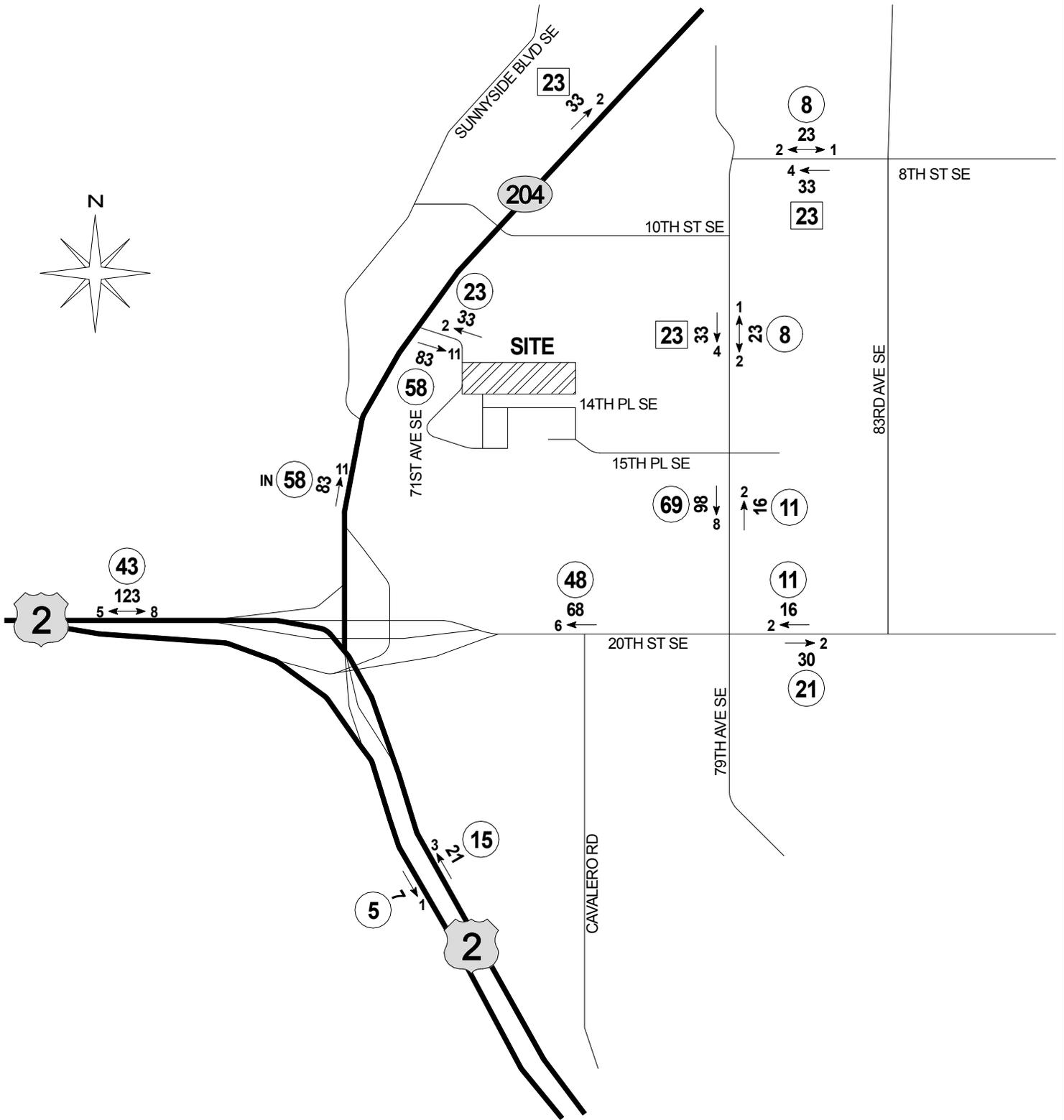
With the proposed rezoning, there will be a max potential of 77 more ADT, 6 more AM peak-hour trips and 8 more PM peak-hour trips than the existing zoning. This means the rezone would add approximately 1 vehicular trip every 8 minutes during the busiest PM commute hour and about 1 trip every 10 minutes during the AM peak hour. The detailed trip generation comparison calculations are included in the attachments.

4. TRIP DISTRIBUTION

The distribution of trips generated by the Silverstone rezone is based on previously approved distributions within the project vicinity.

Five of the development's units will have direct access to 71st Avenue SE, the rest of the units will have access to 71st Avenue SE through the local street system. The intersection of SR-204 at 71st Avenue SE is currently restricted to right-in/right-out only. This restriction is anticipated to have the greatest impact on trips traveling to and from the north along SR-204 and those trips destined westbound along the trestle. Inbound trips that would have taken SR-204 if the access was not restricted are anticipated to travel along 91st Avenue SE, 8th Street SE and 79th Avenue SE. Outbound trips using US-2 will also be required to use a minor diversion along 79th Avenue SE and 20th Street SE.

It is estimated that 43% of the residential trips would travel to and from the west along US-2. An estimated 26% will travel to and from the south. Five percent of the outbound trips will use US-2 while the other 21 percent will use 20th Street SE. Fifteen percent of the inbound trips will use US-2 while the other eleven percent will return on 20th Street SE. The final 31% will travel to and from the north. Eight percent will travel to and from the site using 8th Street SE while the other twenty-three percent will use US-204 for outbound traveling and 8th Street SE for inbound traveling. A detailed distribution of the AM and PM peak-hour trips generated by the proposed zoning is shown in Figure 2 and 3 respectively.



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TRAFFIC IMPACT STUDY
 GTC #16-026

SILVERSTONE
32 SINGLE FAMILY DWELLINGS

LEGEND

AWDT
 PM ← → PEAK

NEW DAILY TRIPS
 NEW PM PEAK-HOUR TRIPS

25

TRIP DISTRIBUTION %

FIGURE 3
DEVELOPMENT
TRIP DISTRIBUTION
PM PEAK-HOUR

SNOHOMISH COUNTY

5. INTERSECTION ANALYSIS

5.1 Existing Conditions

Based on scoping with the City of Lake Stevens on prior projects in the site vicinity, GTC has analyzed the intersection of 20th Street SE at 79th Avenue SE. The existing PM peak-hour turning movement count for the intersection of 20th Street SE at 79th Avenue SE was collected by the independent counting firm Traffic Data Gathering on April 14, 2015. The level of service analysis shows that study intersection currently operates at acceptable LOS C for the PM peak hour. The existing level of service results are summarized in Table 4. Turning movement volumes at the study intersection for the existing conditions are shown in Figure 4.

Table 4: Existing PM Conditions Level of Service Summary

Intersection	Existing Conditions	
	LOS	Delay
1. 20 th Street SE at 79 th Avenue SE	C	26.2 sec

5.2 2025 Baseline Conditions

A 2.0% annually compounding growth rate was used to estimate 2025 baseline traffic volumes at the study intersection. The growth rate is based on anticipated growth in the vicinity of the Silverstone development. The study intersection is expected to operate at LOS D under the 2025 baseline conditions. The 2025 baseline level of service results are summarized in Table 5. Turning movement volumes at the study intersections for the 2025 baseline conditions are shown in Figure 5.

Table 5: Baseline Conditions Level of Service Summary

Intersection	Existing Conditions		2025 Baseline Condition	
	LOS	Delay	LOS	Delay
1. 20 th Street SE at 79 th Avenue SE	C	26.2 sec	D	49.9 sec

5.1 2025 Future with Development Conditions

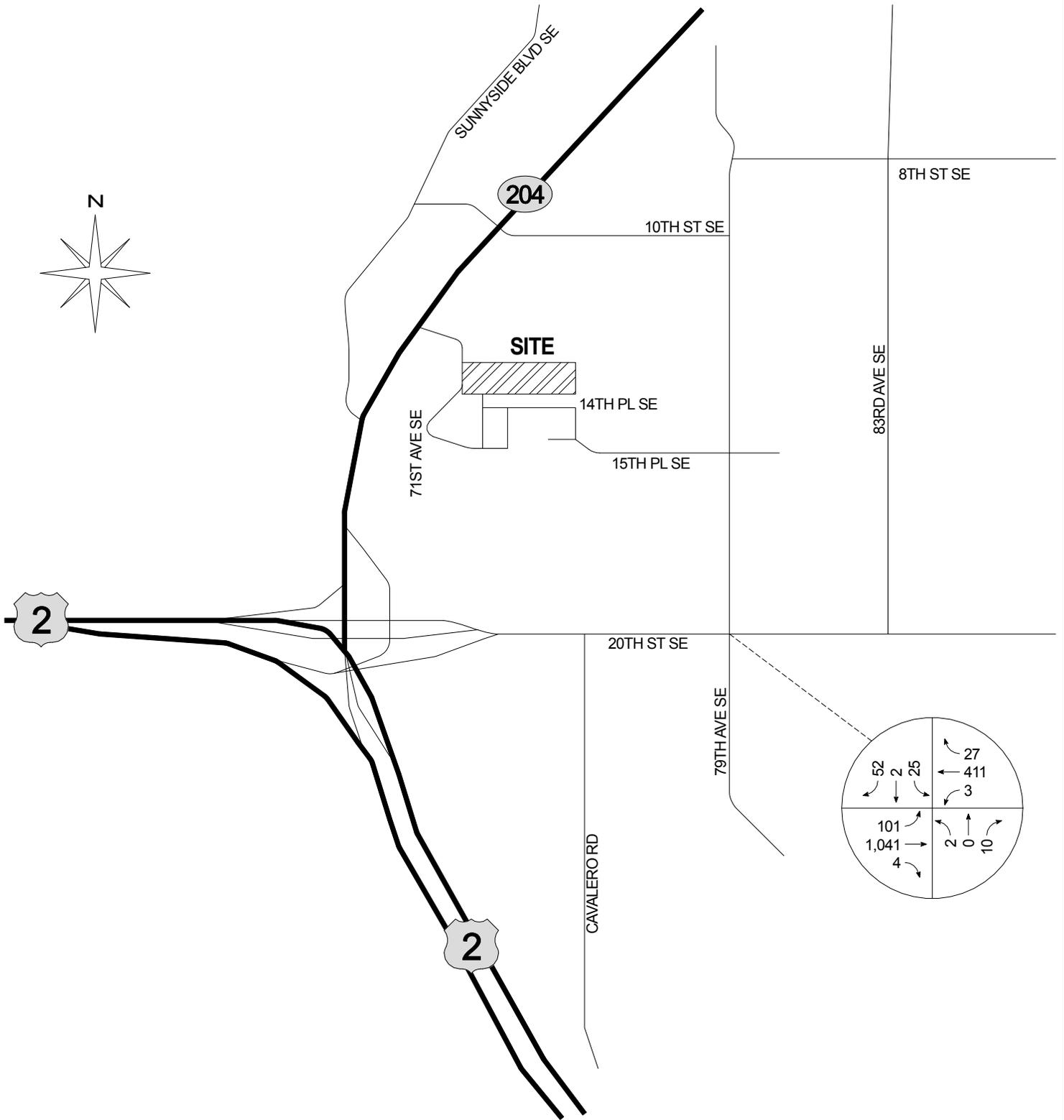
The 2025 future with development conditions were analyzed with the proposed rezone. The 2025 future with development conditions were calculated by adding the development trips to the 2025 baseline conditions. A scenario in which 20th Street SE is converted to a 5-lane road are also analyzed for the 2025 future with development conditions. The 2025 future with development conditions are summarized in Table 6. Turning movement volumes at the study intersections for the 2025 future conditions with the rezone are shown in Figure 6.

Table 6: Future with Development Level of Service Summary

20th Street SE @ 79 th Avenue SE	3-Lane Section		5-Lane Section	
	LOS	Delay	LOS	Delay
2015 Existing Conditions	C	26.2 sec	-	-
2021 Baseline Conditions	D	49.9 sec	-	-
2021 Future with Development	D	50.0 sec	C	21.1 sec

The level of service analysis shows that the study intersection is anticipated to remain at LOS D or better with the rezone. The rezone is anticipated to add less than 1.0 second of delay to the study intersections. The level of service calculations for all conditions are included in the attachments.

The WSDOT intersection of SR-204/71st Avenue is a right-turn only intersection fully channelized. As there are 2 lanes in the northbound direction on SR-204 and no ability to turn left it would not meet the volume warrant per WSDOT guidelines and would not have a capacity issue.



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**TRAFFIC IMPACT STUDY
 GTC #16-026**

**SILVERSTONE
 32 SINGLE FAMILY DWELLINGS**

LEGEND

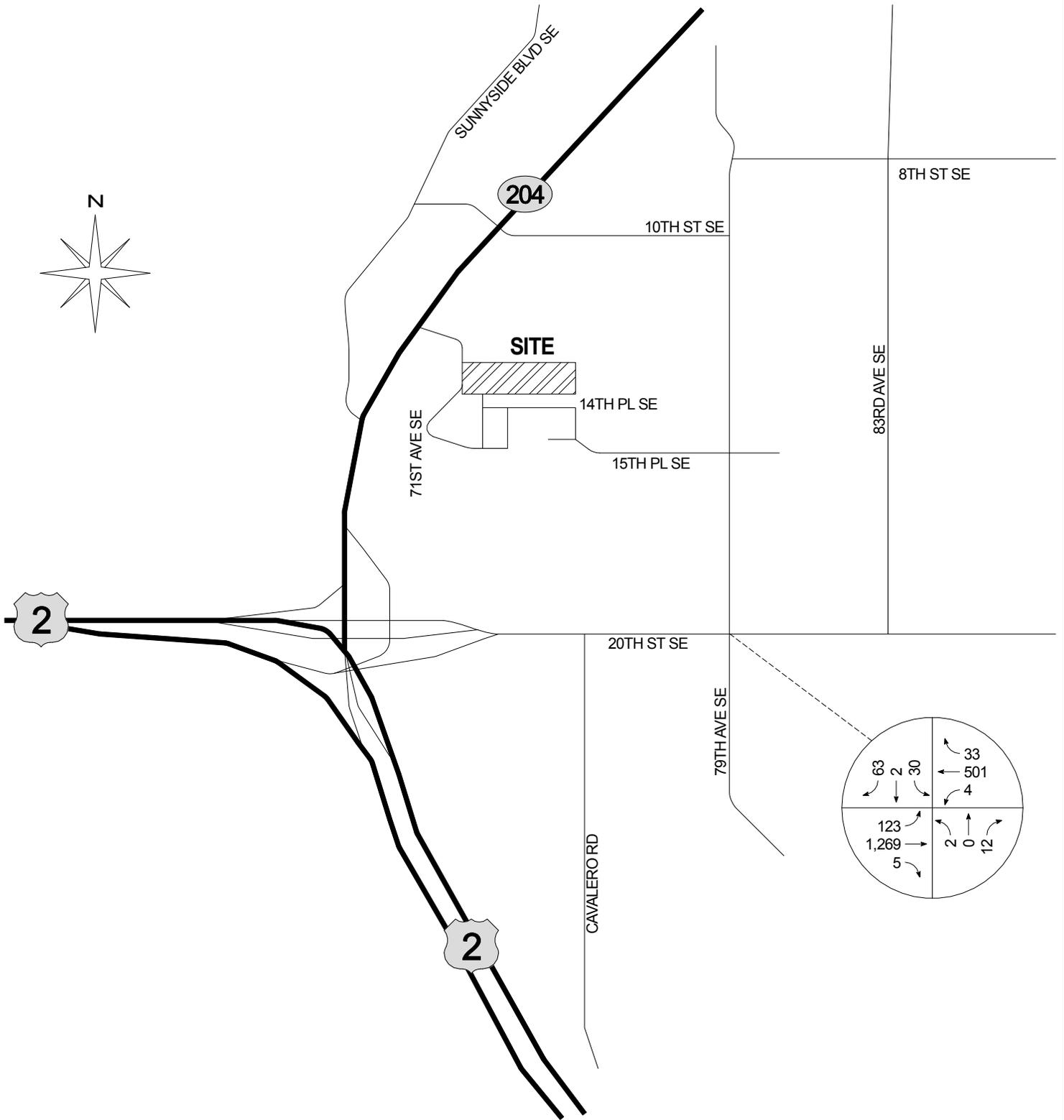
XX →

PM PEAK-HOUR
 TURNING MOVEMENT VOLUMES

FIGURE 4

**EXISTING TURNING
 MOVEMENTS**

SNOHOMISH COUNTY



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 GTC #16-026**

**SILVERSTONE
 32 SINGLE FAMILY DWELLINGS**

LEGEND

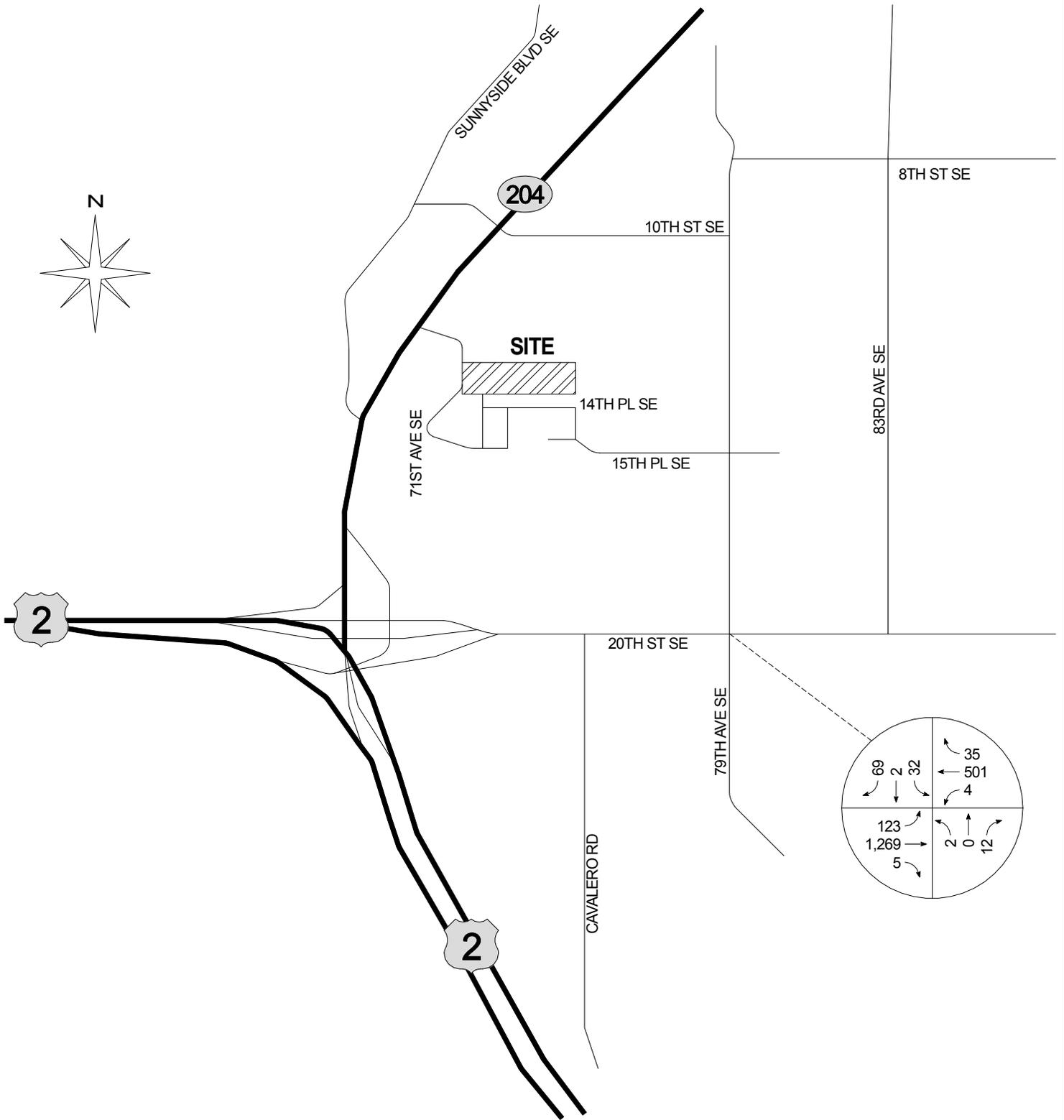
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PM PEAK-HOUR
 TURNING MOVEMENT VOLUMES

FIGURE 5

**2025 BASELINE
 TURNING MOVEMENTS**

SNOHOMISH COUNTY



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 GTC #16-026**

**SILVERSTONE
 32 SINGLE FAMILY DWELLINGS**

LEGEND

XX →

PM PEAK-HOUR
 TURNING MOVEMENT VOLUMES

FIGURE 6

**2025 FUTURE WITH
 DEVELOPMENT AND REZONE
 TURNING MOVEMENTS**

SNOHOMISH COUNTY

6. SITE ACCESS

The majority of the units in the Silverstone development will have access to the street system via 72nd Avenue SE, with 5 units having direct access to 71st Avenue SE.

Since 71st and 72nd Avenue SE have both been built to City of Lake Stevens standards, it is believed that there should be no site access problems.

The intersection of SR-204 at 71st Avenue SE is currently restricted to right-in/right-out only. The proposed zoning would not require a change in the channelization at this intersection since the intersections analyzed in this report are anticipated to operate at an acceptable level of service.

7. CONCURRENCY

Concurrency in the 20th Street SE Subarea was evaluated and approved by the City of Lake Stevens in October 2012. The City of Lake Stevens utilized an area-wide average impact methodology for the concurrency evaluation. The October 2012 analysis shows that the average delay at the study intersections within the 20th Street SE subarea is 39 seconds, 16 seconds below the acceptable threshold of 55 seconds.

The impacts of the rezone were analyzed at the intersection impacted by the highest number of trips, 20th Street SE at 79th Avenue SE. The rezone is anticipated to change the average delay at the intersection by only 0.1 second, which is consistent with the analysis at the study intersections. The impact of the proposed zoning to the subarea is therefore also anticipated to be less than 1 second, which will remain within the acceptable level.

8. TRAFFIC MITIGATION FEES

The Washington Growth Management Act and Revised Code of Washington 82.02.050(2) authorize local jurisdictions to establish proportionate share traffic mitigation fees in order to fund capital facilities, such as roads and intersections. The Silverstone development is anticipated to generate 30 new PM peak-hour trips on streets within the City of Lake Stevens. Lake Stevens assesses a mitigation fee of \$2,917 per PM peak-hour trip. As a result, the Silverstone development would have a City of Lake Stevens mitigation fee of \$87,510.

There is no interlocal with WSDOT. However, the WSDOT developer services manual has certain guidelines for identifying when mitigation or analysis may be appropriate. Where there are WSDOT programmed improvement projects with proportionate share identified within the County Interlocal Exhibit C List - a proportionate share should be paid if the improvement project is impacted with 10 PM peak-hour development trips. Also, a capacity analysis for identifying mitigation at non proportionate share failing intersections is required if the intersection is impacted with 25 or more PM peak trips. The development does not add 10 PM peak trips to any identified WSDOT proportionate share location nor does it impact any WSDOT intersection with 25 PM peak trips. Therefore, WSDOT mitigation is not warranted per WSDOT guidelines.

9. CONCLUSIONS

The Silverstone development is currently zoned for residential development with a maximum build-out of 24 residential units within the City of Lake Stevens. A rezone for a maximum build-out of 32 residential units has been proposed. There are two existing single-family units which will be credited towards the rezone. The proposed rezone would generate approximately 77 more daily trips, 6 more AM peak-hour trips and 8 more PM peak-hour trips than the current zoning would generate. The 30 new units of the Silverstone development will generate 286 new average daily trips with 22 new AM peak-hour trips and 30 new PM peak-hour trips. The analysis shows that the proposed zoning will not have a significant impact on the study intersection and will not impact the concurrency within the 20th Street SE Subarea.

Trip Generation Comparison Calculations

Silverstone
 GTC #16-026

**Trip Generation for: Weekday
 (a.k.a.): Average Weekday Daily Trips (AWDT)**

LAND USES	VARIABLE	ITE LU code	Gross Trips				Internal Crossover		NET EXTERNAL TRIPS BY TYPE								
			Trip Rate	% IN	% OUT	In+Out (Total)	% of Gross Trips	Trips In+Out (Total)	IN BOTH DIRECTIONS		DIRECTIONAL ASSIGNMENTS						
									TOTAL	PASS-BY	DIVERTED LINK	NEW	PASS-BY	DIVERTED LINK	NEW		
							In+Out (Total)	% of Ext. Trips	In+Out (Total)	In	Out	In+Out (Total)	In	Out			
Single Family Dwelling 32 unit max	32 units	210	9.52	50%	50%	305	0%	0	0%	0	0	305	0%	0	0	153	152
Single Family Dwelling 24 unit max	24 units	210	9.52	50%	50%	228	0%	0	0%	0	0	228	0%	0	0	114	114
Difference						77	0	0		0	0	77		0	0	39	38

Silverstone
 GTC #16-026

**Trip Generation for: Weekday, Peak Hour of Adjacent Street Traffic, One Hour between 7 and 9 AM
 (a.k.a.): Weekday AM Peak Hour**

LAND USES	VARIABLE	ITE LU code	Gross Trips				Internal Crossover		NET EXTERNAL TRIPS BY TYPE							
			Trip Rate	% IN	% OUT	In+Out (Total)	% of Gross Trips	Trips In+Out (Total)	IN BOTH DIRECTIONS		DIRECTIONAL ASSIGNMENTS					
									TOTAL	PASS-BY	DIVERTED LINK	NEW	PASS-BY	DIVERTED LINK	NEW	
								In+Out (Total)	% of Ext. Trips	In+Out (Total)	% of Ext. Trips	In	Out	In	Out	
Single Family Dwelling 32 unit max	32 units	2-10	0.75	25%	75%	24	0%	0	0%	0	0%	24	0	0	0	18
Single Family Dwelling 24 unit max	24 units	2-10	0.75	25%	75%	18	0%	0	0%	0	0%	18	0	0	0	13
Difference						6		0		0		6	0	0	0	5

Silverstone
 GTC #16-026

**Trip Generation for: Weekday, Peak Hour of Adjacent Street Traffic, One Hour between 4 and 6 PM
 (a.k.a.): Weekday PM Peak Hour**

LAND USES	VARIABLE	ITE LU code	Gross Trips				Internal Crossover		NET EXTERNAL TRIPS BY TYPE					
			Trip Rate	% IN	% OUT	In+Out (Total)	% of Gross Trips	Trips In+Out (Total)	IN BOTH DIRECTIONS		DIRECTIONAL ASSIGNMENTS			
									TOTAL	PASS-BY	DIVERTED LINK	NEW	PASS-BY	DIVERTED LINK	NEW
Single Family Dwelling 32 unit max	32 units	2-10	1.00	63%	37%	32	0%	0	% of Ext. Trips	In+Out (Total)	In	Out	In	Out
Single Family Dwelling 24 unit max	24 units	2-10	1.00	63%	37%	24	0%	0	0%	0	0	0	0	0
Difference						8	0	0		8	0	0	0	3

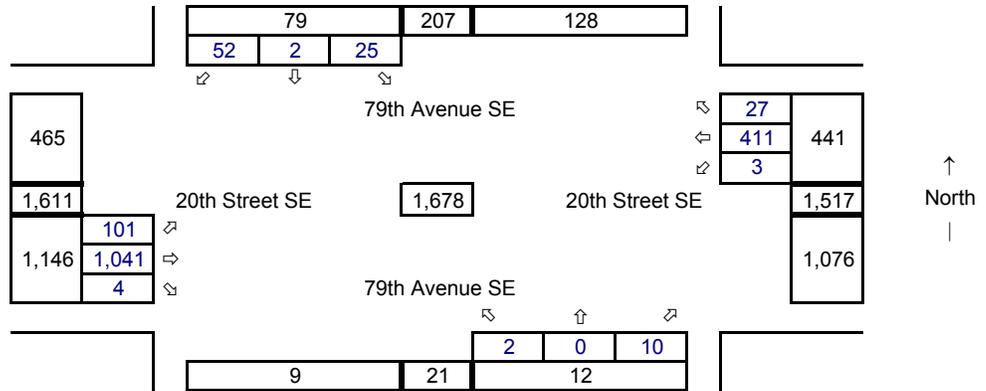
Turning Movement Calculations

1 128th St SE @ 3rd Ave SE

Synchro ID: 1
Existing
 Average Weekday
 PM Peak Hour

Year: 4/14/15

Data Source: TDG



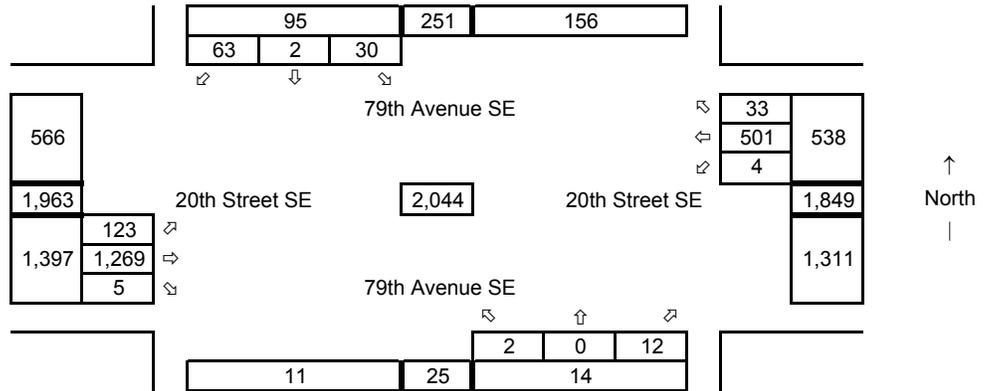
Future without Project
 Average Weekday
 PM Peak Hour

Year: 2025

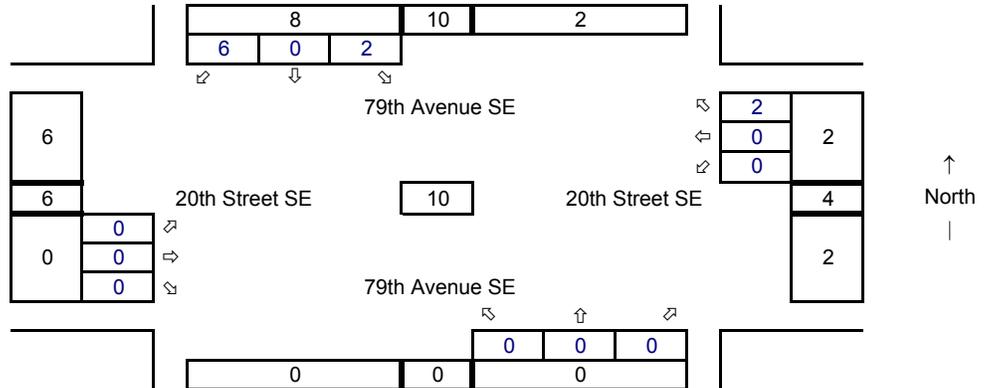
Growth Rate = 2.0%

Years of Growth = 10

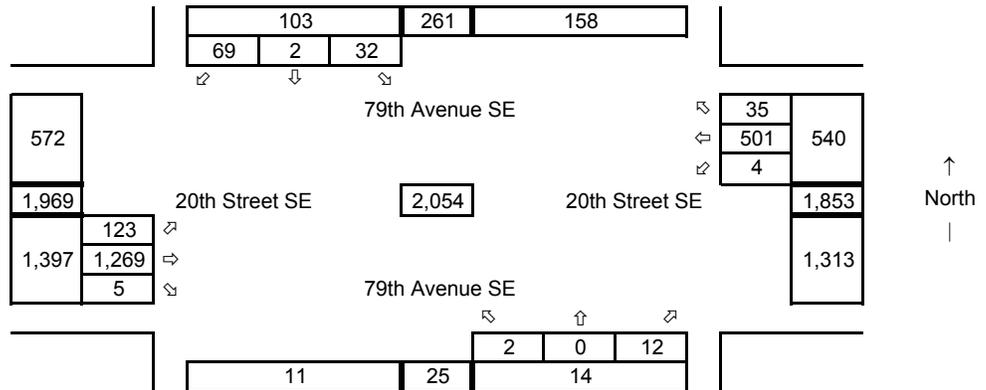
Total Growth = 1.2190



Total Project Trips
 Average Weekday
 PM Peak Hour



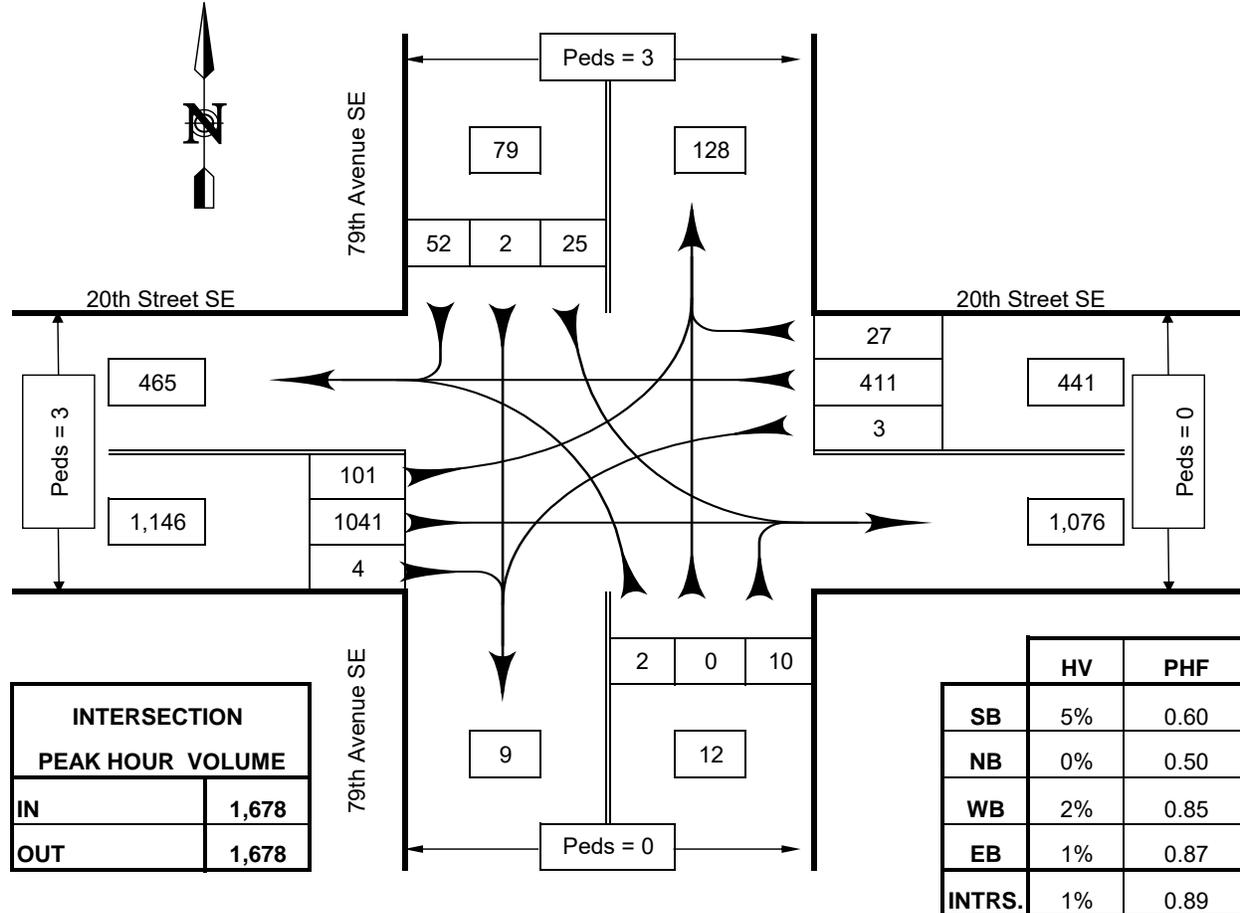
Future with Project
 Average Weekday
 PM Peak Hour





TURNING MOVEMENTS DIAGRAM

4:00 PM - 6:00 PM PEAK HOUR: 4:45 PM TO 5:45 PM



79th Avenue SE @ 20th Street SE

Lake Stevens, WA

COUNTED BY: CN

DATE OF COUNT: Tue. 4/14/15

REDUCED BY: CN

TIME OF COUNT: 4:00 PM - 6:00 PM

DATE OF REDUCTION: Tue. 4/14/15

WEATHER: Sunny



INTERSECTION TURNING MOVEMENTS REDUCTION SHEET

LOCATION: 79th Avenue SE @ 20th Street SE DATE OF COUNT: Tue. 4/14/15 COUNTED BY: CN
 Lake Stevens, WA TIME OF COUNT: 4:00 PM - 6:00 PM WEATHER: Sunny

TIME INTERVAL ENDING AT	FROM NORTH ON 79th Avenue SE					FROM SOUTH ON 79th Avenue SE					FROM EAST ON 20th Street SE					FROM WEST ON 20th Street SE					INTERVAL TOTALS
	Peds	HV	Left	Thru	Right	Peds	HV	Left	Thru	Right	Peds	HV	Left	Thru	Right	Peds	HV	Left	Thru	Right	
02:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:15 PM	1	1	8	0	18	0	0	0	0	0	0	2	1	83	13	1	1	13	246	0	382
04:30 PM	0	3	8	0	15	0	0	3	0	1	0	2	1	73	7	0	7	22	244	2	376
04:45 PM	0	2	2	0	16	0	0	1	0	2	0	2	1	86	10	0	4	21	241	1	381
05:00 PM	2	1	10	1	22	0	0	0	0	1	0	3	1	88	6	0	5	22	245	0	396
05:15 PM	0	2	6	0	12	0	0	1	0	5	0	0	1	105	7	2	3	15	258	2	412
05:30 PM	1	1	2	1	5	0	0	0	0	2	0	3	1	121	8	0	1	36	293	2	471
05:45 PM	0	0	7	0	13	0	0	1	0	2	0	1	0	97	6	1	5	28	245	0	399
06:00 PM	0	0	7	0	8	0	0	0	0	3	0	2	0	98	5	2	5	10	214	1	346
PEAK HOUR TOTALS	3	4	25	2	52	0	0	2	0	10	0	7	3	411	27	3	14	101	1041	4	INTERSECTION
ALL MOVEMENTS	79					12					441					1146					1678
% HV	5%					0%					2%					1%					1%
PEAK HOUR FACTOR	0.60					0.50					0.85					0.87					0.89

PHF = Peak Hour Factor 4:00 PM - 6:00 PM PEAK HOUR: 4:45 PM TO 5:45 PM

REDUCED BY: CN DATE OF REDUCTION: 4/14/2015

ROLLING HOUR COUNT

TIME INTERVAL ENDING AT	FROM NORTH ON 79th Avenue SE					FROM SOUTH ON 79th Avenue SE					FROM EAST ON 20th Street SE					FROM WEST ON 20th Street SE					INTERVAL TOTALS
	Peds	HV	Left	Thru	Right	Peds	HV	Left	Thru	Right	Peds	HV	Left	Thru	Right	Peds	HV	Left	Thru	Right	
2:00 PM - 3:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:15 PM - 3:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:30 PM - 3:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2:45 PM - 3:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:00 PM - 4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15 PM - 4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30 PM - 4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45 PM - 4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00 PM - 5:00 PM	3	7	28	1	71	0	0	4	0	4	0	9	4	330	36	1	17	78	976	3	1535
4:15 PM - 5:15 PM	2	8	26	1	65	0	0	5	0	9	0	7	4	352	30	2	19	80	988	5	1565
4:30 PM - 5:30 PM	3	6	20	2	55	0	0	2	0	10	0	8	4	400	31	2	13	94	1037	5	1660
4:45 PM - 5:45 PM	3	4	25	2	52	0	0	2	0	10	0	7	3	411	27	3	14	101	1041	4	1678
5:00 PM - 6:00 PM	1	3	22	1	38	0	0	2	0	12	0	6	2	421	26	5	14	89	1010	5	1628

Level of Service Calculations

Lanes, Volumes, Timings
 1: 79th Avenue SE & 20th Street SE

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Internal Link Dist (ft)	225	646	646	750	750	750	75	579	579	175	659	100
Turn Bay Length (ft)	520	1256	1256	119	1217	1217	348	478	478	343	450	443
Base Capacity (vph)	0	0	0	0	0	0	0	0	0	0	0	0
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.22	0.93	0.93	0.03	0.40	0.40	0.01	0.02	0.02	0.08	0.00	0.13

Intersection Summary
 Area Type: Other
 Cycle Length: 130
 Actuated Cycle Length: 120
 Natural Cycle: 130
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 0.93
 Intersection Signal Delay: 26.2
 Intersection Capacity Utilization: 77.2%
 Analysis Period (min): 15
 # 95th percentile volume exceeds capacity, queue may be longer.
 Queue shown is maximum after two cycles.



Lanes, Volumes, Timings
 1: 79th Avenue SE & 20th Street SE

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	101	1041	4	3	411	27	2	0	10	25	2	52
Traffic Volume (vph)	101	1041	4	3	411	27	2	0	10	25	2	52
Future Volume (vph)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Ideal Flow (vphpl)	225	0	0	200	0	0	75	0	0	175	0	100
Storage Length (ft)	1	0	0	1	0	0	1	0	0	1	0	1
Storage Lanes	25	0	0	25	0	0	25	0	0	25	0	1
Taper Length (ft)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lane Util. Factor	0.999	0.999	1.00	0.991	0.991	1.00	0.850	0.850	1.00	1.00	1.00	0.850
Flt Protected	0.950	0.950	0.950	0.950	0.950	0.950	0.950	0.950	0.950	0.950	0.950	0.950
Satd. Flow (prot)	1787	1879	0	1787	1864	0	1787	1599	0	1787	1881	1599
Flt Permitted	0.366	0.053	0.053	0.053	0.053	0.053	0.757	0.757	0.703	0.703	0.703	0.703
Satd. Flow (perm)	689	1879	0	100	1864	0	1424	1599	0	1322	1881	1599
Right Turn on Red	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Satd. Flow (RTOR)	30	726	16.5	18.9	18.9	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Link Speed (mph)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Link Distance (ft)	30	726	16.5	18.9	18.9	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Travel Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Shared Lane Traffic (%)	113	1174	0	3	492	0	2	11	0	28	2	58
Lane Group Flow (vph)	pm+pl	MA	pm+pl	NA	NA	pm+pl	NA	pm+pl	MA	pm+pl	MA	Perm
Turn Type	5	2	1	6	6	3	8	7	4	4	4	4
Protected Phases	2	6	6	6	6	8	8	8	7	7	4	4
Permitted Phases	5	2	1	6	6	3	8	8	7	7	4	4
Detector Phase												
Switch Phase												
Minimum Initial (s)	4.0	7.0	4.0	4.0	7.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	8.5	25.5	8.5	29.5	8.0	20.0	8.0	20.0	8.0	29.0	29.0	29.0
Total Split (s)	10.4	84.5	8.5	82.6	8.0	29.0	8.0	29.0	8.0	29.0	29.0	29.0
Total Split (%)	8.0%	65.0%	6.5%	63.5%	6.2%	22.3%	6.2%	22.3%	6.2%	22.3%	22.3%	22.3%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5	4.5	4.5	4.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
Lead/Lag	Lead	Lag										
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	None	None	None	None	None	None
Act Effct Green (s)	81.3	80.2	75.5	71.5	28.2	25.6	28.2	25.6	29.6	28.7	28.7	28.7
Actuated g/C Ratio	0.68	0.67	0.63	0.60	0.24	0.21	0.25	0.24	0.25	0.24	0.24	0.24
v/c Ratio	0.22	0.93	0.03	0.44	0.01	0.02	0.08	0.00	0.13	0.08	0.00	0.13
Control Delay	8.0	33.6	7.3	15.1	34.5	0.1	35.2	38.0	5.0	35.2	38.0	5.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	8.0	33.6	7.3	15.1	34.5	0.1	35.2	38.0	5.0	35.2	38.0	5.0
LOS	A	C	A	B	C	A	D	D	A	D	D	A
Approach Delay	31.4	15.1	15.1	15.1	15.1	15.1	15.1	15.1	15.1	15.1	15.1	15.1
Approach LOS	C	B	B	B	B	B	B	B	B	B	B	B
Queue Length 50th (ft)	30	773	1	211	1	0	16	1	16	1	0	0
Queue Length 95th (ft)	50	#1280	4	286	8	0	43	8	43	8	21	21

Spills and Phases: 1: 79th Avenue SE & 20th Street SE
 Lane Group: EBL, EBT, EBR, WBL, WBT, WBR, NBL, NBT, NBR, SBL, SBT, SBR
 Phase: p1, p2, p3, p4, p5, p6, p7, p8

Existing Conditions
 Gibson Traffic Consultants, Inc. [SPF]

PM Peak-Hour
 Gibson Traffic Consultants, Inc. [SPF]

Lanes, Volumes, Timings
 1: 79th Avenue SE & 20th Street SE

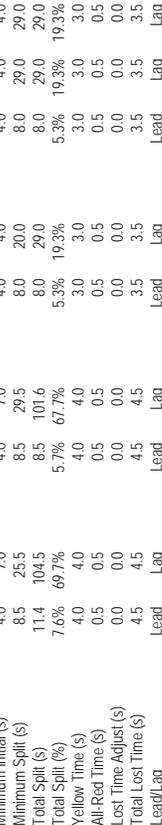
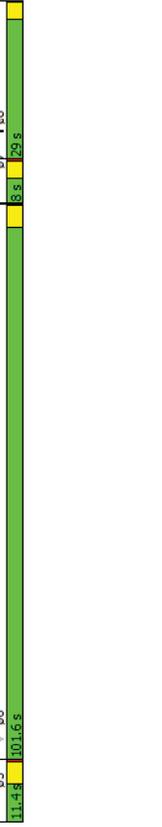
Lanes, Volumes, Timings
 1: 79th Avenue SE & 20th Street SE

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Internal Link Dist (ft)	225	646		750			75	579		175	659	100
Turn Bay Length (ft)	486			100	1281		304	398		297	403	398
Base Capacity (vph)	0			0	0		0	0		0	0	0
Starvation Cap Reductn	0			0	0		0	0		0	0	0
Spillback Cap Reductn	0			0	0		0	0		0	0	0
Storage Cap Reductn	0			0	0		0	0		0	0	0
Reduced v/c Ratio	0.28	1.08		0.04	0.47		0.01	0.03		0.11	0.00	0.18

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Fill Protected	0.950			0.950			0.850			0.950		0.850
Satd. Flow (prot)	1787	1879	0	1787	1864	0	1787	1599	0	1787	1881	1599
Fill Permitted	0.318			0.042			0.757			0.680		
Satd. Flow (perm)	598	1879	0	79	1864	0	1424	1599	0	1279	1881	1599
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)				4			134			30		71
Link Speed (mph)				30			659			739		
Link Distance (ft)				726			15.0			16.8		
Travel Time (s)				16.5			15.0			16.8		
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Shared Lane Traffic (%)												
Lane Group Flow (vph)	138	1432	0	600	0	2	13	0	34	2	71	71
Turn Type	pm+pt	MA	NA	pm+pt	NA	NA	pm+pt	NA	pm+pt	MA	Perm	Perm
Protected Phases	5	2		1	6		3	8	7	4	4	4
Permitted Phases	2			6			8		4			
Detector Phase	5	2		1	6		3	8	7	4	4	4

Area Type: Other
 Cycle Length: 150
 Actuated Cycle Length: 141.6
 Natural Cycle: 150
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.08
 Intersection Signal Delay: 49.9
 Intersection Capacity Utilization 89.6%
 Analysis Period (min) 15
 - Volume exceeds capacity, queue is theoretically infinite.
 - Queue shown is maximum after two cycles.
 - # 95th percentile volume exceeds capacity, queue may be longer.
 - Queue shown is maximum after two cycles.

Area Type: Other
 Cycle Length: 150
 Actuated Cycle Length: 141.6
 Natural Cycle: 150
 Control Type: Actuated-Uncoordinated
 Maximum v/c Ratio: 1.08
 Intersection Signal Delay: 49.9
 Intersection Capacity Utilization 89.6%
 Analysis Period (min) 15
 - Volume exceeds capacity, queue is theoretically infinite.
 - Queue shown is maximum after two cycles.
 - # 95th percentile volume exceeds capacity, queue may be longer.
 - Queue shown is maximum after two cycles.



2025 Baseline Conditions	Silverstone Rezone (#16-026)												PM Peak-Hour
	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Approach Delay													
Approach LOS													
Queue Length 50th (ft)	37	-1467		1	286		1	0	25	1	0	0	
Queue Length 95th (ft)	58	#1866		5	371		9	0	58	10	45	0	

2025 Baseline Conditions	Silverstone Rezone (#16-026)												PM Peak-Hour
	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Approach Delay													
Approach LOS													
Queue Length 50th (ft)	37	-1467		1	286		1	0	25	1	0	0	
Queue Length 95th (ft)	58	#1866		5	371		9	0	58	10	45	0	

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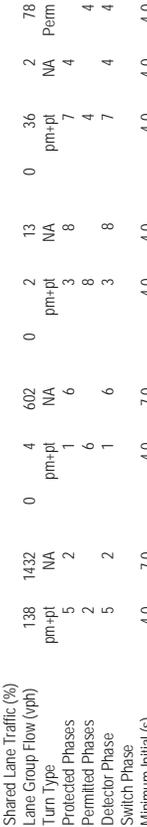
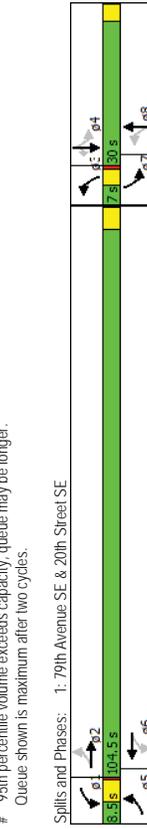
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Lanes, Volumes, Timings
 1: 79th Avenue SE & 20th Street SE

Lanes, Volumes, Timings
 1: 79th Avenue SE & 20th Street SE

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Internal Link Dist (ft)	225	646		750			75	579		175	659	100
Turn Bay Length (ft)	476			101	1296		287	385		300	407	407
Base Capacity (vph)	0			0	0		0	0		0	0	0
Starvation Cap Reductn	0			0	0		0	0		0	0	0
Spillback Cap Reductn	0			0	0		0	0		0	0	0
Storage Cap Reductn	0			0	0		0	0		0	0	0
Reduced v/c Ratio	0.29	1.08		0.04	0.46		0.01	0.03		0.12	0.00	0.19

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	1	1	1	1	1	1	1	1	1	1	1	1
Traffic Volume (vph)	123	1269	5	4	501	35	2	0	12	32	2	69
Future Volume (vph)	123	1269	5	4	501	35	2	0	12	32	2	69
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	225			200			75		0	175		100
Storage Lanes	1			1			1		0	1		1
Taper Length (ft)	25			25			25		0	25		1
Lane Util. Factor	1.00	0.999	1.00	1.00	0.990	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Flt	0.950			0.950			0.950		0.850	0.950		0.850
Satd. Flow (prot)	1787	1879	0	1787	1862	0	1787	1599	0	1787	1881	1599
Flt Permitted	0.321			0.042			0.757		0.663			
Satd. Flow (perm)	604	1879	0	79	1862	0	1424	1599	0	1247	1881	1599
Right Turn on Red		Yes			Yes		Yes		Yes			Yes
Satd. Flow (RTOR)					5		126					78
Link Speed (mph)		30			30		30					30
Link Distance (ft)		726			830		659					739
Travel Time (s)		16.5			18.9		15.0					16.8
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Heavy Vehicles (%)	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Shared Lane Traffic (%)												
Lane Group Flow (vph)	138	1432	0	4	602	0	2	13	0	36	2	78
Turn Type	pm+pt	MA		pm+pt	NA		pm+pt	NA		pm+pt	MA	Perm
Protected Phases	5	2		1	6		3	8		7	4	4
Permitted Phases	2			6			8			4		4
Deletor Phase	5	2		1	6		3	8		7	4	4
Switch Phase												
Minimum Initial (s)	4.0	7.0		4.0	7.0		4.0	4.0		4.0	4.0	4.0
Minimum Split (s)	8.5	25.5		8.5	29.5		8.0	20.0		8.0	29.0	29.0
Total Split (s)	10.0	104.5		8.5	103.0		7.0	28.0		9.0	30.0	30.0
Total Split (%)	6.7%	69.7%		5.7%	68.7%		4.7%	18.7%		6.0%	20.0%	20.0%
Yellow Time (s)	4.0	4.0		4.0	4.0		3.0	3.0		3.0	3.0	3.0
All-Red Time (s)	0.5	0.5		0.5	0.5		0.5	0.5		0.5	0.5	0.5
Lost Time Adjust (s)	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5		4.5	4.5		3.5	3.5		3.5	3.5	3.5
Lead/Lag	Lead	Lag		Lead	Lag		Lead	Lag		Lead	Lag	Lag
Lead-Lag Optimize?	Yes	Yes		Yes	Yes		Yes	Yes		Yes	Yes	Max
Recall Mode	None	None		None	None		None	Max		None	Max	Max
Act Effct Green (s)	101.2	100.1		95.7	91.7		27.7	25.0		31.8	30.7	30.7
Actuated g/C Ratio	0.71	0.71		0.67	0.65		0.20	0.18		0.22	0.22	0.22
v/c Ratio	0.29	1.08		0.04	0.50		0.01	0.03		0.12	0.00	0.19
Control Delay	8.0	71.6		6.8	14.9		44.0	0.2		45.0	47.0	11.0
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0		0.0	0.0	0.0
Total Delay	8.0	71.6		6.8	14.9		44.0	0.2		45.0	47.0	11.0
LOS	A	E		A	B		D	A		D	D	B
Approach Delay		66.0			14.8			6.0			2.22	
Approach LOS		E			B			A			C	
Queue Length 50th (ft)	37	~1467		1	279		1	0		26	1	0
Queue Length 95th (ft)	58	#1866		5	362		9	0		60	10	47



2025 Future with Conditions
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2025 Future with Conditions
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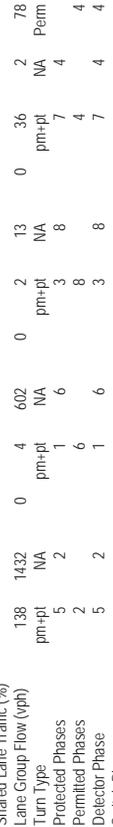
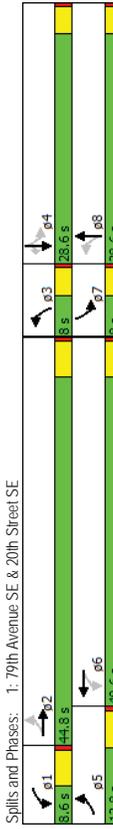
PM Peak-Hour

Lanes, Volumes, Timings
 1: 79th Avenue SE & 20th Street SE

Lanes, Volumes, Timings
 1: 79th Avenue SE & 20th Street SE

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Internal Link Dist (ft)	225	583		517				497				609
Turn Bay Length (ft)	409	1910		1700				668				700
Base Capacity (vph)	0	0		0				0				0
Starvation Cap Reductn	0	0		0				0				0
Spillback Cap Reductn	0	0		0				0				0
Storage Cap Reductn	0	0		0				0				0
Reduced v/c Ratio	0.34	0.75		0.02				0.00				0.07
Intersection Summary	Other											
Area Type:	Other											
Cycle Length:	90											
Actuated Cycle Length:	76.7											
Natural Cycle:	90											
Control Type:	Actuated-Uncoordinated											
Maximum v/c Ratio:	0.83											
Intersection Signal Delay:	21.1											
Intersection Capacity Utilization:	57.8%											
Analysis Period (min):	15											
# 95th percentile volume exceeds capacity, queue may be longer.	Queue shown is maximum after two cycles.											

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	1	1	1	1	1	1	1	1	1	1	1	1
Traffic Volume (vph)	123	1269	5	4	501	35	2	0	12	32	2	69
Future Volume (vph)	123	1269	5	4	501	35	2	0	12	32	2	69
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	225	0	0	200	0	0	75	0	0	175	0	100
Storage Lanes	1	0	0	1	0	0	1	0	0	1	0	1
Taper Length (ft)	25	0	0	25	0	0	25	0	0	25	0	1
Lane Util. Factor	1.00	0.999	0.95	1.00	0.95	0.95	1.00	1.00	1.00	1.00	1.00	1.00
Flt	0.950	0.999	0.95	1.00	0.950	0.950	1.00	1.00	1.00	1.00	1.00	0.850
Flt Protected	0.950	0.999	0.95	1.00	0.950	0.950	1.00	1.00	1.00	1.00	1.00	0.850
Satd. Flow (prot)	1787	3571	0	1787	3539	0	1787	1599	0	1787	1881	1599
Flt Permitted	0.288	0.131	0.131	0.131	0.131	0.131	0.757	0.705	0.705	0.705	0.705	0.705
Satd. Flow (perm)	542	3571	0	246	3539	0	1424	1599	0	1326	1881	1599
Right Turn on Red	1	1	Yes	1	1	Yes	1	1	Yes	1	1	1
Satd. Flow (RTOR)	30	30	30	30	30	30	30	30	30	30	30	30
Link Speed (mph)	15.1	15.1	15.1	15.1	15.1	15.1	13.1	13.1	13.1	13.1	13.1	15.7
Travel Time (s)	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Peak Hour Factor	1	1	1	1	1	1	1	1	1	1	1	1
Heavy Vehicles (%)	1	1	1	1	1	1	1	1	1	1	1	1
Shared Lane Traffic (%)	138	1432	0	4	602	0	2	13	0	36	2	78
Lane Group Flow (vph)	pm+pt	MA	MA	pm+pt	NA	NA	pm+pt	NA	pm+pt	MA	MA	Perm
Turn Type	5	2	2	1	6	3	8	7	4	4	4	4
Permitted Phases	2	6	6	6	8	8	7	4	7	4	4	4
Detector Phase	5	2	2	1	6	3	8	7	4	4	4	4
Switch Phase	4.0	7.0	4.0	4.0	7.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Initial (s)	8.5	25.5	8.5	8.0	29.5	8.0	20.0	8.0	20.0	8.0	28.5	28.5
Minimum Split (s)	12.8	44.8	8.6	40.6	8.0	28.6	8.0	28.6	8.0	28.6	28.6	28.6
Total Split (%)	14.2%	49.8%	9.6%	45.1%	8.9%	31.8%	8.9%	31.8%	8.9%	31.8%	31.8%	31.8%
Yellow Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	3.0	3.0	3.0	3.0	3.0	3.0
All-Red Time (s)	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	3.5	3.5	3.5	3.5	3.5	3.5
Lead/Lag	Lead	Lag	Lead	Lag	Lag	Lead	Lag	Lag	Lag	Lag	Lag	Lag
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	None	None	None	None	None	None
Act Effr Green (s)	38.6	37.2	30.9	26.7	28.0	25.5	29.3	28.6	28.6	28.6	28.6	28.6
Actuated g/C Ratio	0.50	0.49	0.40	0.35	0.37	0.33	0.38	0.37	0.37	0.37	0.37	0.37
v/c Ratio	13.2	23.2	0.02	0.83	0.02	0.49	0.00	0.12	0.07	0.00	0.12	0.12
Control Delay	13.2	23.2	10.5	21.0	16.5	0.11	16.8	20.0	2.6	0.0	0.0	0.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	13.2	23.2	10.5	21.0	16.5	0.11	16.8	20.0	2.6	0.0	0.0	0.12
LOS	B	C	B	C	B	A	B	B	B	B	B	A
Approach Delay	22.3	20.9	20.9	20.9	20.9	20.9	20.9	20.9	20.9	20.9	20.9	20.9
Approach LOS	C	C	C	C	C	C	C	C	C	C	C	C
Queue Length 50th (ft)	37	306	1	124	1	0	11	1	0	11	1	0
Queue Length 95th (ft)	65	492	5	168	5	0	32	6	15	32	6	15

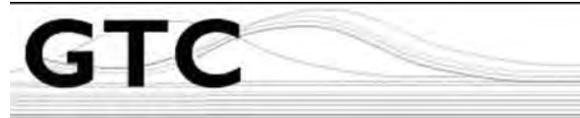


2025 Future with Conditions - 5 Lane
 Gibson Traffic Consultants, Inc. [SPF]

2025 Future with Conditions - 5 Lane
 Gibson Traffic Consultants, Inc. [SPF]

PM Peak-Hour

2012 Concurrency Analysis



Gibson Traffic Consultants
2802 Wetmore Avenue
Suite 220
Everett, WA 98201
425.339.8266
info@gibsontraffic.com

Traffic Impact Fee Cost Basis Policy, Methodology, and Calculations

**Prepared for the City of Lake Stevens, Washington
by Gibson Traffic Consultants, Inc**

October 2012

Figure 18

Future LOS WITHOUT Improvements, TIZ 3 - South Lake Stevens

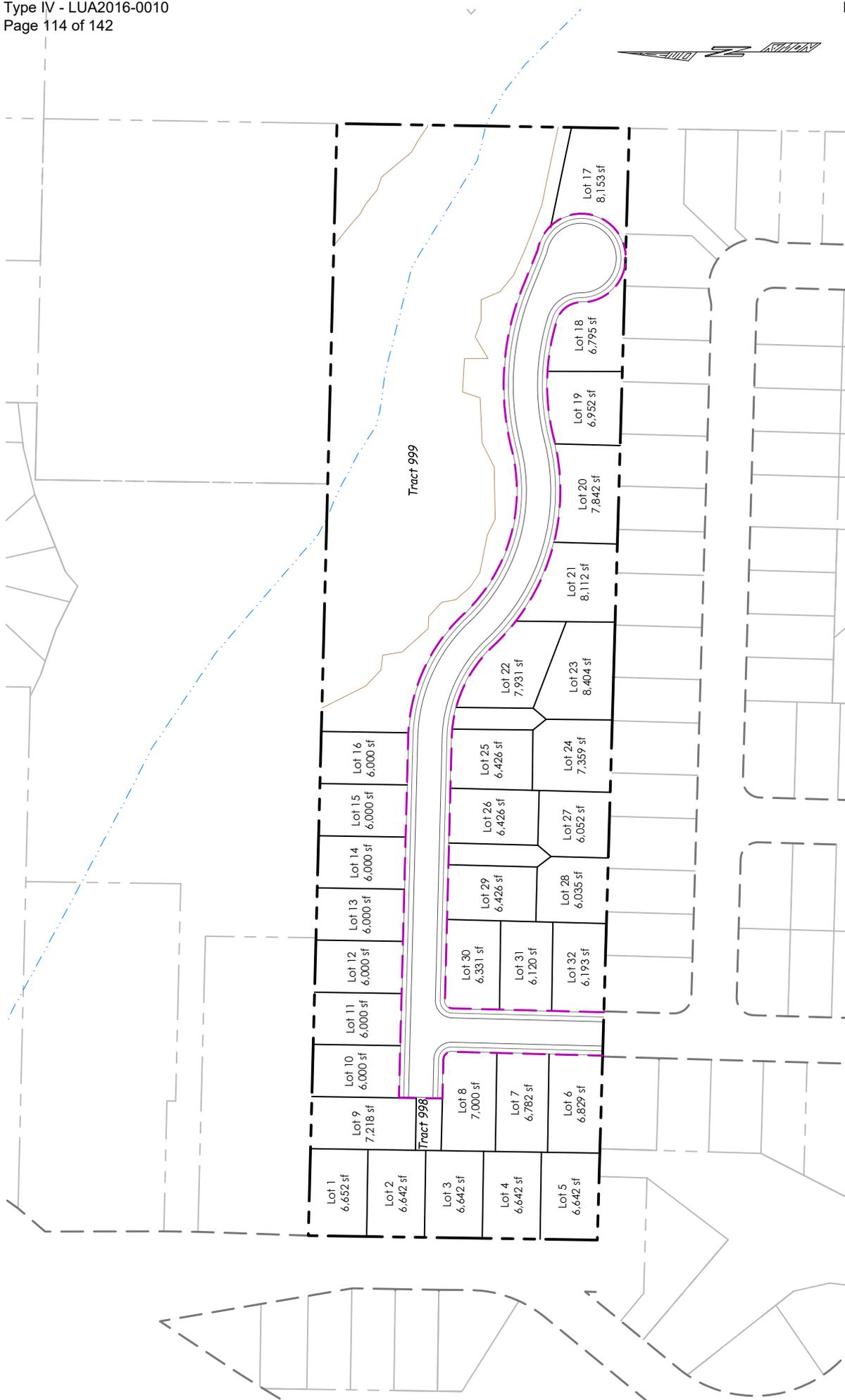
#	Location	Entering PHT	Ave Delay	Tot Delay
1	20th Street SE and Cavalero Road	4,115	27	110,689
2	20th Street SE and 79 th Avenue SE	3,965	253	1,001,163
3	20th Street SE and 83 rd Avenue SE	3,605	193	695,765
4	20th Street SE and 91 st Avenue SE	3,550	200	710,000
5	20th Street SE and SR 9 (City approaches)	2,650	248	656,040
6	20th Street SE and 99 th Avenue SE	3,055	26	79,430
7	20th Street SE and South Lake Stevens Rd	2,850	34	96,900
8	SR 9 and So. Lake Stevens Rd. (City approach)	1,130	200	226,000
	Totals	24,920		3,575,987
	Average Weighted Intersection Delay		143 sec	
	LOS		F	

Figure 19

Future LOS WITH Improvements, TIZ 3 - South Lake Stevens

#	Location	Entering PHT	Ave Delay	Tot Delay
1	20th Street SE and Cavalero Road	4,115	16	65,021
2	20th Street SE and 79 th Avenue SE	3,965	23	91,195
3	20th Street SE and 83 rd Avenue SE	3,605	31	111,755
4	20th Street SE and 91 st Avenue SE	3,550	57	202,350
5	20th Street SE and SR 9 (City approaches)	2,650	114	301,351
6	20th Street SE and 99 th Avenue SE	3,055	22	67,210
7	20th Street SE and South Lake Stevens Rd	2,850	30	85,500
8	SR 9 and So. Lake Stevens Rd. (City approach)	1,130	44	49,720
	Totals	24,920		974,102
	Average Weighted Intersection Delay		39 sec	
	LOS		D	

Site Plan



City of Lake Stevens - Traffic Impact Fee Determination Worksheet

Name of Development: Silverstone

Date Prepared: _____ Prepared by: _____

Base Impact Fee Calculation

1. Land use: (1)
2. PM Peak Hour Trip Number from latest edition of ITE Trip Generation Manual

Code:	<input type="text" value="210"/>	Average Trip Generation Rate	<input type="text" value="1.00"/>	(2)
-------	----------------------------------	------------------------------	-----------------------------------	-----
3. Pass-by Trip reduction

Percentage from Table T-1	<input type="text" value="0.00"/>	%	percentage x (2)	<input type="text" value="0.00"/>	(3)
---------------------------	-----------------------------------	---	------------------	-----------------------------------	-----
4. Total new Peak Hour Trips

	(2) – (3)	<input type="text" value="30.00"/>	(4)
--	-----------	------------------------------------	-----
5. Traffic Impact Zone (TIZ) Per Trip Fee: see Figure 1 for map of TIZ

TIZ 1 =\$2,039	TIZ 2 & TIZ 3 = \$2,917	Per Trip Fee:	<input type="text" value="2,917"/>	(5)
----------------	-------------------------	---------------	------------------------------------	-----
6. **Calculated Base Impact Fee**

	(4) X (5)	<input type="text" value="\$87,510"/>	(6)
--	-----------	---------------------------------------	-----

Offsite System Improvements – Credits for offsite transportation improvements may be given when the improvements are portions of a project identified in the City’s Capital Facility Plan used in the determination of the Traffic Impact Fee “per trip fee.” City staff can provide a list of the system projects. The determination of a credit is based on City approved costs estimates provided by the Developer’s site engineer. A credit for offsite system improvements cannot be greater than the Calculated Base Impact Fee.

State Environmental Policy Act (SEPA) – excerpt from City Municipal Code

14.112.070 Relationship to the State Environmental Policy Act (SEPA).

This chapter establishes minimum impact fees, applied to all developments. These fees are presumed to mitigate traffic demand on the capacity of the city street system. However, each development shall be reviewed and be subject to the substantive authority of SEPA for potential adverse traffic impacts on the street system not mitigated by this fee.



Construction Plan Submittal Checklist



Project File Number: _____ Accepted By: _____

Project Name: _____ Date: _____

Checklist must be submitted in conjunction with the 1st Review Construction Plan Application.

Review #: 1 2 3 4 5

NOTE: All materials submitted for review must use and comply with City of Lake Stevens Engineering Design and Development Standards (EDDS), City of Lake Stevens Municipal Code (LSMC), the most recent adopted version of the Department of Ecology's Stormwater Management Manual for Western Washington (SWMM), and the Low Impact Development Technical Guidance Manual for Puget Sound (LID). Any deviations shall include a deviation request form. LSMC and City of Lake Stevens EDDS can be provided upon request.

FILE INVENTORY AND PLAN SUBMITTAL

Plans shall be accompanied by the following required documents and approvals if applicable:

Applicant / Staff Verify

- / Hearing Examiner's Report & Related Correspondence.
- / SEPA Checklist and DNS; if a previous SEPA decision was issued, please include a copy.
(Any project including >100 cubic yards of grading requires SEPA review).
- / Approval of Critical Areas Study and/or Mitigation Plan.
- / Approval of required ROW dedication, frontage improvements, and setbacks
(ie. sidewalks, planter strips, power lines, etc...)
- / Approval of Preliminary Drainage Report and Geotechnical Report.
- / Approval of Traffic Mitigation Fees and Traffic Study.

"The above requirements relate to general land development technical issues. Please be aware that these requirements are limited to the issues and topics identified in the comment letters and shall not be construed as a complete and all encompassing review of a proposal. Various engineering aspects relating to storm drainage, roads, utilities etc. will be reviewed in detail upon construction plan submittal. Additional comments that could change the design of these concepts may be likely at that time."

Submittal shall contain: (check satisfied conditions, circle missing elements)

Applicant / Staff Verify

- / Construction Plan Submittal Checklist.
- / A complete set of surveyed construction plans prepared by a licensed surveyor and stamped by a Professional Engineer. Plans need to include applicable information such as a Cover Sheet, Grading Plan, SWPPP, Drainage Plan, Signage and Striping Plan, Sanitary Sewer and Water Plans, Roads and Transportation Plans, Construction Notes,

___ / ___ A Drainage Report.

___ / ___ A Geotechnical/Hydrogeotechnical Investigation Report.

___ / ___ A Traffic Study/Analysis

___ / ___ A Sensitive Areas or Wetland Investigation Report.

Note: Fees for review of construction plans will be charged prior to submittal per current fees resolution.

GENERAL REQUIREMENTS FOR PLAN SETS

- Sheet size shall be 24" x 36" unless otherwise requested.
- Construction plan view shall be drawn to common engineering scale (maximum 1"=50')
- The ratio of the vertical to the horizontal scale shall be 1V:10H.
- All details and cross sections must have titles and identify scale. Details must reference a source.
- For each standard detail in the engineered construction drawings plan set, include the corresponding City of Lake Stevens Standard Detail number from the EDDS or other source. When possible, correlate the standard detail number to the plan view sheets.
- All details, cross sections, and profiles must be labeled and referenced out on their corresponding plans.
- Roads and general lot layout must conform to the approved preliminary plat map.
- Construction Plans must comply with Hearing Examiners Decision or Notice of Preliminary Approval.
- Notes and specifications are to be provided directly from EDDS, WSDOT Standard Specifications, manufacturer specifications, LID specifications, and materials specifications, and are to be provided in their entirety. At a minimum, plan sets are to contain the following applicable notes from the EDDS:

- General Notes
- Storm Drainage Notes
- Site Grading & TESCP Notes
- Temporary Gravel Construction Entrance Notes
- Hydroseeding General Notes
- Biofilter Swale Planting Notes
- Stand Pipe & Sedimentation Pond Maintenance Notes
- Maintenance of Silt Barrier Notes
- Construction sequence and schedule

GENERAL REQUIREMENTS FOR ALL PLAN SHEETS

All sheets in the construction plans shall include the following information:

- a project title.
- a page title (For example: Site Plan, Drainage Plan...).
- a Title Block to contain Engineering Firm, Project name, Name of sheet, Sheet ___ of ___, located on

right margin.

- o a City of Lake Stevens Project Number.
- o a Professional Engineer's seal, signature, date of signature, and expiration date **(Final Plans Only)**.
- o ¼ Section, Section, Township and Range centered at top border.
- o an Acknowledgement Block for City Engineer (attached) with located in lower right corner.
- o an approval Block for Fire Marshal (attached) on Water Plans or other applicable plans.
- o an approval Block for Post Master on applicable plans.
- o a note on all sheets that "The Contractor shall verify the location of all existing utilities prior to any construction. Agencies involved shall be notified within a reasonable time prior to the start of construction." Provide a prominent note "Call 1-800-424-5555 Before You Dig".
- o a north arrow.
- o an engineering scale on site plans shall not be more than 1" = 20' nor less than 1" = 50'.
- o a complete legend for line types, hatches, and symbols on **ALL** plans and profiles.

GENERAL REQUIREMENTS FOR ALL SITE AND TOPOGRAPHIC INFORMATION

- o Show onsite benchmark locations and provide descriptions.
- o Existing contours shown as dashed lines at a minimum of 5-foot intervals. Also show enough topographic details offsite to resolve questions of slope, setbacks, drainage, ect.
- o Proposed contours, shown as solid lines, at the same intervals as existing contours. Spot elevations may be required to illustrate adequate drainage on flat sites.
- o All property lines are to be shown with bearings, distances, and ties to controlling corners or subdivision corners.
- o Show location, size and type of any existing or proposed structures, impervious areas, drainage facilities, wells, drain fields, drain field reserve areas, roads, pavement, striping, signs, easements, setbacks, and utilities on the site. Clearly differentiate between proposed and existing elements.
- o Property lines are to be shown with bearings, distances, and ties to controlling corners or subdivision corners. Show existing and proposed drainage pattern(s), storm drainage and LID facilities (e. g. ditch lines, culverts, catch basins, french drains, surface drainage or sheet flow arrows). Clearly/ differentiate between proposed and existing.
- o Show location of all property boundaries, easements, lakes, streams, creeks and structures on site and within 50 feet of site boundaries.
- o Show location of all wetlands, sensitive areas, primary association areas for threatened and endangered species, and erosion hazardous areas and landslide areas on site and those within 100 feet of the site boundaries.
- o Show location of all setbacks and buffers from critical areas, property lines, structures, and utilities.
- o Show location of all existing and proposed native growth protection areas (NGPA's) or native growth

- easements (NGPAE) on the site.
- o Show boundaries or limits of site disturbance, clearing, and grading.
- o Show location of any off-site critical areas, and boundaries of areas which are affected by the construction.
- o Map existing wells, drain fields, infiltration systems, rain gardens and drain field reserve areas located within the distances of concern.
- o Show location and type of all existing and proposed water quality and source control BMPs.
- o Show location and type of existing and proposed water quality control facilities or measures such as detention ponds, rain gardens, roof gardens or other BMP's. Provide high water elevations for design of infiltration systems, if any.
- o Grading setback details are to include 1/2 height of fill, 1/5 height of cut, 2' minimum.

COVER SHEET

- o Provide a preliminary plat map that complies with requirements outlined in the "Master Permit Application for Land Use Development Submittal Checklist".
- o Provide a Vicinity Map with north arrow and scale.
- o Provide name, address and phone number of applicant or developer, engineer, architect, contractors, etc.
- o Provide a legal description of site along with property tax account number(s) of subject property and adjacent properties.
- o Provide a Sheet Index.
- o Provide a horizontal and vertical datum or basis for elevation and the benchmark used for elevation control (NAD 83 and NAVD 88 datum only).

GRADING PLAN

- o Provide cut volumes and fill volumes in cubic yards.
- o Depict locations considered for cut and fill calculations.
- o Provide finished floor elevations if applicable.
- o Provide lot areas if applicable.

CONSTRUCTION STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

Note: The SWPPP will comply with all criteria outlined in Vol. 1, Ch. 3 of the SWMM. For LID developments, the SWPPP will also comply with the LID Manual.

- o Address all 12 Elements of the SWPPP.
- o Show location and type of proposed measures (BMPs) for Temporary Erosion and Sedimentation Control (TESC) or SWPPP as contained in Vol. 2 of the DOE Stormwater Management Manual for Western Washington.
- o Provide details and notes for erosion control.
- o Reference all applicable BMP numbers.

- o Show locations of temporary stockpiles.
- o Show all construction BMP's and reference or provide standard details.
- o Show construction site access.
- o Show flow arrows or paths for stormwater control during construction.
- o Protect drain inlets.
- o Stabilize soils, slopes, channels and outlets.
- o Control sources of pollution.
- o Control dewatering (sites requiring dewatering will need to develop a dewatering plan).

DRAINAGE PLAN

Note: The Drainage Plan and stormwater design will comply with Section 5 of the EDDS, Title 11 of the LSMC, the SWMMWW, and the LID Manual.

- o Provide spot elevations/flow arrows/contours for stormwater flow at post-development construction.
- o Convey or control water from proposed and existing roads and/or adjacent properties.
- o Show locations of emergency overflows and bypasses.
- o Show roof drains and yard drains.
- o Provide a 15' minimum drainage easement for open channel storm drainage facilities and closed storm drainage facilities.
- o Provide a 15' minimum building setback line from the top of bank of a defined channel.
- o Provide a 10' minimum building setback for closed drainage systems.
- o If a drainage easement is to run along a lot line within a subdivision, the easement may straddle the lot line provided the drainage facilities can be located entirely along one lot.
- o Access is to be provided for inspection and maintenance purposes for drainage structures that are to be located within an easement.
- o No storm sewer pipe within a drainage easement shall have its centerline closer than 5' to a rear or side property line.
- o Minimum storm sewer pipe diameter in right of way and between catch basins and/or manholes shall be 12".
- o 24" pipe cover is preferred for storm drain systems. Alternative pipe material and City approval will be required for pipes with less than 24" of cover.
- o Show all sizes, pipe materials and structures.
- o Show direction of pipe flow.
- o Show pipe's invert, slope, length, type, and catch basin grate elevation on plan view.
- o Show existing and proposed storm drainage system profile(s) with pipe size, slope, catch basin type, location, station, rim and invert elevations.
- o Provide energy dissipater at outfalls.

STORMWATER SITE PLAN (DRAINAGE REPORT)

Note: The Stormwater Site Plan shall comply with Volume 1 of the SWMM. The City REQUIRES the use of their Stormwater Site Plan Template.

- o The Stormwater Site Plan will be submitted in the following format:
 - o Section 1 Project Overview – Provide a project description, pertinent details, and proposed land uses.
 - o Section 2 Existing Conditions Summary – Address subject matter outlined in Volume 1, Chapter 3.1.1 in the SWMMWW. Provide a figure that illustrates the subject matter.
 - o Section 3 Offsite Analysis Report – Address subject matter outlined in Volume 1, Chapter 3.1.3 in the SWMMWW. Provide a figure that illustrates the subject matter.
 - o Section 4 Minimum Requirements – Address all applicable Minimum Requirements in Volume 1, Chapter 2 of the SWMMWW. Show how you arrived at the requirements by including Figure 2.2 or 2.3.
 - o Section 5 Stormwater Control Plan – Address subject matter outlined in Volume 1, Chapter 3.1.5 in the SWMM. Discuss the following information:
 - Existing Site Hydrology
 - Developed Site Hydrology
 - Treatment and Flow Control Needed
 - Performance Standards and Goals per Volume 1, Chapter 4 of the SWMMWW for BMP and Facility Selection Process. Include Figure 4.1 from the SWMM showing your selection process.
 - Flow Control System
 - Water Quality System
 - Conveyance System Analysis.
 - o Section 6 Stormwater Pollution Prevention Plan – Address all 12 Elements outlined in Volume 1, Chapter 3.1.6 and Volume 1, Chapter 2 of the SWMMWW.
 - Section 7 Special Reports and Studies – Address subject matter outlined in Volume 1, Chapter 3.1.7 in the SWMMWW.
 - Section 8 Other Permits – Address subject matter outlined in Volume 1, Chapter 3.1.7 in the SWMMWW.
 - Section 9 Operations and Maintenance Manual - Address subject matter outlined in Volume 1, Chapter 3.1.7 in the SWMMWW.
 - o Hydrologic Analysis and Flow Control Design shall be analyzed using the most recent version of the Western Washington Hydrology Model.
 - o Include all computer generated reports, sources, references, tables, graphs, aerials, maps, and calculations used for all design and analysis in appendices.

ROADS AND TRANSPORTATION PLAN

Note: Road and transportation design shall comply with the EDDS and Title 14 of the LSMC.

- o Travel and parking lane(s) must be labeled on the roadway sections.
- o Provide typical roadway sections and identify street names and classifications.
- o Provide road alignment with 100 foot stationing and stationing at PCs and PTs with bearing and distances on centerlines
- o Provide right of way lines and widths for existing and proposed road and intersecting roads
- o Provide channelization plan and match or tie into existing channelization.
- o Provide a signalization plan.
- o Provide street illumination if applicable. PUD submittal may be required.
- o Provide curve data with radius, delta, arc length, and tangent distance for all curves. These may be shown in a curve table.
- o Show details for frontage improvements and overlays.
- o Show limits of existing and proposed paving including grinds and overlays.
- o All new residential access streets shall have traffic calming devices.
- o Provide mailbox location and detail with Post Master approval.
- o Rock facings over 4' in height are to be designed by a Geotechnical Engineer and are subject to approval by the Public Works Director or Designee.
- o Minimum road grade is to be 0.5%.
- o Grades are to be shown to 3 decimal places and as a percent.
- o Vertical curves are to show elevations and stations of vertical PI (s) , P.C. (s) , PT (s), sag (low point) and crest (high point).
- o Super elevation criteria/data is required to be shown for all roads greater than 25 MPH design speed.
- o Include sight distance triangles at each roadway intersection. EDDS provide design standards for the sight distance triangles.

Copy

FILED

AUG 07 2014

SONYA KRASKI
COUNTY CLERK
SNOHOMISH CO. WASH.

SUPERIOR COURT OF WASHINGTON FOR SNOHOMISH COUNTY

In the Matter of the Estate of:

No. 13-4-00665-6

SOLVEIG VINJE,

Deceased.

**NON-JUDICIAL BINDING
AGREEMENT (RCW 11.96A.220)**

THIS NON-JUDICIAL BINDING AGREEMENT (the "Agreement") is entered into as of the date indicated below, pursuant to RCW 11.96A.220, by all persons having an interest in the Testamentary Trust of Solveig Vinje, for the benefit of John Petrelli; namely John Petrelli (beneficiary), Collin Revoir (named successor trustee), and Kathleen Bournique (proposed successor trustee).

I. RECITALS / BACKGROUND

1.1 Solveig Vinje (the "Decedent") died on April 27, 2013. The Decedent died having executed a Last Will and Testament dated June 1, 2009 (the "Will"). The original Will is filed in the Snohomish County Superior Court and referenced under

NON-JUDICIAL BINDING AGREEMENT
(RCW 11.96A.220) - 1

Nathan L. McAllister, Attorney at Law, P.S.
1313 E. Maple Street, Suite 208
Bellingham, WA 98225; Ph: (360) 734-0338.

1 Cause No. 13-4-00665-6. A conformed copy of the Will is marked **Exhibit A** and
2 attached hereto. Probate of the Will was commenced by the named Personal
3 Representative in the Will.

4 1.2 Decedent's initial personal representative, **Jerald Wynne** resigned as
5 personal representative in July 2013; Robert Fernbach declined to act as successor
6 personal representative; Marilyn Klose agreed to and was appointed successor personal
7 representative of the Estate of Decedent.

8 1.3 Personal Representative **Marilyn Klose** closed the Estate of Decedent
9 and transferred the assets of the estate to a testamentary trust for the benefit of John
10 Petrelli, per the terms of the Decedent's Will in June, 2014.

11 1.4 **Marilyn Klose** resigned as trustee of the testamentary trust for the benefit
12 of John Petrelli on June 28, 2014.

13 1.5 **Collin Revoir**, the named successor trustee of testamentary trust for the
14 benefit of John Petrelli, does not wish to be trustee of said trust and hereby declines to
15 accept trusteeship.
16

17 1.6 **Kathleen Bournique**, is willing and qualified to be the successor trustee
18 of the testamentary trust for the benefit of John Petrelli. ✓

19
20 **II. AGREEMENT**

21 NOW, THEREFORE, the parties agree as follows:

22 2.1 Assets of the Trust. The assets comprising testamentary trust for the
23 benefit of John Petrelli as established by the Will of Decedent consist of real property
24

25 NON-JUDICIAL BINDING AGREEMENT
(RCW 11.96A.220) - 2

Nathan L. McAllister, Attorney at Law, P.S.
1313 E. Maple Street, Suite 208
Bellingham, WA 98225; Ph: (360) 734-0338.

1 located at 1317 71st Ave SE, Everett, which is encumbered by a mortgage lien,
2 Washington 98205 and a trust checking account at Wells Fargo.

3 2.2 Shall be Successor Trustee. The interested parties agree Kathleen
4 Bournique shall be the successor trustee of testamentary trust for the benefit of John
5 Petrelli as established by the Will of Decedent.

6 2.3 Voluntary Execution. Each party hereto acknowledges that he or she has
7 had an opportunity to retain legal counsel to represent him or her with respect to this
8 Agreement, or has voluntarily elected not to do so.

9 2.4 Binding Agreement. This Agreement shall be binding when signed by
10 all parties hereto and shall have the effect of a final court order when filed with the
11 court. By signing this Agreement each party waives the notice of the filing of this
12 Agreement with the court as provided under RCW 11.96A.230.

13 2.5 Complete Agreement. This document is the complete Agreement of the
14 parties with regard to its subject matter, and may only be amended or supplemented by
15 a subsequent document signed by all parties.

16 2.6 Counterparts. This Agreement may be signed in multiple counterparts,
17 and signature obtained by facsimile transmittal is intended to be valid and binding as if
18 an original signature.

19 2.7 Neutral Construction. All parties have had an opportunity to review the
20 document and no prejudice against the scribner shall be made in any proceeding to
21 interpret any provision of this Agreement.

22
23
24
25
NON-JUDICIAL BINDING AGREEMENT
(RCW 11.96A.220) - 3

Nathan L. McAllister, Attorney at Law, P.S.
1313 E. Maple Street, Suite 208
Bellingham, WA 98225; Ph: (360) 734-0338.

1 STATE OF WASHINGTON)
) ss.
2 COUNTY OF ~~WHATCOM~~)
 Snohomish

3 On this day personally appeared before me John Petrelli, to me known to be the
4 individual described in and who executed the within and foregoing instrument, and
5 acknowledged that he signed the same as his free and voluntary act and deed, for the
6 uses and purposes therein described.

6 SUBSCRIBED AND SWORN to before me this 23 day of July, 2014.



7
8 Carla N. Ellingwood
9 Carla N. Ellingwood [Print Name]
10 NOTARY PUBLIC in and for the State of
11 Washington, residing at Everett
My commission expires: 11-1-2016

12 STATE OF WASHINGTON)
) ss.
13 COUNTY OF WHATCOM)

14 On this day personally appeared before me Kathleen Bournique, to me known to
15 be the individual described in and who executed the within and foregoing instrument,
16 and acknowledged that she signed the same as her free and voluntary act and deed, for
the uses and purposes therein described.

17 SUBSCRIBED AND SWORN to before me this 22 day of July, 2014.



18
19 James L. Carney
20 JAMES L. CARNEY [Print Name]
21 NOTARY PUBLIC in and for the State of
22 Washington, residing at Bellingham, WA
My commission expires: 12/23/2014

25 NON-JUDICIAL BINDING AGREEMENT
(RCW 11.96A.220) - 5

Nathan L. McAllister, Attorney at Law, P.S.
1313 E. Maple Street, Suite 208
Bellingham, WA 98225; Ph: (360) 734-0338.

1 STATE OF WASHINGTON)
2 COUNTY OF Washington) ss.
3)

4 On this day personally appeared before me Collin Revoir, to me known to be the
5 individual described in and who executed the within and foregoing instrument, and
6 acknowledged that she signed the same as her free and voluntary act and deed, for the
7 uses and purposes therein described.

8 SUBSCRIBED AND SWORN to before me this 4th August day of July, 2014.

9 Diane C Fulton

10 Diane C Fulton [Print Name]

11 NOTARY PUBLIC in and for the State of
12 Washington, residing at Woodinville
13 My commission expires: 4-02-2018



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25 NON-JUDICIAL BINDING AGREEMENT
(RCW 11.96A.220) - 6

Nathan L. McAllister, Attorney at Law, P.S.
1313 E. Maple Street, Suite 208
Bellingham, WA 98225; Ph: (360) 734-0338.

Exhibit

A

LAST WILL

of

SOLVEIG VINJE

I, **SOLVEIG VINJE**, of Everett, Washington, being of sound and disposing mind and memory and not acting under duress, fraud or the undue influence of any person, declare this to be my Last Will and revoke all prior Wills and Codicils I may have made.

SECTION 1

IDENTIFICATION OF FAMILY

I am a single person. I am survived by my adult daughter, **MARY PETRELLI**; my grandson, **JOHN PETRELLI**, whom is a minor, and my sister, **KARIN MICHAEL**. Reference in this Will to "my children" or "child of mine" include my named daughter above and any children later adopted by me. Except as provided below, I make no provision in this Will for any of my children who survive me, or the descendants of any child who does not survive me.

SECTION 2

TAXES, CLAIMS and COST OF ADMINISTRATION

I direct that as soon as sufficient funds shall come into the hands of my personal representative, all expenses of my funeral, last illness, and other claims against my estate shall be paid in the lawful order of their preference. I direct that all taxes imposed by reason of my death, together with any interest or penalties, with respect to property passing under this Will or otherwise be paid out of my residuary estate.

SECTION 3

DISTRIBUTION OF ESTATE

3.1 Distribution by List. I may leave a list, signed by me or in my handwriting, in which I dispose of some or all of my tangible personal property. My personal representative is hereby directed to make such distributions. If a person named on the list dies before me, his or her gift shall lapse. If an item on the list is no longer owned by me, such gift shall lapse.

3.2 Distribution to Remainder. I give the remainder of my estate and property as follows:

- A.** I give fifty percent (50%) of the remainder of my estate and property to **MARILYN KLOSE**, as trustee, in trust, for the benefit of my daughter, **MARY PETRELLI**, under the trust provisions set forth in Section 4 below, provided my daughter survives me. If my daughter does not survive me, then the deceased beneficiary's share shall be distributed to my grandson, **JOHN PETRELLI**, provided if he has not yet attained the age of twenty-five (25) years, then his share shall be distributed to the trustee as set forth in Section 5 and administered pursuant to the terms stated therein. If my grandson is not surviving at that time, then the deceased beneficiary's share shall be distributed equally to my grandson's descendants by right of representation under the same trust terms and conditions as stated in Section 5 herein.
- B.** I give fifty percent (50%) of the remainder of my estate and property to **MARILYN KLOSE**, as trustee, in trust, for the benefit of my grandson, **JOHN PETRELLI**, under the trust provisions set forth in Section 5 below, provided my grandson survives me. If my grandson does not survive me, then the deceased beneficiary's share shall be distributed to the trustee of the **MARY PETRELLI SPECIAL NEEDS TRUST** for the benefit of **MARY PETRELLI** set forth in Section 4 herein, provided my daughter is surviving at that time. If **MARY PETRELLI** is not then surviving, then the deceased beneficiary's share shall be distributed equally to **JOHN PETRELLI's** descendants by right of representation under the same trust terms and conditions as stated in Section 5 herein.

3.3 Contingent Distribution. If all of the beneficiaries named above fail to survive me, then I give all the rest, residue and remainder of my estate and property to my

sister, **KARIN MICHAEL**, provided if she is not surviving, then equally to her descendants by right of representation.

SECTION 4

SPECIAL NEEDS TRUST FOR MARY PETRELLI

4.1 Beneficiary. The sole beneficiary of this trust shall be **MARY PETRELLI**. This trust shall be referred to as the **MARY PETRELLI SPECIAL NEEDS TRUST**.

4.2 Trustee. **MARILYN KLOSE** shall serve as trustee of this trust. If **MARILYN KLOSE** is unable or unwilling to serve as trustee, then **COLLIN REVOIR** shall serve as the successor trustee. The trustee shall apply to the appropriate federal agencies and state departments for the payment of such disability and/or need based awards as **MARY PETRELLI** may be entitled to by reason of her disability and/or lack of resources and income.

4.3 Purpose. The express purpose of this trust is to provide for the special needs of **MARY PETRELLI** resulting from or related to her disabilities. If **MARY PETRELLI** is receiving any benefits from any local, state, federal or private agency at the time of my death, or any time thereafter, the trustee shall have the discretion to supplement those government benefits with income and/or principal of the trust estate. No disbursement of income and/or principal shall be made for **MARY PETRELLI** that would permanently jeopardize eligibility for, or limit the type of assistance available to her, if she is receiving or intends to apply for local, state or federal benefit programs. Generally, the purpose of this trust is to supplement, and not supplant, public benefits that would be available to **MARY PETRELLI** if this trust did not exist. If **MARY PETRELLI** is not receiving government benefits based upon need or disability, the trustee shall have the absolute and sole discretion to determine what disbursements of income and/or principal shall be made from the trust estate for the benefit of **MARY PETRELLI**.

4.4 Discretionary Use of Income and Principal. Subject to the restrictions herein, I direct the trustee, in the trustee's sole discretion, to use the income and such portion of the principal as to what the trustee shall seem fitting and proper to provide for the special needs of **MARY PETRELLI**. Any income not distributed shall accumulate and be added to principal. Without otherwise limiting the generality of the foregoing, the trustee shall be guided by the following instructions:

- a. In so applying the trust estate for the benefit of **MARY PETRELLI**, it is directed that provision be made for the needs of **MARY PETRELLI** over and above any needs paid for by the Department of Social and Health Services (DSHS) of the State of Washington, and/or other state or federal agencies or departments, including those resources and

experiences as will contribute and make her life as pleasant, comfortable and happy as feasible. Nothing herein shall preclude the trustee from purchasing, or applying for, those services or items which promote MARY PETRELLI's happiness, welfare, and development, including, but not limited to, vacation and recreation trips away from places of residence, expenses for traveling companions if requested or necessary, entertainment expenses, supplemental medical and dental expenses, social services expenses, therapy expenses, transportation costs, HUD rent subsidies, DDD programs, vocational programs, food stamps, educational benefits, and so forth.

- b. In no event, may income or principal of this trust be paid to, or for the benefit of, or as a requirement of, a governmental agency or department. Furthermore, the trust property shall at all times be free of the claims of such governmental bodies. If a claim is made against the trust property by any such governmental body, or if any such governmental body denies benefits to MARY PETRELLI as a consequence of the existence of the this trust, the trustee may hire legal counsel on behalf of this trust to contest such governmental claim or denial of benefits. The trustee is further authorized to amend the trust or terminate the trust if the law changes in such a way as to make the existence of this trust imperil to MARY PETRELLI's eligibility for government benefits.
- c. The trust estate shall not be used to provide basic food, clothing and shelter, nor be available to MARY PETRELLI for conversion for such items, unless the trustee has considered MARY PETRELLI's eligibility for all local, state, and federal benefit programs for which she is eligible as a result of disability or need, and the trustee deems such expenditure appropriate, or unless the trustee determines that maintaining full public benefit eligibility is not in MARY PETRELLI's best interest. Where appropriate to preserve the benefits to which MARY PETRELLI may be entitled, all disbursements from the trust estate shall be direct payments to the person or persons who supply either goods or services to MARY PETRELLI, at the trustee's discretion, and not to MARY PETRELLI directly.

4.5 Term. The application of the trust estate shall continue as provided herein until expended as a result of disbursements by the trustee on behalf of MARY PETRELLI or until the death of MARY PETRELLI, whichever event shall occur first. If funds remain in the trust estate upon the death of MARY PETRELLI, then I direct that the trustee shall distribute the balance of the trust estate to my grandson, JOHN PETRELLI, provided if he has not yet attained the age of twenty-five (25) years at that time, then his share shall be

distributed to the trustee as set forth in Section 5 below and administered pursuant to the terms stated therein. If my grandson is not surviving at that time, then the balance of the trust estate shall be distributed equally to my grandson's descendants by right of representation under the same trust terms and conditions as stated in Section 5 below, but if no such descendants are surviving, then to my sister, **KARIN MICHAEL**, provided if she is not surviving, then equally to her descendants by right of representation.

4.6 Power to Amend Trust. If the terms of this trust can be amended to retain or allow eligibility for needs-based programs for **MARY PETRELLI**, the trustee shall have the authority to make such amendments non-judicially pursuant to Section 11.96A.220 of the Revised Code of Washington, or other relevant provisions, as amended, as are necessary to achieve the above-referenced purposes.

4.7 Restraint on Alienation. No right, title, interest or equity in any of the trust estate or the income or increase thereof shall vest in **MARY PETRELLI** until actual payment to him by the trustee, and no part thereof, either principal, interest or increase shall be liable for the debts, present or future, of **MARY PETRELLI** or shall be subject to the right on the part of any creditor of **MARY PETRELLI** to seize or reach the same under any writ or by any proceeding at law or in equity. **MARY PETRELLI** shall not have any power to give, grant, sell, convey, mortgage, pledge or otherwise dispose of, encumber or anticipate the principal, income or increase of the trust estate, or any portion thereof, or any installment thereof.

SECTION 5

TRUST FOR JOHN PETRELLI

Any assets passing to or for the benefit of my grandson, **JOHN PETRELLI**, before he has attained the age of twenty-five (25) years shall be held in trust for his benefit as follows:

5.1 Trustee. **MARILYN KLOBE** shall serve as trustee. If **MARILYN KLOBE** is unable or unwilling to serve as trustee, then **COLLIN REVOIR** shall serve as the successor trustee

5.2 Purpose. The trustee shall pay to or apply for the benefit of **JOHN PETRELLI** such portions of the income and principal of the trust estate as, in the sole discretion of the trustee, may be required for the maintenance, education, support and health of **JOHN PETRELLI**. For purposes of this section, "education" shall be broadly construed to mean and include primary and secondary school or preparatory school, college, university,

Initials 

graduate school, academic travel and enrichment, summer camps and all other types of general or special educational or vocational training.

5.3 Term. When JOHN PETRELLI attains age twenty-five (25) years, the remaining balance of the trust estate, including principal and undistributed income, shall be distributed, conveyed and transferred to JOHN PETRELLI, and such trust shall terminate.

If JOHN PETRELLI dies before becoming entitled to receive his entire trust, the trust shall be distributed to the trustee of the MARY PETRELLI SPECIAL NEEDS TRUST set forth in Section 4 above, provided my daughter, MARY PETRELLI is surviving at that time. If MARY PETRELLI is not then surviving, then the trust estate shall be distributed equally to JOHN PETRELLI's descendants by right of representation under the same trust terms and conditions as stated in this Section 5 herein, but if no such descendants are surviving, then to my sister, KARIN MICHAEL, provided if she is not surviving, then equally to her descendants by right of representation.

5.4 Use of Income and Principal. I direct the trustee, in the trustee's sole discretion, to make such distributions from each trust fund as the trustee deems necessary to accomplish the trust purposes. Without otherwise limiting the generality of the foregoing, the trustee shall be guided by the following instructions:

- i. Distributions shall be made out of net income to the extent available and the balance shall be made out of the principal; and
- ii. In determining the amount of distributions, the Trustee may, but shall not be obligated to, consider and give effect to any and all resources and support available to JOHN PETRELLI from other sources and shall have regard for his best interests and development.

SECTION 6

TRUST ADMINISTRATION

Except as otherwise expressly provided in this Will, the following provisions shall apply to each trust created by this Will.

6.1 Powers. Except as may be specifically limited by the terms of this Will, the trustee shall have all of the power, authority and discretion conferred by Washington law. I exempt the trustee from the giving of any bond to qualify it as trustee. I exempt the

Initials 

trustee from complying with the terms of the State of Washington Income and Principal Act. In addition to and not in limitation of the powers elsewhere conferred in this instrument and those granted by law, the trustee shall be subject to the following provisions and have the powers and authorities with respect to the trust estate as follows:

a. To retain as long as the trustee may deem advisable without liability in so doing, any property, either real or personal, which may be received through the distribution of my estate.

b. To collect, liquidate, sell for cash or on terms, rent, lease without limit as to term, improve, exchange, mortgage or pledge all or any part of the trust estate.

c. To sign, execute and deliver any and all instruments in writing which may be necessary or advisable.

d. To invest or reinvest the whole or any part of the trust estate not required to meet the current demands of the trust, in such forms of investments as the trustee may deem advisable in the trustee's discretion, provided that such investments shall be investments such as persons of prudence, discretion and intelligence purchase for their own account, having regard not to speculation but to the permanent disposition of their funds, and considering the probable income, as well as the probable safety of their capital, including, but not by way of limitation, real property or interests therein, corporate bonds and debentures and stocks, preferred or common.

e. To vote at corporation or other meetings in person or by proxy as the trustee may deem advisable.

f. To determine what is principal and what is income using generally accepted accounting principles.

g. To compromise or adjust claims in favor of or against the trust estate; to make distribution in cash or in kind.

h. To administer the trust estate in such manner and on such terms and conditions as to the trustee, in the trustee's sole discretion, may deem advantageous and for the best interest of the trust estate and the beneficiaries thereof.

6.2 Trustee Succession. If a trustee appointment fails for any reason or if the trustee resigns, and no alternate or successor is named herein, the trustee may appoint a successor trustee by providing written notice of such appointment to the trust beneficiaries.

Any trustee may resign at any time by written notice to each beneficiary then entitled

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to receive benefit of the income from the trust. In the case of the resignation or inability to act of any trustee acting or appointed to act, and in the event this Will, and/or the trustee does not appoint a successor trustee, the beneficiary or a majority in interest of the beneficiaries then entitled to receive or have benefit of the income from the trust, may appoint a successor trustee, who shall be a corporate trustee authorized to transact a trust business, or an individual trustee approved by a court having general probate jurisdiction in the county in which a majority of the trust beneficiaries reside, or a trustee approved by the trust beneficiaries pursuant to a non-judicial dispute resolution agreement entered into consistent with Washington law.

The parent, guardian or conservator of a beneficiary under disability shall receive notice and have authority to act for such beneficiary under this section.

Every successor trustee shall have all the powers given the originally-named trustee. No successor trustee shall be personally liable for any act or omission of any predecessor.

6.3 Facility of Payment. If income or discretionary amounts of principal become payable to a minor or to a person under legal disability or to a person not adjudicated incompetent but who, by reason of illness, mental or physical disability, is in the opinion of the trustee unable properly to manage his or her affairs, then such income or principal shall be paid in one or more of the following ways as the trustee deems best:

- a. To the provider of the care, goods or services.
- b. To the capacitated beneficiary directly.
- c. To the legally appointed guardian, conservator or custodian under the Washington Uniform Transfers to Minors Act for the beneficiary.
- d. To some relative or friend for the needs, best interest, education or welfare of the beneficiary.
- e. By the trustee for the beneficiary's needs, best interests, education or welfare.
- f. As to tangible personal property, either (1) storage and safekeeping, with the costs chargeable to the beneficiary; or (2) sale, with the proceeds paid to the beneficiary as provided in this section.

6.4 Trustee Reports. The trustee shall not be required to make any trustee's report required by law. In lieu of such reports the trustee shall provide the beneficiaries of the trust an annual reporting setting forth the income, the disbursements and a list of the investments of the trust.

Initials 

6.5 Protective Provision. No interest of any beneficiary in the income or principal of any trust created by the Will may be anticipated, assigned, or encumbered, or be subject to any creditor's claims or legal process prior to its actual distribution to the beneficiary.

6.6 Nonroutine Transactions. The trustee is relieved from compliance with the provisions of RCW 11.100.140 relating to nonroutine transactions entered into by a trust and shall have no liability to any person on account of noncompliance.

6.7 Accrued Income. Income received after the last income payment due and undistributed at the termination of any estate or interest shall, together with any accrued income, be paid to the holder of the terminated interest or his or her estate.

6.8 Common Fund. If more than one trust is created by this Will, the trustee may hold the several trusts as a common fund for the convenience of administration or investment. The trustee may divide the income proportionately among each trust, assign undivided interests to each trust, and make joint investments of the funds belonging to each trust.

6.9 Professional Advisors. The trustee may employ and shall be fully protected in relying upon the advice of legal counsel on questions of law. The trustee may also employ accountants, investment advisors or agents, even if they are associated with the trustee, to advise or assist the trustee in the performance of the trustee's duties. The trustee shall not be liable for loss or damage caused by any agent or attorney selected by the trustee if reasonable care was exercised in selecting and retaining such agent or attorney.

6.10 Compensation. Any trustee shall be reimbursed for all reasonable expenditures incurred in the management and protection of the trust. Any trustee, other than the surviving spouse, shall be entitled to reasonable compensation for its services.

6.11 Limitation on Liability: Standard of Care. No trustee shall at any time be held liable for any action taken or not taken, or for any loss or depreciation of value of any property in any trust created under this Will, whether due to an error of judgment or otherwise, where such trustee has exercised good faith and ordinary diligence in the exercise of the trustee's duties. Any and every action taken in good faith by the trustee in the exercise of any power, authority, judgment, or discretion conferred upon the trustee hereunder shall be conclusive and binding upon all persons interested in the assets of any trust hereunder.

6.12 Prohibited Application of Retirement Benefits. No benefit under a retirement plan payable to any trust herein shall inure to anyone other than an individual related by blood or adoption to either my spouse or myself. No such benefit shall be applied to the

Initials 

payment of any debts, expenses, or other claims against my estate. Moreover, no such benefit shall pass by any power of appointment created herein, if any. The terms of this section shall take precedence over all other provisions of this Will.

SECTION 7

PERSONAL REPRESENTATIVE

7.1 Appointment of Personal Representative. I appoint JERALD WYNNE as personal representative. If JERALD WYNNE is unable or unwilling to serve, I appoint ROBERT FERNBACH as personal representative.

7.2 Without Bond and With Nonintervention Powers of Court. I direct that no bond, surety, or other security be required of my personal representative in any jurisdiction for any purpose, and that my personal representative shall have unrestricted nonintervention powers to settle my estate in the manner set forth in this Will. Furthermore, in carrying out the provisions of this Will and in otherwise administering my estate, my personal representative shall have full power, authority, and discretion to do all that may seem necessary or desirable to my personal representative in administering my estate including, without limitation, the authority at any time to make interim distributions of principal to those who are to receive the principal of my estate, and distribute all or any part of the income from the assets of my estate to or for the use of the beneficiaries of my estate in accordance with their respective interests; provided, that nothing contained in this clause shall require my personal representative to make any such distribution of principal or income.

7.3 Compensation. My personal representative shall be entitled to reasonable compensation, together with current reimbursement for all reasonable expenditures.

SECTION 8

GENERAL PROVISIONS

8.1 Allocation and Distribution of Property. My personal representative shall have the power to distribute my estate in kind or in cash, or partly in each, and in his or her discretion, to allocate particular assets, portions or undivided interests to any one or more of the beneficiaries hereunder as they shall deem for the best interests of the beneficiaries. My personal representative may allocate assets having different income tax bases among the beneficiaries in such manner, amounts and proportions as they shall deem appropriate. For purposes of any such distribution, securities or other property may be selected as my

Initials de

personal representative deems suitable, and may place such valuation on the securities or other property as my personal representative may determine. The decision of my personal representative shall be final and binding upon all parties.

8.2 Will Contest. If any beneficiary shall contest the probate or validity of this Will or any of its provisions or shall institute or join in (except as a party defendant) any proceeding to contest the validity of this Will or to prevent any of its provisions from being carried out in accordance with its terms (regardless of whether or not such proceedings are instituted in good faith and with probable cause), then all benefits provided for such beneficiary are revoked and such benefits shall be distributed as if such beneficiary were not living. Each benefit conferred in this Will is made on the condition precedent that the beneficiary shall accept and agree to all of the provisions of this Will, and the provisions of this section are an essential part of each and every benefit.

8.3 Context. Unless some other meaning or intent are apparent from the context, the plural shall include the singular and vice versa, and masculine, feminine, and neuter words shall be used interchangeably.

8.4 Governing Law. The provisions of this Will shall be governed by the laws of the State of Washington and applicable federal law. Any provision which is prohibited by law or is unenforceable shall be inoperative and all of the remaining provisions shall, nevertheless, be carried into effect.

IN TESTIMONY WHEREOF, I have signed this Will on the 1 day of June, 2009.


SOLVEIG VINJE

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

ORDINANCE NO. 961

AN ORDINANCE OF THE CITY OF LAKE STEVENS, AMENDING THE ZONING FOR 9.94 ACRES AS PART OF THE SILVERSTONE REZONE (CITY FILE NO. LUA2016-0010) LOCATED AT 1317 71ST AVENUE SE, LAKE STEVENS, WA 98258 AND CHANGING THE ZONING ON A PARCEL CURRENTLY ZONED SUBURBAN RESIDENTIAL TO URBAN RESIDENTIAL.

WHEREAS, the City received an application for a site-specific rezone (City File No. LUA2016-0010) on January 29, 2016 referred to as the Silverstone Rezone; and

WHEREAS, the Silverstone Rezone includes approximately 9.94 acres adjacent to 71st Avenue SE and east of State Route (SR) 204 (**Exhibit A**). The proposal would change the zoning designation on parcel 00431400800300 from Suburban Residential (SR) to Urban Residential (UR). Pursuant to the requirements for a site-specific zoning map amendment in Lake Stevens Municipal Code (LSMC) 14.16C.090, no change is proposed to the underlying Medium Density Residential (MDR) comprehensive plan land use designation.

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

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

WHEREAS, the Comprehensive Plan land use designation for the subject parcels are Medium Density Residential (MDR) per Ordinance No. 876, which supports the Urban Residential (UR) zoning designations per Table 14.36-I as found in Chapter 14.36 LSMC; and

WHEREAS, Ordinance Nos. 876 and 903 establish that this designation has been adopted into Chapter 14.36 (Zoning Districts and Zoning Map) LSMC, Chapter 14.40 (Permissible Uses) LSMC and 14.48 (Density and Dimensional Regulations) LSMC. Chapters 14.40 and 14.48 LSMC contains the applicable use and development regulations for the Urban Residential zoning district.

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

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

WHEREAS, the city is in receipt of public comments submitted in writing and presented orally at the duly-held public meeting on February 24, 2016 and the duly held public hearing on March 24, 2016; and

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

WHEREAS, the Hearing Examiner conducted a duly noticed open-record public hearing on March 24, 2016, and all public testimony has been given full consideration; and

WHEREAS, the Hearing Examiner on April 5, 2016 provided the City with a decision recommending approval of the rezone request as the proposed rezone meets the legal criteria for approving a rezone as set forth in LSMC 14.16C.090 and applicable state requirements; and

WHEREAS, the City Council considered the Hearing Examiner's recommendation at a closed record public hearing on May 10, 2016.

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

Section 1. The City Council adopts and incorporates the findings and conclusions for approving a rezone, pursuant to LSMC 14.16C.090, as set forth in the Hearing Examiner's recommendation, attached hereto as **Exhibit B**, dated April 5, 2016 and the staff report, dated May 4, 2016.

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

- A. The open record public hearing of the Hearing Examiner and the closed record public hearing of the City Council satisfy the public participation requirements of Chapter 14.16A LSMC.
- B. The SEPA process conducted for this ordinance satisfies the requirements of the State Environmental Policy Act codified in Chapter 43.21C RCW as implemented by Chapter 197-11 WAC and Title 16 LSMC.
- C. The zoning map amendment adopted by this ordinance complies with the Growth Management Act (Chapter 36.70A RCW).
- D. The zoning map amendment adopted by this ordinance is consistent with the adopted Lake Stevens Comprehensive Plan per Ordinance No. 917.

Section 3. The Official Zoning Map is hereby amended, as depicted in **Exhibit A**, by changing the zoning on parcel 00431400800300 to Urban Residential (UR).

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

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

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

PASSED by the City Council of the City of Lake Stevens this 10th day of May, 2016.

John Spencer, Mayor

ATTEST/AUTHENTICATION:

Kathleen Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading: May 10, 2016

Published:

Effective Date:

Exhibit A

- Project number:
LUA2016-0010
- Project proponent:
Seattle Pacific Homes,
Inc.
- Current zoning: Suburban
Residential
- Proposed zoning: Urban
Residential

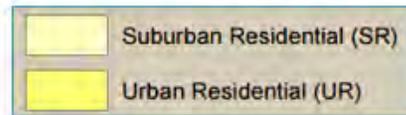


Exhibit B

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

In the Matter of the Application of	)	No. LUA2016-0010
)	
Seattle Pacific Homes, Inc.	)	Silverstone Property Site-Specific Rezone
)	
	)	FINDINGS, CONCLUSIONS,
<u>For a Site-Specific Rezone</u>	)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the Applicant’s request for a rezone of approximately 9.95 acres of property at 1317 71st Avenue SE from Suburban Residential to Urban Residential be **APPROVED**.

SUMMARY OF RECORD

Hearing Date:

The City of Lake Stevens Hearing Examiner held an open record hearing on the request on March 24, 2016.

Testimony:

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

- Stacie Pratschner, City Senior Planner
- Russ Wright, City Interim Planning Director
- Merle Ash, Applicant Representative
- Adam Emerson, City Engineering Department
- Tom Matlack
- Leif Johnston
- Adam Gessaman
- Jerold Wynne
- Amy Maheshwari
- Darren Carlson
- Kim Carlson

Exhibits:

The following exhibits were admitted into the record:

1. Land Use Development Application, received January 29, 2016
2. Applicant Narrative, received January 29, 2016
3. Conceptual Preliminary Site Plan, undated
4. Notice of Complete Application, dated February 4, 2016

Findings, Conclusions, and Recommendation
City of Lake Stevens Hearing Examiner
Silverstone Property Site-Specific Rezone, No. LUA2016-0010

5. Notice Materials:
 - a. Notice of Application, dated February 8, 2016
 - b. Notice of Public Meeting, dated February 9, 2016
 - c. Notice of Public Hearing, dated March 9, 2016
6. Public Comments:
 - a. Email from Jill Meis to Jerry Wynne, dated February 25, 2016, with attached email string
 - b. Email from Stacie Pratschner to Lana Johnston, dated February 23, 2016, with attached email string
 - c. Email from Stacie Pratschner to Cindy Hendrickson, dated February 23, 2016, with attached email string
 - d. Email from Stacie Pratschner to Mari Cline, dated February 23, 2016, with attached email string
 - e. Email from Stacie Pratschner to Adam Gessaman, dated February 22, 2016, with attached email string
 - f. Email from Stacie Pratschner to Keith Glasscock, dated February 22, 2016, with attached email string
 - g. Email from Stacie Pratschner to Liz Maduell, dated February 22, 2016, with attached email string
 - h. Email from Stacie Pratschner to Ann Marie Hawryluk, dated February 22, 2016, with attached email string
 - i. Email from Stacey Pratschner to Amy Losee, dated February 22, 2016, with attached email string
 - j. Email from Stacie Pratschner to Christi Beal, dated February 22, 2016, with attached email string
 - k. Email from Stacie Pratschner to Mike King, dated February 22, 2016, with attached email string
 - l. Email from Stacie Pratschner to Jerry Wynne, dated February 22, 2016, with attached email string
7. Email from Stacie Pratschner to Ruth Milner, dated February 22, 2016, with attached email string and Washington Department of Fish and Wildlife Priority Habitat Species Map
8. Traffic Impact Analysis, Gibson Traffic Consultants, dated January 2016
9. Construction Plan Submittal Checklist, undated
10. Non-Judicial Binding Agreement Appointing a Trustee, dated July 22, 2014, with attached Last Will and Testament
11. Site Vicinity Map, undated
12. Staff Report, dated March 14, 2016

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

Findings, Conclusions, and Recommendation
City of Lake Stevens Hearing Examiner
Silverstone Property Site-Specific Rezone, No. LUA2016-0010

FINDINGS

Application and Notice

1. Merle Ash, on behalf of Seattle Pacific Homes, Inc. (Applicant), requests a zoning map amendment to rezone an approximately 9.95 acre parcel from Suburban Residential to Urban Residential. The subject property is located at 1317 71st Avenue SE.¹ *Exhibit 1; Exhibit 2; Exhibit 12, Staff Report, page 1.*
2. The City of Lake Stevens (City) deemed the application complete on February 4, 2016. On February 8, 2016, the City mailed notice of the application to the Applicant and property owners within 300 feet of the project site; published notice in the *Everett Herald*; and posted notice at City Hall, on the City's website, and at the property. The next day, the City mailed notice of the public meeting associated with the rezone application to the Applicant and property owners within 300 feet; published notice in the *Everett Herald*; and posted notice at City Hall, on the City's website, and at the property. On March 9, 2016, the City mailed notice of the public hearing on the rezone application to the Applicant and property owners within 300 feet; published notice of the hearing in the *Everett Herald*; and posted notice of the hearing at City Hall, on the City's website, and at the property. *Exhibit 5.a; Exhibit 5.b; Exhibit 5.c; Exhibit 12, Staff Report, pages 2 and 3.*
3. The City received several public comments in response to its notice materials. Neighboring property owners Jerold Wynne, David and Cindy Hendrickson, Mari and Douglas Cline, Leif and Lana Johnston, Adam Gessaman, Keith Glasscock, Liz Maduell, Ann Marie Hawryluk, Suzanne Marlatt, Kevin, Amy, Jordyn, Sophia, and Wyatt Losee (The Losees), Christi Beal, Mike King, Dan and Kiersten Lanahan, John Schilaty, and Amy Maheshwari all wrote to express concern about development effects. Specifically, these residents expressed concerns over:
 - traffic impacts, especially on the adjoining Cavalero Ridge subdivision
 - bald eagles on the property
 - loss of greenspace and wildlife habitat
 - development inconsistent with adjoining residential neighborhoods
 - parking issues
 - decreased property value in adjoining neighborhoods
 - unsafe construction conditions
 - safety for neighborhood children
 - noise impacts*Exhibit 6.*

¹ The property subject to the rezone request is identified by Snohomish County tax parcel number 00431400800300. A legal description of the property is included with the application and project narrative. *Exhibit 1; Exhibit 2.*

State Environmental Policy Act

4. City staff determined that the rezone was categorically exempt from review under the State Environmental Protection Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). City Senior Planner Stacie Pratschner testified that, under Washington Administrative Code (WAC) 197-11-800(6)(c)(ii), the rezone proposal is exempt from environmental review because the project site is in an urban growth area, the rezone does not require an amendment to the City's Comprehensive Plan, and the Comprehensive Plan was previously subject to environmental review. Ms. Pratschner clarified that, were the Applicant to move forward with plans to subdivide the property, SEPA review for the specific land use proposal would be necessary. *Exhibit 12, Staff Report, page 6; Testimony of Ms. Pratschner.*

Site-Specific Rezone

5. The property is currently undeveloped. Moderate and steep slopes are present at the site, and these slopes may constitute Geologically Hazardous Areas under Chapter 14.88 Lake Stevens Municipal Code (LSMC). A Type "F" stream crosses the eastern portion of the property; this stream is a critical area under Chapter 14.88 LSMC. There are nesting bald eagles at or near the project site. Ms. Pratschner testified that City staff has been in touch with the Washington Department of Fish and Wildlife (WDFW) to discuss the eagles. Applicant Representative Merle Ash testified that, if development moved forward, the Applicant would adhere to any requirements from WDFW or the U.S. Department of Fish and Wildlife related to eagle protection, including buffering or limitations on hours of operation. Mr. Ash also testified that the Department of Ecology requires adequate buffers to protect streams and wetlands and that, should development move forward, the Applicant would adhere to buffering and protection requirements. *Exhibit 6.b; Exhibit 6.i; Exhibit 12, Staff Report, pages 3 and 6; Testimony of Ms. Pratschner; Testimony of Mr. Ash.*
6. The GMA requires certain cities and counties to engage in a planning process. *RCW 36.70A.040*. Thirteen exclusive goals guide that process. *RCW 36.70A.020*. These goals concern urban growth, sprawl reduction, transportation, housing, economic development, property rights, permitting, natural resource industries, open space and recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation. *RCW 36.70A.020*. Any jurisdiction subject to the GMA's planning requirement must balance these sometimes competing goals, *Feil v. E. Wash. Growth Mgmt. Hrgs. Bd.*, 172 P.2d 367, 259 P.3d 227 (2011), and produce a comprehensive plan that guides future growth and development. *RCW 36.70A.040-.120*. The jurisdiction must then enact development regulations implementing the comprehensive plan, *RCW 36.70A.040*, and otherwise act in conformity with the comprehensive plan. *RCW 36.70A.120*.
7. The City designated the property as Medium-Density Residential (MDR) under its Comprehensive Plan. The City adopted the MDR designation to allow single-family, two-family, and some multi-family residential development with a gross density between

- 4 to 12 units per acre based on zoning. The MDR designation allows both the Suburban Residential (SR) and Urban Residential (UR) zoning designations. The MDR designation includes detached and attached units, accessory units, townhouses, condominiums, duplexes, tourist homes, special service homes, and manufactured/mobile homes. The MDR designation also allows limited public/semi-public, community, and recreational uses. The City places the MDR designation on property located in transition areas between high-density designations and rural areas where infrastructure is readily available. *City Comprehensive Plan, Land Use Element, Pages LU-14 and LU-17.* The City has designated the surrounding properties on all sides MDR. *Exhibit 1; Exhibit 12, Staff Report, pages 1, 2, and 4.*
8. The property is currently zoned SR. The City has also zoned parcels to the north, south, and east as SR, although an application has been filed to rezone the parcel to the northwest as UR. The City has zoned the parcel to the west UR. The surrounding lots are, where developed, generally developed with single-family residences. *Exhibit 11; Exhibit 12, Staff Report, page 2.*
 9. The SR and UR zoning districts are “designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.” *LSMC 14.36.010(a).* The SR and UR zoning districts “are designed primarily to accommodate single-family detached residential uses at medium densities in areas served by public water and sewer facilities. Some types of two-family residences are allowed in these districts on larger lots.” *LSMC 14.36.010(b).*
 10. Lots in the SR zoning district must be a minimum of 9,600 square feet, and those in the UR zoning district 7,500 square feet. *Table 14.48-1 LSMC.* *LSMC 14.48.070* allows for reductions in minimum lot sizes through the use of clustered housing techniques. In the UR zone, *LSMC 14.48.070* permits lots with minimum sizes of 6,000 square feet. *Exhibit 12, Staff Report, pages 4 and 5.*
 11. As noted above, there are steep slopes and a stream on the property; these critical areas limit development on portions of the property. Given those constraints, and the use of clustered housing, subdivision of the property within the SR zone would yield 24 lots. Subdivision of the property using the clustering provisions of *LSMC 14.48.070* within the UR zone would yield 32 lots. The rezone would thus enable the Applicant to create an additional eight lots when subdividing the property. *Exhibit 2; Exhibit 12, Staff Report, pages 4 and 5.*
 12. The Applicant would be required to comply with SEPA and the best available science provisions of the Washington State Growth Management Act (GMA), Chapter 36.70A RCW, at the time of development permit application. Conditions of approval related to a specific land use application would require the Applicant to comply with City ordinances, including its critical area ordinances, and compliance would mitigate environmental

impacts of the rezone and proposed subdivision. *Exhibit 2; Exhibit 7; Exhibit 12, Staff Report, pages 3 and 6.*

13. The property sits near an arterial, SR-204. If subdivided according to the preliminary site plans included with the rezone application, lots in the proposed subdivision fronting 71st Avenue SE would access SR-204 from that street. The remaining lots, a majority of the total number, would exit the proposed subdivision using 72nd Avenue SE. That route would take vehicular traffic through another subdivision (Cavalero Ridge) before reaching local arterials. Gibson Traffic Consultants (Gibson) determined that, if developed under the SR zoning district standards, a subdivision on the property would result in 228 average daily trips, with 18 of those occurring during the AM peak hours and 24 during PM peak hours. Gibson determined that, if the rezone is approved and the parcel is developed under the UR zoning district standards, a subdivision on the property would produce 305 average daily trips, with 24 of those made during AM peak hours and 32 during PM peak hours. The net difference amounts to 77 average daily trips, 6 AM peak hour trips, and 8 PM peak hour trips. The proposed subdivision would likely result in less than a second more of delay at studied intersections if developed under the UR standards as compared to development under SR standards. Gibson further concluded that the development proposed for the property was served by adequate roads, meaning that it would not have site access problems, and that the proposed development would not impact traffic concurrency in the relevant area. City development staff evaluated the proposal and determined that it would not adversely impact SR-204 or 20th Street SE. The Applicant would pay traffic impact mitigation fees appropriate to Traffic Impact Zone 3. *Exhibit 2; Exhibit 8; Exhibit 12, Staff Report, page 3.*
14. Utilities run to the frontage and are also stubbed to the south property line of the parcel. Snohomish County PUD would provide water service to the property. The Lake Stevens Sewer District would provide sewer service and upgrades to the sewer system would accommodate the proposed increase in use. The City would provide stormwater and police services. Puget Sound Energy would provide gas service. Comcast and Verizon would provide cable and phone services. Allied Waste/Waste Management would collect garbage. The Lake Stevens Fire District would provide emergency services. The Lake Stevens School District would provide schools serving the property. The Applicant would pay impact fees to mitigate impacts on local schools. *Exhibit 2; Exhibit 12, Staff Report, page 2.*
15. In its project narrative, the Applicant states that the City has experienced significant population expansion since 1995, when it became subject to the planning requirements of the GMA, with its population increasing from 5,091 to 39,000 residents. The City projects a further increase in population of 11,000 residents over the next 20 years. Average home price also increased between 1995 and 2016, rising from somewhat under \$200,000 to \$350,000. Denser development would allow development of more affordable housing. *Exhibit 2.*

Testimony

16. Ms. Pratschner testified generally about the application and how it would meet the site-specific rezone requirements of LSMC 14.16C.090(g). She noted that, if the rezone was approved and the Applicant moved forward with subdividing the land, the proposal would have to comply with all of the plat requirements of Chapter 58.17 RCW and Title 14 LSMC, including stormwater requirements, requirements to provide safe walking routes for school children, set aside of open space, tree retention requirements, critical areas requirements, and requirements for construction plan approval. Ms. Pratschner testified that the rezone would satisfy Policy 3.1.1 of the City's Comprehensive Plan by increasing residential density in an urban growth area and providing for different types and densities of housing. She explained that, during review of the City's Comprehensive Plan, citizens expressed a preference to concentrate residential growth in the southwest portion of the City, where the rezone is proposed. *Testimony of Ms. Pratschner.*

17. City Interim Planning Director Russ Wright testified that the City's Comprehensive Plan was recently updated and has been certified and approved by all governmental agencies with oversight, including the Puget Sound Region Council. Mr. Wright explained that the City seeks to achieve a balance between commercial and residential development and that increasing residential density in urban growth areas helps satisfy this goal. He stated that, during review of the Comprehensive Plan, the City conducted extensive research, including conducting surveys at community events, online surveys, polling, and holding public meetings, and determined that City residents preferred that increased residential growth occur in the southwestern portion of the City, where the rezone is proposed. Mr. Wright noted that the City has recently gone live with a portal on its website that allows the public to check the status of all pending land use applications and review plans, reports, and staff comments related to each application. He testified that, were the proposal to subdivide the property to move forward, citizens would be able to use this new tool to stay apprised of all activity related to the proposal. *Testimony of Mr. Wright.*

18. Adam Emerson, City Engineering Department, testified about traffic issues related to the rezone and the potential subdivision. Mr. Emerson testified that the City has been in discussion with the Applicant about potentially providing a second roadway access to the plat but that traffic studies thus far conducted do not indicate that the rezone and increased residential density would affect level of service requirements at key intersections in the area. Mr. Wright clarified that, with a rezone application, there is a different level of traffic analysis than would occur with an application for a specific land use proposal. He stressed that the level of analysis used for a rezone application seeks to determine whether the change from one zoning designation to another would create a level of service failure at key intersections near the rezone. Mr. Wright testified that, if the plan to subdivide the property moved forward, an additional traffic study would need to be performed to address more specific impacts, including looking at impacts on additional intersections and sight distances. *Testimony of Mr. Emerson; Testimony of Mr. Wright.*

19. Mr. Ash testified generally about how the rezone application satisfies the criteria of LSMC 14.16C.090(g). He noted that the proposal would be consistent with density existing in the development to the south and would be generally compatible with other residential neighborhoods in the area. Mr. Ash testified that the proposal would benefit the health, safety, and general welfare because the Applicant would pay large fees for school mitigation, roads, and parks, and the increased density would provide an increased tax base for the City. He noted that the rezone is warranted because the population characteristics of the area have changed so dramatically in recent years: increased density in residential neighborhoods allows for increased population growth. Mr. Ash testified that, were the project to move forward, the Applicant would comply with all environmental requirements of the City code and that all impacts could be mitigated. He noted that he attended the public meeting related to the application and understands the public's concerns about the proposal. Specific to traffic impacts, Mr. Ash stated that, while he understands neighborhood concerns over traffic, the traffic engineering studies do not indicate that the rezone would detrimentally affect levels of service in the area. He also noted that, were the subdivision proposal to move forward, the Applicant would produce a stormwater pollution prevention plan (SWPPP) to address stormwater and erosion concerns, that noise levels from construction would remain within allowable levels from the City code, and on-site parking would be provided for all contractors to avoid parking issues in the neighboring subdivision. *Testimony of Mr. Ash.*
20. Tom Matlack testified that he does not feel circumstances have changed enough to warrant the rezone and that, because of the number of homes already available in the City's housing stock, higher intensity urban zoning is unnecessary. *Testimony of Mr. Matlack.*
21. Leif Johnston testified that he does not believe the rezone meets all of the requirements of LSMC 14.16C.090(g). Specifically, Mr. Johnston testified that the zoning amendment would not serve the public health, safety, or welfare because greater residential densities lead to higher crime, and infrastructure improvements, especially to roadways, are necessary before further development occurs. He stressed that the property has significantly defined critical areas and does not believe the rezone would be consistent with the City's commitments to sustainability and environmental protection. He thinks that further environmental studies should be performed prior to any development. Mr. Johnston also stated that he believed the rezone would be detrimental to the adjoining Cavalero Ridge neighborhood, where he lives, because increased traffic burdens would pose a risk to children in the neighborhood. He testified that he does not believe the area is suitable for urban density development because it is a suburban area. *Testimony of Mr. Johnston.*
22. Adam Gessaman, another resident of Cavalero Ridge, testified that, because the City has failed to enforce no parking requirements on streets in Cavalero Ridge, the street connecting the proposed development to Cavalero Ridge would be insufficient to handle additional traffic impacts. He testified that he is not sure how the problem could be

alleviated at this point because it is too late to widen the impacted streets in the Cavalero Ridge neighborhood. *Testimony of Mr. Gessaman.*

23. Long-time area resident Jerold Wynne testified that traffic issues have grown increasingly worse over the years and that he is worried that the traffic study did not adequately account for other area residents cutting through the Cavalero Ridge neighborhood to avoid traffic elsewhere or account for impacts from Boeing shift changes. Mr. Wynne also testified that he did not receive notice for the initial public meeting and believes the City should update its information related to notice and be more diligent about how notice is provided. He did state that he received notice for the open record hearing. Mr. Wynne believes that many of the parking problems in the Cavalero Ridge neighborhood could be solved if the City striped no parking zones and clearly delineating driving lanes. He noted that the fish stream on site has been known as Fox Creek since the 1950s and that it was a salmon-bearing stream prior to construction of SR-204. Mr. Wynne noted that there still are trout in the stream. He also testified that there are short-haired pygmy rabbits on the property, a threatened species. *Testimony of Mr. Wynne.*
24. Amy Maheshwari testified about her concerns with school bus routes in the area and over-crowding of area schools. She worked with the elementary school for some time to try and get a bus stop in the Cavalero Ridge neighborhood but was told by the school district that it would be unsafe to place a bus stop in the area because of the repeated violators parking in no parking zones. Ms. Maheshwari stated that, although that issue has since been resolved, she is worried that development of a new subdivision on the adjoining property would lead to the school again moving the bus stop. She also noted that area schools are already overcrowded due to new developments in the area and that additional density will exacerbate this issue. *Testimony of Ms. Maheshwari.*
25. Darren Carlson testified that he has seen dramatic traffic increases in the three years he has lived in Cavalero Ridge and is worried that traffic impacts are significantly more pronounced than indicated in the Applicant's traffic report. Mr. Carlson also expressed concern over the school bus stop issue and impacts neighboring development could have on the water retention basin and private, neighborhood parks maintained by the Cavalero Ridge Homeowners' Association. *Testimony of Mr. Carlson.*
26. Kim Carlson testified that she believes the Applicant's traffic report is inadequate. She also noted that area schools are overcrowded. *Testimony of Ms. Carlson.*
27. In response to public testimony, Mr. Ash testified that he sympathizes with public concerns about growth but the Growth Management Act encourages greater residential density in urban growth areas in an effort to preserve other open spaces, critical areas, and resource lands. He noted that area schools would be notified if the proposal to subdivide the property were to move forward and would have the opportunity to comment on the proposal. Mr. Ash also stated that any development on the property

would not create additional stormwater impacts on neighboring properties. *Testimony of Mr. Ash.*

Staff Recommendation

28. Ms. Pratschner testified that City staff recommends the Hearing Examiner forward a recommendation of approval to the City Council. *Exhibit 12, Staff Report, page 7; Testimony of Ms. Pratschner.*

CONCLUSIONS

Jurisdiction

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

Criteria

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

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

- (9) The amendment complies with all other applicable criteria and standards in this title.²

LSMC 14.16C.090(g).

Conclusions Based on Findings

The proposed rezone satisfies the criteria for approval found in LSMC 14.16.090(g) and should be approved. The proposed rezone would not require amendment of the City Comprehensive Plan and would be consistent with the Comprehensive Plan designation of the property: Urban Residential zoning is allowed in property designated Medium Density Residential by the Comprehensive Plan. The proposed rezone would further the goals of the Comprehensive Plan Housing Element by providing for additional affordable housing options in the City. Conditions placed on any future land development permits would ensure that the proposed subdivision would comply with the development regulations required by the Growth Management Act and Title 14 of the Lake Stevens Municipal Code. The proposed rezone would, as conditioned, serve the public health, safety, and welfare by adding to the City's stock of code-compliant housing. Changed circumstances, specifically the City's growth over the last several decades and need for denser development, warrant the rezone. The property is suitable for single-family residential development that complies with the standards of the UR zone, including its lot size and dimension standards. Although the proposed rezone is categorically exempt from SEPA review, the Applicant would need to submit an environmental checklist at the time of development permit application and conditions of approval related to a specific land use application would ensure that the Applicant complies with all relevant environmental, stormwater, and critical areas regulations. The proposed rezone would not add a significantly greater number of vehicle trips as compared to development of the property under its existing zoning designation and would not noticeably increase traffic delays at key intersections or affect concurrency in the relevant area. Adequate public facilities and services are available to the property.

Although the public has expressed serious concerns over traffic impacts from development of the land in question, those concerns would be more adequately addressed when the Applicant brings a specific land use application forward. As Interim Planning Director Russ Wright explained, at this point the traffic impact analysis only addressed whether a change in the zoning designation from Suburban Residential to Urban Residential would cause levels of service at key intersections to fall below allowable levels. The report indicates that it would not. Additional traffic study is warranted that more thoroughly addresses concerns about traffic impacts in the area when a specific proposal is at hand. Further, other public concerns—including concerns over protecting critical areas and providing adequate access to schools and bus stops—would also be more adequately addressed at the time the Applicant produces a specific proposal to subdivide the property. *Findings 1 – 28.*

² LSMC 14.16C.090(g) includes a tenth criteria inapplicable to this application related to adopted subarea plans.

RECOMMENDATION

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends the Applicant's request for a Site-Specific Rezone of property at 1317 71st Avenue SE from Suburban Residential to Urban Residential be **APPROVED**, with the following conditions:

1. Exhibit 10 depicts the area to be rezoned from the Suburban Residential zoning district to the Urban Residential zoning district. This rezone is contingent upon the Hearing Examiner's recommendation of approval and final approval by the City Council. Upon approval, the proposed change shall be incorporated into an official revised Lake Stevens zoning map.
2. All future development shall comply with federal, state, and local regulations in effect at the time of application.

Recommended this 5th day of April 2016.



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



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 10, 2016

Subject: Tax Exemption for Industrial / Manufacturing Industries (LUA 206-0057) – Ordinance 962

Contact Person/Department: Russ Wright, *Interim Planning Director*

Budget Impact: Tax revenue

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. Hold Public Hearing to consider Ordinance 962
 2. Motion to adopt Ordinance 962 an ordinance of the city of Lake Stevens, Washington, making certain underdeveloped or underutilized lands zoned for industrial/manufacturing uses eligible for ad valorem tax relief and adopting a process regarding such relief by establishing Chapter 3.070 LSMC Tax Exemption for Industrial / Manufacturing Industries.
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BACKGROUND/HISTORY:

Chapter 84.25 of the Revised Code of Washington (RCW), which became effective August of 2015, provides a 10 year exemption from ad valorem property taxes imposed by certain cities for the value of new construction of qualifying industrial/manufacturing facilities. The cities of Arlington, Marysville and Lake Stevens qualify under this legislation to provide this development incentive.

Properties eligible for this exemption must be located on land zoned for industrial and manufacturing uses, undeveloped or underutilized and designated by the city as a target area. The city adopted Resolution 2016-07, which established the city's intention to designate the Light Industrial and General Industrial zoning districts, located in the Hartford area, along with the Business District zoning district, located in the 20th Street SE Corridor, as target areas eligible for this incentive.

The proposed exemption applies to the construction of new industrial/manufacturing facilities where there are no existing improvements on that portion of the property and the resulting facility provides a minimum of 25 new living wage jobs within one year

Ordinance 962 would codify this action through the adoption of Chapter 3.070 of the Lake Stevens Municipal Code (LSMC). Chapter 3.070 LSMC encourages new manufacturing and industrial uses that provide family wages jobs within the identified zoning districts through a 10-year tax exemption. The proposed chapter establishes findings to support the tax exemption, adopts Chapter 84.25 RCW by reference, provides applicable definitions, creates an administrative application process and sets application fees.

APPLICABLE CITY POLICIES: Title 3 Revenue and Finance

BUDGET IMPACT: There would be a reduction in the city's portion of property taxes collected

EXHIBITS (attached):

Attachment 1 – Ordinance 962

Attachment 1

CITY OF LAKE STEVENS
Lake Stevens, Washington

ORDINANCE NO. 962

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, MAKING CERTAIN UNDERDEVELOPED OR UNDERUTILIZED LANDS ZONED FOR INDUSTRIAL/MANUFACTURING USES ELIGIBLE FOR AD VALOREM TAX RELIEF AND ADOPTING A PROCESS REGARDING SUCH RELIEF.

WHEREAS, Engrossed Senate Bill 5761 providing for property tax exemption for the value of new construction of industrial/manufacturing facilities in targeted urban areas was enacted as chapter 84.25 RCW; and

WHEREAS, the City of Lake Stevens is qualified to grant or deny this property tax exemption based on the act criteria, that it has planned under the growth management act, and has zoned lands for industrial and manufacturing use that are undeveloped and/or underutilized; and

WHEREAS, family living wage jobs pay at least an average of eighteen dollars per hour working two thousand eighty hours per year; and

WHEREAS, the City of Lake Stevens finds that there is insufficient family living wage jobs for its wage earning population; and

WHEREAS, the City of Lake Stevens has determined that the targeting of an industrial and manufacturing area for property tax exemption will assist in the new construction of industrial/manufacturing facilities that will provide employment for family living wage jobs; and

WHEREAS, there is the need for additional family wage jobs in Lake Stevens to support the growing community, to diversify the economic base and have sustainable economic growth; and

WHEREAS, the City of Lake Stevens passed Resolution No. 2016-07 on April 26, 2016 establishing its intention to designate areas to provide for a property tax exemption for the value of new construction for industrial / manufacturing industries; and

WHEREAS, the City of Lake Stevens has developable land, multi-modal transportation, the capacity to locate new manufacturing and industrial facilities, and a goal to advance economic development; and

WHEREAS, the City of Lake Stevens by passing this ordinance will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020; and

WHEREAS, the notice of hearing given for the designation of the manufacturing-industrial targeted area and the adoption of this chapter meets the requirements of Engrossed Senate Bill 5761; and

WHEREAS, the City Council held a duly noticed public hearing on May 10, 2016, concerning whether the areas identified in Exhibit "B" should be designated as targeted areas where property tax relief should be available to owners who construct new industrial or manufacturing facilities and provide living wage jobs; and

WHEREAS, the City Council has determined that the cost of administering this chapter will be at least \$500.00 per application.

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

SECTION 1. The areas zoned to allow Industrial and Manufacturing uses identified in Exhibit "B" are designated as targeted areas where property owners can apply for and be granted a property tax exemption for the value of new construction of industrial/manufacturing facilities which qualify under Chapter 84.25 RCW and this ordinance.

SECTION 2. Amendment of Municipal Code. A new Chapter, 3.70, is added to the municipal code. The municipal code is amended as set forth in Exhibit "A."

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

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

PASSED by the City Council and this 10th day of May, 2016.

CITY OF LAKE STEVENS

By _____
John Spencer, Mayor

Attest:

By _____
Kathy Pugh, Deputy City Clerk

Approved as to from:

By _____
Grant Weed, City Attorney

First and Final Reading: May 10, 2016

Published: _____

Effective Date: _____

EXHIBIT A

Chapter 3.70 **Industrial/Manufacturing Property Tax Exemption**

Section 3.70.010 Findings.

There are insufficient family living wage jobs, as those jobs are defined by RCW 84.25.030, for Lake Stevens' wage earning population. It is the purpose of this chapter to encourage new manufacturing and industrial uses on undeveloped and underutilized lands zoned for industrial and manufacturing uses in the area identified in this chapter.

Section 3.70.020 Affected Areas

Underdeveloped or underutilized lands zoned for industrial/manufacturing uses located in the Light Industrial and General Industrial zoning districts, in the Hartford area, along with the Business District zoning district, in the 20th Street SE Corridor, are eligible for this incentive for qualifying projects.

Section 3.70.020 Adoption by reference.

Chapter 84.25 RCW as currently enacted or subsequently amended is hereby adopted by reference.

Section 3.70.030 Definitions.

The following definitions shall apply to this chapter:

“Authorized representative” or “duly authorized representative” means the Community Development Director - also referenced herein as “Director” or designee.

“City” means the City of Lake Stevens.

Section 3.70.040 Application and fees

(a) An owner of property seeking a tax exemption under this chapter shall submit an application to the Community Development Director or designee prior to the application for any building permit for the project. The application shall be on a form established by the Director, along with the required fees.

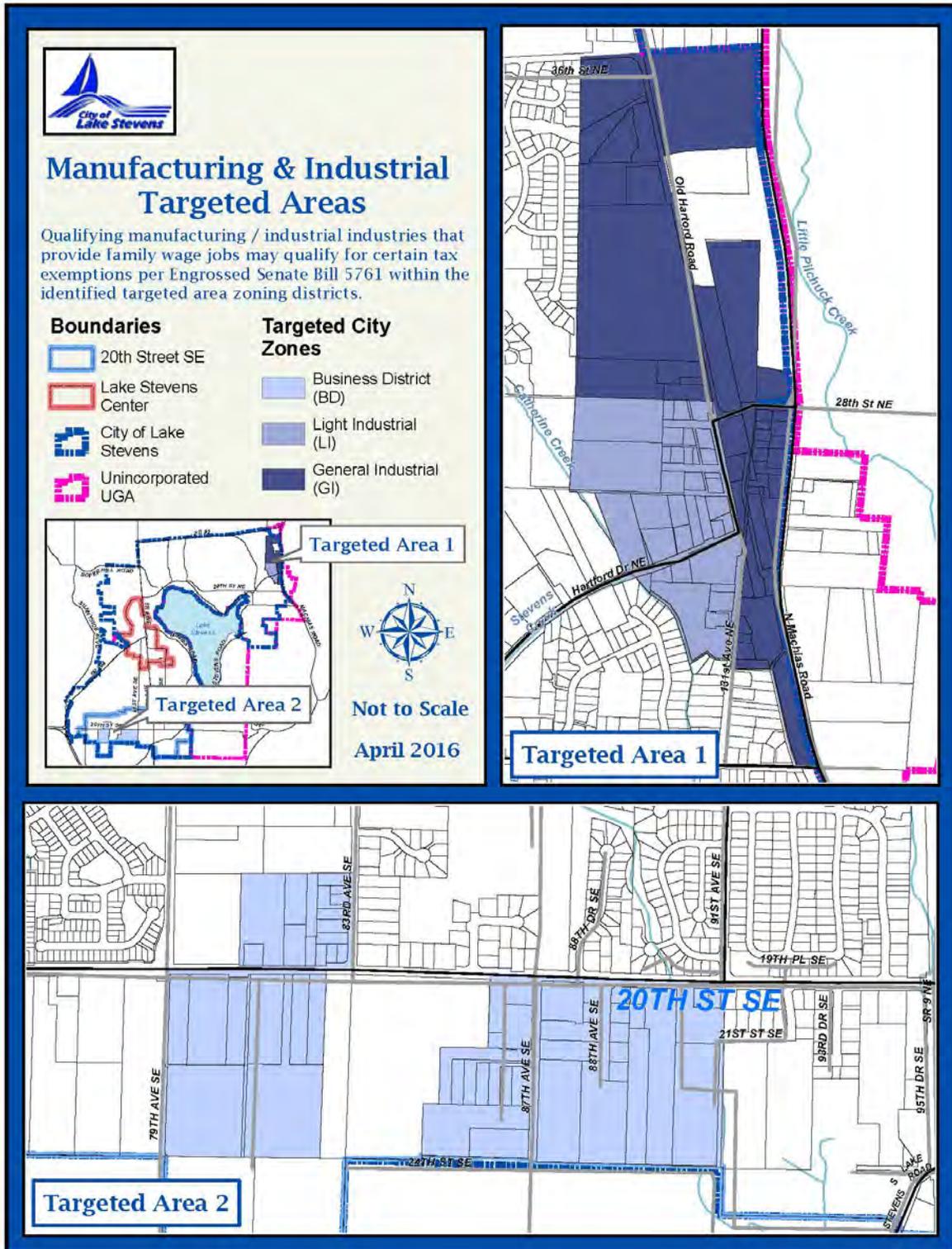
(b) The initial application fees to the city shall be \$500.00 plus any amount required by the county assessor in administering this chapter. If the application is approved, the city shall pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to the city’s administrative costs in processing the application. If the application shall result in a

denial by the city, the city shall retain that portion of the fee attributable to its own administrative costs and refund the balance to the applicant.

Section 3.70.050 Certificate of tax exemption, approval, denial, termination, and appeal

- (a) The Community Development Director or designee shall make the determination whether a holder of a conditional acceptance of tax exemption qualifies for a certificate of tax exemption upon the completion of the new construction of a manufacturing /industrial facility and a certificate of occupancy issued. The Director shall also review each certificate of tax exemption annually for compliance with this chapter.
- (b) If the Director determines that the property is not qualified for an exemption under this chapter or that it no longer meets the criteria of this chapter for eligibility for a tax exemption, he or she shall notify the owner of the property, as shown in the assessor's records, of the determination to deny or terminate the tax exemption. The notification shall be by certified mail, return receipt requested, and by regular first class mail. A recognized courier service may be substituted for first class mail. A copy shall also be sent to the Snohomish County Assessor.
- (c) The owner may appeal the determination by filing a written notice of appeal specifying the factual and legal basis on which the determination of termination is alleged to be erroneous. Such appeal must be served on the city clerk within thirty (30) days of the date the notice was placed in the mails.
- (d) The Hearing Examiner of the city shall hold a hearing within thirty days of the notice of appeal. The parties may be heard at the hearing and the Hearing Examiner may use the procedures set forth in chapter 34.05 RCW to control the conduct of the hearing and admission of evidence.
- (e) The Hearing Examiner shall issue a decision affirming, modifying, or repealing the determination of termination based on the evidence admitted at the hearing. A copy of the decision shall be served on the owner within thirty (30) days of the hearing by certified mail, return receipt requested, and by regular first class mail. A recognized courier service may be substituted for first class mail. A copy shall also be sent to the Snohomish County Assessor.
- (f) An aggrieved party may appeal the decision of the Hearing Examiner to the Snohomish County Superior Court as provided in RCW 34.05.510 through RCW 34.05.598.

EXHIBIT B





LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 10, 2016

Subject: Marijuana Regulation Amendments LUA2016-0017

Contact Person/Department: Russ Wright, Interim Planning
Director

Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. Identify preferred code amendment options, by motion.
2. Second Reading to adopt Ordinance 958 and repeal Ordinance 941, by motion.

SUMMARY:

Second Reading related to potential amendments to the city's marijuana regulations in relationship to community feedback and amendments to state law to be adopted through Ordinance 958 (**Attachment 1**).

ADDITIONAL CHANGES / DISCUSSION

At City Council's public hearing held April 26, 2016, council members requested additional information and clarification on a few items contained in Ordinance 958, described below.

1. Define what happens if the co-location prohibition is removed.
 - If the co-location prohibition is repealed, more than one production / processing facility can locate on the same building or property as another processor.
 - Under state regulations, this would require a physical separation between the spaces.
 - The second business would be a separate entity and subject to all state and local licensing requirements.
 - The removal of this prohibition would also allow more than one retail outlet in the same building should Council allow a second retail outlet.
2. Review square footage allocation of existing producers / processors.
 - The city has 9 licensed marijuana facilities, which includes one retail location, six Tier 2 producer / processors, one dedicated processor and one Tier 2 producer/processor under review.
 - The combined square footage dedicated to producer / processors equals approximately 75,000 square feet from reconciled permit information. This number includes areas devoted to production, processing and storage as provided on individual land use applications and associated building permits. Dedicated storage has only been identified on three facilities totaling nearly 2,000 square feet.
3. Provide additional information about production tiers per state rules compared to build out of existing facilities.
 - State Tier Canopy Structure WAC 314-55-0775(6)
 - Tier 1 - less than two thousand square feet of canopy

- Tier 2 - less than 10,000 square feet of canopy
 - Tier 3 - less than 30,000 square feet of canopy
 - If the current producers increased production to the maximum allowed tier level, there would be approximately 70,000 square feet dedicated to marijuana growing inside the city.
4. Bring additional information about marijuana production and retail outlets in neighboring communities.
- There are several retail locations within neighboring communities south of Lake Stevens near 32nd Street SE, east of Lake Stevens near Granite Falls off HWY 92, and north of Lake Stevens near Arlington and Smokey Point. Additional locations are located in Everett and in Snohomish County. See attached Liquor and Cannabis Retail Distribution Map (**Attachment 2a**).
 - There are nine production / processing facilities north and east of the city in Snohomish County and an additional nine facilities in Arlington. See attached Liquor and Cannabis Producer / Processor Distribution Map (**Attachment 2b**).
5. Provide additional information about growing and selling medical marijuana.
- Reformation of Medical Cannabis act under Senate Bill 5052 makes the following changes:
 - Provides oversight of medical market by Liquor and Cannabis Board not previously established. Collective Gardens and Dispensaries disbanded.
 - Medical marijuana production allowed through co-operative or production at an established production/processing facility.
 - Sales of medical grade marijuana, concentrates and infused products can occur at a retail location with endorsements.
 - Purchase of medical marijuana is subject to patient database authorization or card.
 - Patients and designated providers, entered into the marijuana database, will not pay sales tax on marijuana, marijuana concentrates or marijuana-infused products purchased from retail stores holding medical marijuana endorsements.
 - According to the Liquor and Cannabis Board, licensed marijuana producers may produce medical marijuana as a percentage of their state tier allotment.

RECOMMENDATIONS

1. Adopt the Planning Commission's Recommendation

The Planning Commission held a public hearing on April 6, 2016, which was well attended. Several individuals supported maintaining the current cap for production/processing at 100,000 square feet or removing the cap altogether. Others testified in support of a second retail location, as allocated by the Liquor and Cannabis Board, to allow local competition in the market. There was also support to allow access to medical marijuana at retail locations. The Planning Commission recommendation is attached as **Attachment 3**. The Planning Commission recommended the following actions:

1. Removing the co-location provision as proposed;
2. Modifying the definitions as proposed;
3. Authorizing the sale of medical marijuana at licensed retail locations with endorsements as proposed;
4. Limiting retail locations to one store to be revisited in two years;
5. Retaining the 100,000 square foot cap for marijuana production and processing; and
6. Changing the permitting process from outright permitted to requiring an administrative conditional use permit for production/processors as proposed.

2. Modify the Planning Commission's Recommendation to include the following changes:

1. Limit marijuana production and processing to 75,000 square feet; or modify cap to only include marijuana production (growing) set at the state Tier 2 maximum per site with an overall cap of 70,000 square feet citywide. Processing and storage would not be subject to a separate cap.

Proposed Code Language:

- Option 1 - 14.44.097(f)(2) the maximum amount of space allotted for state-licensed marijuana production and processing will be limited to 75,000 square feet citywide.
- Option 2 - 14.44.097(f)(2) the maximum amount of space allotted for state-licensed marijuana production will be limited to 70,000 square feet citywide.

FINDINGS AND CONCLUSIONS:

1. Compliance with selected Land Use & Economic Development Goals of the Comprehensive Plan

- Land Use Goal 2.6: Promote an active, healthy and diverse Hartford Road Industrial District
- Land Use Goal 2.10: Ensure that land uses optimize economic benefit and the enjoyment and protection of natural resources while minimizing the threat to health, safety and welfare.
- Economic Development Goal 6.4: Support employment growth in the city.
- Economic Development Goal 6.8: Support businesses and job creation.

Conclusions – The proposed code amendments are consistent with several Comprehensive Plan goals.

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

- Staff prepared an environmental checklist for the proposed code revisions, dated February 25, 2016.
- The SEPA official issued a Determination of Non-Significance on February 29, 2016.
- The city has not received any appeals related to the SEPA determination.

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

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

- The city requested expedited review from the Department of Commerce on February 29, 2016.
- The Department of Commerce sent a letter of acknowledgment on March 1, 2016 and granted approval of expedited review on March 15, 2016.
- Staff will file the final ordinance with the Department of Commerce within 10 days of action.

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

4. Public Notice and Comments

- The city published a notice of SEPA determination in the Everett Herald on February 29, 2016.
- The city published a notice of Planning Commission Public Hearing in the Everett Herald on March 16 and 23, 2016.
- The city notified interested parties of the SEPA DNS and public hearing at the same times.
- The Planning Commission held a public hearing on April 6, 2016, received public comments and has forwarded recommendations to City Council.
- The city published a notice of City Council Public Hearing in the Everett Herald on April 6 and 13, 2016.

Conclusions – The City has met public notice and procedural requirements per Chapter 14.16B LSMC for legislative actions.

APPLICABLE CITY POLICIES: Chapters 14.08, 14.38, 14.40 and 14.44 of the Lake Stevens Municipal Code

BUDGET IMPACT: There is not a budget impact.

EXHIBITS (attached):

Attachment 1 – Ordinance 958

Attachment 2 – Maps (2a Retail Locations / 2b Producer/Processor Locations)

Attachment 3 – Planning Commission Recommendation

Attachment 1

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

ORDINANCE NO. 958

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON RELATED TO THE LICENSING, PRODUCTION, PROCESSING AND SALE OF MARIJUANA AND MARIJUANA PRODUCTS; ADDING DEFINITIONS IN LSMC 14.08.010; AMENDING LSMC 14.40.040; AMENDING TABLE 14.40-I OF CHAPTER 14.40 LSMC; AMENDING LSMC 14.44.097; REPEALING ORDINACE 941 A TWELVE (12) MONTH MORATORIUM TEMPORARILY PROHIBITING THE ESTABLISHMENT, SITING, LOCATION, PERMITTING, LICENSING OR OPERATION OF NEW RETAIL LOCATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Initiative Measure No. 502 (I-502), decriminalizes, for purposes of state law, the production, manufacture, processing, packaging, delivery, distribution, sale or possession of marijuana, as long as such activities are in compliance with I-502; and

WHEREAS, the Washington State Liquor Control Board adopted rules to implement the provisions of I-502 as Chapter 314-55 of the Washington Administrative Code; and

WHEREAS, the Lake Stevens City Council adopted local regulations related to the siting and administration of marijuana facilities and uses on February 10, 2014; and

WHEREAS, the State Legislature adopted revisions to existing marijuana regulations through Second Engrossed Substitute House Bill 2136 and Second Substitute Senate Bill 5052; and

WHEREAS, the Liquor and Cannabis Board first lifted the cap on retail allocations for local jurisdictions and then second revised the cap on retail allocations for local jurisdictions; and

WHEREAS, the Lake Stevens City Council adopted a moratorium temporarily prohibiting the establishment, siting, location, permitting, licensing or operation of new retail locations to sell marijuana and a work plan pursuant to Ordinance 941 on October 13, 2015; and

WHEREAS, the Lake Stevens City Council and Lake Stevens Planning Commission have studied proposed amendments to the City's marijuana regulations to accommodate state changes; and

WHEREAS, the City issued a Determination of Non-Significance for the proposed code amendments on February 29, 2016 and published notice of the same, in accordance with City of Lake Stevens procedures and regulations; 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 February 29, 2016; and

WHEREAS, the Washington State Department of Commerce granted expedited review on March 15, 2016; and

WHEREAS, the City published public hearing notices for the City Council and Planning Commission, related to proposed code amendments to amend the City's marijuana regulations, in accordance with City of Lake Stevens procedures and regulations; and

WHEREAS, the Lake Stevens Planning Commission conducted a public hearing on February 6, 2016 to consider the proposed code amendments and recommended approval of the same; and

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

WHEREAS, the Lake Stevens City Council conducted a public hearing on February 26, 2016 to consider the proposed code amendments; and

WHEREAS, the City Council adopts the foregoing as its findings of facts justifying the adoption of this ordinance;

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

Section 1. LSMC 14.08.010 – Added. LSMC 14.08.010 is hereby amended to add or amend definitions as listed below (all other definitions of LSMC 14.08.010, remain unchanged and in effect):

Cooperative. A cooperative established under RCW 69.51A.250 to produce and process marijuana only for the medical use of members of the cooperative (definition related to medical marijuana regulations only).

Marijuana. All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

Marijuana Concentrates. Any product consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than ten percent.

Marijuana Processing Facility (definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor Control and Cannabis Board to process marijuana into marijuana concentrates, useable marijuana and marijuana-infused products, package and label marijuana concentrates, useable marijuana and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

Marijuana Products. Usable marijuana, marijuana concentrates, and marijuana-infused products as defined in this section.

Marijuana Production Facility (definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor and Cannabis Board to produce marijuana at wholesale to marijuana processor licensees and to other marijuana producers.

Marijuana-Infused Products. Products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana as defined in this section, and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does not include either usable marijuana or marijuana concentrates.

Marijuana Retailer (definition related to recreational marijuana facilities regulations only). A person or entity licensed by the Washington State Liquor and Cannabis Board to sell marijuana concentrates, usable marijuana, marijuana-infused products in a retail outlet.

Marijuana Facility (definition related to recreational marijuana facilities regulations only). A state licensed marijuana production, processing or retail facility and is either a Marijuana Processing Facility or a Marijuana Retailer

Section 2. LSMC 14.40.04.040 (b)(5)– Repealed. LSMC 14.40.040(b)(5) is hereby repealed (all other provisions of 14.40.040(b) remain unchanged and in effect).

Section 3. Table 14.40-I – Amended. Table 14.40-I of Chapter 14.40 LSMC is hereby amended as follows (all other provisions of Table 14.40-I remain unchanged and in effect):

A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply.														
P - Permitted Use; A - Administrative Conditional Use; C - Conditional Use (See Section 14.40.020 for explanation of combinations)														
USE DESCRIPTIONS	SR	WR	UR	HUR	MFR	NC ⁴	LB	CBD	MU1	PBD5	SRC	LI	GI	P/SP
27.000	STATE-LICENSED MARIJUANA FACILITIES ²³													
27.100	Marijuana Processing Facility - Indoor Only											<u>PA</u>	<u>PA</u>	
27.200	Marijuana Production Facility - Indoor Only											<u>PA</u>	<u>PA</u>	
27.300	Marijuana Retailer Facility ²⁴											P	P	

23. Subject to Section [14.44.097](#) (State-Licensed Marijuana Facilities).

24. Medical marijuana / cannabis can be sold at licensed retail facilities with endorsements from the Liquor and Cannabis Board pursuant to RCW 69.50.375.

Section 4. LSMC 14.44.097 – Amended. LSMC 14.44.097 is hereby amended to read as follows:

14.44.097 State Licensed Marijuana Facilities.

All State licensed marijuana facilities shall meet the following development standards:

- (a) All facilities must be State-licensed and comply with all requirements of State law and the Washington State Liquor Control and Cannabis Board's regulations for State-licensed marijuana facilities.
- (b) No marijuana facility shall be allowed as a home occupation.
- (c) No marijuana cooperative is allowed.
- (~~e~~d) In the event of any inconsistency between this Section and the definitions in state law, the definitions set forth in RCW [69.50.101](#) to [69.50.102](#), WAC [314-55-010](#) and Section [14.08.010](#) shall control.
- (~~e~~e) Location.
 - (1) ~~No more than one distinct marijuana business shall be located within a single structure.~~
 - (~~2~~1) Marijuana retailers and Marijuana processing facilities shall be located within a permanent structure designed to comply with the City building code and constructed under a building/tenant improvement permit from the City regardless of the size or configuration of the structure.
 - (~~3~~2) A Marijuana production facility shall be located within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof and doors designed to comply with the City building code and constructed under a building/tenant improvement permit from the City regardless of the size or configuration of the structure.
 - (~~4~~3) Marijuana facilities shall not be located in mobile or temporary structures.
 - (~~5~~4) No State-licensed marijuana facility shall be located within 1,000 feet of the perimeter of a parcel, which as at least one of the land uses listed below:
 - (i) Elementary or secondary school (public or private);
 - (ii) Playground;
 - (iii) Recreation center or facility;
 - (iv) Child care center;
 - (v) Public park;
 - (vi) Public transit center;
 - (vii) Library;
 - (viii) Any game arcade, which allows admissions to persons less than 21 years of age.
- (~~e~~f) Size and number.
 - (1) State licensed marijuana producers will be limited in size to Tier 2 production facilities, pursuant to WAC 314-55-075.
 - (2) The maximum amount of space for State-licensed marijuana production and processing will be limited to _____ square feet Citywide.

- (3) ~~State licensed retail locations~~ A Marijuana retailer will be limited in size to 1,000 total square feet or less including sales, storage, office and other incidental spaces.
- (4) The total number of marijuana retailers shall be one.
- (fg) No production, processing or delivery of marijuana may be visible to the public nor may it be visible through windows.
- (gh) All fertilizers, chemicals, gases and hazardous materials shall be handled in compliance with all applicable local, State and Federal regulations. No fertilizers, chemicals, gases or hazardous materials shall be allowed to enter a sanitary sewer or stormwater sewer system nor be released into the atmosphere outside of the structure where the facility is located.
- (hi) No odors shall be allowed to migrate beyond the interior portion of the structure where a marijuana facility is located. Applicants must demonstrate that adequate odor control exists on site prior to certificate of occupancy.
- (ij) A City of Lake Stevens business license pursuant to Chapter [4.04](#) and a State license pursuant to Chapter [314-55](#) WAC shall be obtained prior to the start of facility operations.
- (jk) All Marijuana facilities shall comply with Chapter [19.27](#) RCW, State Building Code Act and Chapter [14.80](#), Building and Construction. Appropriate permits shall be obtained for all changes of use, tenant improvements, mechanical system improvements, electrical upgrades and similar work.
- (kl) ~~Each~~ A State-licensed Marijuana retail facility may have one sign, limited to 1,600 square inches (11.11 square feet), identifying the retail outlet by the licensee's business name or trade name, affixed or hanging in the windows or on the outside of the premises visible to the general public from the public right-of-way, subject to issuance of a sign permit pursuant to Chapter [14.68](#)

Section 5. Ordinance 941 – Repealed. Ordinance 941 an ordinance of the City of Lake Stevens, Washington, adopting a twelve (12) month moratorium temporarily prohibiting the establishment, siting, location, permitting, licensing or operation of new retail locations is hereby repealed.

Section 6. 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 7. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 10th day of May 2016.

John Spencer, Mayor

ATTEST/AUTHENTICATION:

By: _____
Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:

By: _____
Grant K. Weed, City Attorney

First Reading: April 26, 2016

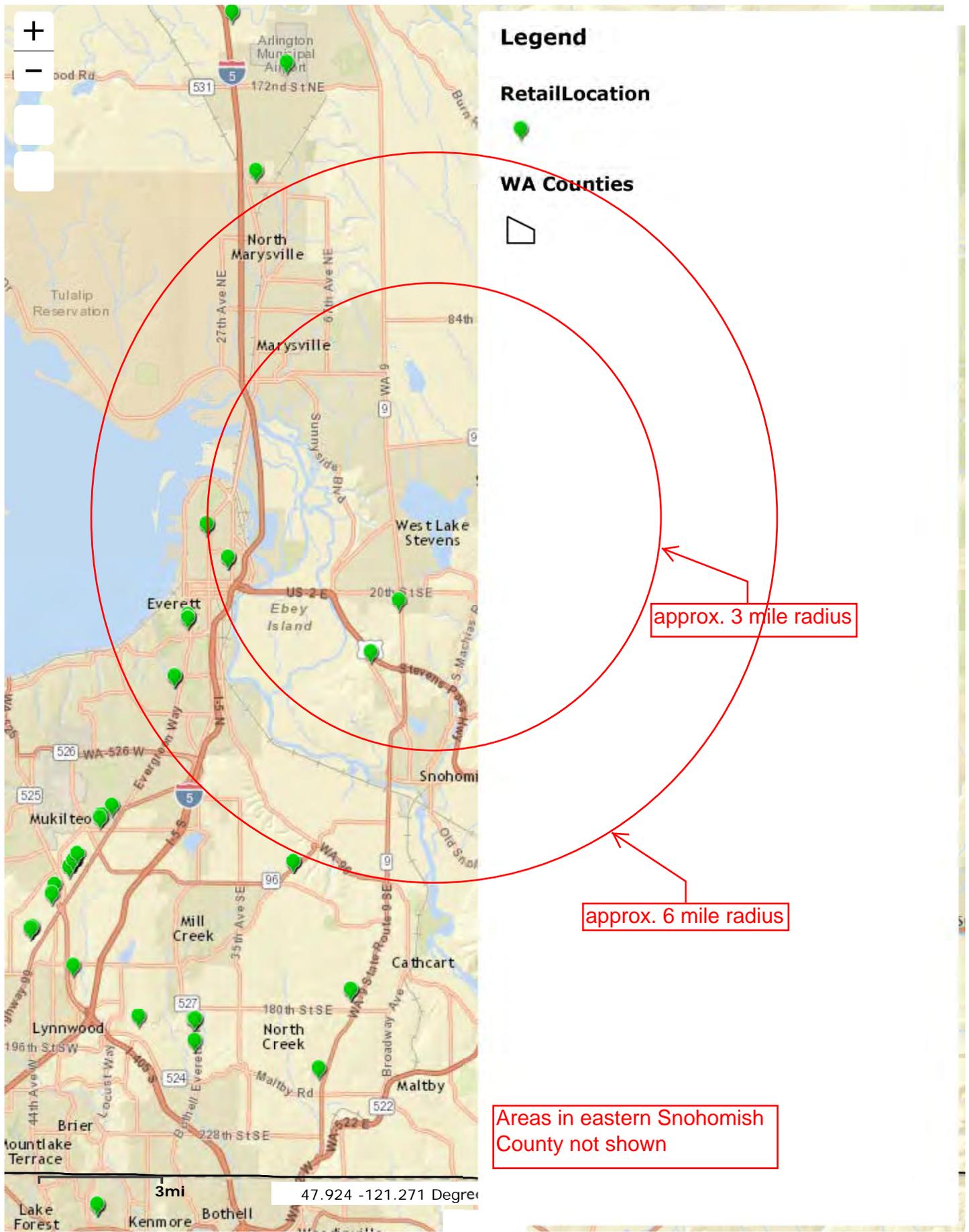
Second and Final Reading: May 10, 2016

Published: _____

Effective Date: _____

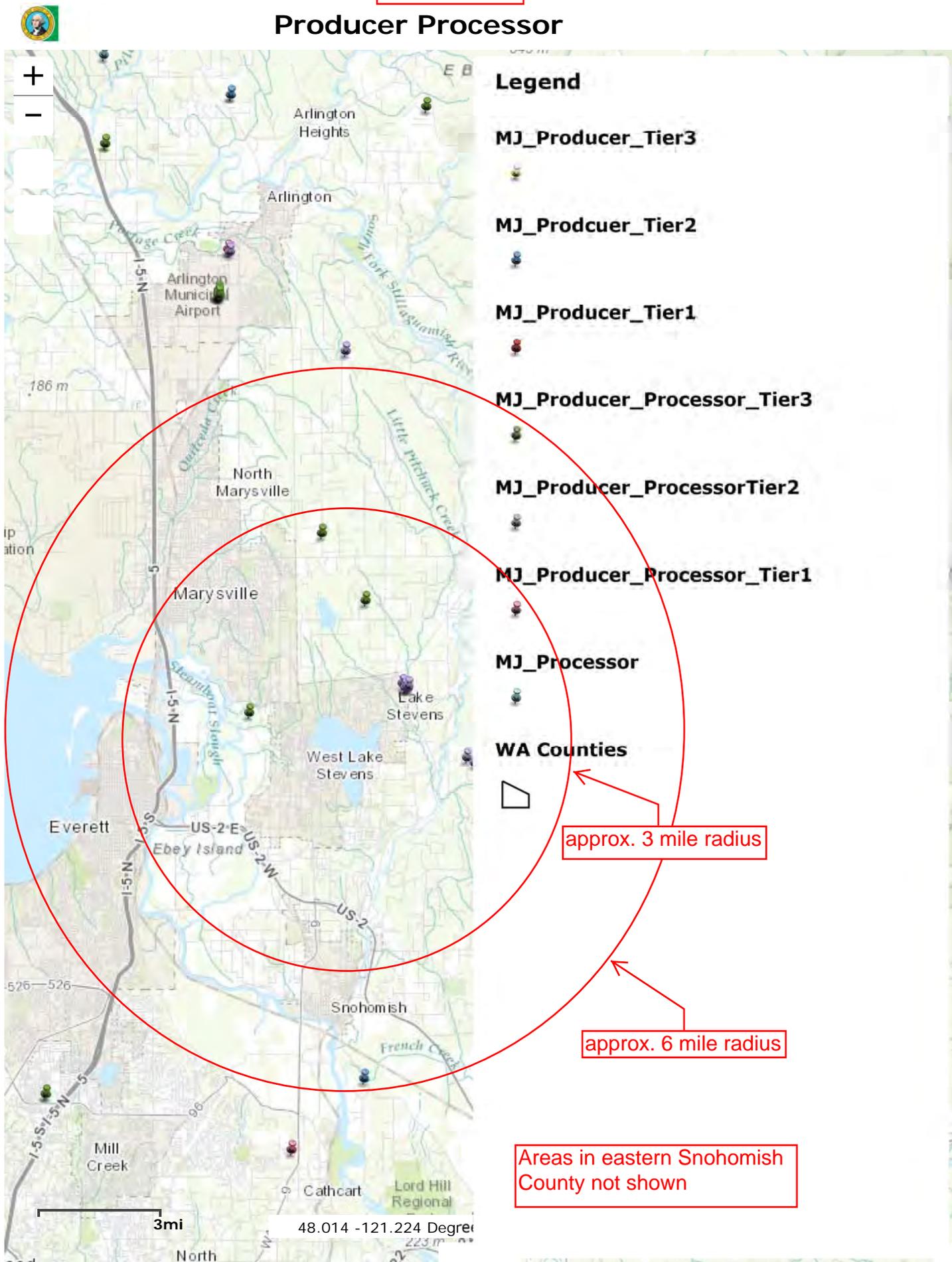
Attachment 2a

Retail locations



Attachment 2b

Producer Processor



Attachment 3



April 06, 2016

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

Subject: Planning Commission Recommendation on Marijuana Code Amendments (LUA2016-0017)

Dear Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, February 06, 2016 to consider amendments to the city's regulations related to the licensing, production, processing and sale of marijuana and marijuana products.

Commissioners Present: Commissioners Houlton, Huxford, Petershagen, Oslund and Trout

PLANNING COMMISSION PUBLIC HEARING (February 06, 2016)

Planning and Community Development staff presented the proposed code amendments, provided City Council's direction, summarized findings and conclusions from the staff report, and answered the Commission's questions. The Commission had questions related to the relationship of medical and recreational marijuana sales, job production of marijuana facilities, and square foot allotment of production/processing facilities.

Several members of the public were present at the public hearing. Seven members of the public provided testimony. All of the testimony received was in support of maintaining or expanding the city's marijuana industry.

FINDINGS AND CONCLUSIONS

The Planning Commission hereby adopts staff's findings and conclusions, as outlined in the staff report dated January 15, 2014, and concludes that the proposed amendments:

1. Are consistent with the adopted Lake Stevens Comprehensive Plan;
2. Comply with the Growth Management Act, State Environmental Policy Act and local process for noticing public participation; and
3. Advance the public health, safety and welfare.

PLANNING COMMISSION RECOMMENDATION

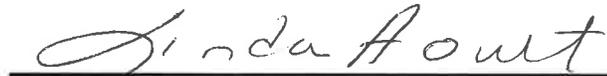
MOTION (Code Amendment) – the Planning Commission acted on each recommended change individually as follows:

1. On the subject of co-location, Commissioner Huxford made a motion to forward the recommendation as written, Commissioner Petershagen 2nd. Motion carried 5-0-0-2.
2. On the subject of modifying the definitions, Commissioner Petershagen made a motion to forward the recommendation as written, Commissioner Trout 2nd. Motion carried 5-0-0-2.
3. On the subject of authorizing the sale of medical marijuana/cannabis at licensed retail locations with endorsements, Commissioner Trout made a motion to forward the recommendation as written, Commissioner Oslund 2nd. Motion carried 5-0-0-2.
4. On the subject of establishing a local cap on number of allowed retail locations, Commissioner Petershagen made a motion to forward the recommendation of 1 retail location with a suggestion to revisit this recommendation in 2 years, Commissioner Oslund 2nd. Motion carried 5-0-0-2.

5. On the subject of revising the square footage cap for producers in the industrial area based on rapid market saturation, Commissioner Trout made a motion to forward the recommendation to retain the cap at 100,000 square footage, Commissioner Huxford 2nd. Motion carried 5-0-0-2.
6. On the subject of changing the permitting process from outright permitted to requiring an administrative conditional use permit for production/processors, Commissioner Huxford made a motion to forward the recommendation as written, Commissioner Petershagen 2nd. Motion carried 5-0-0-2.

Respectfully submitted,

Lake Stevens Planning Commission

A handwritten signature in cursive script that reads "Linda Hoult". The signature is written in black ink and is positioned above a solid horizontal line.

Linda Hoult, Planning Commissioner on behalf of the Planning Commission



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda May 10, 2016
Date: _____

Subject: Approve 2016 Aquafest Request to Serve Beer & Wine in VIP Booth – Saturday, July 30, 2016

Contact Russ Wright, Interim Planning & **Budget** \$0
Person/Department: Community Development Director **Impact:** _____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Approve the Aquafest Committee’s request to serve Beer and Wine in the VIP Booth during the 2016 Aquafest Celebration, Saturday, July 30, 2016

SUMMARY/BACKGROUND: On April 14, 2016 the Aquafest Committee submitted the permit application SPE 2016-0008 (Attachment A), to include serving Beer and Wine in the VIP Booth located in North Cove Park (Attachment B).

The Aquafest Committee is proposing that Beer and Wine be served in the VIP Booth on Saturday, July 20th for invited guests only from 5:00 p.m. to 11:00 p.m. This proposal will have to meet the Washington State Liquor Control Board guidelines and requirements for a Banquet Permit. If Council approves the request the applicant will be required to provide a Certificate of Liability Insurance and endorsement specifically addressing the service of Wine and Beer, and naming the City of Lake Stevens as an additional insured. The applicant will also be required to provide a copy of the approved Washington State Liquor Control Board Banquet Permit.

APPLICABLE CITY POLICIES: LSMC 10.03.150 states, “the City Council may permit the sale and consumption of alcoholic beverages within a confined licensed area pursuant to an event permit issued by the City and a permit issued by the Washington State Liquor Control Board. Any applicant to the City Council for such a permit shall include a site plan identifying the specific areas to be licensed. In granting such a permit the Council may apply restrictions reasonably calculated to comply with the purpose of the Public/Semi-Public Zone as set forth in the Lake Stevens Land Use Ordinance.”

BUDGET IMPACT: \$0

ATTACHMENTS:

1. Event Application
2. Aquafest Permit Map -- VIP Tent Location, North Cove Park Site Map

ATTACHMENT A



1812 Main Street
 PO Box 257
 Lake Stevens, WA 98258 (425) 377-3235

SPECIAL EVENT PERMIT APPLICATION

PERMIT # _____

◀ See Page 3 for Required Application Submittal Materials ▶
 ▶ A PREAPPLICATION MEETING IS REQUIRED FOR LEVEL 3 & 4 EVENTS ▶

APPLICANT INFORMATION				
1. Applicant/Agent Name:	Greg Egelstad 2015 president			
2. Organization Represented by Applicant:	Lake Stevens Aquafest Association			
3. Organization Web Site:	www.aquafest.org			
4. Applicant Mailing Address-Street:	City:	State:	Zip:	
PO Box 670	Lake Stevens	WA	98258	
5. Applicant/Agent Phone & Contact Information: Greg Egelstad	Daytime Phone:	Fax:		
	425-334-7630	425-335-4366		
	Cell Phone:	Email:		
425-293-7461	acehardware1491@live.com			
Evening Phone:	Other:			
6. Event Contact Person: Please print name below: Greg Egelstad	Daytime Phone:	Fax:		
	425-293-7461			
	Cell Phone:	Email:		
	Evening Phone:	Other:		
EVENT OPERATIONS				
7. Official Name of Event:	Aquafest			
8. Describe in detail the nature of the event: (Attach additional sheets if information exceeds space available to completely describe all activities being conducted.)	Aquafest is a three day festival including vendors, water events, carnival, parade ^{parades} , fireworks, entertainment and beverage garden See attached for details			
9. Is the event <input type="checkbox"/> Private <input checked="" type="checkbox"/> Public?	A Private event is one in which a specified guest list and attendees are known; a public event is one in which the general public is invited through word-of-mouth, flyers, or media advertisement.			
10. Anticipated Maximum Attendance: Spectators/Volunteers	Total - Duration of Event:	Maximum at any one time:		
	30,000 / 300	/		
11. Event Level: (See Event Application Instructions Sheet for further detail on LSMC 14.16C.065 Events. A Park Use Permit may be required for events that do not qualify for an Event Level.)	LEVEL 1 <input type="checkbox"/>	LEVEL 2 <input type="checkbox"/>	LEVEL 3 <input type="checkbox"/>	LEVEL 4 <input checked="" type="checkbox"/>
	• 100 to 500 attendees • Up to 1 day	• 500 to 1,000 attendees • Up to 2 consecutive days • Up to 3 similar events	• 1 day a week • Reoccurring on a periodical or seasonal basis	• 1,000+ attendees per day • Up to 4 consecutive days • Pre-application meeting required
12. Address/Location(s) of Event: (Provide all public and private locations. Attach additional sheets if necessary.)	Downtown Lake Stevens, Main St, Boat Launch, Boys and Girls Club, North Cove Park, Library See attached for details			



1812 Main Street
 PO Box 257
 Lake Stevens, WA 98258 (425) 377-3235

SPECIAL EVENT PERMIT APPLICATION

13. Event Set Up Date/Time: (i.e., tents, portable restrooms, etc. Note traffic control plan may be necessary)	Date: July 29, 29, 30, 31 2016	Time:
14. Event Date(s) and Hours of Operation: (Include information of each day)	Date(s): July 29, 30, 31 2016	Hours: See attached
15. Event Break Down Date/Time: (Note traffic control plan may be necessary)	Date: July 31, Aug 1 2016	Time: for details

EVENT FACILITY/ACTIVITY COMPONENTS

16. Please check all items below that apply to your event and provide details below (or attach additional sheets if necessary).
 Include **if the request is for the City to provide equipment or service.**

- \$ indicates an additional fee and/or deposit may be required
- # indicates a separate permit or approval may be necessary from the City or other agency
- ✓C Check if request is for City to provide equipment or services

<input type="checkbox"/> Air Show-Hours: _____ # <input checked="" type="checkbox"/> Alcohol sold/served-Hours: _____ # Location: <u>lot behind Buzz Inn</u> <i>Park locations require City Council approval. Additional Insurance Requirements</i> <input checked="" type="checkbox"/> Amplified Sound-Hours: _____ \$ _____ C\$ <input checked="" type="checkbox"/> Animals <input checked="" type="checkbox"/> Banners-Quantity _____ C\$ Locations: _____ <input type="checkbox"/> Brochures\$ <input type="checkbox"/> Bleachers# <input checked="" type="checkbox"/> Carnival <i>Additional Insurance Requirements</i> <input checked="" type="checkbox"/> Community Center# <i>Contact City Hall (425)334-1012 to reserve</i> <input checked="" type="checkbox"/> Electricity <i>City staff must be present for all L&I Inspections on City property</i> <input checked="" type="checkbox"/> Food sold or served# <input checked="" type="checkbox"/> Garbage Service ✓C\$ <i>Required for Level 4 events. Event sponsor is responsible for the cost of garbage disposal generated by the event. Recycling containers (refundable deposit required) must be used during the event and are provided by the City.</i> <input checked="" type="checkbox"/> Inflatables (bouncy houses, advertising) <i>Additional Insurance Requirements</i> <u>Sunday Only</u>	<input checked="" type="checkbox"/> Parade(s)-Hours: _____ <i>Provide routes and road closures below</i> <input type="checkbox"/> Picnic Shelters (Lundeen Park only)# <i>Contact City Hall (425) 334-1012 to reserve</i> <input checked="" type="checkbox"/> Portable Restrooms ✓C\$ <input type="checkbox"/> Protest/Rally <input checked="" type="checkbox"/> Public Address System _____ C\$ <input checked="" type="checkbox"/> Pyrotechnics/Fireworks# <input checked="" type="checkbox"/> Raffle/Lottery# <input type="checkbox"/> Seating/Tables <input checked="" type="checkbox"/> Sporting Event <i>Additional Insurance Requirements</i> <input checked="" type="checkbox"/> Stage <input checked="" type="checkbox"/> Vending, Food# <input checked="" type="checkbox"/> Vending, Non Food <input checked="" type="checkbox"/> Tent(s)/Trailer(s)# <input checked="" type="checkbox"/> Water Event\$# <input type="checkbox"/> Other: _____ C\$ <input type="checkbox"/> Other: _____ C\$
---	--

Provide details here and including items not on the checklist above:
 (Attach additional sheets if needed)

See attached for details



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SPECIAL EVENT PERMIT APPLICATION

STREET CLOSURES

17. Provide the name of each street, intersection and the approximate distance. Include whether a full or half lane closure is being requested and include the dates, times and hours of each requested closure. Attach additional sheets if needed.

Road/Date/Time:	Road/Date/Time:	Road/Date/Time:	Road/Date/Time:
See attached			

EVENT SECURITY/EMERGENCY SERVICES

18. Are additional Polices Services requested? YES NO

Please describe what type of polices services you are requesting (Security, Traffic control, Marine/on water, etc.)

See attached

INSURANCE REQUIREMENTS

19. Please list specific insurance provided. Contact Permit Center for detailed requirements for special insurance requirements. (Attach additional sheets if needed)	Activity/Insurance	Activity/Insurance	Activity/Insurance
	insurance endorsements to be provided to the city		be

SUBMITTAL REQUIREMENTS

20. The following materials must be submitted with this application form:

- A. Clear and legible site plan or map that includes-**
 - North, indicted by a directional arrow symbol
 - Name of park and/or other facilities with surrounding streets
 - Overall Event Area
 - Parking Plan
 - Location of all physical equipment being placed, including but not limited to vendors booths, tents, signs, barricades, portable restrooms, vehicles, etc.
 - Other applicable details
- B. Traffic Control Plan, as applicable**
- C. Electrical Plans, as applicable**
- D. Insurance with proper endorsements**
- E. Copies of other permits and/or approvals required for the event**
- F. Application Fee**

INDEMNIFICATION/HOLD HARMLESS

The undersigned, shall defend, indemnify, and hold harmless the City of Lake Stevens, its officers, officials, employees and volunteers from and against any and all claims, suits, actions or liabilities for injury or death of any person, or for loss or damage to property, which arises during this event, use of the park and/or facility, or from conduct or any activity, work done, permitted or suffered during this event, in or about the park and/or facility, except only such injury or damage as shall have been occasioned by the sole negligence of the City. The undersigned further agrees to reimburse the City of Lake Stevens for any damage arising from the organization and/or group's use of the park and/or facility.

The undersigned further certifies that the information given in this application is true and correct and further states that he/she has the authority to make this application for the group or organization. The undersigned further states that he/she accepts responsibility for this organization and/or groups compliance with all of the terms and conditions and that the group and/or organization will observe all rules and regulations established herein for the site/facility requested and will comply with all applicable federal, state or local statutes, ordinances or regulations that may not be outlined in the permit when issued. The undersigned understands that failure to do so will be grounds for revocation of an issued permit.

Greg Egelstad
 Signature of Responsible Person

3/25/16
 Date

Greg Egelstad
 Printed Name



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 Lake Stevens, WA 98258 (425) 377-3235

SPECIAL EVENT PERMIT APPLICATION

APPLICATION REQUIREMENTS

All application materials must be submitted at least 60 days prior to the event. Level 3 & 4 events require a pre-application meeting with the City.

FEES

Application fees are due at the time of submittal. All other fees/charges/deposits are due at permit issuance.

EXPEDITED REVIEW

Applications submitted later than between 60 days and 14 days prior to the event may be accepted for processing with an additional fee. The City cannot guarantee that an event will be permitted even if expedited review is request.

INSURANCE

Most activities and events require a Certificate of Liability Insurance and Endorsement (naming the City of Lake Stevens as additional insured). Individuals, groups and organizations are able to obtain the appropriate insurance through the WCIA website at www.wciapool.org, follow the directions for 'One Day Insurance: TULIP'. All of the City of Lake Stevens facilities and parks are listed under 'Washington Cities Insurance Authority' in the 'Select a Facility' scroll down menu. Required Certificates of Liability Insurance, endorsements and/or other documentation must be submitted with an application. Please contact the Permit Center at (425) 377-3235 to determine insurance requirements prior to application submittal.

EVENT SECURITY

Individuals, businesses, governmental agencies and public entities often desire police related services or assistance with their events or operations. In the event additional police services are requested, an Extra Duty Policy Services Contract will be required. Contracts will be provided upon review of the permit application by the Police Department. Execution of the contract is required prior to issuance of a permit.

GARBAGE SERVICES

Event Level 4 Event Sponsor is responsible for making arrangements for garbage dumpster for the disposal for garbage generated for the event. The Event Sponsor shall use the City's contracted waste management provider, Allied Waste Services. In addition a fee of \$200 is required to cover costs for the handling of waste left in City owned garbage cans and dumpster which are emptied by the City.

Event Sponsor shall provide a site map showing planned placement location of dumpsters with size of each shown on the map.

RECYCLING CONTAINERS

The City provides recycle containers. A deposit fee in accordance with the current fees resolution is required prior to the event. The Event Sponsor is responsible to checkout and check-in the recycle containers with the City representative. Missing units shall be charged

against the deposit fee. The balance of the deposit not charged for replacement shall be refunded.

PORTABLE TOILETS

The City will determine the number of units, arrange for serving during the event, delivery placement, and removal of units. The Event Sponsor is responsible to cover all costs for the portable toilets. The City will order the serve upon receipt of the estimated cost. The number of units and placement will be based on the event area and the estimated number of participants.

OTHER PERMITS/APPROVALS

Below is a list of other permits and/or approvals that may be required for the activities listed above. This is meant to assist you with your event and is not an exhaustive list therefore, other permits or approvals may be necessary.

ACTIVITY	REGULATORY AGENCY	REQUIREMENT	FEE CHARGED
Air Show	FAA	License and Inspection	Yes
Alcohol Sold or Served	WA State Liquor Control Board City Council	Liquor License Permit Approval	Yes No
Carnival Ride/ Inflatable Toys	WA Dept. of Labor and Industries	Operator and Equipment License	Yes
Concession/Vendors	City of Lake Stevens	Business License and Concession Contract	Yes
Electrical Services	WA Dept. of Labor and Industries	L & I Inspection	Yes
Food Sold or Served	Snohomish County Health District City of Lake Stevens	Food Handlers License and Business License	Yes Yes
Pyrotechnics (Fireworks)	Washington State Patrol Lake Stevens Fire Department	City of Lake Stevens Permit State Permit & License Fire Inspection	Yes Yes
Raffles/Lottery Games	State Gambling Commission	License	Yes
Tents or Trailers	Lake Stevens Fire Department	Fire Inspection	Yes



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PARK & FACILITY USE RULES & REGULATIONS

- Any accident involving injury to participants or damages to park, facility or equipment occurring during the use of a City park, facility or equipment shall be reported to City authorities immediately.
- The event sponsor shall not leave the park or facility unattended at any time during the hours of use defined within the agreement.
- No animals will be permitted inside facilities without prior written consent of the Planning Director or his/her designee.
- If a group or individual(s) provide their own food for their own consumption within the premises of a City facility or park, they assume responsibility for the preparation, serving and consumption of the same and shall hold the City harmless from any liability arising there from.
- All entertainment involving acoustical or amplified music must have prior approval from the Planning Director or his/her designee. Use of electrical cords outside or inside the park and facility requires prior approval.
- When determined by the Planning Director or his/her designee, the applicant will be responsible for installing 'No Event Parking' signs in the downtown shopping center.
- Games of chance, lotteries, and door prizes are not allowed except where permitted by law.
- Alterations to the Park or Facility are prohibited without prior approval. This may include but is not limited to such things as hanging signs, erecting backstops, placing goals, using masking tape on walls and floors, etc.
- City-owned equipment shall not be removed from the park or facility or loaned to any individual or organization unless prior approval by the City has been granted. Use of City-owned expendable supplies is prohibited.
- Applicants are responsible for special set-up requirements and clean up, unless specifically requested in the application. Users shall be responsible for returning the park or facility to its original condition immediately following the event.
- Cancellations by applicants require at least a 72-hour notice. Otherwise, related actual costs shall be borne by the applicant. Facility or park use is cancelled when facility or park is closed due to an emergency.
- The City reserves the right to refuse or revoke any authorization issued for the use of a City park or facility, and if rental has been paid, to refund such rental, minus expenses incurred, by the City in connection therewith.

SPECIAL EVENT PERMIT APPLICATION

CONTACT INFORMATION

Permit Center

Address: 1812 Main Street
PO Box 257
Lake Stevens, WA 98258

Phone: (425) 377-3235

Public Works

Address: 1812 Main Street
PO Box 257
Lake Stevens, WA 98258

Phone: (425) 377-3235

Police Department

Address: 2211 Grade Road
Lake Stevens, WA 98258

Non Emergency
Phone: (425) 334-9537

Fire Department

Address: 1825 South Lake Stevens Road
Lake Stevens, WA 98258

Phone: (425) 212-3042

City Hall

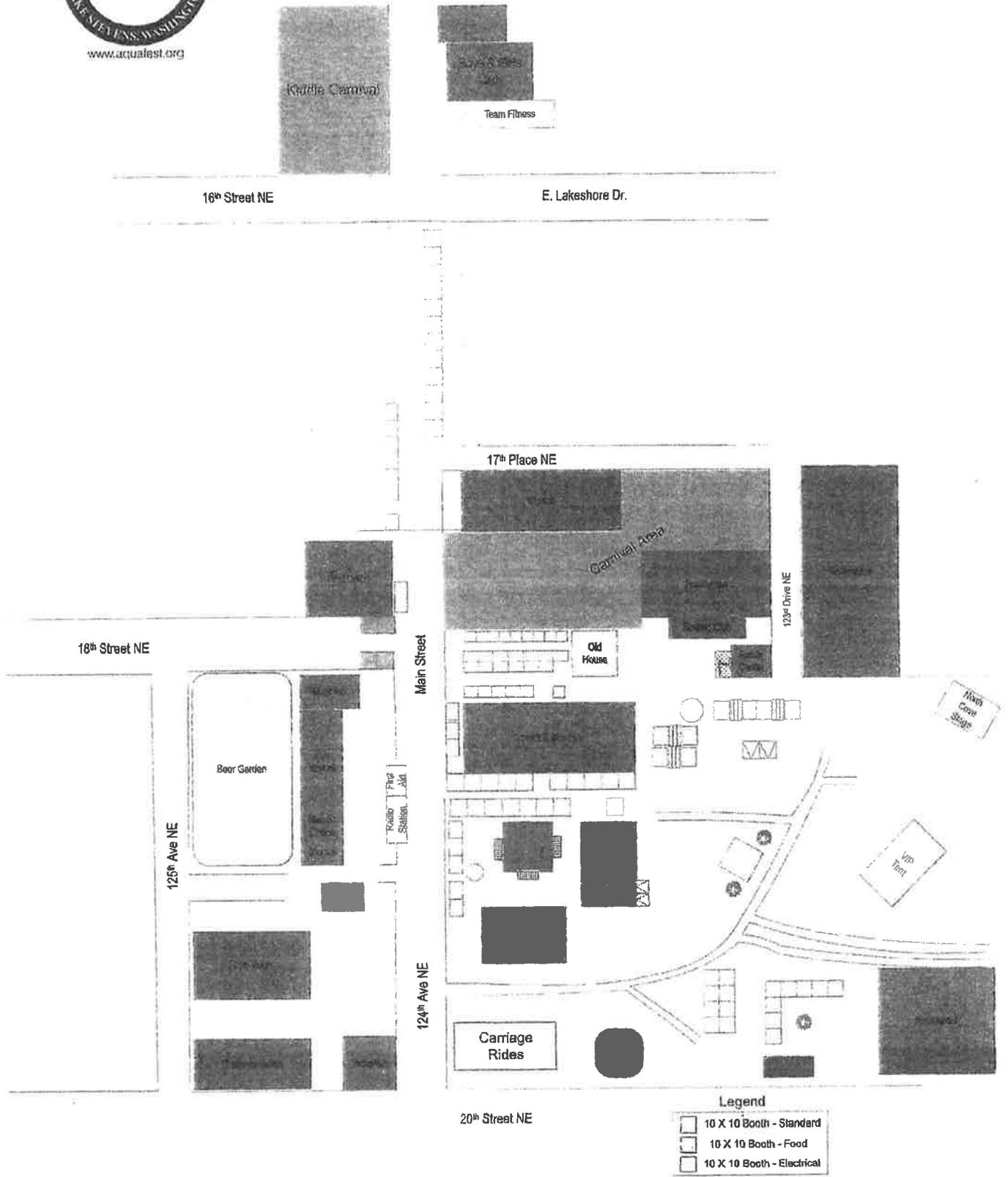
Address: 1812 Main Street
PO Box 257
Lake Stevens, WA 98258

Phone: (425) 334-1012

ATTACHMENT B



AQUAFEST 2016 Master Layout





LAKE STEVENS CITY COUNCIL
STAFF REPORT

**Council Agenda
Date:**

May 10, 2016

Subject: Universal Field Services Contract

**Contact
Person/Department:**

Russ Wright, Interim Planning Director

**Budget
Impact:**

Expenditure
of Park
Mitigation
Funds

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Authorize the Mayor to execute a Professional Service Agreement with Universal Field Services to facilitate the acquisition of Frontier Heights Park

SUMMARY/BACKGROUND:

The community and City Council have expressed an interest in acquiring Frontier Heights Park to provide a public park in the northwestern portion of the city. The acquisition of this property for public park purposes is consistent with the needs assessment identified in the Park Element of the city's Comprehensive Plan. Universal Field Services will assist the city with the negotiations and coordination of conveying the ownership of Frontier Heights Park from a private Homeowners Association to the city.

APPLICABLE CITY POLICIES: Park Element of the Comprehensive Plan

BUDGET IMPACT: Expenditure of Park Mitigation Funds for Professional Services

ATTACHMENTS:

Attachment A – Professional Service Agreement

Attachment A

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF LAKE STEVENS AND
UNIVERSAL FIELD SERVICES, INC.
FOR CONSULTANT SERVICES**

THIS AGREEMENT (“Agreement”) is made and entered into by and between the City of Lake Stevens, a Washington State municipal corporation (“City”), and Universal Field Services, Inc., a Washington corporation (“Consultant”).

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performances contained herein, the parties hereto agree as follows:

ARTICLE I. PURPOSE

The purpose of this Agreement is to provide the City with consultant services regarding land acquisition process for the Frontier Height Park properties as described in Article II. The general terms and conditions of the relationship between the City and the Consultant are specified in this Agreement.

ARTICLE II. SCOPE OF SERVICES

The Scope of Services is attached hereto as **Exhibit “A”** and incorporated herein by this reference (“Scope of Services”). All services and materials necessary to accomplish the tasks outlined in the Scope of Services shall be provided by the Consultant unless noted otherwise in the Scope of Services or this Agreement. All such services shall be provided in accordance with the standards of the Consultant’s profession.

ARTICLE III. OBLIGATIONS OF THE CONSULTANT

III.1 MINOR CHANGES IN SCOPE. The Consultant shall accept minor changes, amendments, or revision in the detail of the Scope of Services as may be required by the City when such changes will not have any impact on the service costs or proposed delivery schedule. Extra work, if any, involving substantial changes and/or changes in cost or schedules will be addressed as follows:

Extra Work. The City may desire to have the Consultant perform work or render services in connection with each project in addition to or other than work provided for by the expressed intent of the Scope of Services. Such work will be considered as extra work and will be specified in a written supplement to the scope of services, to be signed by both parties, which will set forth the nature and the scope thereof. All proposals for extra work or services shall be prepared by the Consultant at no cost to the City. Work under a supplemental agreement shall not proceed until executed in writing by the parties.

III.2 WORK PRODUCT AND DOCUMENTS. The work product and all documents produced under this Agreement shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work, even though the work has been accepted by the City.

In the event that the Consultant shall default on this Agreement or in the event that this Agreement

shall be terminated prior to its completion as herein provided, all work product of the Consultant, along with a summary of work as of the date of default or termination, shall become the property of the City. Upon request, the Consultant shall tender the work product and summary to the City. Tender of said work product shall be a prerequisite to final payment under this Agreement. The summary of work done shall be prepared at no additional cost to the City.

Consultant will not be held liable for reuse of documents produced under this Agreement or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of Consultant.

III.3 TERM. The term of this Agreement shall commence upon Notice to Proceed and shall terminate at midnight on 31 December 2016. The parties may extend the term of this Agreement by written mutual agreement.

III.4 NONASSIGNABLE. The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

III.5 EMPLOYMENT.

a. The term “employee” or “employees” as used herein shall mean any officers, agents, or employees of the Consultant.

b. Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of any said employees while so engaged, and any and all claims made by any third party as a consequence of any negligent act or omission on the part of the Consultant or its employees while so engaged in any of the work or services provided herein shall be the sole obligation of the Consultant.

c. Consultant represents, unless otherwise indicated below, that all employees of Consultant that will provide any of the work under this Agreement have not ever been retired from a Washington State retirement system, including but not limited to Teacher (TRS), School District (SERS), Public Employee (PERS), Public Safety (PSERS), law enforcement and fire fighters (LEOFF), Washington State Patrol (WSPRS), Judicial Retirement System (JRS), or otherwise. *(Please indicate No or Yes below)*

_____ No employees supplying work have ever been retired from a Washington state retirement system.

_____ Yes employees supplying work have been retired from a Washington state retirement system.

In the event the Consultant indicates “no”, but an employee in fact was a retiree of a Washington State retirement system, and because of the misrepresentation the City is required to defend a claim by the Washington State retirement system, or to make contributions for or on account of the employee, or reimbursement to the Washington State retirement system for benefits paid, Consultant hereby agrees to save, indemnify, defend and hold City harmless from and against all expenses and costs, including reasonable attorney’s fees incurred in defending the claim of the Washington State retirement system and from all contributions paid or required to be paid, and for all reimbursement required to the Washington State retirement system. In the event Consultant

affirms that an employee providing work has ever retired from a Washington State retirement system, said employee shall be identified by Consultant, and such retirees shall provide City with all information required by City to report the employment with Consultant to the Department of Retirement Services of the State of Washington.

III.6 INDEMNITY.

a. **Indemnification / Hold Harmless.** Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

b. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence.

c. The provisions of this section shall survive the expiration or termination of this agreement.

d. For the purposes of the indemnity contained in subpart "a" of this paragraph III.6, Consultant hereby knowing, intentionally, and voluntarily waives the immunity of the Industrial Insurance Act, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

_____(initials)

_____(initials)

e. **Public Records Requests.** In addition to Paragraph IV.3 b, when the City provides the Consultant with notice of a public records request per Paragraph IV.3 b, Consultant agrees to save, hold harmless, indemnify and defend the City its officers, agents, employees and elected officials from and against all claims, lawsuits, fees, penalties and costs resulting from the Consultant's violation of the Public Records Act RCW 42.56, or Consultant's failure to produce public records as required under the Public Records Act.

III.7 INSURANCE.

a. **Minimum Limits of Insurance.** The Consultant shall procure, and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work and services hereunder by the Consultant, its agents, representatives, employees or subcontractors. The Consultant shall, before commencing work under this agreement, file with the City certificates of insurance coverage and the policy endorsement to be kept in force continuously during this Agreement, in a form acceptable to the City. Said certificates and policy endorsement shall name the City, its officers, elected officials, agents and/or employees as an additional named insured with respect to all coverages except professional liability insurance and workers' compensation.

b. **Minimum Scope of Insurance - Consultant shall obtain insurance of the types described below:**

- (1) Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
- (2) Commercial General Liability insurance shall be written on at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
- (3) Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- (4) Professional Liability insurance appropriate to the Consultant's profession.

c. **The minimum insurance limits shall be as follows:**

- (1) Comprehensive General Liability. \$1,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; \$2,000,000 general aggregate.
- (2) Automobile Liability. \$1,000,000 combined single limit per accident for bodily injury and property damage.
- (3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington.
- (4) Professional Liability/Consultant's Errors and Omissions Liability. \$1,000,000 per claim and \$1,000,000 as an annual aggregate.

d. **Notice of Cancellation.** In the event that the Consultant receives notice (written, electronic or otherwise) that any of the above required insurance coverage is being cancelled and/or terminated, the Consultant shall immediately (within forty-eight (48) hours) provide written notification of such cancellation/termination to the City.

e. **Acceptability of Insurers.** Insurance to be provided by Consultant shall be with a current A.M. Best's rating of no less than A:VII, or if not rated by Best, with minimum surpluses the equivalent of Best's VII rating.

f. **Verification of Coverage.** In signing this agreement, the Consultant is acknowledging and representing that required insurance is active and current. Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. Further, throughout the term of this Agreement, the Consultant shall provide the City with proof of insurance upon request by the City.

g. **Insurance shall be Primary.** The Consultant's insurance coverage shall be primary insurance as respects the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

h. **No Limitation.** Consultant's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance or otherwise limit the recourse to any remedy available at law or in equity.

i. **Claims-made Basis.** Unless approved by the City all insurance policies shall be written on an "Occurrence" policy as opposed to a "Claims-made" policy. The City may require an extended reporting endorsement on any approved "Claims-made" policy.

j. **Failure to Maintain Insurance.** Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

k. **Public Entity Full Availability of Consultant Limits.** If the Consultant maintains higher insurance limits than the minimums shown above, the Public Entity shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the Public Entity evidences limits of liability lower than those maintained by the Consultant.

III.8 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age or handicap except for a bona fide occupational qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training; rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this Agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

III.9 UNFAIR EMPLOYMENT PRACTICES. During the performance of this Agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III.10 LEGAL RELATIONS. The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this Agreement. The Consultant represents that the firm and all employees assigned to work on any City project are in full compliance with the statutes of the State of Washington governing activities to be performed and that all personnel to be assigned to the work required under this Agreement are fully qualified-and properly licensed to perform the work to which they will be assigned. This Agreement shall be interpreted and construed in accordance with the laws of Washington. Venue for any litigation commenced relating to this Agreement shall be in Snohomish County

Superior Court.

III.11 INDEPENDENT CONTRACTOR.

a. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants and agrees that his status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195 or as hereafter amended. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall claim any related employment benefits, social security, and/or retirement benefits.

b. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

c. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

d. Prior to commencement of work, the Consultant shall obtain a business license from the City.

III.12 CONFLICTS OF INTEREST. The Consultant agrees to and shall notify the City of any potential conflicts of interest in Consultant's client base and shall obtain written permission from the City prior to providing services to third parties where a conflict or potential conflict of interest is apparent. If the City determines in its sole discretion that a conflict is irreconcilable, the City reserves the right to terminate this Agreement.

III.13 CITY CONFIDENCES. The Consultant agrees to and will keep in strict confidence, and will not disclose, communicate or advertise to third parties without specific prior written consent from the City in each instance, the confidences of the City or any information regarding the City or services provided to the City.

III.14 SUBCONTRACTORS/SUBCONSULTANTS.

a. The Consultant is responsible for all work performed by subcontractors/subconsultants pursuant to the terms of this Agreement.

b. The Consultant must verify that any subcontractors/subconsultants they directly hire meet the responsibility criteria for the project. Verification that a subcontractor/subconsultant has proper license and bonding, if required by statute, must be included in the verification process. The Consultant will use the following Subcontractors/Subconsultants or as set forth in Exhibit NA:

c. The Consultant may not substitute or add subcontractors/subconsultants without the written approval of the City.

d. All Subcontractors/Subconsultants shall have the same insurance coverages and limits as set forth in this Agreement and the Consultant shall provide verification of said insurance coverage.

ARTICLE IV. OBLIGATIONS OF THE CITY

IV.10 PAYMENTS.

a. The Consultant shall be paid by the City for services rendered under this Agreement as described in the Scope of Services and as provided in this section. In no event shall the compensation paid to Consultant under this Agreement exceed \$5,583.81 without the written agreement of the Consultant and the City. Such payment shall be full compensation for work performed and services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. In the event the City elects to expand the scope of services from that set forth in Exhibit A, the City shall pay Consultant a mutually agreed amount.

b. The Consultant shall submit a monthly invoice to the City for services performed in the previous calendar month in a format acceptable to the City. The Consultant shall maintain time and expense records and provide them to the City upon request.

c. The City will pay timely submitted and approved invoices received before the 20th of each month within thirty (30) days of receipt.

IV.11 CITY APPROVAL. Notwithstanding the Consultant's status as an independent contractor, results of the work performed pursuant to this Agreement must meet the approval of the City, which shall not be unreasonably withheld if work has been completed in compliance with the Scope of Services and City requirements.

IV.3 MAINTENANCE/INSPECTION OF RECORDS.

a. The Consultant shall maintain all books, records, documents and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts and records where necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

b. **Public Records.** The parties agree that this Agreement and records related to the performance of the Agreement are, with limited exception, public records subject to disclosure under the Public Records Act RCW 42.56. Further, in the event of a Public Records Request to the City, the City may provide the Consultant with a copy of the Records Request and the Consultant

shall provide copies of any City records in Consultant's possession, necessary to fulfill that Public Records Request. If the Public Records Request is large the Consultant will provide the City with an estimate of reasonable time needed to fulfill the records request.

If a public records request is made the City may or may not choose to give the Consultant third party notice under RCW 42.56 for the Consultant to decide whether to file for a court action to prevent or limit the disclosure of the records.

ARTICLE V. GENERAL

V.12 **NOTICES.** Notices shall be sent to the following addresses:

To the City:

City of Lake Stevens
Attn: City Clerk
1812 Main Street
Post Office Box 257
Lake Stevens, WA 98258

To the Consultant:

Universal Field Service, Inc.
Attn: Mitch Legel
1111 Main Street, Suite 105
Edmonds, WA 98020-3356

Receipt of any notice shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

V.13 **TERMINATION.** The right is reserved by the City to terminate this Agreement in whole or in part at any time upon ten (10) calendar days' written notice to the Consultant.

If this Agreement is terminated in its entirety by the City for its convenience, the City shall pay the Consultant for satisfactory services performed through the date of termination in accordance with the payment provisions of Section VI.1.

V.14 **DISPUTES.** The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this Agreement may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

V.4 **EXTENT OF AGREEMENT/MODIFICATION.** This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified or added to only by written instrument properly signed by both parties.

V.5 **SEVERABILITY.**

a. If a court of competent jurisdiction holds any part, term or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

b. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

V.6 **NONWAIVER.** A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any agreement, covenant or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition or right.

V.7 **FAIR MEANING.** The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

V.8 **GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

V.9 **VENUE.** The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Snohomish County, Washington.

V.10 **COUNTERPARTS.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

V.11 **AUTHORITY TO BIND PARTIES AND ENTER INTO AGREEMENT.** The undersigned represent that they have full authority to enter into this Agreement and to bind the parties for and on behalf of the legal entities set forth below.

DATED this _____ day of _____, 2016.

CITY OF LAKE STEVENS

UNIVERSAL FIELD SERVICES, INC.

By: _____
John Spencer, Mayor

By: _____

Printed Name & Title

Approved as to form:

Grant K. Weed, City Attorney

Exhibit A
Scope of Services/Costs



April 4, 2016

Scope of Work
City of Lake Stevens – Frontier Heights Tract C-1 Donation
Real Property Services

Background – The City of Lake Stevens (City) is interested in receiving a donation of land known as Tract C-1 currently owned as common area by Frontier Heights No. 1, a Planned Unit Development (PUD). Tract C-1 is commonly known throughout the community as Frontier Height Park (Park) which is relatively rectangular shaped consisting of approximately 7 acres of land and existing park facilities including: basketball court; tennis courts; tot-lot; open playfield and a four square play area.

The Park is maintained by lot owners of the PUD under the covenants, conditions and restrictions (CC&R's) of the Home Owners Association (HOA). It is understood the HOA is interested in donating said Tract C-1 to the City with the intent to relieve itself from future maintenance and related expenses. The City would be taking ownership subject to other interests including use by the Bonneville Power Administration and Seattle City Light of existing electrical transmission corridors.

The City has requested Universal Field Services (Universal) to assist with the negotiations and coordination of conveying the ownership of Tract C-1, also known as the Park, from the HOA to the City. The City intends to replace the tot-lot structure; repair and reseal the play courts; add security lighting; improve the park pathways; and provide picnic tables. The Snohomish County tax parcel number of said Tract C-1 is 00451800005600.

This scope of work is based on discussions with City staff and review of limited public online ownership information together with cursory reviews of various maps and exhibits provided by the City. It is understood all existing improvements mentioned above are included in the donation. There are no businesses or residential occupants displaced by this transaction. Furthermore, the City desires to not incur any costs related to the relocation of any occupants or personal property.

The following are anticipated tasks that may be required by UFS to facilitate this transaction:

- A. Attend kick off coordination meeting – City office.
- B. Obtain and review the CC&R's, By-Laws and Declarations of said HOA.
- C. Review the City's planning conditions for Frontier Heights plat approval relating to Tract C-1 use.
- D. Review Title report provided by City to assess complications that may pose obstacles or delays to the closing process.
- E. Prepare Parcel Title Summary Memo with recommendations to clear or accept certain title encumbrances at closing.
- F. Participate in up to three (3) conference calls with the City.
- G. Attend up to three (3) in-person meetings with said HOA or its representative.
- H. Obtain land use conditions from BPA and SCL if necessary. Effort may require up to three (3) conference calls and one (1) in person meeting with each agency.
- I. Coordinate with all parties in preparation of a transaction document such as a Purchase and Sale Agreement, Land Use Agreement, Donation documentation, as appropriate.

April 4, 2016

J. Closing sub tasks:

- Upon securing the final terms and conditions of the agreement, UFS will notify the City and upon City approval submit the agreement with preliminary closing instructions to the designated Escrow Company.
- Coordinate with the Title/Escrow Company in order to obtain release documentation from the encumbrance(s) of public record that are not acceptable to the City in order to provide clear title to the property being acquired.
- Ensure the Escrow Company prepares the necessary closing documents, obtains owner(s) signatures and delivers recorded deed to City.
- Deliver completed transaction file to City.

Assumptions:

1. HOA intends to donate said Tract C-1 to the City
2. Appraisal not required since it is a donation. Obtain agreement from the HOA releasing City of any requirement to complete an Appraisal.
3. Environmental Site Assessments are excluded.
4. City will take title to Tract C-1 subject to other interests including the Bonneville Power Administration (BPA) and Seattle City Light (SCL) currently in use as electrical transmission corridors.
5. Additional Level of Effort may be necessary subject to review of title report, discussion with HOA representatives, reviews of CC&R's and By-Laws, discussions with BPA and SCL.

The following are anticipated tasks that may be required by the City to facilitate this transaction:

- A. Provide and review planning conditions of Frontier Heights plat approval.
- B. Provide Title Report from a reputable title company.
- C. Approve designation of the escrow company used for this transaction. The escrow company will bill the City directly for all escrow services provided.
- D. Form approval of all legal conveyance documents prior to use (i.e. purchase and sale agreements, donation agreement, escrow instructions, etc.
- E. Final approval of all agreements prior to delivery to Escrow.
- F. Payment of any and all compensation payments to the HOA or its legal representative, recording fees, legal services and any incidental costs which may arise necessary to complete this transaction.
- G. Conduct an Environmental Site Assessment – Level 1 if required.

FIRM: UNIVERSAL FIELD SERVICES, INC.

Client: City of Lake Stevens
Project: **Frontier Heights / Tract C-1 Donation**

Prepared by: MLege

Date: April 4, 2016

Task Description	QA/QC	Project Manager	Acquisition Specialist	Relocation Specialist	Sr Admin Specialist	Mileage	UFS Labor
Labor Hourly Rates		\$55.00	\$44.00	\$39.00	\$39.00	\$30.00	\$0.540
Real Property Services							
A	Attend Kick Off Meeting - City Office	4.0		4.0		4.0	60.0 \$ 496.00
B	Obtain & Review HOA CC&R's, By-Laws, Declarations, etc.	2.0		3.0		2.0	60.0 \$ 287.00
C	Review City's Conditions of Plat Approval - Use of Tract C-1	1.0		1.0		1.0	0.0 \$ 124.00
D	Review Title Report	1.0		2.0		1.0	0.0 \$ 163.00
E	Prepare Parcel Title Summary Memo	0.0		1.0		1.0	0.0 \$ 69.00
F	Participate in three (3) Conference Calls with City	3.0		3.0		0.0	0.0 \$ 282.00
G	Attend three (3) in-person meetings with HOA Representatives	3.0		9.0		0.0	180.0 \$ 516.00
H(a)	Conduct three (3) conference calls and one (1) mtg with BPA	1.5		5.0		1.0	60.0
H(b)	Conduct three (3) conference calls and one (1) mtg with SCL	1.5		5.0		1.0	35.0 \$ 307.50
I	Prepare Land Use Agreement, Donation Agreement, etc.	4.0		16.0		8.0	120.0
J	Closing Support	0.0		6.0		6.0	120.0 \$ 414.00
Subtotal		21.0	0.0	55.0	0.0	25.0	635.0 \$ 2,658.50
Overhead		65.00%					\$ 1,728.03
Fixed Fee		28.00%					\$ 744.38
TOTAL LABOR		1,155.0	0.0	2,145.0	0.0	750.0	635.0 \$ 5,130.91

DIRECT EXPENSE ITEMS:	Rate	Units	Quantity	COST
Mileage	\$0.540	635.0		\$342.90
Printing	at cost	N/A		\$25.00
Telephone	at cost	N/A		\$0.00
Postage	at cost	N/A		\$25.00
Parking	at cost	N/A		\$30.00
Miscellaneous	at cost	N/A		\$30.00
TOTAL DIRECT EXPENSE ITEMS				\$452.90
				\$ 452.90

SUBCONSULTANTS	
N/A	\$ -
SUBCONSULTANT TOTALS	\$ -

TOTAL LABOR & DIRECT REIMBURSABLE EXPENSE ITEMS	\$ 5,583.81
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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 10, 2016

Subject: Body Camera Policy

Contact Person/Department: Ralph Krusey, Interim Police Chief **Budget Impact:** _____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Adopt Policy 414 relating to Portable Audi/Video Records.

SUMMARY/BACKGROUND:

The Police Department has reviewed model Portable Audio/Video Recorders (Body Camera) policies and recommends adopting a policy modeled after the Lexipol Policy. We have incorporated House Bill HB 2362 into the policy by reference. The policy has been vetted through the Lake Stevens Police Guild. The Guild agrees with the police.

APPLICABLE CITY POLICIES: N/A

BUDGET IMPACT:

Approval of the policy will not have a direct impact on the budget. Implementing the program will have an impact on the budget. A new quote has been requested. The Trial Agreement has no impact on the budget.

ATTACHMENTS:

- ▶ Exhibit A: Policy

Portable Audio/Video Recorders

414.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio/video recordings (see the Investigation and Prosecution and Mobile Audio/Video policies).

414.2 POLICY

The Lake Stevens Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

414.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

414.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable. Uniformed members should wear the recorder in a conspicuous manner and notify persons that they are being recorded, whenever possible.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use and notify persons that they are being recorded, whenever possible.

When using a portable recorder, the assigned member shall record his/her name, LSPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Lake Stevens Police Department

Policy Manual

Portable Audio/Video Recorders

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

414.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder shall be activated in any of the following situations:

- (a) All enforcement and investigative contacts including stops and field interview (FI) situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify SnoPac
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording. If audio or video is discontinued for reasons of privacy or victim sensitivity, the discontinuing shall be documented in a narrative report.

No member of this department may record a face-to-face conversation without first announcing to everyone present that the conversation is going to be recorded and said announcement is recorded except pursuant to a warrant, the communication is of an emergency nature, or relates to communications by a hostage holder or barricaded suspect (RCW 9.73.030). Officers shall ID themselves and inform the other party or parties that the incident is being audio and video recorded

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as practicable.

414.5.1 CESSATION OF RECORDING

Once activated, the portable recorder shall remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Lake Stevens Police Department

Policy Manual

Portable Audio/Video Recorders

414.5.2 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Washington law prohibits any individual from surreptitiously recording any conversation, except as provided in RCW 9.73.040, RCW 9.73.090 and RCW 9.73.210.

414.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

414.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with a department-issued or personally owned recorder. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

414.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report. Transfers shall occur at the end of the member's shift, or any time the storage capacity is nearing its limit.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

414.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule and as outlined in Washington [House Bill 2362](#).

414.8 REVIEW OF RECORDINGS

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Lake Stevens Police Department

Policy Manual

Portable Audio/Video Recorders

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- (c) By media personnel with permission of the Chief of Police or the Administrative Supervisor.
- (d) In compliance with a public records request, if permitted, and in accordance with the Records Release and Security Policy and Washington [House Bill 2362](#).

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Release and Security Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda May 10, 2016
Date: _____

Subject: Approve Professional Services Agreement with FCS Group to Provide Financial Consultation Services

Contact	Barb Stevens, Finance Director/City	Budget	Not to Exceed
Person/Department:	Clerk	Impact:	\$85,000

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Approve a Professional Services Agreement with FCS Group to Provide Financial Consultation Services to the City on Strategic Financial Planning, Annexation Analysis and Stormwater Rate Study

SUMMARY/BACKGROUND: FCS Group provides financial consultation services to cities and other public sector clients including utility, finance, management and cost recovery services. Their expertise includes providing in depth analysis and recommendation of fiscal strategies that will benefit the City in planning for economic and capital growth. The Professional Services Agreement provides that FCS will assist the City with three separate tasks:

- (1) Developing a strategic financial plan including financial strategy, developing a forecasting model, and forecasting revenues and operating and capital expenditures;
- (2) Performing an annexation analysis; and
- (3) Completing a stormwater rate study.

The Finance Subcommittee has reviewed the proposed Scope of Services. The PSA will be performed on a per task basis, with each task being approved by the Finance Subcommittee prior to being undertaken and completed.

APPLICABLE CITY POLICIES: N/A

BUDGET IMPACT: Not to Exceed \$85,000

ATTACHMENTS:

1. Professional Services Agreement with FCS Group

ATTACHMENT 1

PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF LAKE STEVENS, WASHINGTON AND FINANCIAL CONSULTING SOLUTIONS GROUP, INC. FOR CONSULTANT SERVICES

THIS AGREEMENT (“Agreement”) is made and entered into by and between the City of Lake Stevens, a Washington State municipal corporation (“City”), and Financial Consulting Solutions Group, Inc., a Washington corporation, (“Consultant”).

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performances contained herein, the parties hereto agree as follows:

ARTICLE I. PURPOSE

The purpose of this Agreement is to provide the City with consultant services regarding financial planning, analysis and study as described in Article II. The general terms and conditions of the relationship between the City and the Consultant are specified in this Agreement.

ARTICLE II. SCOPE OF SERVICES

The Scope of Services is attached hereto as **Exhibit “A”** and incorporated herein by this reference (“Scope of Services”). All services and materials necessary to accomplish the tasks outlined in the Scope of Services shall be provided by the Consultant unless noted otherwise in the Scope of Services or this Agreement. All such services shall be provided in accordance with the standards of the Consultant’s profession.

ARTICLE III. OBLIGATIONS OF THE CONSULTANT

III.1 MINOR CHANGES IN SCOPE. The Consultant shall accept minor changes, amendments, or revision in the detail of the Scope of Services as may be required by the City when such changes will not have any impact on the service costs or proposed delivery schedule. Extra work, if any, involving substantial changes and/or changes in cost or schedules will be addressed as follows:

Extra Work. The City may desire to have the Consultant perform work or render services in connection with each project in addition to or other than work provided for by the expressed intent of the Scope of Services in the scope of services. Such work will be considered as extra work and will be specified in a written supplement to the scope of services, to be signed by both parties, which will set forth the nature and the scope thereof. All proposals for extra work or services shall be prepared by the Consultant at no cost to the City. Work under a supplemental agreement shall not proceed until executed in writing by the parties.

III.2 WORK PRODUCT AND DOCUMENTS. The work product and all documents

produced under this Agreement shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work, even though the work has been accepted by the City.

In the event that the Consultant shall default on this Agreement or in the event that this Agreement shall be terminated prior to its completion as herein provided, all work product of the Consultant, along with a summary of work as of the date of default or termination, shall become the property of the City. Upon request, the Consultant shall tender the work product and summary to the City. Tender of said work product shall be a prerequisite to final payment under this Agreement. The summary of work done shall be prepared at no additional cost to the City.

Consultant will not be held liable for reuse of documents produced under this Agreement or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of Consultant.

III.3 TERM. The term of this Agreement shall commence on date of Notice to Proceed and shall terminate at midnight, December 31, 2016. The parties may extend the term of this Agreement by written mutual agreement.

III.4 NONASSIGNABLE. The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

III.5 EMPLOYMENT.

a. The term “employee” or “employees” as used herein shall mean any officers, agents, or employee of the of the Consultant.

b. Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of any said employees while so engaged, and any and all claims made by any third party as a consequence of any negligent act or omission on the part of the Consultant or its employees while so engaged in any of the work or services provided herein shall be the sole obligation of the Consultant.

c. Consultant represents, unless otherwise indicated below, that all employees of Consultant that will provide any of the work under this Agreement have not ever been retired from a Washington State retirement system, including but not limited to Teacher (TRS), School District (SERS), Public Employee (PERS), Public Safety (PSERS), law enforcement and fire fighters (LEOFF), Washington State Patrol (WSPRS), Judicial Retirement System (JRS), or otherwise. *(Please indicate No or Yes below)*

_____ No employees supplying work have ever been retired from a Washington state retirement system.

_____ Yes employees supplying work have been retired from a Washington state retirement system.

In the event the Consultant indicates “no”, but an employee in fact was a retiree of a Washington State retirement system, and because of the misrepresentation the City is required to defend a claim by the Washington State retirement system, or to make contributions for or on account of the employee, or reimbursement to the Washington State retirement system for benefits paid, Consultant hereby agrees to save, indemnify, defend and hold City harmless from and against all expenses and costs, including reasonable attorney’s fees incurred in defending the claim of the Washington State retirement system and from all contributions paid or required to be paid, and for all reimbursement required to the Washington State retirement system. In the event Consultant affirms that an employee providing work has ever retired from a Washington State retirement system, said employee shall be identified by Consultant, and such retirees shall provide City with all information required by City to report the employment with Consultant to the Department of Retirement Services of the State of Washington.

III.6 INDEMNITY.

a. **Indemnification / Hold Harmless.** Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

b. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence.

c. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant’s waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

d. **Public Records Requests.**
In addition to Paragraph IV.3 b, when the City provides the Consultant with notice of a public records request per Paragraph IV. 3 b, Consultant agrees to save, hold harmless, indemnify and defend the City its officers, agents, employees and elected officials from and against all claims, lawsuits, fees, penalties and costs resulting from the consultants violation of the Public Records Act RCW 42.56, or consultant’s failure to produce public records as required under the Public Records Act.

e. The provisions of this section III.6 shall survive the expiration or termination of this agreement.

III.7 INSURANCE.

a. **Insurance Term.**

The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

b. **No Limitation.**

Consultant's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

c. **Minimum Scope of Insurance - Consultant shall obtain insurance of the types described below:**

- (1) Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
- (2) Commercial General Liability insurance shall be written at least as broad on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
- (3) Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- (4) Professional Liability insurance appropriate to the Consultant's profession.

d. **The minimum insurance limits shall be as follows:**

Consultant shall maintain the following insurance limits:

- (1) Comprehensive General Liability. \$1,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; \$2,000,000 general aggregate.
- (2) Automobile Liability. \$1,000,000 combined single limit per accident for bodily injury and property damage.

(3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington.

(4) Professional Liability/Consultant's Errors and Omissions Liability. \$1,000,000 per claim and \$1,000,000 as an annual aggregate.

e. **Notice of Cancellation.** In the event that the Consultant receives notice (written, electronic or otherwise) that any of the above required insurance coverage is being cancelled and/or terminated, the Consultant shall immediately (within forty-eight (48) hours) provide written notification of such cancellation/termination to the City.

f. **Acceptability of Insurers.** Insurance to be provided by Consultant shall be with insurers with a current A.M. Best rating of no less than A:VII, or if not rated by Best, with minimum surpluses the equivalent of Best A:VII rating.

g. **Verification of Coverage.** In signing this agreement, the Consultant is acknowledging and representing that required insurance is active and current. Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. Further, throughout the term of this Agreement, the Consultant shall provide the City with proof of insurance upon request by the City.

h. **Insurance shall be Primary - Other Insurance Provision.** The Consultant's insurance coverage shall be primary insurance as respect the City. The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any Insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

i. **Claims-made Basis.** Unless approved by the City all insurance policies shall be written on an "Occurrence" policy as opposed to a "Claims-made" policy. The City may require an extended reporting endorsement on any approved "Claims-made" policy.

j. **Failure to Maintain Insurance** Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

k. **Public Entity Full Availability of Consultant Limits**
If the Consultant maintains higher insurance limits than the minimums shown above, the

Public Entity shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the Public Entity evidences limits of liability lower than those maintained by the Consultant.

III.8 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age or handicap except for a bona fide occupational qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training, rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this Agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

III.9 UNFAIR EMPLOYMENT PRACTICES. During the performance of this Agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III.10 LEGAL RELATIONS. The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this Agreement. The Consultant represents that the firm and all employees assigned to work on any City project are in full compliance with the statutes of the State of Washington governing activities to be performed and that all personnel to be assigned to the work required under this Agreement are fully qualified and properly licensed to perform the work to which they will be assigned. This Agreement shall be interpreted and construed in accordance with the laws of Washington. Venue for any litigation commenced relating to this Agreement shall be in Snohomish County Superior Court.

III.11 INDEPENDENT CONTRACTOR.

a. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants and agrees that his status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195 or as hereafter amended. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall claim any related employment benefits, social security, and/or retirement benefits.

b. The Consultant shall be solely responsible for paying all taxes, deductions,

and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

c. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

d. Prior to commencement of work, the Consultant shall obtain a business license from the City.

III.12 CONFLICTS OF INTEREST. The Consultant agrees to and shall notify the City of any potential conflicts of interest in Consultant's client base and shall obtain written permission from the City prior to providing services to third parties where a conflict or potential conflict of interest is apparent. If the City determines in its sole discretion that a conflict is irreconcilable, the City reserves the right to terminate this Agreement.

III.13 CITY CONFIDENCES. The Consultant agrees to and will keep in strict confidence, and will not disclose, communicate or advertise to third parties without specific prior written consent from the City in each instance, the confidences of the City or any information regarding the City or services provided to the City.

III.14 SUBCONTRACTORS/SUBCONSULTANTS.

a. The Consultant shall be responsible for all work performed by subcontractors/subconsultants pursuant to the terms of this Agreement.

b. The Consultant must verify that any subcontractors/subconsultants they directly hire meet the responsibility criteria for the project. Verification that a subcontractor/subconsultant has proper license and bonding, if required by statute, must be included in the verification process. The Consultant will use the following Subcontractors/Subconsultants or as set forth in Exhibit N/A:

c. The Consultant may not substitute or add subcontractors/subconsultants without the written approval of the City.

d. All Subcontractors/Subconsultants shall have the same insurance coverages and limits as set forth in this Agreement and the Consultant shall provide verification of said insurance coverage.

ARTICLE IV. OBLIGATIONS OF THE CITY

IV.1 PAYMENTS.

a. The Consultant shall be paid by the City for services rendered under this Agreement as described in the Scope of Services and as provided in this section. In no event shall the compensation paid to Consultant under this Agreement exceed \$85,000 without the written agreement of the Consultant and the City. Such payment shall be full compensation for work performed and services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. In the event the City elects to expand the scope of services from that set forth in Exhibit A, the City shall pay Consultant a mutually agreed amount.

b. The Consultant shall submit a monthly invoice to the City for services performed in the previous calendar month in a format acceptable to the City. The Consultant shall maintain time and expense records and provide them to the City upon request.

c. The City will pay timely submitted and approved invoices received before the 20th of each month within thirty (30) days of receipt.

IV.2 **CITY APPROVAL.** Notwithstanding the Consultant's status as an independent contractor, results of the work performed pursuant to this Agreement must meet the approval of the City, which shall not be unreasonably withheld if work has been completed in compliance with the Scope of Services and City requirements.

IV.3 MAINTENANCE/INSPECTION OF RECORDS.

a. The Consultant shall maintain all books, records, documents and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts and records where necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

b. **Public Records.**

The parties agree that this Agreement and records related to the performance of the Agreement are with limited exception, public records subject to disclosure under the Public Records Act RCW 42.56. Further, in the event of a Public Records Request to the City, the City may provide the Consultant with a copy of the Records Request and the Consultant shall provide copies of any City records in Consultant's possession, necessary to fulfill that

Public Records Request. If the Public Records Request is large the Consultant will provide the City with an estimate of reasonable time needed to fulfill the records request.

ARTICLE V. GENERAL

V.1 **NOTICES.** Notices to the City and Consultant shall be sent to the following addresses:

To the City:

City of Lake Stevens
Attn: City Clerk
Post Office Box 257
Lake Stevens, WA 98258

To the Consultant:

Financial Consulting Solutions Group,
Inc.
Attn: Scott Bash
7525 166th Avenue NE, Suite D-215
Redmond, WA 98052

Receipt of any notice shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

V.2 **TERMINATION.** The right is reserved by the City to terminate this Agreement in whole or in part at any time upon ten (10) calendar days' written notice to the Consultant.

If this Agreement is terminated in its entirety by the City for its convenience, the City shall pay the Consultant for satisfactory services performed through the date of termination in accordance with payment provisions of Section IV.1.

V.3 **DISPUTES.** The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this Agreement may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

V.4 **EXTENT OF AGREEMENT/MODIFICATION.** This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified or added to only by written instrument properly signed by both parties.

V.5 **SEVERABILITY.**

a. If a court of competent jurisdiction holds any part, term or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

b. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

V.6 **NONWAIVER.** A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any agreement, covenant or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition or right.

V.7 **FAIR MEANING.** The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

V.8 **GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

V.9 **VENUE.** The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Snohomish County, Washington.

V.10 **COUNTERPARTS.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

V.11 **AUTHORITY TO BIND PARTIES AND ENTER INTO AGREEMENT.** The undersigned represent that they have full authority to enter into this Agreement and to bind the parties for and on behalf of the legal entities set forth below.

DATED this _____ day of _____, 2016.

CITY OF LAKE STEVENS

FINANCIAL CONSULTING SOLUTIONS
GROUP, INC.

By: _____
John Spencer, Mayor

By: _____

Printed Name and Title

Approved as to Form:

By: _____
Grant K. Weed, City Attorney

SCOPE OF SERVICES

The follow scope of services is presented as a series of task that may be initiated as individual task orders or in groups.

Task Kickoff - Within each task, there would be a short kick off meeting, via telephone or in person, to review the requirements, data needs, timelines, expectations, and desired outcomes. More detailed scope, specifications, and cost estimates will be provided to the City for each request of FCS GROUP services. We will typically compile and issue a data request for information such as 2011-2015 actual revenues and expenditures, the 2016 budget, CIP and capital plans, any revenue and expenditure forecasts, City financial policies and capital priorities, a City organizational chart, and any other related documentation related to future revenues or expenditures.

Task Reporting – For each task, FCS GROUP will prepare a short report or technical memorandum, at the discretion of the City, to document our findings, conclusions, and recommendations (where appropriate). We will meet with the City’s Finance Director and any other City staff to review the preliminary results of each task. We will also review the assumptions, alternatives, and methodologies used in any of our forecasts. If modifications are needed to our analyses and alternatives, we will work with the City staff to adjust the forecast assumptions and data. After making any modifications and changes, we will provide the City with our final task report or deliverable.

Task 1. Strategic Financial Plan – FCS GROUP shall assist the City in developing financial planning strategies and determining the best way for the City to pay for the projects, infrastructure, and additional staffing needs that the City has in its strategic plan or are contemplating as part of their planning efforts.

- **Financial Strategy** - Evaluate the City’s fiscal strength and developing financial strategies to make the most effective use of capital and cash. The efforts may include a discussion of overall city goals, levels of service (LOS) targets, key issues for each of the projects, department needs, risk assessment and overall risk tolerance, use of debt and current revenues, and providing various forecasting based on different risk strategies (high, moderate, conservative risk).
- **Develop the Forecasting Model** - Develop a high level financial model that will forecast the City’s long term financial capacity to support the current services and programs. The analysis will include a ten year period. Based on a review of the data available, we will work with the City staff to develop a funding and analytical framework for determining the approach and the elements in the analysis and how they will be incorporated in the City’s financial management and budget processes. We will also work with the City staff to identify potential scenarios or alternatives (including any planned annexations) based on the City’s priorities or needs. We will rely on the City to provide the existing financial data and forecasts, and if the City is not able to provide the information, additional budget might be needed for FCS GROUP to gather, analyze, and develop additional data.
- **Forecast Revenues and Operating and Capital Expenditures** - Develop the baseline forecast for the General Fund and Capital Plan. The forecast will identify any gaps in funding and any financial management alternatives to assure that the City maintains sufficient reserves and fund balance. We will identify any policy issues that the City might need to address to either

increase the revenue sources or reduce operating costs. Once the baseline forecast is completed, we will review and discuss the forecast with the City's Finance Director and City Administrator. If changes to assumptions, revenues, or costs need to be made, we will adjust the model for any changes.

- Develop General Fund Operating and Funding Alternatives - If the baseline forecast shows that the City will be challenged by future deficits in the General Fund, we will identify any revenue or cost reduction strategies that will help the City maintain a sustainable General Fund for the next ten years. Strategies might include using funding sources not currently used by the City or might involve cost reduction alternatives. We will determine how any new or increased funding sources can help the City close any gaps and what impacts such additional funding sources might have on the City's taxpayers and residents.

Task 2. Annexation Analysis – Under this task, FCS GROUP shall provide assistance to the City in analyzing the cost, benefits and impacts of annexation scenarios. This would include the cost of completing an annexation, revenue impacts and expectations, cost of maintaining services to the area, and a forecast for return on investment and timeframe. If required, we will assist the city with presentations. As part of our preparation for the presentation, we will work on the presentation with the City's project manager and the appropriate City management to address any management and City Council issues and concerns.

Task 3. Stormwater Rate Study – As part of this task FCS GROUP shall determine the amount of revenue required from rates to meet the O&M, debt service, and capital priorities associated with different level of service (LOS) options. We shall develop a financial model to evaluate a rate structure needed to achieve LOS targets over the 20-year planning horizon. The rate study task includes the follow types of services:

- Capital Financing Plan – Project capital funding needs, including regional facilities, investment requirements. The analysis would be constructed to evaluate optional capital scheduling and prioritization.
- Operating Forecast – Forecast ongoing operating, maintenance, administrative, debt service, capital and other cash obligations for the study period. We would incorporate economic factors for customer growth and cost escalation, as well as additional O&M expenses, if any, resulting from the capital improvement programs or other known changes in operational requirements.
- Revenue Needs Assessment – The revenue needs assessment ultimately identifies the total rate revenue to be collected from customers of the City. We would compare projected cash requirements against projected revenue under existing rate levels to determine annual rate adjustments needed to satisfy the projected cash obligations of the stormwater management utility. We will perform this analysis for up to five different levels of service and associated costs, for a specified planning period.
- Policy Analysis - Provide an issue paper on rate credits / incentives for qualifying on-site provision of natural drainage systems, and possibly other types of on-site mitigation. Provide an issue paper evaluating the City's existing rate structure, and recommend potential changes to improve rate equity.
- Rate Credit Calculation – If applicable, construct an allocation of stormwater management costs to determine the maximum credit amount.
- Documentation – Document rate study in a written report.

- Presentation Assistance- Presentation to the City Council or City management, we will assist the city with presentations. As part of our preparation for the presentation, we will work on the presentation with the City's project manager and the appropriate City management to address any management and City Council issues and concerns.

FINANCIAL PLANNING AND ANALYSIS
 CITY OF LAKE STEVENS, WASHINGTON

Budget Estimates

Tasks	Consultant Hours					Total Labor Hours	Budget
	Sr. Program Manager	Principal	Rate Consultant	Analyst	Admin. Support		
<i>Effective Hourly Billing Rates:</i>	\$235	\$270	\$170	\$125	\$80		
Task 1. Strategic Financial Plan	77	16		135	7	235	\$40,000
Task 2. Annexation Analysis	53	10	8	26	2	99	\$20,000
Task 3. Stormwater Rate Study	10	8	40	107	3	168	\$25,000
Project Budget	140	34	48	268	12	502	\$85,000

Rate Table

The table below summarizes our hourly rates and project expenses used to perform the above tasks.

<u>POSITION/TITLE</u>	<u>BILLING RATE</u>
Principals	\$270
Senior Program Manager	\$235
Rate Consultant	\$170
Project Consultant	\$150
Analyst	\$125
<u>Administrative and Technical Support</u>	
Public Relations	\$150
Technical Writer/Graphic Artist	\$125
Administrative Support	\$ 80

DIRECT EXPENSES

Major direct expenses, such as mileage will be charged at cost. Other expenses will not be directly charged unless by mutual agreement of the City and FCS GROUP and specific terms will be established in advance prior to expenditure and billing.

TECHNOLOGY CHARGE

FCS GROUP charges a \$5 per hour technology charge to cover overhead for IT systems, computers, communication devices and connectivity.

SUBCONSULTANTS

When applicable, subconsultants will be charged at invoiced cost plus 10%.



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 10, 2016

Subject: ISOutsource Technology Evaluation and Plan Agreement

Contact Person/Department: Mary Swenson/Administration **Budget Impact:** \$14,025

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: **Authorize the Mayor to sign the agreement between ISOutsource and the City of Lake Stevens to begin the evaluation of the City's IT program.**

SUMMARY/BACKGROUND: The City and the fire district are seeking a consulting firm to evaluate IT systems to ensure they are up-to-day, efficient, effective, and fiscally responsible for municipal and emergency service operations. Areas specified for the evaluation include:

- Hardware
- System Infrastructure
- Fiber/Connectivity
- Security
- Server Configuration
- Software
- Systems Management
- Wireless Network
- Help Desk Function
- Effectiveness of the Interlocal Agreement for IT Support; and
- Website System Evaluation

After reviewing a number of consulting options, ISOutsource provides the level of expertise needed for this project.

APPLICABLE CITY POLICIES: None

BUDGET IMPACT: \$14,025

ATTACHMENTS:

- ▶ Exhibit A: Professional Services Agreement Between City of Lake Stevens and ISOutsource

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF LAKE STEVENS, WASHINGTON
AND
DAH Corporation dba - ISOutsource
FOR CONSULTANT SERVICES**

THIS AGREEMENT ("Agreement") is made and entered into by and between the City of Lake Stevens, Washington, a Washington State municipal corporation ("City"), and DAH Corporation dba ISOutsource, a Washington Corporation ("Consultant").

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performances contained herein, the parties hereto agree as follows:

ARTICLE I. PURPOSE

The purpose of this Agreement is to provide the City with consultant services regarding a Business Technology Assessment and Plan (BTAP) for the City of Lake Stevens and the Lake Stevens Fire (Snohomish Fire District 8) as described in Article II. The general terms and conditions of the relationship between the City and the Consultant are specified in this Agreement.

ARTICLE II. SCOPE OF SERVICES

The Scope of Services is attached hereto as **Exhibit "A"** and incorporated herein by this reference ("Scope of Services"). All services and materials necessary to accomplish the tasks outlined in the Scope of Services shall be provided by the Consultant unless noted otherwise in the Scope of Services or this Agreement. All such services shall be provided in accordance with the standards of the Consultant's profession.

ARTICLE III. OBLIGATIONS OF THE CONSULTANT

III.1 MINOR CHANGES IN SCOPE. The Consultant shall accept minor changes, amendments, or revision in the detail of the Scope of Services as may be required by the City when such changes will not have any impact on the service costs or proposed delivery schedule. Extra work, if any, involving substantial changes and/or changes in cost or schedules will be addressed as follows:

Extra Work. The City may desire to have the Consultant perform work or render services in connection with each project in addition to or other than work provided for by the expressed intent of the Scope of Services in the scope of services. Such work will be considered as extra work and will be specified in a written supplement to the scope of services, to be signed by both parties, which will set forth the nature and the scope thereof. All proposals for extra work or services shall be prepared by the Consultant at no cost to the City. Work under a supplemental agreement shall not proceed until executed in writing by the parties.

III.2 WORK PRODUCT AND DOCUMENTS. The work product and all documents produced under this Agreement shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work,

even though the work has been accepted by the City.

In the event that the Consultant shall default on this Agreement or in the event that this Agreement shall be terminated prior to its completion as herein provided, all work product of the Consultant, along with a summary of work as of the date of default or termination, shall become the property of the City. Upon request, the Consultant shall tender the work product and summary to the City. Tender of said work product shall be a prerequisite to final payment under this Agreement. The summary of work done shall be prepared at no additional cost to the City.

Consultant will not be held liable for reuse of documents produced under this Agreement or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of Consultant.

III.3 TERM. The term of this Agreement shall commence on May 1, 2016 and shall terminate at midnight, December 31, 2016. The parties may extend the term of this Agreement by written mutual agreement.

III.4 NONASSIGNABLE. The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

III.5 EMPLOYMENT.

a. The term "employee" or "employees" as used herein shall mean any officers, agents, or employee of the of the Consultant.

b. Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of any said employees while so engaged, and any and all claims made by any third party as a consequence of any negligent act or omission on the part of the Consultant or its employees while so engaged in any of the work or services provided herein shall be the sole obligation of the Consultant.

c. Consultant represents, unless otherwise indicated below, that all employees of Consultant that will provide any of the work under this Agreement have not ever been retired from a Washington State retirement system, including but not limited to Teacher (TRS), School District (SERS), Public Employee (PERS), Public Safety (PSERS), law enforcement and fire fighters (LEOFF), Washington State Patrol (WSPRS), Judicial Retirement System (JRS), or otherwise. *(Please indicate No or Yes below)*

No employees supplying work have ever been retired from a Washington state retirement system.

Yes employees supplying work have been retired from a Washington state retirement system.

In the event the Consultant indicates "no", but an employee in fact was a retiree of a Washington State retirement system, and because of the misrepresentation the City is required to defend a claim by the Washington State retirement system, or to make contributions for or on account of the employee, or reimbursement to the Washington State retirement system for benefits paid,

Consultant hereby agrees to save, indemnify, defend and hold City harmless from and against all expenses and costs, including reasonable attorney's fees incurred in defending the claim of the Washington State retirement system and from all contributions paid or required to be paid, and for all reimbursement required to the Washington State retirement system. In the event Consultant affirms that an employee providing work has ever retired from a Washington State retirement system, said employee shall be identified by Consultant, and such retirees shall provide City with all information required by City to report the employment with Consultant to the Department of Retirement Services of the State of Washington.

III.6 INDEMNITY.

a. **Indemnification / Hold Harmless.** Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

b. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence.

c. The provisions of this section shall survive the expiration or termination of this agreement.

d. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

e. **Public Records Requests.**
In addition to Paragraph IV.3 b, when the City provides the Consultant with notice of a public records request per Paragraph IV. 3 b, Consultant agrees to save, hold harmless, indemnify and defend the City its officers, agents, employees and elected officials from and against all claims, lawsuits, fees, penalties and costs resulting from the consultants violation of the Public Records Act RCW 42.56, or consultant's failure to produce public records as required under the Public Records Act.

III.7 INSURANCE.

a. **Insurance Term**
The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

b. **No Limitation**
Consultant's maintenance of insurance as required by the agreement shall not be construed to

limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

c. Minimum Scope of Insurance - Consultant shall obtain insurance of the types described below:

- (1). Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.
- (2). Commercial General Liability insurance shall be written at least as broad on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop-gap, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement at least as broad as ISO CG 20 26.
- (3). Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- (4). Professional Liability insurance appropriate to the Consultant's profession.
- (5). Technology Errors & Omissions (E&O)
- (6). Network Security (Cyber) and Privacy Insurance shall include, but not be limited to, coverage, including defense, for the following losses or services:

Liability arising from theft, dissemination, and/or use of Public Entity confidential and personally identifiable information, including but not limited to, any information about an individual maintained by the Public Entity, including (i) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and (ii) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information regardless of how or where the information is stored or transmitted.

Network security liability arising from (i) the unauthorized access to, use of, or tampering with computer systems, including hacker attacks; or (ii) the inability of an authorized third party to gain access to supplier systems and/or Public Entity data, including denial of service, unless caused by a mechanical or electrical failure; (iii) introduction of any unauthorized software computer code or virus causing damage to the Public Entity or any other third party data.

Lawfully insurable fines and penalties resulting or alleging from a data

breach.

Event management services and first-party loss expenses for a data breach response including crisis management services, credit monitoring for individuals, public relations, legal service advice, notification of affected parties, independent information security forensics firm, and costs to re-secure, re-create and restore data or systems.

d. **The minimum insurance limits shall be as follows:**

Consultant shall maintain the following insurance limits:

(1) Comprehensive General Liability. \$1,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; \$2,000,000 general aggregate.

(2) Automobile Liability. \$1,000,000 combined single limit per accident for bodily injury and property damage.

(3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington.

(4) Professional Liability/Consultant's Errors and Omissions Liability. \$1,000,000 per claim and \$1,000,000 as an annual aggregate.

(5) Technology Errors & Omissions (E&O) shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

(6) Network Security (Cyber) and Privacy Insurance shall be written with limits no less than \$1,000,000 per claim \$1,000,000 policy aggregate for network security and privacy coverage, \$100,000 per claim for regulatory action (fines and penalties), and \$100,000 per claim for event management services.

e. **Notice of Cancellation.** In the event that the Consultant receives notice (written, electronic or otherwise) that any of the above required insurance coverage is being cancelled and/or terminated, the Consultant shall immediately (within forty-eight (48) hours) provide written notification of such cancellation/termination to the City.

f. **Acceptability of Insurers.** Insurance to be provided by Consultant shall be with insurers with a current A.M. Best rating of no less than A:VII, or if not rated by Best, with minimum surpluses the equivalent of Best VII rating.

g. **Verification of Coverage.** In signing this agreement, the Consultant is acknowledging and representing that required insurance is active and current. Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. Further, throughout the term of this Agreement, the Consultant shall provide the City with proof of insurance upon request by the City.

h. **Insurance shall be Primary - Other Insurance Provision.** The Consultant's insurance coverage shall be primary insurance as respect the City. The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any Insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

i. **Claims-made Basis.** Unless approved by the City all insurance policies shall be written on an "Occurrence" policy as opposed to a "Claims-made" policy. The City may require an extended reporting endorsement on any approved "Claims-made" policy.

j. **Failure to Maintain Insurance** Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

k. **Public Entity Full Availability of Consultant Limits**
If the Consultant maintains higher insurance limits than the minimums shown above, the Public Entity shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the Public Entity evidences limits of liability lower than those maintained by the Consultant.

l. **Safeguarding of Personal Information**
Consultant shall not use or disclose Personal Information, as defined in RCW 19.255.010, in any manner that would constitute a violation of federal law or applicable provisions of Washington State law. Consultant agrees to comply with all federal and state laws and regulations, as currently enacted or revised, regarding data security and electronic data interchange of Personal Information.

Consultant shall ensure its directors, officers, employees, subcontractors or agents use Personal Information solely for the purposes of accomplishing the services set forth in the Agreement.

Consultant shall protect Personal Information collected, used, or acquired in connection with the Agreement, against unauthorized use, disclosure, modification or loss.

Consultant and its subconsultants agree not to release, divulge, publish, transfer, sell or otherwise make Personal Information known to unauthorized persons without the express written consent of Public Entity or as otherwise authorized by law.

Consultant agrees to implement physical, electronic, and managerial policies, procedures, and safeguards to prevent unauthorized access, use, or disclosure of Personal Information.

Consultant shall make the Personal Information available to amend as directed by Public Entity and incorporate any amendments into all the copies maintained by the Consultant or its subcontractors. Consultant shall certify its return or destruction upon expiration or termination of the Agreement and the Consultant shall retain no copies. If Consultant and Public Entity mutually determine that return or destruction is not feasible, the Consultant shall not use the Personal Information in a manner other than those permitted or authorized by state and federal laws.

Consultant shall notify Public Entity in writing immediately upon becoming aware of any unauthorized access, use or disclosure of Personal Information. Consultant shall take necessary steps to mitigate the harmful effects of such use or disclosure. Consultant is financially responsible for notification of any unauthorized access, use or disclosure. The details of the notification must be approved by Public Entity.

Any breach of this clause may result in termination of the Agreement and the demand for return of all Personal Information.

III.8 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age or handicap except for a bona fide occupational qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training, rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this Agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

III.9 UNFAIR EMPLOYMENT PRACTICES. During the performance of this Agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III.10 LEGAL RELATIONS. The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this Agreement. The Consultant represents that the firm and all employees assigned to work on any City project are in full compliance with the statutes of the State of Washington governing activities to be performed and that all personnel to be assigned to the work required under this Agreement are fully qualified-and properly licensed to perform the work to which they will be assigned. This Agreement shall be interpreted and construed in accordance with the laws of Washington. Venue for any litigation commenced relating to this Agreement shall be in Snohomish County Superior Court.

III.11 INDEPENDENT CONTRACTOR.

a. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants and agrees that his status as an independent contractor in

the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195 or as hereafter amended. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall claim any related employment benefits, social security, and/or retirement benefits.

b. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

c. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

d. Prior to commencement of work, the Consultant shall obtain a business license from the City.

III.12 CONFLICTS OF INTEREST. The Consultant agrees to and shall notify the City of any potential conflicts of interest in Consultant's client base and shall obtain written permission from the City prior to providing services to third parties where a conflict or potential conflict of interest is apparent. If the City determines in its sole discretion that a conflict is irreconcilable, the City reserves the right to terminate this Agreement.

III.13 CITY CONFIDENCES. The Consultant agrees to and will keep in strict confidence, and will not disclose, communicate or advertise to third parties without specific prior written consent from the City in each instance, the confidences of the City or any information regarding the City or services provided to the City.

III.14 SUBCONTRACTORS/SUBCONSULTANTS.

a. The Consultant shall be responsible for all work performed by subcontractors/subconsultants pursuant to the terms of this Agreement.

b. The Consultant must verify that any subcontractors/subconsultants they directly hire meet the responsibility criteria for the project. Verification that a subcontractor/subconsultant has proper license and bonding, if required by statute, must be included in the verification process. The Consultant will use the following Subcontractors/Subconsultants or as set forth in Exhibit _____:

c. The Consultant may not substitute or add subcontractors/subconsultants without the written approval of the City.

d. All Subcontractors/Subconsultants shall have the same insurance coverages and limits as set forth in this Agreement and the Consultant shall provide verification of said insurance coverage.

ARTICLE IV. OBLIGATIONS OF THE CITY

IV.1 PAYMENTS.

a. The Consultant shall be paid by the City for services rendered under this Agreement as described in the Scope of Services and as provided in this section. In no event shall the compensation paid to Consultant under this Agreement exceed \$14,025.00 without the written agreement of the Consultant and the City. Such payment shall be full compensation for work performed and services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. In the event the City elects to expand the scope of services from that set forth in Exhibit A, the City shall pay Consultant a mutually agreed amount.

b. The Consultant shall submit a monthly invoice to the City for services performed in the previous calendar month in a format acceptable to the Cities. The Consultant shall maintain time and expense records and provide them to the Cities upon request.

c. The City will pay timely submitted and approved invoices received before the 20th of each month within thirty (30) days of receipt.

IV.2 CITY APPROVAL. Notwithstanding the Consultant's status as an independent contractor, results of the work performed pursuant to this Agreement must meet the approval of the City, which shall not be unreasonably withheld if work has been completed in compliance with the Scope of Services and City requirements.

IV.3 MAINTENANCE/INSPECTION OF RECORDS.

a. The Consultant shall maintain all books, records, documents and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts and records where necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

b. Public Records.

The parties agree that this Agreement and records related to the performance of the Agreement are with limited exception, public records subject to disclosure under the Public Records Act RCW 42.56. Further, in the event of a Public Records Request to the City, the City may provide the Consultant with a copy of the Records Request and the Consultant shall provide copies of any City records in Consultant's possession, necessary to fulfill that Public Records Request. If the Public Records Request is large the

Consultant will provide the City with an estimate of reasonable time needed to fulfill the records request.

If a public records request is made the City may or may not choose to give the Consultant third party notice under RCW 42.56 for the Consultant to decide whether to file for a court action to prevent or limit the disclosure of the records.

ARTICLE V. GENERAL

V.1 NOTICES. Notices to the City shall be sent to the following address:

City of Lake Stevens
Attn: City Clerk
1812 Main Street
Post Office Box 257
Lake Stevens, WA 98258

ISOsource
Attn: Kelly Paletta
19119 North Creek Parkway
Bothell, WA 98011

Receipt of any notice shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

V.2 TERMINATION. The right is reserved by the City to terminate this Agreement in whole or in part at any time upon ten (10) calendar days' written notice to the Consultant.

If this Agreement is terminated in its entirety by the City for its convenience, the City shall pay the Consultant for satisfactory services performed through the date of termination in accordance with payment provisions of Section IV.1.

V.3 DISPUTES. The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this Agreement may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

V.4 EXTENT OF AGREEMENT/MODIFICATION. This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified or added to only by written instrument properly signed by both parties.

V.5 SEVERABILITY

a. If a court of competent jurisdiction holds any part, term or provision of this Agreement to be illegal or invalid, in whole or in part, the validity of the remaining provisions shall not be affected, and the parties' rights and obligations shall be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.

b. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory

inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

V.6 **NONWAIVER.** A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any agreement, covenant or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition or right.

V.7 **FAIR MEANING.** The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

V.8 **GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

V.9 **VENUE.** The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Snohomish County, Washington.

V.10 **COUNTERPARTS.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

V.11 **AUTHORITY TO BIND PARTIES AND ENTER INTO AGREEMENT.** The undersigned represent that they have full authority to enter into this Agreement and to bind the parties for and on behalf of the legal entities set forth below.

V.12 **OTHER.** The City agrees that it will not hire current employees of Consultant ISOutsorce who worked on the City’s account pursuant to this Agreement for a period of 2 years following the termination of this Agreement without the written approval of Consultant ISOutsorce.

DATED this _____ day of _____, 201__.

CITY OF LAKE STEVENS

DAH CORPORATION DBA ISOUTSOURCE

By _____
John Spencer, Mayor

By _____
NAME AND TITLE

Approved as to form:

Grant K. Weed, City Attorney

Exhibit A Scope of Services

BACKGROUND

Lake Stevens is a city in Snohomish County with a population of approximately 30,000. City departments include Planning & Community Development, Executive, Parks & Recreation, Police and more.

The city's IT Infrastructure includes a handful of servers and roughly 60 workstations.

Currently IT support at City of Lake Stevens is provided by two people on staff.

There is an interlocal agreement between the City of Lake Stevens and Lake Stevens Fire Department (Snohomish County District 8) for IT support services. The fire district depends on the city's IT department for ongoing network administration and end user support.

Current concerns are:

EVALUATION

The city and the fire district are seeking a consulting firm to evaluate IT systems to ensure that they are up-to-date, efficient, effective, and fiscally responsible for municipal and emergency service operations. Areas specified for the evaluation include:

- Hardware
- System Infrastructure
- Fiber/connectivity
- Security
- Server Configuration
- Software
- Systems Management
- Wireless Network
- HelpDesk Function
- Effectiveness of the Interlocal Agreement for IT Support
- Website System Evaluation

AGING INFRASTRUCTURE

A visual inspection of the Fire District's server room revealed that some mission critical functions are running on Dell generation 9 server hardware. Dell is currently manufacturing generation 12 servers. It is likely that two of the servers used by the fire district are no longer covered under warranty. As servers age, the likelihood of failure increases. Without warranty coverage to provide a rapid replacement of failed hardware, the fire district could be down for quite a while before replacement parts are available.

END USER SUPPORT

Anecdotal reports indicate that end users don't always feel adequately supported.

MULTIPLE AGENCIES/DEPARTMENTS

The technology assessment will need to evaluate the disparate objectives of numerous departments and agencies. Each department (Executive, Parks and Recreation, Fire, Police and many more) is likely to have different goals with respect to security, operational efficiency, and regulatory compliance.

EVALUATION OF IT STAFFING

There are some concerns about whether these organizations are making the best use of human resources. It is difficult for non-technical executives and administrators to evaluate the skills and performance of people on staff that provide information services.

RECOMMENDATIONS

To address the concerns listed above, ISOutsource recommends a business technology assessment and plan (BTAP).

The business technology assessment and plan begins detailed network discovery. ISOutsource's senior engineering and consulting staff members will review existing documentation, validate against the current state of the network.

We will interview multiple stakeholders within numerous agencies and identify organizational goals. We will conduct a survey of end users.

The BTAP will include detailed evaluation/troubleshooting wireless network and perimeter security.

There will be a skills assessment of IT staff members and an evaluation of the interlocal agreement regarding IT support.

The overarching goal is to create a roadmap to success, with short term midrange and long range goals. The deliverable is a document that identifies areas of concerns—security risks, productivity gaps and other deviations from "best practices"—and defines a clear path to align all technology resources with each organizations' goals and objectives.

PROJECT DETAILS

Business Technology Assessment and Plan

The following diagram provides an overview of the BTAP methodology and deliverables.

Discover

- Interview Stakeholders (City Administrator, Fire Chief, other management resources, power users, technical staff)
- Survey End Users
- Review/Update Network Documentation
- Run Diagnostics
- Data Stacks
- Application Mapping

Analyze

- Compare network architecture, policies and procedures to industry standards and "best practices"
- Identify security concerns/gaps and threats to productivity
- Evaluate Regulator Compliance (FOIA retention policies, HIPAA, etc.)
- Risk Analysis
- Map Data Flow at Department Level
- Map Data Flow Between Agencies
- Correlate Application Stack with Data Map

Plan

- Formulate technology strategy
- Assign and prioritize recommendations
- Create documentation
- Compile technical report

Present

- Present Technology Assessment and Plan with City and Fire Department staff
- Review recommendations, projects, priorities, critical path and timelines
- Revise recommendations as needed
- Schedule next meeting for Strategic Review and Recommendations

Deliverables

- Summary of the current state of the network
- Summary of communicated organizational goals
- Analysis and documentation of the current network architecture
- Analysis and documentation of back-up and recovery strategies
- Analysis and documentation of security approach in current environment with any weaknesses highlighted
- Recommendations for new or improved architecture with proposed diagram to meet industry standard best practices, as needed
- Recommendations for meeting security best practices, as needed
- Recommendations for project initiatives, as needed
- Recommendations for ongoing IT support strategy, including staffing concerns

PROJECT SCOPE AND LABOR ESTIMATE PROPOSAL

The scope of this project is broad and deep. The environment is fairly complex. Regulatory compliance is a complicating factor. There is a need to evaluate staffing levels across multiple agencies. A significant time will be required to evaluate technology and to compare current strategies to the many and disparate needs of multiple departments and agencies.

The business technology assessment and plan for City of Lake Stevens and Lake Stevens Fire is estimated to take 75+ hours to complete. To avoid uncertainty of an open-ended consulting engagement, ISOutsource is willing to offer this project at a price **not to exceed \$14,025.00**

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PROJECT SELECTION AND PAYMENT OPTIONS

Payment Terms – City of Lake Stevens	
<input type="checkbox"/>	\$14,025 Progress Billing
Customer Name	_____
Customer Signature	_____
Date	_____
<i>Client: City of Lake Stevens, Lake Stevens Fire Department; Project: BTAP</i>	

CUSTOMER SETUP INFORMATION



1. Business Information

Legal Business Name: City of Lake Stevens

DBA or Trade Name: _____

Primary Address: 1812 Main Street Suite: _____

City, State, Zip: Lake Stevens, WA 98258

Billing Address: P.O. Box 257 Suite: _____

City, State, Zip: Lake Stevens, WA 98258

of Years in Business: 56 # of Employees: 68 Annual Revenue: \$19,282,128.38

Products / Services Offered: Municipal Governmental Services

2. Principal Officers, Partners or Owners:

a. Name: John Spencer Title: Mayor

Phone #: (425)334-1012 Fax #: (425)334-0835 Email: jspencer@lakestevenswa.gov

b. Name: Mary Swenson Title: Interim City Administrator

Phone #: (425)334-1012 Fax #: (425)334-0835 Email: mswenson@lakestevenswa.gov

3. Billing / Accounts Payable Contact(s):

(Full name and email address required due to electronic billing system) Invoices will be emailed to all persons on this list.

a. Name: Barb Stevens Title: Finance Director/City Clerk

Phone #: (425)334-1012 Fax #: (425)334-0835 Email: bstevens@lakestevenswa.gov

b. Name: Joan Norris Title: Accountant

Phone #: (425)334-1012 Fax #: (425)334-0835 Email: jnorris@lakestevenswa.gov

Return Completed Forms to:

ISOOutsource
Attention: Accounts Receivable
19119 North Creek Parkway, Suite 200
Bothell, WA 98011

Fax: 425-420-9003
Email: Agreements@ISOOutsource.com



APPLICATION FOR CREDIT TERMS

Complete this page only if Credit Card Guarantee is not completed.
Please note, credit terms may take up to seven days for approval.

1. Company Data:

Federal Tax ID #: 91-6018875 D & B #: NA
Legal Entity Type: Corporation Limited Liability Corporation (LLC) Partnership Sole Proprietorship Other
municipality

2. Bank Reference:

Bank: Wells Fargo Account Officer: _____
Branch Address: 1901 Main St, Lake Stevens WA, 98258 Phone #: 425-334-5012
Type of Account: checking Account #: _____
Type of Account: _____ Account #: _____

3. Trade References:

a. Company see supplement attached Account #: _____
Phone #: _____ Fax #: _____ High Credit: _____
Address: _____
b. Company _____ Account #: _____
Phone #: _____ Fax #: _____ High Credit: _____
Address: _____

I hereby authorize ISOOutsource to obtain such credit reports or other information as may be deemed necessary in connection with establishing and maintaining a credit account.

[Signature]
Authorized Signature

Barbara Stevens
Printed Name

Finance Director / City Clerk
Title

4-26-16
Date

Return Completed Forms to:

ISOOutsource
Attention: Accounts Receivable
19119 North Creek Parkway, Suite 200
Bothell, WA 98011

Fax: 425-420-9003
Email: Agreements@ISOOutsource.com

Credit Application Supplement

Business Name: City of Lake Stevens	Phone: 425-334-1012
Physical Address: 1812 Main Street	Fax: 425-334-0835
Mailing Address: PO Box 257	Type: Municipality
City, St Zip: Lake Stevens, WA 98258	FEIN: 91-6018875
	UBI: 600-589-299
Employees: 70	Incorporated: 1960

Billing & Accounts Payable Information

Billing Address: PO Box 257, City of Lake Stevens, WA 98258	
Contact: Joan Norris	Phone: 425-377-3236
Email: jnorris@lakestevenswa.gov	Taxable: YES

Trade References

Vendor Name: Grainger	Phone: 800-472-4643
Vendor Name: Granite Construction	Phone: 425-551-3121
Vendor Name: J Thayer	Phone: 503-684-7874
Vendor Name: Ace Hardware	Phone: 425-334-7630
Vendor Name: Tacoma Screw Products	Phone: 800-562-8192

Bank Information

Wells Fargo, Lake Stevens WA	Phone: 425-334-5012
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SCHEDULE 1

SCHEDULE OF RATES



Effective 1/1/2016

Services:

Work Role Resource	Regular Hourly Rate	Prepaid Block Hourly Rate*
Support Tech	\$135	\$125
Consultant / Systems Engineer	\$167	\$157
Senior Consultant / Senior Systems Engineer	\$187	\$177
Managing Consultant / Solutions Architect	\$205	\$195
Virtual Chief Information Officer(vCIO) / Subject Matter Expert(SME)	\$225	\$215

Business Hours:

Work Type	Time of Day	Hourly Rate
Regular Weekday	6:00AM through 6:00PM (Mon-Fri)	Regular/Prepaid Block Rate
Evening Weekday	6:00PM through 6:00AM (Mon-Fri)	1.25 x Regular/Prepaid Block Rate
Weekend	Friday 6:00PM through Monday 6:00AM	1.50 x Regular/Prepaid Block Rate
Company Holiday	12:00AM through 11:59PM	1.50 x Regular/Prepaid Block Rate

Remote Monitoring, Management and Support Services:

Service	Monthly Rate
Remote Server Health Checks	\$100.00 per server
Server Monitoring, Anti-Virus and Patch Management	\$25.00 per server
Desktop/Laptop Monitoring, Inventory, Anti-Virus and Patch Mgt	\$5.00 per desktop/laptop
Remote Desktop Support	Contact Us for Pricing

Minimum Time Billed, Travel Time, Parking and Mileage:

Minimum time billed is 15 minutes.
 Travel time is billed door to door.
 There are NO additional charges for parking and mileage.

Sales Tax:

Rates EXCLUDE applicable state and local sales tax.

****Rate Discounts Available via our Prepaid Block of Support Program***

Purchasing a Prepaid Block of Support (BOS) discounts the Regular Hourly Rate by ***\$10 per hour***. The Prepaid BOS must be paid in advance and used within 12 months of purchase. The size of the BOS is based on your monthly IT Support Plan and budget. Renewal invoices will be automatically sent once the BOS balance drops below \$500. Your real time BOS balance can be accessed at any time via our Customer Portal. The BOS size is reviewed quarterly to ensure that it is in sync with your budgeted level of service provided monthly.



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