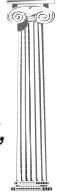


City of Lake Stevens Vision Statement



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

CITY COUNCIL REGULAR MEETING AGENDA
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street NE, Lake Stevens
Monday, August 12, 2013 - 7:00 p.m.

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

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

ROLL CALL:

CONSENT AGENDA:

*A.	Approve August vouchers.	Barb
*B.	Approve Council regular meeting minutes of July 22, 2013.	Norma
*C.	Adopt first and final reading of Ordinance No. 899, 2013 Budget amendment.	Barb

PUBLIC HEARINGS:

PUBLIC HEARING FORMAT:

1. Open Public Hearing
 2. Staff presentation
 3. Council's questions of staff
 4. Proponent's comments
 5. Comments from the audience
 6. Close public comments portion of hearing
 7. Discussion by City Council
 8. Re-open the public comment portion of the hearing for additional comments (optional)
 9. Close Hearing
 10. COUNCIL ACTION:
 - a. Approve
 - b. Deny
 - c. Continue
- | | | |
|-----|--|-------|
| *A. | Public Hearing in consideration of first and final reading of Ordinance No. 890, Permissible Use Table Code Amendment. | Karen |
| *B. | Public Hearing in consideration of first and final reading of Ordinance No. 897, Building & Construction and Fire Code amendments. | Karen |
| *C. | Public Hearing in consideration of first and final reading of Ordinance No. 898, Shoreline Code amendments. | Karen |

Lake Stevens City Council Regular Meeting Agenda

August 12, 2013

- ACTION ITEMS:**
- *A. Approve Resolution No. 2013-6, fees amendment. Karen
 - *B. Acceptance of 20th Street sidewalk bid award and contract with Trinity Contractors Inc. Mick
 - *C. Approve Grade Road bank stabilization geotechnical agreement with Robinson Noble Inc. Mick
 - *D. Approve 123rd Avenue NE Outfall Bridge preliminary geotechnical study with Robinson Noble Inc. Mick
 - *E. Approve Public Defender Contract amendment with Feldman & Lee. Jan

- DISCUSSION ITEMS:**
- A. 1502 discussion. Grant

COUNCIL PERSON'S BUSINESS:

MAYOR'S BUSINESS:

STAFF REPORTS:

INFORMATION ITEMS:

- EXECUTIVE SESSION:**
- A. Current litigation.

ADJOURN:

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

Special Needs

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

NOTICE:

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

**BLANKET VOUCHER APPROVAL
 2013**

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

Payroll Direct Deposits	907525-907586	\$113,444.19
Payroll Checks	35485	\$2,452.32
Electronic Funds Transfers	624-629	\$138,375.44
Claims	35486-35570	\$115,245.71
Void Checks		
Tax Deposit(s)	8/1/2013	\$44,120.06
Total Vouchers Approved:		\$413,637.72

This 12th day of August 2013:

 Mayor

 Councilmember

 Finance Director

 Councilmember

 Councilmember

 Councilmember



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Direct Deposit Register

06-Aug-2013

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

06-Aug-2013	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
12112	AFLAC	C	\$1,788.88	624	Wells Fargo	121000248	4159656917
101	Assoc. Of Washington Cities	C	\$78,084.30	625	Wells Fargo	121000248	4159656917
9407	Department of Retirement (Pers	C	\$52,022.95	626	Wells Fargo	121000248	4159656917
9408	NATIONWIDE RETIREMENT SOL	C	\$1,323.25	627	Wells Fargo	121000248	4159656917
1418	Standard Insurance Company	C	\$4,753.60	628	Wells Fargo	121000248	4159656917
9405	Wash State Support Registry	C	\$402.46	629	Wells Fargo	121000248	4159656917
Total:			\$138,375.44		Count:	6.00	

Direct Deposit Summary

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	6	\$138,375.44

Pre-Note Transactions

Detail Check Register

06-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
35486	06-Aug-13	13824	Wash Teamsters Welfare Trust		\$1,308.60
07/2013		Insurance Premium		\$1,308.60	\$0.00
101016542002000		Street Fund - Benefits		\$581.60	
410016542402000		Storm Water - Benefits		\$727.00	
			Total Of Checks:		\$1,308.60

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
35487	12-Aug-13	1579	ACE HARDWARE		\$166.43
38853			Battery/wire harness	\$15.73	\$0.00
			101016542003102 Street Fund Operating Costs	\$15.73	
38865			Electrical supplies	\$83.51	\$0.00
			001010576803103 Parks-Lundeen-Operating Costs	\$83.51	
38886			GFCI Receptical	\$15.19	\$0.00
			001010576803103 Parks-Lundeen-Operating Costs	\$15.19	
38930			Treated lumber	\$52.00	\$0.00
			001010576803100 Parks - Operating Costs	\$52.00	
35488	12-Aug-13	12921	ADVANTAGE BUILDING SERVICES		\$651.70
13-0385			Janitorial Services	\$651.70	\$0.00
			001007558004100 Planning - Professional Servic	\$21.38	
			001007559004100 Building Department - Professi	\$21.38	
			001008521004100 Law Enforcement - Professional	\$373.73	
			001013519904100 General Government - Professio	\$106.91	
			001013555504100 Community Center - Cleaning	\$85.53	
			101016542004100 Street Fund - Professional Ser	\$21.38	
			410016542404101 Storm Water - Professional Ser	\$21.39	
35489	12-Aug-13	14043	Alyssa Scott		\$6.67
TEEN 1			Chalk it up shared 1st place Teen	\$6.67	\$0.00
			001000367001000 Arts-Sidewalk Chalk	\$6.67	
35490	12-Aug-13	14037	Armor Express		\$740.25
0051434-IN			Lorentzen ballistic vest	\$740.25	\$0.00
			001008521002600 Law Enforcment Clothing	\$740.25	
35491	12-Aug-13	14046	ATT National Compliance Ctr		\$525.00
165785			Investigation SO13-8940/5513-1335	\$525.00	\$0.00
			001008521204901 LE - Misc - Investigations	\$525.00	
35492	12-Aug-13	12187	AUCKLAND ENTERPRISES		\$775.00
618			Removal of 2 Cottonwood trees in L	\$775.00	\$0.00
			001010576804800 Parks - Repair & Maintenance	\$775.00	
35493	12-Aug-13	13336	B&H Photo Video & Audio		\$812.04
73553130			Detective Photo Equipment	\$812.04	\$0.00

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521006400			Law Enforcement - Capital Outl	\$812.04	
35494	12-Aug-13	174	Bills Blueprint		\$32.58
469628			Detention vault plans	\$16.29	\$0.00 \$16.29
410016542403101			Storm Water - Office Supplies	\$16.29	
479581			Schuman Estates	\$16.29	\$0.00 \$16.29
101016542003101			Street Fund Office Supplies	\$16.29	
35495	12-Aug-13	179	Blumenthal Uniforms		\$107.95
10131			2 white uniform shirts	\$107.95	\$0.00 \$107.95
001008521002600			Law Enforcment Clothing	\$107.95	
35496	12-Aug-13	11952	Carquest Auto Parts Store		\$657.08
2421-193217			Auto batteries	\$94.91	\$0.00 \$94.91
001010576803100			Parks - Operating Costs	\$47.46	
410016542403102			Storm Water - Operating Costs	\$47.45	
2421-193636			Batteries for PW12 and oil and filter	\$562.17	\$0.00 \$562.17
101016542003102			Street Fund Operating Costs	\$268.00	
101016542004102			Street Fund-Sweeping	\$134.00	
410016542403102			Storm Water - Operating Costs	\$132.00	
410016542404103			Street Sweeping	\$28.17	
35497	12-Aug-13	13969	Child Advocacy Center		\$81.26
419			1st and 2nd Qtr CIS correction bill	\$81.26	\$0.00 \$81.26
001008521004100			Law Enforcement - Professional	\$81.26	
35498	12-Aug-13	13776	Chris L Griffen		\$487.50
3Z163610LSP			Public Defender services	\$300.00	\$0.00 \$300.00
001013512800000			Court Appointed Attorney Fees	\$300.00	
C10176L			Public Defender services	\$187.50	\$0.00 \$187.50
001013512800000			Court Appointed Attorney Fees	\$187.50	
35499	12-Aug-13	274	City of Everett		\$2,635.00
I13001936			Animal shelter services June 2013	\$2,635.00	\$0.00 \$2,635.00
001008539004100			Code Enforcement - Professiona	\$2,635.00	
35500	12-Aug-13	276	City Of Lake Stevens		\$34.30
13-0385			Retainage - Advantage	\$34.30	\$0.00 \$34.30

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor			Check Amount
001007558004100			Planning - Professional Servic			\$1.13
001007559004100			Building Department - Professi			\$1.13
001008521004100			Law Enforcement - Professional			\$19.67
001013519904100			General Government - Professio			\$5.63
001013555504100			Community Center - Cleaning			\$4.50
101016542004100			Street Fund - Professional Ser			\$1.12
410016542404101			Storm Water - Professional Ser			\$1.12
35501	12-Aug-13	12004	CITY OF MARYSVILLE			\$9,100.00
POLIN11-0311			Prisoner Housing June 2013	\$9,000.00	\$0.00	\$9,000.00
001008523005100			Law Enforcement - Jail	\$9,000.00		
POLIN11-0315			Prisoner Medical June 2013	\$100.00	\$0.00	\$100.00
001008523005100			Law Enforcement - Jail	\$100.00		
35502	12-Aug-13	290	Co-Op Supply			\$56.48
603808/4			Propane Tank and Propane	\$56.48	\$0.00	\$56.48
101016542003102			Street Fund Operating Costs	\$56.48		
35503	12-Aug-13	13030	COMCAST			\$120.80
07/13 0827887			Traffic signal control	\$120.80	\$0.00	\$120.80
101016542640000			Street Fund - Traffic Control	\$120.80		
35504	12-Aug-13	13030	COMCAST			\$85.71
07/13 0808840			Internet - shop	\$85.71	\$0.00	\$85.71
101016542004200			Street Fund - Communications	\$42.85		
410016542404200			Storm Water - Communications	\$42.86		
35505	12-Aug-13	13030	COMCAST			\$85.71
07/13 0810218			Internet - Lakeshore Drive	\$85.71	\$0.00	\$85.71
001008521004200			Law Enforcement - Communicatio	\$85.71		
35506	12-Aug-13	13030	COMCAST			\$75.71
07/13 0692756			Internet - Market Place Station	\$75.71	\$0.00	\$75.71
001008521004200			Law Enforcement - Communicatio	\$75.71		
35507	12-Aug-13	91	Corporate Office Supply			\$300.54
141403i			Printer supplies	\$300.54	\$0.00	\$300.54
001007558003100			Planning - Office Supplies	\$161.24		
101016542003101			Street Fund Office Supplies	\$139.30		
35508	12-Aug-13	13782	Department of Revenue			\$156.49
3109-2013-Qtr2			Q2.2013 Credit Card fees	\$156.49	\$0.00	\$156.49

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001003514104901			City Clerk-Misc CC Fees (DOL)	\$156.49	
35509	12-Aug-13	13226	Dept. Graphics		\$289.38
5820			PT23 Graphic removal	\$289.38	\$0.00
001008521004800			Law Enforcement - Repair & Mai	\$289.38	
35510	12-Aug-13	473	Electronic Business Machines		\$92.42
089848			Copier repair	\$92.42	\$0.00
001007558004800			Planning - Repairs & Maint.	\$46.21	
101016542004800			Street Fund - Repair & Mainten	\$34.66	
410016542404800			Storm Water - Repairs & Maint.	\$11.55	
35511	12-Aug-13	14040	Emma Allison		\$10.00
Teen 2			Chalk it up prize 2nd place Teen	\$10.00	\$0.00
001000367001000			Arts-Sidewalk Chalk	\$10.00	
35512	12-Aug-13	14019	Everett Tent and Awning		\$92.82
4358			Stage Tent Repair	\$92.82	\$0.00
001010575304900			Arts Commission	\$92.82	
35513	12-Aug-13	13390	Evergreen State Heat		\$903.84
22334			HVAC Maint	\$403.18	\$0.00
001007558004800			Planning - Repairs & Maint.	\$50.40	
001008521004800			Law Enforcement - Repair & Mai	\$100.80	
001013519904800			General Government - Repair/Ma	\$100.80	
001013555504800			Community Center - Repair & M	\$100.80	
101016542004800			Street Fund - Repair & Mainten	\$25.19	
410016542404800			Storm Water - Repairs & Maint.	\$25.19	
22504			Repair to Bard unit on Annex buildin	\$288.88	\$0.00
001013519904800			General Government - Repair/Ma	\$288.88	
22505			HVAC service - Senior Center	\$211.78	\$0.00
001013555506400			New Senior Center	\$211.78	
35514	12-Aug-13	13907	Fastenal Company		\$185.14
WAEV121991			Upside down paint	\$96.46	\$0.00
101016542003102			Street Fund Operating Costs	\$96.46	
WAEV121992			Duct tape/ear plugs	\$88.68	\$0.00
101016542003102			Street Fund Operating Costs	\$66.51	
410016542403102			Storm Water - Operating Costs	\$22.17	
35515	12-Aug-13	13468	Feldman & Lee		\$5,250.00

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
July 2013			Public Defender services	\$5,250.00	\$0.00	\$5,250.00
001013512800000			Court Appointed Attorney Fees	\$5,250.00		
35516	12-Aug-13	549	Foster Press			\$88.56
31662			Posters & handouts for Music on the	\$88.56	\$0.00	\$88.56
001010575304900			Arts Commission	\$88.56		
35517	12-Aug-13	13764	Frontier			\$71.88
07/13 4253340835			Phone services	\$71.88	\$0.00	\$71.88
001013519904200			General Government - Communica	\$23.96		
101016542004200			Street Fund - Communications	\$23.96		
410016542404200			Storm Water - Communications	\$23.96		
35518	12-Aug-13	14041	Gabby thomas			\$6.67
Teen 1			Chalk it up shared 1st place Teen	\$6.67	\$0.00	\$6.67
001000367001000			Arts-Sidewalk Chalk	\$6.67		
35519	12-Aug-13	12393	GLENS RENTAL SALES & SERVICE			\$158.78
S4328			Plugs/chain	\$97.36	\$0.00	\$97.36
101016542003102			Street Fund Operating Costs	\$73.02		
410016542403102			Storm Water - Operating Costs	\$24.34		
S8233			Hose	\$61.42	\$0.00	\$61.42
101016542004800			Street Fund - Repair & Mainten	\$61.42		
35520	12-Aug-13	13010	Grainger			\$142.23
9202612173			Painting supplies	\$44.29	\$0.00	\$44.29
101016542003102			Street Fund Operating Costs	\$33.22		
410016542403102			Storm Water - Operating Costs	\$11.07		
9203087235			Painters tape	\$32.45	\$0.00	\$32.45
101016542003102			Street Fund Operating Costs	\$24.34		
410016542403102			Storm Water - Operating Costs	\$8.11		
9205969281			Rope	\$65.49	\$0.00	\$65.49
101016542003102			Street Fund Operating Costs	\$49.12		
410016542403102			Storm Water - Operating Costs	\$16.37		
35521	12-Aug-13	13509	Industrial Supply, Inc			\$60.75
518731			Refuse Hook	\$60.75	\$0.00	\$60.75
410016542403102			Storm Water - Operating Costs	\$60.75		
35522	12-Aug-13	13276	Kathy Whitlinger			\$10.00
ADULT 2			Chalk it up shared 2nd Adult	\$10.00	\$0.00	\$10.00

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001000367001000			Arts-Sidewalk Chalk	\$10.00	
35523	12-Aug-13	14045	Katie Woodard		\$30.00
ADULT 1			Chalk it up 1st Adult	\$30.00	\$0.00
001000367001000			Arts-Sidewalk Chalk	\$30.00	
35524	12-Aug-13	11777	Lake Stevens Fire		\$105.00
7181			Annual Fire Inspection Comm Ctr	\$105.00	\$0.00
001013551503100			Community Center - Operations	\$105.00	
35525	12-Aug-13	852	Lake Stevens Journal		\$276.45
79686			Permissible Use	\$46.90	\$0.00
001007558004400			Planning - Advertising	\$46.90	
79687			SPE2013-011 Aquafest 2013	\$67.00	\$0.00
001007558004400			Planning - Advertising	\$67.00	
79713			LUA2013-0065 MaCaulay Shoreline	\$87.10	\$0.00
001007558004400			Planning - Advertising	\$87.10	
79749			Help wanted-PW crew worker	\$52.00	\$0.00
101016542004400			Street Fund - Advertising	\$26.00	
410016542404400			Storm Water - Advertising	\$26.00	
79751			Ordinance 896	\$23.45	\$0.00
001013514304400			General Government - Advertisin	\$23.45	
35526	12-Aug-13	854	Lake Stevens Mini Mart		\$32.23
16707			Generator Fuel - Aquafest	\$2.43	\$0.00
001013531008000			General Government-Aquafest	\$2.43	
30 and 49			Batteries/Oil	\$29.80	\$0.00
001013519903100			General Government - Operating	\$29.80	
35527	12-Aug-13	12751	LAKE STEVENS POLICE GUILD		\$921.50
08/01/13			Union dues	\$921.50	\$0.00
001000281000000			Payroll Liabilities	\$921.50	
35528	12-Aug-13	12841	Law Offices of Weed, Graafstra		\$9,126.00
115			Professional Services	\$9,126.00	\$0.00

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001005515204100			Legal - Professional Service	\$5,475.60	
101016542004100			Street Fund - Professional Ser	\$2,737.80	
410016542404101			Storm Water - Professional Ser	\$912.60	
35529	12-Aug-13	14044	Libby Holder		\$10.00
ADULT 2			Chalk it up shared 2nd Adult	\$10.00	\$0.00
001000367001000			Arts-Sidewalk Chalk	\$10.00	
35530	12-Aug-13	12215	LOWES COMPANIES		\$117.07
961216			Light Bulbs	\$24.74	\$0.00
001013519903100			General Government - Operating	\$24.74	
961429			PSI Hose	\$92.33	\$0.00
101016542003102			Street Fund Operating Costs	\$69.25	
410016542403102			Storm Water - Operating Costs	\$23.08	
35531	12-Aug-13	14028	Natalie Quick Consulting		\$3,439.60
June 2013			June 2013 Prof services	\$3,439.60	\$0.00
001007558804111			Planning-Economic Development	\$3,439.60	
35532	12-Aug-13	1019	NATIONAL BARRICADE COMPANY		\$111.86
247966			Signs for Restrooms	\$111.86	\$0.00
001010576803100			Parks - Operating Costs	\$111.86	
35533	12-Aug-13	12684	NORTHWEST CASCADE INC.		\$90.00
1-705097			Honey Bucket rental	\$90.00	\$0.00
001010576804500			Parks - Equipment Rental	\$90.00	
35534	12-Aug-13	1091	Office Of The State Treasurer		\$13,880.37
July 2013			July 2013 State Court Fees	\$13,880.37	\$0.00
633008559005100			Building Department - State Bl	\$130.50	
633008589000003			Public Safety And Ed. (1986 As	\$6,640.59	
633008589000004			Public Safety And Education	\$3,907.75	
633008589000005			Judicial Information System-Ci	\$1,289.28	
633008589000008			Trauma Care	\$539.58	
633008589000009			school zone safety	\$5.86	
633008589000010			Public Safety Ed #3	\$213.50	
633008589000011			Auto Theft Prevention	\$711.43	
633008589000012			HWY Safety Act	\$81.66	
633008589000013			Death Inv Acct	\$54.02	
633008589000014			WSP Highway Acct	\$306.20	
35535	12-Aug-13	13443	Pigskin Uniforms		\$491.87
2013-44			jumpsuit uniform-Hingtgen	\$491.87	\$0.00

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521002600			Law Enforcment Clothing	\$491.87	
35536	12-Aug-13	12450	PITNEY BOWES		\$112.17
9619164-JY13			Postage machine rental	\$112.17	\$0.00
001013519904500			General Government-Equip Renta	\$112.17	
35537	12-Aug-13	13775	PowerPlan		\$1,727.28
8606308			Kubota rubber tracks PW32	\$1,727.28	\$0.00
101016542003102			Street Fund Operating Costs	\$431.82	
410016542403102			Storm Water - Operating Costs	\$1,295.46	
35538	12-Aug-13	12520	PUBLIC SAFETY TESTING		\$2,507.56
2013-5129			Background ckecks	\$2,082.56	\$0.00
001008521004100			Law Enforcement - Professional	\$2,082.56	
2013-5178			Q2.2013 Recruiting Assistance	\$425.00	\$0.00
001003516904100			Civil Service - Professional S	\$425.00	
35539	12-Aug-13	14047	Roberta Brady		\$32.00
Refund			Refund passport photo	\$32.00	\$0.00
001000341990001			Photos-Passports	\$32.00	
35540	12-Aug-13	14042	Rylee Lehtinen		\$6.67
Teen 1			Chalk it up shared 1st place Teen	\$6.67	\$0.00
001000367001000			Arts-Sidewalk Chalk	\$6.67	
35541	12-Aug-13	13247	S Morris Co		\$43.47
129278			Dead animal disposal	\$43.47	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$43.47	
35542	12-Aug-13	12113	Sherwin Williams		\$635.82
3526-6			White parking paint	\$65.67	\$0.00
101016542003102			Street Fund Operating Costs	\$65.67	
3843-5			Road striping paint	\$570.15	\$0.00
101016542640000			Street Fund - Traffic Control	\$570.15	
35543	12-Aug-13	1344	Siskun Power Equipment		\$31.64
338106			Starter Recoil	\$31.64	\$0.00
001010576803100			Parks - Operating Costs	\$31.64	
35544	12-Aug-13	13911	Sky Valley Towing		\$428.40

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount	
400689			Evidence Impound	\$428.40	\$0.00	\$428.40
001008521003104			Law Enforcement-Operating Cost	\$428.40		
35545	12-Aug-13	13715	Sno Co Sherrifs Office			\$6.67
June 2013			June 2013 Prisoner Medical	\$6.67	\$0.00	\$6.67
001008523005100			Law Enforcement - Jail	\$6.67		
35546	12-Aug-13	13322	Snohomish County Cities			\$25.00
8/15/2013 mtg			Aug 15 2013 meeting	\$25.00	\$0.00	\$25.00
001001511604300			Legislative - Travel & Mtgs	\$25.00		
35547	12-Aug-13	1379	Snohomish County Human Service			\$1,281.15
I000334785			Q2.2013 Liquor taxes	\$1,281.15	\$0.00	\$1,281.15
001013567005100			General Government - Alcohols	\$1,281.15		
35548	12-Aug-13	12961	SNOHOMISH COUNTY PUD			\$13,087.04
104062454			200860922	\$542.87	\$0.00	\$542.87
001013555504700			Community Center - Utilities	\$542.87		
117324137			203203245	\$341.63	\$0.00	\$341.63
001010576804700			Parks - Utilities	\$341.63		
127273655			202648101	\$831.60	\$0.00	\$831.60
101016542630000			Street Fund - Street Lighting	\$831.60		
127273656			202670725	\$1,111.31	\$0.00	\$1,111.31
101016542630000			Street Fund - Street Lighting	\$1,111.31		
130585594			202624367	\$8,898.12	\$0.00	\$8,898.12
101016542630000			Street Fund - Street Lighting	\$8,898.12		
130586077			200206019	\$384.95	\$0.00	\$384.95
001013519904700			General Government - Utilities	\$384.95		
130586078			200206977	\$637.91	\$0.00	\$637.91
001012572504700			Library - Utilities	\$492.44		
001013519904700			General Government - Utilities	\$145.47		
133882800			201595113	\$338.65	\$0.00	\$338.65
101016542630000			Street Fund - Street Lighting	\$338.65		
35549	12-Aug-13	12961	SNOHOMISH COUNTY PUD			\$1,357.36

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
117321959	202150405			\$170.27	\$170.27
410016542404700			Storm Water-Aerat. Utilities	\$170.27	
130586079	200245215			\$224.95	\$224.95
001013519904700			General Government - Utilities	\$224.95	
130586080	200321172			\$124.53	\$124.53
001013519904700			General Government - Utilities	\$124.53	
133877554	203599006			\$235.88	\$235.88
001010576804700			Parks - Utilities	\$78.63	
101016542004700			Street Fund - Utilities	\$78.63	
410016542404701			Storm Water Utilities	\$78.62	
133883406	203115522			\$192.20	\$192.20
101016542630000			Street Fund - Street Lighting	\$192.20	
137103167	203731153			\$129.37	\$129.37
101016542630000			Street Fund - Street Lighting	\$129.37	
140416110	201783685			\$148.49	\$148.49
001013519904700			General Government - Utilities	\$148.49	
153614387	202013249			\$131.67	\$131.67
101016542630000			Street Fund - Street Lighting	\$131.67	
35550	12-Aug-13	12961	SNOHOMISH COUNTY PUD		\$715.82
100689254	202427720			\$85.02	\$85.02
410016542404700			Storm Water-Aerat. Utilities	\$85.02	
104062365	200748721			\$118.85	\$118.85
001010576804700			Parks - Utilities	\$118.85	
107373856	201956075			\$47.53	\$47.53
001013519904700			General Government - Utilities	\$47.53	
110690740	201973682			\$42.12	\$42.12
101016542630000			Street Fund - Street Lighting	\$42.12	
114006832	203582010			\$113.23	\$113.23
101016542630000			Street Fund - Street Lighting	\$113.23	

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
133878760		203728159		\$83.70	\$83.70
		101016542630000	Street Fund - Street Lighting	\$83.70	
137103166		203730189		\$109.77	\$109.77
		101016542630000	Street Fund - Street Lighting	\$109.77	
140414828		200558690		\$115.60	\$115.60
		001008521004700	Law Enforcement - Utilities	\$115.60	
35551	12-Aug-13	12961	SNOHOMISH COUNTY PUD		\$150.58
117321116		200493443		\$31.50	\$31.50
		001010576804700	Parks - Utilities	\$31.50	
120645847		202513354		\$34.55	\$34.55
		001010576804700	Parks - Utilities	\$34.55	
133879866		202340527		\$32.55	\$32.55
		001010576804700	Parks - Utilities	\$10.85	
		101016542004700	Street Fund - Utilities	\$10.85	
		410016542404701	Storm Water Utilities	\$10.85	
143735032		143735032		\$37.30	\$37.30
		001010576804700	Parks - Utilities	\$37.30	
147044534		204719074		\$14.68	\$14.68
		101016542630000	Street Fund - Street Lighting	\$14.68	
35552	12-Aug-13	14007	Snohomish County PW (S)		\$2,321.63
I000335100			Overlay and signal repair	\$2,321.63	\$2,321.63
		101016542606400	Street Fund - Overlays	\$1,071.81	
		101016542640000	Street Fund - Traffic Control	\$1,249.82	
35553	12-Aug-13	1388	Snohomish County Treasurer		\$275.34
07/2013			July 2013 Crime Victims Comp	\$275.34	\$275.34
		633008589000001	Crime Victims Compensation	\$275.34	
35554	12-Aug-13	1413	Springbrook Nursery		\$100.00
214871			Dump fees	\$40.00	\$40.00
		101016542003102	Street Fund Operating Costs	\$40.00	
215236			Dump fee	\$60.00	\$60.00

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
101016542003102			Street Fund Operating Costs	\$45.00	
410016542403102			Storm Water - Operating Costs	\$15.00	
35555	12-Aug-13	14002	Springbrook Software Inc		\$19,701.37
530			Conversion svc/Training/Maintenanc	\$18,880.00	\$0.00 \$18,880.00
001004514234800			Finance - Fin. Software Maint	\$18,880.00	
INV25750			Consultants Travel Exp	\$821.37	\$0.00 \$821.37
001004514234800			Finance - Fin. Software Maint	\$821.37	
35556	12-Aug-13	13415	Staples		\$983.70
3204380434			Office and Restroom supplies	\$530.40	\$0.00 \$530.40
001007558003100			Planning - Office Supplies	\$63.71	
001007558003200			Planning-Operating Costs	\$162.02	
001008521003104			Law Enforcement-Operating Cost	\$66.79	
001013519903100			General Government - Operating	\$26.78	
001013551503100			Community Center - Operations	\$184.31	
101016542003102			Street Fund Operating Costs	\$13.40	
410016542403102			Storm Water - Operating Costs	\$13.39	
3204708595			Annex Printer - Toner Cartridge	\$90.08	\$0.00 \$90.08
001004514233100			Finance - Office Supplies	\$90.08	
3204708596			Supplies	\$356.65	\$0.00 \$356.65
001003513103100			Administration - Office Supply	\$76.58	
001003514103100			City Clerks-Office Supplies	\$136.18	
001013519903100			General Government - Operating	\$143.89	
3204708597			Supplies	\$6.57	\$0.00 \$6.57
001003513103100			Administration - Office Supply	\$0.00	
001003514103100			City Clerks-Office Supplies	\$0.00	
001013519903100			General Government - Operating	\$6.57	
35557	12-Aug-13	13931	Stericycle, Inc		\$32.38
3002326203			Hazardous Waste Disposal	\$32.38	\$0.00 \$32.38
001008521004100			Law Enforcement - Professional	\$32.38	
35558	12-Aug-13	13994	Strategies 360		\$1,500.00
772-9914			Hwy 9 Professional services	\$1,500.00	\$0.00 \$1,500.00
001013511204101			Advisory Srvs - Lobbying	\$1,500.00	
35559	12-Aug-13	13891	Tacoma Screw Products Inc		\$193.98
18010156			Spray Paint	\$55.40	\$0.00 \$55.40

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001010576803100			Parks - Operating Costs	\$55.40	
30396323			Gloves/self drill screws/universal joi	\$64.42	\$0.00 \$64.42
101016542003102			Street Fund Operating Costs	\$48.31	
410016542403102			Storm Water - Operating Costs	\$16.11	
30397581			Screw	\$3.44	\$0.00 \$3.44
101016542003102			Street Fund Operating Costs	\$3.44	
30397585			Screw	(\$3.44)	\$0.00 (\$3.44)
101016542003102			Street Fund Operating Costs	(\$3.44)	
30399638			Recoil Pull Rope	\$19.02	\$0.00 \$19.02
101016542003102			Street Fund Operating Costs	\$19.02	
30404453			Traffic marking paint	\$55.14	\$0.00 \$55.14
101016542640000			Street Fund - Traffic Control	\$55.14	
35560	12-Aug-13	11787	Teamsters Local No. 763		\$503.00
08/01/13			Union Dues	\$503.00	\$0.00 \$503.00
001000281000000			Payroll Liabilities	\$503.00	
35561	12-Aug-13	13821	Terminix Commercial		\$61.90
326630077			Pest Control	\$61.90	\$0.00 \$61.90
001013519904800			General Government - Repair/Ma	\$61.90	
35562	12-Aug-13	1491	The Everett Herald		\$167.08
1827251			LUA2013-0072 SW Interceptor Pha	\$84.40	\$0.00 \$84.40
001007558004400			Planning - Advertising	\$84.40	
1827255			LUA2013-0068 Arcadia Prelim	\$82.68	\$0.00 \$82.68
001007558004400			Planning - Advertising	\$82.68	
35563	12-Aug-13	13112	Tyler Enterprises		\$116.70
July 2013			Building Inspection services	\$116.70	\$0.00 \$116.70
001007559004100			Building Department - Professi	\$116.70	
35564	12-Aug-13	11788	United Way of Snohomish Co.		\$315.68
08/13			Employee Contributions	\$315.68	\$0.00 \$315.68
001000281000000			Payroll Liabilities	\$315.68	
35565	12-Aug-13	13045	UPS		\$31.77

Detail Check Register

08-Aug-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
74Y42283			Evidence shipping	\$19.63	\$0.00 \$19.63
001008521004200			Law Enforcement - Communicatio	\$19.63	
74Y42303			Evidence shipping	\$12.14	\$0.00 \$12.14
001008521004100			Law Enforcement - Professional	\$12.14	
35566	12-Aug-13	12158	VERIZON NORTHWEST		\$2,565.52
9708760958			Wireless phone services	\$2,565.52	\$0.00 \$2,565.52
001003511104200			Executive - Communication	\$83.05	
001003513104200			Administration-Communications	\$83.05	
001003514104200			City Clerks-Communications	\$30.41	
001003516104200			Human Resources-Communications	\$53.03	
001003518104200			IT Dept-Communications	\$142.55	
001007558004200			Planning - Communication	\$143.48	
001008521004200			Law Enforcement - Communicatio	\$1,405.53	
001010576804200			Parks - Communication	\$30.41	
101016542004200			Street Fund - Communications	\$297.01	
410016542404200			Storm Water - Communications	\$297.00	
35567	12-Aug-13	13694	Washington State Treas Office		\$85.00
Q2.2013			Q2.2013 Forfeited Property	\$85.00	\$0.00 \$85.00
111008586000000			Disbursement to State	\$85.00	
35568	12-Aug-13	13081	Waynes Auto Detail		\$135.70
5142			PT23 / Paint Repair	\$135.70	\$0.00 \$135.70
001008521004800			Law Enforcement - Repair & Mai	\$135.70	
35569	12-Aug-13	1653	Westside Fire and Safety Suppl		\$759.11
308152			Annual Service Fire Ext	\$759.11	\$0.00 \$759.11
001013519904800			General Government - Repair/Ma	\$759.11	
35570	12-Aug-13	12845	ZACHOR & THOMAS, INC. P.S.		\$8,250.00
620			Prosecutor services	\$8,250.00	\$0.00 \$8,250.00
001013515210000			Prosecutor fees	\$8,250.00	
Total Of Checks:					\$113,937.11

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

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

CALL TO ORDER: 7:02 p.m. by Mayor Vern Little

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

COUNCILMEMBERS ABSENT: Neal Dooley

STAFF MEMBERS PRESENT: City Administrator Jan Berg, City Attorney Cheryl Beyer, Planning Director Becky Ableman, Finance Director Barb Stevens, Senior Planner Karen Watkins, Building Official Larry Skinner, Fire Marshal Robert Marshal, Public Works Director Mick Monken, Human Resource Director Steve Edin, Interim Police Chief Dan Lorentzen, and City Clerk/Admin. Asst. Norma Scott

OTHERS:

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

Guest Business. None

Consent Agenda. Councilmember Tageant moved to approve the Consent Agenda (A. Approve July vouchers [Payroll Direct Deposits 707470-907524 for \$130,569.51; Payroll Checks 35412 for \$2,453.26; Electronic Funds Transfers 618-623 for \$107,666.29; Claims 35413-35484 for \$152,695.61; Void Checks 35398 for deduct of \$269.25; Tax Deposit 7.15.13 for \$54,177.10; for total vouchers approved of \$447,292.52], B. Approve Council regular meeting minutes of July 8, 2013), seconded by Councilmember Welch; motion carried unanimously. (6-0-0-1)

Approve Interlocal Cooperation Agreement for Inter-Jurisdictional Coordination Relating to Affordable Housing within Snohomish County. Planning Director Ableman noted the interlocal includes multiple jurisdictions. The Gates Foundation has awarded \$50,000 for startup and may fund again at the same level next year. The goal is to have capital funds to help fund projects in the jurisdictions. The agreement is with 12 jurisdictions and the Housing Authority of Snohomish County (HASCO). Other jurisdictions could sign on later. Elected officials have adopted joint goals. This program is modeled after King County's approach which is called ARCH (A Regional Coalition for Housing). Mountlake Terrace will take on the fiscal agent role and HASCO the administrative role.

MOTION: Councilmember Daughtry moved to authorize the Mayor to sign the Interlocal Agreement with the Alliance for Housing Affordability, seconded by Councilmember Tageant; motion carried unanimously. (6-0-0-1)

Building & Construction and Fire Code adoption briefing. Principal Planner Watkins commented the ordinance will be acted upon at the Council meeting on August 12. The ordinance adopts the 2012 Building and Fire International Codes and a few minor edits in the Building Code Chapter 14.80 and Fire Code Chapter 14.84. The stakeholders and Department of Commerce have been notified and published in the local newspaper. This ordinance does not go to the Planning Commission.

Building Official Skinner reviewed the group of building codes and fire codes that are being considered for adoption. There are only minor technical corrections to the Lake Stevens Municipal Building Code.

Fire Marshal Robert Marshal commented the International Fire Code (IFC) is a preventative maintenance code that works hand in hand with the International Building Code. Lake Stevens Municipal Code Chapter 14.84 supersedes the International Code on: key boxes, fire hydrant standards and fire sprinklers. Some changes were made to bring City Fire Code Chapter 14.84 into consistency with IFC. There are no proposed changes to residential sprinklers.

Final shoreline code amendments briefing. Principal Planner Watkins noted the Shoreline Master Program (SMP) was adopted by the City and approved by Department of Ecology this year. Minor municipal code amendments are required to retain consistency between the SMP and LSMC Title 14 Land Use Regulations. LSMC Chapter 14.92, Shoreline Management, will be retained which contains the administrative process and will reference the SMP.

Mayor Little noted the ordinance will be on the August 12th Council agenda.

Permissible Use code amendments briefing. Principal Planner Watkins commented a private party request was received relating to RV and auto sales in the Local Business Zone. The proposed amendment changes the Permissible Uses Table to include auto sales in the Local Business Zone only on roads designated as a state route or highway. There are four Local Business Zone areas but only two areas off SR 204 fall under this amendment

Mayor Little noted the ordinance will be on the August 12th Council agenda.

2013 Budget amendment #3. Finance Director Stevens reviewed each proposed amendment.

Mayor Little noted the ordinance will be on the August 12th Council Agenda under Consent Agenda items.

Council Person's Business: Councilmembers reported on the following meetings: Holder – Fire District and asked what happen to the fish art work in the roundabout - Public Works Director Monken responded it delaminated, is in bad shape and needs to be preserved by keeping indoors since it's made of wood; Quigley – announced she will be absent next Council meeting; and Daughtry – Sound Transit, Family Center – fundraising, CT, and Ironman updates.

Mayor's Business: Mayor Little commented staff met with Aquafest to finalize the permit. He attended IronKids and Ironman this weekend and debrief today.

Staff Reports: Staff reported on the following: Planning Director Ableman – Ironman was a top notch event, business recruitment meeting is September 10; Finance Director Lowe - 2014 budget update (Councilmember Tageant volunteered to replace Councilmember Dooley on the subcommittee and the alternate is Councilmember Welch); Public Works Director Monken – AquaTechnex completed the mapping and will proceed with treatment after Aquafest, 2013 pavement overlay will start the day after Aquafest, and using the City website to solicit bidders on 20th Street NE sidewalk project; and Interim Police Chief Lorentzen – preparing for Aquafest.

Police Chief applications. Mayor Little announced the City received 21 applications for the Police Chief position and 6 of those will be invited to interview on August 12th.

Adjourn. Councilmember Tageant moved to adjourn at 8:15 p.m., seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

Vern Little, Mayor

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



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: August 12, 2013

Subject: 2013 Budget Amendment #3

Contact Person/Department: Barb Stevens/ Finance **Budget Impact:** Yes

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Approve Ordinance No. 899 Amending Ordinance No. 883

SUMMARY/BACKGROUND:

Throughout the year the City Council authorizes various purchase requests and agreements. At the time of authorization, the budget impact is presented to the Council as part of the information required in order for the Council to make an informed decision. The budget amendment follows to adjust the specific line items that will be affected by purchase or contract award.

No changes have been made since presented to Council on July 22, 2013.

Detailed explanations of the changes requested are described below:

General Fund - 001

The increased revenues are partly due to the Boating Safety grant funds in the amount of \$18,261. A portion of these funds were budgeted to be received in 2012 (\$12,636) but were not received until 2013. The remainder (\$5,625) is additional funding granted by the Federal Parks Dept for boat safety. Additional increases in revenue include a reimbursement of training costs (\$1,800) by the Dept of Treasury for specialized detective training and a donation made to the Art Commission for the Movie in the Park event. The increase in expenditures is mostly due to the correlating expenses related to the increased revenue line items. The additional increase (\$2,000) is for Lexipol daily training bulletins as recommend through the LEMAP process. The ending fund balance reflects these changes.

Street Fund - 101

The increased revenues are due to the TIB grants awarded to the City for the installation of School Zone flashing beacons (\$24,000). The increased expenditures are for the purchase and installation of the beacons.

PWTF 2006 - 207

The increased revenues and expenditures (\$25,865) are due to the increased debt service payments required due to the additional (final) draws made by the Sewer District on this loan. The draw amounts were included in a previous budget amendment, yet neither the payment nor transfers in and out were. This loan is fully funded by the Sewer District.

PWTF 2008 - 209

The increased revenues and expenditures (\$32,485) are due to the increased debt service payments required due to the additional (final) draws made by the Sewer District on this loan. The draw amounts were included in a previous budget amendment, yet neither the payment nor transfers in and out were. This

loan is fully funded by the Sewer District.

Sewer – 401

The increased revenues (\$58,350) are due to increased payments from the Sewer District to the City and the increased expenditures (\$58,350) are due to the increased transfers needed for debt service payments on PWTF 2006 and PWTF 2008 required due to the additional (final) draws made by the Sewer District on the loan. These loans are fully funded by the Sewer District.

Capital Project Equipment Fund – Police - 520

The increased revenues are due to the increased contribution for future boat replacement. The funding is a portion of the additional boating safety fund received (\$1,000). The ending fund balance reflects these changes.

APPLICABLE CITY POLICIES:

In accordance with the Financial Management Policies, Budget Themes and Policies, and the Revised Code of Washington, changes in the adopted budget must be brought before the City Council.

BUDGET IMPACT:

The budget ordinance will amend the beginning and ending balances, and revenues and expenditures in the funds set forth in the ordinance.

ATTACHMENTS:

- ▶ Exhibit A: Ordinance No. 899

**CITY OF LAKE STEVENS
 LAKE STEVENS, WASHINGTON
 ORDINANCE NO. 899**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING THE 2013 BUDGET AS SET FORTH IN ORDINANCE NO. 883 CONCERNING FUND BALANCES AND EXPENDITURES FOR VARIOUS FUND BALANCES FOR THE YEAR 2013.

WHEREAS, the City of Lake Stevens adopted the 2013 budget pursuant to Ordinance No. 883; and

WHEREAS, the City of Lake Stevens will incur expenditures in categories and amounts other than anticipated in the adopted 2013 budget;

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

SECTION 1. The 2013 budget, as adopted in Ordinance No. 883, is hereby amended as follows:

<i>Fund</i>	<i>Description</i>	<i>Current Budget</i>	<i>Amended Budget</i>	<i>Amount of Inc/(Dec)</i>	<i>ExpRev</i>
001 - General	Revenues	\$7,918,815	\$7,941,265	\$22,450	Rev.
001 - General	Expenditures	\$7,998,340	\$8,010,154	\$11,814	Exp.
001 - General	Ending Fund Balance	\$4,549,329	\$4,559,965	\$10,636	EndBal.
101 - Street	Revenues	\$2,118,685	\$2,142,685	\$24,000	Rev.
101 - Street	Expenditures	\$1,825,505	\$1,849,505	\$24,000	Exp.
207 - PWTF 2006	Revenues	\$761,458	\$787,323	\$25,865	Rev.
207 - PWTF 2006	Expenditures	\$761,458	\$787,323	\$25,865	Exp.
209 - PWTF 2008	Revenues	\$1,063,685	\$1,096,170	\$32,485	Rev.
209 - PWTF 2008	Expenditures	\$1,063,685	\$1,096,170	\$32,485	Exp.
401 - Sewer	Revenues	\$1,379,199	\$1,437,549	\$58,350	Rev.
401 - Sewer	Expenditures	\$1,396,476	\$1,454,826	\$58,350	Exp.
520 - Equip Fund Police	Revenues	\$107,000	\$108,000	\$1,000	Rev.
520 - Equip Fund Police	Ending Fund Balance	\$207,491	\$208,491	\$1,000	EndBal.

SECTION 2. Except as set forth above, all other provisions of Ordinance 883 shall remain in full force, unchanged.

SECTION 3. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 12th day of August, 2013.

 Vern Little, Mayor

ATTEST/AUTHENTICATION:

 Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

First and Final Reading:
Published:
Effective:

Grant Weed, City Attorney



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: August 12, 2013

Subject: Public Hearing – Permissible Uses Code Amendments (LUA2013-0001)

Contact Person/Department: Karen Watkins, Planning **Budget Impact:** None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Hold a first and final public hearing on Ordinance No. 890 on August 12, 2013 and make a decision on adoption of the proposed code amendment. A Council briefing was held on July 22, 2013 and no additional changes are proposed.

SUMMARY: The City received a code amendment request from a private party related to allowing automobile sales and rentals in the Local Business Zone with specific limitation to the Local Business zone. Staff briefed the City Council on the proposed code amendments on July 8, 2013.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission held a public hearing on the proposed permissible uses code amendments on July 17, 2013. The Planning Commission Recommendation Letter (*Attachment A*) recommends approval of the proposed code amendments.

DISCUSSION: Staff review determined the proposed code amendment should be limited not only by zone (Local Business), but also by location on a state route or state highway. The following code sections show the proposed code amendments using strikeouts for deletions and underlines for additions. Ordinance No. 890 is included as *Attachment B*.

LSMC 14.40.010, Table 14:40-I Table of Permissible Uses by Zones

Propose to add a “P¹⁷” in the “LB” column to Use Description “9.100 Motor Vehicle Sales or Rental; Mobile Home Sales” and adding the following footnote to the table to read as follows:

¹⁷ Only permitted in the Local Business zone on a road designated as a state route or state highway.

The proposed code would allow for motor vehicle sales or rental and mobile home sales on SR204 at 10th Street SE and SR92 at Grade Road.

COMMENTS RECEIVED TO DATE: No comments have been received to date.

APPLICABLE CITY POLICIES: Chapter 14.40 Permissible Uses

BUDGET IMPACT: No budget impact.

ATTACHMENTS:

- A Planning Commission Recommendation Letter dated July 17, 2013
- B Ordinance No. 890 (Approved as to form by City Attorney)



July 17, 2013

Council President John Spencer
Lake Stevens City Council
1812 Main Street
Lake Stevens, WA 98258

**SUBJECT: PLANNING COMMISSION RECOMMENDATION
Permissible Uses Code Amendment (LUA2013-0001)**

Dear Council President Spencer and Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, July 17, 2013 to consider code amendments related to permissible uses (Chapter 14.40 LSMC).

Commissioners in attendance were Chair Janice Huxford, Vice Chair Gary Petershagen and Commissioners Pam Barnet, Tom Matlack, Sammie Thurber and Linda Hoult. Commissioner Jennifer Davis' absence was excused.

PUBLIC HEARING FOR PERMISSIBLE USE CODE AMENDMENTS

Two people attended (Proponent – Rob Touchette; Mirza Avdic). Planning and Community Development staff gave a short summary of the code amendments to the Permissible Uses Table. Planning Commission opened public testimony and requested the proponent answer some questions. No written testimony was received.

Summary of Planning Commissioner Questions

The following topics were discussed by the Planning Commission during deliberations:

- **Access** – 10th Street SE is a right in/right out. For vehicles going south on SR204 requires cars to follow signs to 10th Street SE placed by WSDOT by turning left onto 20th Street SE under the trestle, going left on 79th Avenue SE and then left on 10th Street SE.
- **High Intensity Uses** – These are uses, such as commercial uses, which have more traffic and are often larger. Local Business is the lowest intensity of all commercial zones and is often adjacent to residential areas. Therefore, the proposal for allowing an auto/RV sales business is proposed to be limited to those sites adjacent to a state highway/route, which includes the 10th Street SE location and the southwest corner of SR92 and Grade Road.
- **Access and Safety Improvements** – Any development proposal will need to meet current code requirements for frontage at the time of application.
- **Signage** – The site is an existing commercial property with signage, so the additional signage would need to remain consistent with the code for the zone.

- Environmental Impacts and Surface for Parking – Clarification was given that the code amendment is not for a specific proposal, but for use throughout the City. Any specific development application will be reviewed under the codes current at the time of application.
- Public Notification for Code Amendments – All public hearings at Planning Commission and Council are publically noticed in the newspaper. In addition, once Council adopts a code amendment by ordinance, the ordinance is published in the paper.

Public Comments

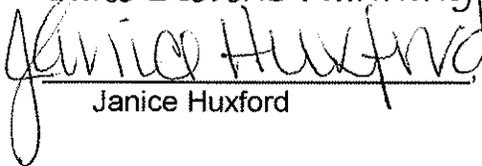
The Planning Commission asked Mr. Touchette to speak and answer questions. Mr. Touchette said the property was a car lot many years ago. He would like to use the parcel on the west side of the Huber Rental Management Property utilizing the existing A-Frame building and have a small used car lot. He hopes to have 25-30 people on the property a day. Mr. Touchette believes it will be a destination location and not a place for an impulse stop. They have a separate site for taking in and maintaining cars, so the lot would only be for viewing.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission made a recommendation to accept the Permissible Uses Code Amendments as written and recommend Council approval. Motion made by Commissioner Petershagen seconded by Commissioner Thurber. Passed 6-0-0-1

Respectfully submitted,

Lake Stevens Planning Commission


Chair
Janice Huxford


Vice Chair
Gary Petershagen

CITY OF LAKE STEVENS
Lake Stevens, Washington
ORDINANCE NO. 890

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING LSMC SECTION 14.40.010 REGARDING "PERMISSIBLE USES" AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City desires to update a portion of Section 14.40.010 of the Lake Stevens Municipal Code (LSMC) related to uses; and

WHEREAS, adoption of the code amendments will clarify uses allowed or not allowed within specific zones or provide more restrictions; and

WHEREAS, proposed code amendments include one privately-proposed amendment; and

WHEREAS, the City prepared a State Environmental Policy Act (SEPA) environmental checklist and issued a SEPA Determination of Non-Significance for adoption of the use-related code amendments on July 3, 2013 and published notice in the Lake Stevens Journal; and

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

WHEREAS, the City submitted the proposed code amendments on June 25, 2013 to the Washington State Department of Commerce with a request for 15-day expedited review, which was approved on July 16, 2013; and

WHEREAS, the Planning Commission conducted a hearing on July 17, 2013 and forwarded a recommendation that the City Council adopt the proposed use-related code amendments; and

WHEREAS, the City Council conducted a public hearing on August 12, 2013 to consider adopting the use-related code amendments.

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

Section 1. LSMC 14.40.010 is hereby amended by amending Table 14:40-I Table of Permissible Uses by Zones by adding a "P¹⁷" in the "LB" column to Use Description "9.100 Motor Vehicle Sales or Rental; Mobile Home Sales" and adding the following footnote to the table to read as follows:

¹⁷ Only permitted in the Local Business zone on a road designated as a state route or state highway.

Section 2. 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 3. Effective Date. This ordinance shall be in full force and effective five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council of the City of Lake Stevens this 12th day of August, 2013.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First and Final Reading:
Published:
Effective Date:



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: August 12, 2013

Subject: Public Hearing – Building & Construction and Fire Code Amendments (LUA2013-0038)

Contact Person/Department: Karen Watkins, Planning;
Larry Skinner, Building &
Robert Marshall, Fire Marshall

Budget Impact: None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Hold a first and final hearing on Ordinance No. 897 with a decision on adopting code amendments. A Council briefing was held on July 22, 2013 and no additional changes are proposed.

SUMMARY: The International Code Council publishes new and/or updated construction codes every three years. Subsequently the State Building Code Council adopts these codes, often with amendments, and requires jurisdictions to also adopt these codes. The State Building Code Council adopted the 2012 Editions of the International Code Group effective July 1, 2013. Each jurisdiction may adopt the codes as adopted by the state or make other amendments to the Building and Fire Codes.

BACKGROUND: The Lake Stevens Municipal Code has two chapters related to the model codes: Chapter 14.80 Building and Construction and Chapter 14.84 Fire Code. The state adopted amendments only are proposed to both chapters. SEPA and Planning Commission review are not required. We received an email from the Master Builders Association supporting the amendments with no comments (*Attachment A*).

DISCUSSION: The last adoption of model codes was in 2010 with adoption of the 2009 Editions of the International Code Group. The adoption in 2013 is of the 2012 Editions of the International Code Group, which were adopted by the State Building Code Council earlier this year and became effective on July 1, 2013. The regulations are instrumental in protecting personal property, health and safety of the general public.

The City is adopting the following 2012 editions in Ordinance No. 897 (*Attachment B*) consistent with the State adoption:

- International Building Code
- International Residential Code
- Uniform Plumbing Code
- International Mechanical Code
- Washington State Energy Code (new)
- International Fire Code

A few minor edits as adopted by the State are proposed in both the Building and Construction Codes and the Fire Codes. No changes to the fire sprinkler codes are proposed.

APPLICABLE CITY POLICIES: Chapter 14.80 Building and Construction. Chapter 14.84 Fire Code.

BUDGET IMPACT: No budget impact.

ATTACHMENTS:

- A. Master Builders Association Comments
- B. Ordinance No. 897 (Approved as to form by City Attorney)

From: [Mike Pattison](#)
To: [Karen E. Watkins](#)
Subject: RE: Lake Stevens Building & Fire Codes
Date: Friday, July 12, 2013 2:41:15 PM

Still no comments from members. So, I think the coast is clear for stating to your Council that Builders had no comments or opposition.

From: kwatkins@lakestevenswa.gov [mailto:kwatkins@lakestevenswa.gov]
Sent: Wednesday, July 10, 2013 1:58 PM
To: Mike Pattison
Subject: Lake Stevens Building & Fire Codes

Good Afternoon Mike,

I was just wondering if the MBA had any comments on our proposed code amendments? We are going to Council on July 22 for a briefing with final adoption on August 12. Thank you, Karen



**Karen E. Watkins, Principal Planner
City of Lake Stevens, P.O. Box 257, Lake Stevens, WA
425-377-3221, FAX 425-334-0835**

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON**ORDINANCE NO. 897**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, AMENDING PORTIONS OF ORD. NO. 833, 811, 778, AND 746 CODIFIED AS LAKE STEVENS MUNICIPAL CODE (LSMC) CHAPTER 14.80 ENTITLED "BUILDING AND CONSTRUCTION"; AND AMENDING PORTIONS OF ORD. NO. 775 CODIFIED AS LSMC CHAPTER 14.84 ENTITLED "FIRE CODE" - REVISING AND UPDATING THESE CITY REGULATIONS TO COMPLY WITH WASHINGTON STATE'S ADOPTION OF THE 2012 INTERNATIONAL CODE COUNCIL EDITIONS OF INTERNATIONAL CODES; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, in November 2012, the Washington State Building Code Council voted to adopt the 2012 Editions of the International Code Group, with some changes; and

WHEREAS, these new codes became effective in Washington State on July 1, 2013; and

WHEREAS, state building code regulations (RCW 19.27.031) require all counties and cities to have state building codes in effect; and

WHEREAS, the City Council finds that adoption of "Building and Construction" and "Fire Code" regulations are instrumental in protecting personal property, health and safety of the general public; and

WHEREAS, this action is exempt from the requirements of the State Environmental Policy Act pursuant to WAC 197-11-800(20) and LSMC 16.12.010; and

WHEREAS, draft amendments to Chapters 14.80 and 14.84 LSMC were emailed to stakeholders for review on June 21, 2013; and

WHEREAS, amendments to Chapters 14.80 and 14.84 LSMC are not required for review before the Planning Commission pursuant to LSMC 14.16C.075(e)(2) and (3); and

WHEREAS, the City noticed the City Council public hearing in the Lake Stevens Journal on July 24 and 31, 2013; and

WHEREAS, the City forwarded the proposed amendments to the Master Builders Association on June 21, 2013 and received an email that no comments or opposition was made on July 12, 2013; and

WHEREAS, the City Council held a duly noticed public hearing on the revision and update of the "Building and Construction" and "Fire Code" regulations on August 12, 2013 pursuant to LSMC 14.16C.075(g).

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

SECTION 1. The City Council hereby makes the following findings:

- A. The proposed ordinance for revising and updating the City’s “Building and Construction” regulations and “Fire Code” regulations and adoption of the Washington State Building Codes was sent to the Washington State Department of Commerce with a request for expedited review on June 21, 2013 as required by the Growth Management Act and received approval on July 15, 2013.
- B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.
- C. As required by LSMC 14.16C.075(f), the adoption and amendment of codes in ordinance sections in the attached Exhibits A and B are consistent with the Comprehensive Plan, comply with the Growth Management Act, and serve to advance the public health, safety, and welfare.

SECTION 2. Chapter 14.80 entitled “BUILDING AND CONSTRUCTION” of the Lake Stevens Municipal Code is hereby amended to read as referenced and incorporated in Attached Exhibit A.

SECTION 3. Chapter 14.84 entitled “FIRE CODE“ of the Lake Stevens Municipal Code is hereby amended to read as referenced, amended and incorporated by reference in Attached Exhibit B.

SECTION 4. 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 shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.

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

PASSED by the City Council of the City of Lake Stevens this 12th day of August, 2013.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First and Final Reading:

Published:

Effective Date:

EXHIBIT A

**Chapter 14.80 Building & Construction
Code Correction Amendments
As Attached**

Chapter 14.80
BUILDING AND CONSTRUCTION

Sections:

Part I. Washington State Building Codes Adopted

[14.80.010](#) Washington State Building Codes Adopted

Part II. Building Official

[14.80.020](#) Building Official

Part III. Building Code

[14.80.030](#) Building Permits

[14.80.040](#) Fees

[14.80.050](#) Building Sewer Permits

[14.80.060](#) Construction and Use

[14.80.070](#) Accessory Buildings

[14.80.080](#) Docks and Over-Water Structures

[14.80.090](#) Fences

[14.80.100](#) Retaining Walls

[14.80.110](#) Signs

[14.80.120](#) Repairs and Maintenance

[14.80.130](#) Certificate of Occupancy

[14.80.140](#) Inspection of Improvements

[14.80.150](#) *Repealed*

[14.80.160](#) *Repealed*

[14.80.170](#) *Repealed*

[14.80.180](#) *Repealed*

Part I. Washington State Building Codes Adopted

14.80.010 Washington State Building Codes Adopted.

The below-listed model codes, as approved, adopted and amended by the State Building Code Council (SBCC) are hereby adopted by this reference. These codes shall apply to all new construction, remodeling, or repairs. Copies of the codes are on file in the office(~~s of the City Clerk and~~)of the Building Official.

(a) ~~2012((2009))~~ Edition of the International Building Code (IBC) as published by the International Code Council, including Appendix E, International Code Council/American National Standards Institute (ICC/ANSI) A117.1-2009~~((3))~~ (Accessible and Usable Buildings and Facilities), and the 2009 International Existing Building Code with the exceptions noted in Chapter [51-50](#) WAC (WAC [51-50-003](#)); excluding Section 903 (Automatic Sprinkler Systems), which is replaced in its entirety by Section [14.84.150](#).

(b) ~~2012((2009))~~ Edition of the International Residential Code (IRC) published by the International Code Council with additions, deletions and exceptions noted in Chapter [51-51](#) WAC; provided, inclusion of Appendices F (Radon Control Methods) and G (Swimming Pools, Spas and Hot Tubs), and Appendix R (Dwelling Unit Fire Sprinkler Systems); and that Chapters 11 and 25 through 42 of this code are not adopted (WAC [51-51-003](#)).

(c) ~~2012((2009))~~ Edition of the Uniform Plumbing Code, including Appendices A, B and I, published by the International Association of Plumbing and Mechanical Officials, with additions, deletions and exceptions noted in Chapter [51-56](#) WAC; provided, that Chapters 12 and 15 of this code are not adopted; provided, further, that those requirements relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and portions of the code addressing building sewers are not adopted (WAC [51-56-003](#)).

(d) ~~2012((2009))~~ Edition of the International Mechanical Code published by the International Code Council, including ~~2012((2009))~~ International Fuel Gas Code, 2008 National Fire Protection Association (NFPA) 58 (Liquefied Petroleum Gas Code) and 2009 NFPA 54 (National Fuel Gas Code) with exceptions noted in WAC [51-52-003](#).

- (e) ~~((Current edition of the Washington State Energy Code (WSEC)))~~ 2012 International Energy Conservation Code of the State of Washington regulated by Chapter 51-11 WAC.
~~((f) Current edition of the Washington State Ventilation and Indoor Air Quality Code (WSVIAQC) as regulated by Chapter 51-13 WAC.))~~

Part II. Building Official

14.80.020 Building Official.

It shall be the duty of the Building Official to administer and enforce the code. If the Building Official shall find that any of the provisions of this code are being violated, the person responsible for such violations shall be notified in writing indicating the nature of the violation and ordering the action necessary to correct it. The Building Official shall order discontinuance of illegal use of buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this code to ensure compliance with or to prevent violations of its provisions.

Part III. Building Code

14.80.030 Building Permits.

- (a) No building or other structure shall be erected, moved, added to or structurally altered without a permit issued by the Building Official. No building permit shall be issued except in conformity with the provisions of this code.
- (b) All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of existing buildings on the lot, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of units, or rental units, the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this code. One copy of the plans shall be returned to the applicant by the Building Official after marking such copy approved or disapproved and attesting to same by having signed such copy. The second copy of the plans shall be retained by the Building Official for 180 days.
- (c) If work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire. It may be cancelled by the Building Official, and written notice shall be given to the applicant.
- (d) The applicant may request in writing an extension of the building permit from the Building Official. The Building Official may approve one or more 180-day extensions if justifiable cause is demonstrated pursuant to IBC Chapter 1, Section 105.

14.80.040 Fees.

The City shall collect fees for all services rendered and activities performed in reviewing and issuing building permits. Said fees shall be set by resolution.

14.80.050 Building Sewer Permits.

No building permits for primary use structures shall be issued without the applicant having first secured a sewage disposal permit per Chapter 14.60 (Utilities).

14.80.060 Construction and Use.

Building permits issued on the basis of plans and applications approved by the Building Official authorize only the construction set forth in such approved plans and applications and no other construction. Nor does the issuance of building plans authorize use or arrangement of structures or property. Authorization of use of property or arrangement of structures is authorized by the issuance of required land use approvals pursuant to Section 14.16A.215 (Land Use Permits Required). Construction different than that authorized shall be deemed a violation of this code and punishable as provided by Chapter 14.28 (Enforcement and Review).

14.80.070 Accessory Buildings.

Accessory buildings shall not be constructed prior to the commencement of construction of the main building and shall comply with Chapter [14.48](#) (Density and Dimensional Regulations).

14.80.080 Docks and Over-Water Structures.

Building permits shall be required for all docks, bridges or other over-water structures and shall comply with the regulations of this title.

14.80.090 Fences.

- (a) Building permits shall be required for all fence construction for fences over six feet in height from median grade.
- (b) Height and setbacks shall comply with Section [14.48.050](#)(e).
- (c) Fence permits shall be approved as set forth in Section [14.44.420](#).

14.80.100 Retaining Walls.

Building permits shall be required for all retaining walls four feet and higher in height, measured from the bottom of the footing. Building permits shall be required for all retaining walls with a surcharge. All retaining walls over four feet in height from the bottom of the footing shall be engineered by a professional engineer registered in the State of Washington.

14.80.110 Signs.

Building permits shall be required for sign installations and shall comply with the regulations of Chapter [14.68](#) (Signs).

14.80.120 Repairs and Maintenance.

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official, nor to prevent the improvement of a single-family house without expanding its exterior dimensions.

14.80.130 Certificate of Occupancy.

No building or structure shall be used or occupied until the Building Official has issued a certificate of occupancy except for accessory structures. Prior to the issuance of a certificate of occupancy all completed projects shall be accepted by the Planning and Public Works Departments. No certificate of occupancy may be issued for any dwelling units in a subdivision until all improvements required by a permit or this title have been completed, even where a completion security has been posted.

14.80.140 Inspection of Improvements.

Prior to signing off the final inspection, the Building Official shall inspect all improvements on or adjacent to the site installed as a requirement of this title or as a condition of a permit. Any improvements found to be damaged by the builder shall be repaired prior to receiving final inspection sign-off.

14.80.150 Fire-Extinguishing Systems.

Repealed by Ord. 778.

14.80.160 Automatic Fire-Extinguishing Systems Required.

Repealed by Ord. 778.

14.80.170 Installation.

Repealed by Ord. 778.

14.80.180 Sprinkler System Monitoring and Alarms.

Repealed by Ord. 778.

EXHIBIT B

**Chapter 14.84 Fire Code Amendments
As Attached**

**Chapter 14.84
FIRE CODE**

Sections:

- [14.84.010](#) Definitions
- [14.84.020](#) International Fire Code 2009 Edition Adopted
- [14.84.030](#) Applicability
- [14.84.040](#) Fire Marshal Approval
- [14.84.050](#) Hydrants to be Served by Recognized Water Purveyor
- [14.84.060](#) Hydrant Standards
- [14.84.070](#) Piping and Flow Standards
- [14.84.080](#) Plan Approval Required
- [14.84.090](#) Plan Submittal Review
- [14.84.100](#) Waiver and Modification
- [14.84.110](#) Obstruction Prohibited - Declared Nuisance - Abatement
- [14.84.120](#) Authority of Water Purveyor
- [14.84.130](#) Subsection 903 IFC 2009 Edition Superseded
- [14.84.140](#) Fire Extinguishing Systems
- [14.84.150](#) Automatic Fire Extinguishing Systems Required
- [14.84.160](#) Installation Requirements
- [14.84.170](#) Sprinkler System Monitoring and Alarms

14.84.010 Definitions.

Chapter [14.08](#) contains definitions of terms and abbreviations used in this chapter if more specific than those in the International Fire Code.

14.84.020 International Fire Code ~~2012~~(~~2009~~) Edition Adopted.

(a) Except for those portions specified in subsection (b) of this section and Section [14.84.130](#), the International Fire Code ~~2012~~(~~2009~~) Edition is hereby adopted in its entirety for the purpose of describing regulations governing conditions hazardous to life and property, fire or explosion.

(b) The International Fire Code ~~2012~~(~~2009~~) Edition is changed in the following respects:

- (1) Add to the list of recognized standards and publications adopted by reference as a part of Section 102.7 of the IFC the 101 Life Safety Code, as published by the National Fire Protection Association, ~~2012~~(~~2009~~) Edition.
- (2) All appendices to the International Fire Code ~~2012~~(~~2009~~) Edition, except Appendices A, C and D, are hereby adopted, incorporated by reference and made a part hereof as if fully set forth in this section.

14.84.030 Applicability.

The provisions of this chapter shall supersede Sections 506.1 (Key Box), (~~508.5.1~~)[507.5](#) (Hydrants) and 903 (Sprinklers), IFC ~~2012~~(~~2009~~) Edition or current edition as adopted by the City of Lake Stevens pursuant to Section [14.84.020](#), and shall apply to all commercial occupancy buildings constructed or developed within the City limits, wherein the same shall be served by water mains and fire hydrants capable of delivering the required fire flow and installed as required by this chapter unless specifically exempted thereby, or unless waived or modified by the Fire Marshal pursuant to Section [14.84.100](#) (Waiver and Modification) hereof. Decisions of the Fire Marshal are deemed to be made in the best interest, and with the concurrence, of an affected Fire District in the absence of any credible evidence to the contrary. A final determination of any dispute relating to an aforementioned Fire Marshal decision shall be made by an Appeals Board established by the City Council.

14.84.040 Fire Marshal Approval.

No project subject to this chapter, other than a building of R-3 and U-1 occupancy under the IBC, shall have final approval until the Fire Marshal has verified that the provisions of this chapter are satisfied.

14.84.050 Hydrants to be Served by Recognized Water Purveyor.

All water mains and fire hydrants required hereunder shall be served by a recognized water purveyor or, in the absence of such, by alternate method(s) as approved by the Fire Marshal, except residential accessory buildings classified under the International Building Code as U with a lot size of 20,000 square feet or greater, whether platted or unplatted, provided there is no conflict with the requirements of the recognized water purveyor serving the building site.

14.84.060 Hydrant Standards.

(a) Every development (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

(b) The presumption established by this chapter is that to satisfy the standards set forth in subsection (c) of this section.

(c) The following hydrant standards shall apply as set forth herein unless waived or modified pursuant to Section [14.84.100](#) (Waiver and Modification).

(1) Type. Any new hydrant installations under this chapter shall have not less than a five-inch main valve opening, two hose outlets having nominal diameters of two and one-half inches National Standard Thread (NST), and one engine port outlet having a nominal diameter of four and one-half inches NST fitted with a four-inch Stortz coupling. All hydrant threads shall be National Standard Threads with seven and one-half threads per inch for two-and-one-half-inch hose outlets and four threads per inch for four-and-one-half-inch engine port outlets. Water lines that serve hydrants shall be at least six-inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines. If the hydrant is connected to a dead-end main line, the dead-end lines shall be a minimum of eight inches to the hydrant tee, or larger if necessary to provide required fire flows and be approved by the local water purveyor and the Fire Marshal.

(2) Spacing.

(i) Within areas exclusively developed or being exclusively developed for R-3 or U occupancy, maximum distance from a fire hydrant to a dwelling unit shall be 300 feet along a roadway. The maximum distance between hydrants in residential areas shall be no greater than 600 feet.

(ii) For all other occupancy types, the maximum distance from a fire hydrant to a dwelling unit shall be 150 feet along a roadway.

(iii) When any portion of a commercial structure to be protected is in excess of 150 feet from the water supply on a public street, and when required by the Fire Marshal, there shall be provided on-site fire hydrants and mains capable of supplying the required fire flow. Water supply may consist of reservoirs, pressure tanks, elevator tanks, water mains or other fixed systems capable of supplying the required fire flow as approved by the Fire Marshal and the recognized water purveyor having jurisdiction over said project.

(3) Location.

(i) Whenever possible, hydrants shall be located at street intersections; provided, that when such location results in spacing distances greater than allowed by this section, additional hydrants may be required between intersections; provided, further, that when the required fire flow is greater than 2,000 gallons per minute (GPM), the number and location of hydrants shall be approved by the Fire Marshal.

(ii) For commercial buildings:

a. The minimum number of public and private hydrants required shall be determined by dividing the required fire flow for the building by 1,000.

b. Hydrants shall be located no closer than 50 feet to any served building and at no greater distance than 300 feet from any portion thereof.

c. A hydrant shall be located not more than 100 feet from a sprinkler or standpipe connection.

(iii) All hydrants shall be accessible to Fire Department apparatus by roadways meeting the requirements of Section 503 of the IFC 2009 Edition.

(iv) When fire protection facilities are to be installed by the developer or permittee, such facilities shall be installed prior to any combustible construction being installed on site. Water mains and fire hydrants shall be capable of delivering the required fire flow to the site and shall remain the responsibility of the developer until accepted by the recognized water purveyors. When alternate provisions for protection are

provided pursuant to Section [14.84.100](#) (Waiver and Modification) the above requirements may be waived or modified.

- (v) When locating hydrants, consideration shall be given to:
 - a. Hazardous operations and the practicality of sound fire service practices (fences, roadways, barriers to operation, etc.);
 - b. The recommended location preferred by the purveyor;
 - c. The required five-foot vehicle clear zone on each side of each hydrant.

(4) Installation. Hydrants shall stand plumb and be set to the finished grade. The bottom of the lowest outlet of the hydrant shall be no less than 18 inches or more than 36 inches above the grade. There shall be a 36-inch radius of clear area about the hydrant for the operation of hydrant wrench on the outlets and the control valve.

The engine port shall face the street or, where the street cannot be clearly identified, shall face the most likely location of a fire truck while pumping, as determined by the Fire Marshal.

(d) Fire hydrants shall be protected from damage. Internal maintenance of public fire hydrants shall be the responsibility of the recognized water purveyor. Private hydrants shall be protected and maintained in accordance with NFPA 24.

14.84.070 Piping and Flow Standards.

The following standards relating to water mains, hydrant branches, and fire flow shall apply, unless waived or modified pursuant to Section [14.84.100](#) by the Fire Marshal:

- (a) Hydrant Branches. Hydrant branches shall not have a domestic supply outlet and shall meet the design standards of the Snohomish County Public Utilities District No. 1.
- (b) Service Main. New or replaced water mains serving fire hydrants shall meet the design standards of the Snohomish County Public Utilities District No. 1.
- (c) Flow Requirements. Service mains supplying hydrants shall be designed to provide not less than 500 GPM at 20 pounds per square inch residual pressure over and above the computed maximum daily domestic consumption for the period of time specified in the Washington Survey and Rating Bureau's Grading Schedule, Table 4. In addition, service mains supplying hydrants shall provide the fire flow required to each building covered thereby at the number of GPM specified in IFC 2006 Edition, Appendix B, except as to single-family dwellings. The Fire Marshal may require data or design standards from a registered professional engineer, and construction in accordance therewith, in order to assure that the fire flow required will be achieved.

14.84.080 Plan Approval Required.

- (a) Prior to the installation of any new hydrants or mains serving hydrants, the developer shall provide plans for review to the recognized water purveyor and Fire Marshal.
- (b) Upon completed installation, and acceptance by the recognized water purveyor and the Fire Marshal, the Fire Marshal shall be provided with two copies of the accurate and identifiable as-built drawings or plans showing the location of all mains, hydrant branches, valves and fire hydrants installed.

14.84.090 Plan Submittal Review.

The Fire Marshal, prior to the issuance of a development permit for any new or altered commercial building, plat development or residential complex, shall certify that the plans have been reviewed. If the plans are found to be in compliance with this chapter, a notice of approval for issuance of a building permit shall be forwarded to the Building Official. Such approval shall be based on the provisions of this chapter being satisfied either:

- (a) Prior to start of any construction;
- (b) Prior to the issuance of the certificate of occupancy for the building.

14.84.100 Waiver and Modification.

(a) The Fire Marshal may, subject to acceptance of recognized water purveyor, grant a waiver of or modification to the standards contained in Sections [14.84.060](#) (Hydrant Standards) and [14.84.070](#) (Piping and Flow Standards) if strict compliance with such standards would create a substantial hardship on the applicant and where such a waiver or modification does result in adequate fire protection.

(b) Waivers or modifications shall be in writing, state the reasons therefor, and be provided to the fire district with which jurisdiction lies over the project.

14.84.110 Obstruction Prohibited - Declared Nuisance - Abatement.

Obstructing the view, by any means, of a fire hydrant for a distance of 75 feet from any direction of vehicular approach is prohibited. Any violation of this section is declared a public nuisance, subject to immediate abatement and application of the civil penalty provided for herein.

14.84.120 Authority of Water Purveyor.

Nothing in this chapter, nor any rules and regulations as may be adopted by the Fire Marshal pursuant to this chapter, shall be construed to prohibit water purveyors from imposing more stringent requirements for the construction of water mains and fire hydrants.

14.84.130 Subsection 903 IFC 2012((2009)) Edition Superseded.

Subsection 903 of the IFC 2012((2009)) Edition is deleted in its entirety and replaced by Sections [14.84.140](#) through [14.84.170](#).

14.84.140 Fire Extinguishing Systems.

(a) Fire extinguishing systems required in this fire code shall be installed in accordance with the requirements of this section.

(1) The Fire Department hose connections shall not be attached to an exterior wall of the protected structure. The location of the Fire Department hose connections shall be approved by the Fire Marshal.

(2) Rooms housing the control valves and sprinkler riser(s) shall be located in such a manner as to allow the door to exit directly to the outside of the structure. The room shall not be used for the storage of any material. This standard is not required in R-3 and R-4 occupancies.

(3) A Knox Box key box shall be installed per Fire Department guidelines at each fire sprinkler riser room.
(i) Keys to the riser room, main entrance, fire alarm panel, pull stations, and elevator are to be locked inside the key box.
(ii) Whenever the main entrance is located more than 100 feet away from the riser room key box, a second key box shall be installed at the main entrance.

(4) In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter ~~((23))~~32 of the IFC.

(b) For the purposes of this section, area separation walls shall not define separate buildings.

(c) Alternative automatic fire extinguishing systems complying with Section 904, IFC 2012((2009)), shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the Fire Marshal.

14.84.150 Automatic Fire Extinguishing Systems Required.

(a) Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section with the exception of spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by a wall with a fire-resistance rating of not less than one hour and a floor/ceiling assembly with a fire-resistance rating of not less than two hours.

(1) All newly constructed structures in excess of 10,000 square feet shall be provided with an approved automatic sprinkler system.

(2) Any existing structure that is modified to increase the square footage of the structure shall be provided with an approved sprinkler if the total square footage of the new and existing areas exceeds 10,000 square feet.

(b) An automatic sprinkler system shall be installed in the following Group A occupancies:

(1) An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. For Group A-1, A-2, A-3, and A-4 occupancies, the automatic sprinkler system shall be provided throughout the floor area where the Group A-1, A-2, A-3 or A-4 occupancy

is located, and in all floors between the Group A occupancy and the level of exit discharge. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in subsection (b)(6) of this section.

- (2) Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:
 - (i) The fire area exceeds 10,000 square feet (929 square meters);
 - (ii) The fire area has an occupant load of 300 or more;
 - (iii) The fire area is located on a floor other than the level of exit discharge; or
 - (iv) The fire area contains a multi-theater complex.
- (3) Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:
 - (i) The fire area exceeds 5,000 square feet (464.5 square meters);
 - (ii) The fire area has an occupant load of 300 or more; or
 - (iii) The fire area is located on a floor other than the level of exit discharge.
- (4) Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:
 - (i) The fire area exceeds 10,000 square feet (929 square meters);
 - (ii) The fire area has an occupant load of 300 or more; or
 - (iii) The fire area is located on a floor other than the level of exit discharge.
- (5) Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:
 - (i) The fire area exceeds 10,000 square feet (929 square meters);
 - (ii) The fire area has an occupant load of 300 or more; or
 - (iii) The fire area is located on a floor other than the level of exit discharge.
- (6) Group A-5. An automatic sprinkler system shall be provided in concession stands, retail areas, press boxes, and other accessory use areas in excess of 1,000 square feet (93 square meters).
- (7) Group B. An automatic sprinkler system shall be provided throughout buildings containing a Group B occupancy where one of the following conditions exists:
 - (i) Where a Group B fire area exceeds 10,000 square feet (929 square meters);
 - (ii) Where a Group B fire area is located more than three stories above grade; or
 - (iii) Where the combined area of all Group B fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).
 - (iv) An automatic sprinkler system shall be installed throughout all fire areas containing a Group B ambulatory health care facility occupancy when either of the following conditions exists at any time:
 - a. Four or more care recipients are incapable of self-preservation.
 - b. One or more care recipients who are incapable of self-preservation are located at other than the level of exit discharge serving and occupancy.
- (8) Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:
 - (i) Throughout all Group E fire areas greater than 10,000 square feet (929 square meters) in area.
 - (ii) Throughout every portion of educational buildings below the level of exit discharge.
 - (iii) Throughout all newly constructed Group E occupancies having an occupant load of 50 or more for more than 12 hours per week or four hours in any one day. A minimum water supply meeting the requirements of NFPA 13 (~~2010~~)2013 Edition shall be required. The fire marshal may reduce the fire flow requirement for buildings that are protected by an approved automatic sprinkler system.

For the purpose of this section, additions exceeding 60 percent of the value of such building or structure, or alterations and repairs to any portion of a building or structure within a 12-month period that exceed 100 percent of the value of such building or structure, shall be considered new construction.

Exceptions:

Portable school classrooms shall be exempt from the requirement contained in this subsection (b)(8), provided the aggregate area of clusters of portable school classrooms does not exceed 5,000 square feet

and clusters of portable school classrooms shall be separated as required in Chapter 5 of the 2012((2009)) International Building Code.

Group E Day Care. When not required by other provisions of this chapter, a fire extinguishing system installed in accordance with NFPA 13 2013 may be used for increases and substitutions allowed in Sections 504.2 and 506.3 (Automatic Sprinkler System Increase) and Table 601 (Fire-Resistance Rating Requirements for Building Elements) of the International Building Code, 2012((2009)) Edition.

- (9) Group F. An automatic sprinkler system shall be provided throughout all buildings containing a Group F occupancy where one of the following conditions exists:
- (i) Where a Group F fire area exceeds 10,000 square feet (929 square meters);
 - (ii) Where a Group F fire area is located more than three stories above grade; or
 - (iii) Where the combined area of all Group F fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).

Woodworking Operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area (232 square meters) which generate finely divided combustible waste or which use finely divided combustible materials.

- (10) Group H. An automatic sprinkler system shall be installed in high-hazard occupancies.
- (i) Group H-5 Occupancies. An automatic sprinkler system shall be installed throughout buildings containing Group H-5 occupancies. The design of the sprinkler system shall not be less than that required under the International Building Code for the occupancy hazard classifications in accordance with the following table.

Group H-5 Sprinkler Design Criteria

Location	Occupancy Hazard Classification
Fabrication areas	Ordinary Hazard Group 2
Service corridors	Ordinary Hazard Group 2
Storage rooms without dispensing	Ordinary Hazard Group 2
Storage rooms with dispensing	Extra Hazard Group 2
Corridors	Ordinary Hazard Group 2

Where the design area of the sprinkler system consists of a corridor protected by one row of sprinklers, the maximum number of sprinklers required to be calculated is 13.

Pyroxylin Plastics. An automatic sprinkler system shall be provided in buildings, or portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45 kg).

- (11) Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.
 Exception: An automatic sprinkler system installed in accordance with Section 14.84.160(c), (d) or (e) shall be allowed in Group I-1 facilities.

- (12) Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:
- (i) Where a Group M fire area exceeds 10,000 square feet (929 square meters);
 - (ii) Where a Group M fire area is located more than three stories above grade; or
 - (iii) Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).

(iv) Where occupancies display or sell upholstered furniture regardless of fire area square footage.

High-Piled Storage. An automatic sprinkler system shall be provided as required in Chapter 23 of the IFC in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.

(13) Group R. An automatic sprinkler system installed in accordance with Section [14.84.160](#) shall be provided throughout all buildings with a Group R fire area to include R-1, R-2, and R-3 occupancies.

Exceptions:

R-1 congregate living facilities (transient) with 10 or fewer occupants are permitted to comply with the construction requirements for Group R-3.

R-3 buildings that do not contain more than two dwelling units. Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Congregate living facilities with 16 or fewer persons. Adult care within a single-family home, adult family homes and family child day care homes are permitted to comply with the International Residential Code [2012\(\(2009\)\)](#) Edition. Foster family care homes licensed by Washington State are permitted to comply with the International Residential Code [2012\(\(2009\)\)](#) Edition, as an accessory use to a dwelling for six or fewer children including those of the resident family.

(14) Group S. An automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy where one of the following conditions exists:

- (i) Where a Group S fire area exceeds 10,000 square feet (929 square meters);
- (ii) Where a Group S fire area is located more than three stories above grade plane; or
- (iii) Where the combined area of all Group S fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).
- (iv) A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 10,000 square feet (929 square meters).

a. Repair Garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 of the International Building Code [2012\(\(2009\)\)](#) Edition, as follows:

- 1. Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 10,000 square feet (929 square meters).
- 2. One-story buildings with a fire area containing a repair garage exceeding 10,000 square feet (929 square meters).
- 3. Buildings with a repair garage servicing vehicles parked in the basement.
- 4. A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 10,000 square feet (929 square meters).

b. Bulk Storage of Tires. Buildings and structures where the area for the storage of tires exceeds 20,000 cubic feet (566 cubic meters) shall be equipped throughout with an automatic sprinkler system in accordance with Section [14.84.160\(a\)](#).

(15) Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as an enclosed parking garage in accordance with Section 406.4 of the International Building Code [2012\(\(2009\)\)](#) Edition.

- (i) Where enclosed parking garage is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

- (ii) Where the fire area of the enclosed parking garage exceeds 10,000 square feet (929 square meters).
- (iii) Commercial Parking Garages. An automatic sprinkler system shall be provided throughout buildings used for commercial storage of automobiles, trucks or buses.

(16) All Occupancies Except Groups R-3 and U. An automatic sprinkler system shall be installed in the locations set forth in subsections (b)(16)(i) through (iv) of this section. Exception: Group R-3 and Group U.

- (i) Stories and Basements without Openings. An automatic sprinkler system shall be installed in every story or basement of all buildings where the floor area exceeds 1,500 square feet (139.4 square meters) and where there is not provided at least one of the following types of exterior wall openings:

a. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1009 of the IFC or an outside ramp complying with Section 1010 of the IFC. Openings shall be located in each 50 linear feet (15,240 millimeters), or fraction thereof, of exterior wall in the story on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15,240 mm).

- b. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 meters squared) in each 50 linear feet (15,240 mm) or fraction thereof, of exterior wall in the story on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15,240 mm).
- (ii) Opening Dimensions and Access. Openings shall have a minimum dimension of not less than 30 inches (762 millimeters). Such openings shall be accessible to the fire department from the exterior and shall not be obstructed in a manner that firefighting or rescue cannot be accomplished from the exterior.
- (iii) Openings on One Side Only. Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22,860 mm) from such openings, the story shall be equipped throughout with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of the story.
- (iv) Basements. Where any portion of a basement is located more than 75 feet (22,860 millimeters) from openings required by subsection (b)(16)(i) of this section, the basement shall be equipped throughout with an approved automatic sprinkler system.
- (v) Rubbish and Linen Chutes. An automatic sprinkler system shall be installed at the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Chute sprinklers shall be accessible for servicing.
- (vi) Buildings More Than 55 Feet in Height. An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 55 feet (16,764 millimeters) or more above the lowest level of fire department vehicle access.
 Exceptions:
 - a. Airport control towers.
 - b. Open parking structures.
 - c. Occupancies in Group F-2.
- (vii) During Construction. Automatic sprinkler systems required during construction, alteration and demolition operations shall be provided in accordance with Section 1413 IFC 2012~~((2009))~~ Edition.
- (viii) Ducts Conveying Hazardous Exhausts. Where required by the International Mechanical Code, automatic sprinklers shall be provided in ducts conveying hazardous exhaust, flammable or combustible materials.
 Exception: Ducts where the largest cross-sectional diameter of the duct is less than 10 inches (254 millimeters).
- (ix) Commercial Cooking Operations. An automatic sprinkler system shall be installed in a commercial kitchen exhaust hood and duct system where an automatic sprinkler system is used to comply with Section 904 of the IFC.
- (x) Other Required Suppression Systems. In addition to the requirements of this section, the provisions indicated in the following table also require the installation of a suppression system for certain buildings and areas.

Section	Subject
914.2.1	Covered malls
914.3.1	High rise buildings
914.4.1	Atriums
914.5.1	Underground structures
914.6.1	Stages
914.7.1	Special amusement buildings
914.8.2, 914.8.5	Aircraft hangers
914.9	Flammable finishes

914.10	Drying Rooms
914.11.1	Group B ambulatory health care facilities
1028.6.2	Smoke-protected seating
((4208.2)) <u>2108.2</u>	Dry cleaning plants
((4208.3)) <u>2108.3</u>	Dry cleaning machines
((4504.2)) <u>2404.2</u>	Spray finishing in Group A, E, I, or R
<u>2309.3.2.6.2</u>	<u>Hydrogen motor fuel dispensing area canopies</u>
((4504.4)) <u>2404.4</u>	Spray booths and rooms
((4505.2)) <u>2405.2</u>	Dip-tank rooms <u>Group A, I, R</u>
((4505.4.1.1)) <u>2405.4.1</u>	Dip tanks
((4505.9.4)) <u>2405.9.1</u>	Hardening & tempering tanks
((4803.10)) <u>2703.10</u>	HPM facilities
((4803.10.1.1)) <u>2703.10.1</u>	HPM work station exhaust
((4803.10.2)) <u>2703.10.2</u>	HPM gas cabinets
((4803.10.3)) <u>2703.10.3</u>	HPM corridors
((1803.10.4)) <u>2703.10.4</u>	HPM exhaust <u>ducts</u>
((4803.10.4.1)) <u>2703.10.4.1</u>	HPM noncombustible ducts
((4803.10.4.2)) <u>2703.10.4.2</u>	HPM combustible ducts
((4907.3)) <u>2807.3</u>	Lumber production conveyer rooms
((4908.7)) <u>2808.7</u>	Recycling facility conveyer rooms
((2406.1)) <u>3006.1</u>	Class A & B ovens
((2406.2)) <u>3006.2</u>	Class C & D ovens
Table ((2306.2)) <u>3206.2</u>	Storage fire protection
((2306.4)) <u>3206.4</u>	Storage
((2703.8.4.1)) <u>5003.8.4.1</u>	Gas rooms
((2703.8.5.3)) <u>5003.8.5.3</u>	Exhausted enclosures
((2704.5)) <u>5004.5</u>	Indoor storage of hazardous materials
((2705.1.8)) <u>5005.1.8</u>	Indoor dispensing of hazardous materials
((2804.4.1)) <u>5104.1.1</u>	Aerosol warehouses
<u>5106.3.2</u>	<u>Aerosol display and merchandising areas</u>
((2904.5)) <u>5204.5</u>	Storage of more than 1,000 cubic feet of loose combustible fibers
<u>5306.2.1</u>	<u>Exterior medical gas storage room</u>
<u>5306.2.2</u>	<u>Interior medical gas storage room</u>
<u>5306.2.3</u>	<u>Medical gas storage cabinet</u>
((3306.5.2.1)) <u>5606.5.2.1</u>	Storage of smokeless propellant
((3306.5.2.3)) <u>5606.5.2.3</u>	Storage of small arms primers

((3404.3.7.5.1)) 5704.3.7.5.1	Flammable & combustible liquid storage rooms
((3404.3.8.4)) 5704.3.8.4	Flammable & combustible liquid storage warehouses
((3405.3.7.3)) 5705.3.7.3	Flammable & combustible liquid gas Group H-2 or H-3 areas
((3704.1.2)) 6004.1.2	Gas cabinets for highly toxic & toxic gas
((3704.1.3)) 6004.1.3	Exhausted enclosures for highly toxic & toxic gas
((3704.2.2.6)) 6004.2.2.6	Gas rooms for highly toxic & toxic gas
((3704.3.3)) 6004.3.3	Outdoor storage for highly toxic & toxic gas
((4104.2.2))	Exhausted enclosures or gas cabinets for silane gas))
((4204.1.1)) 6504.1.1	Pyroxylin plastic storage cabinets
((4204.1.3)) 6504.1.3	Pyroxylin plastic storage vaults
((4204.2)) 6504.2	Pyroxylin plastic storage & manufacturing
((4603.4.1))	Pyroxylin plastic storage in existing buildings))
((4603.4.2))	Existing Group I 2 occupancies))
International Building Code	Sprinkler requirements as set forth in Section 903.2.13 of the International Building Code

14.84.160 Installation Requirements.

Automatic sprinkler systems shall be designed and installed in accordance with this section.

- (a) NFPA 13 Sprinkler Systems. Where the provisions of this fire code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 ~~((2010))~~2013 Edition except as provided in this chapter.
- (b) Exempt Locations. Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 of the IFC that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.
 - (1) Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
 - (2) Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the Fire Marshal.
 - (3) Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two hours.
 - (4) In rooms or areas that are of noncombustible construction with wholly noncombustible contents.
 - (5) Fire service access elevator machine rooms and machinery spaces.
- (c) NFPA 13R Sprinkler Systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R ~~((2010))~~2013 Edition.
 - (1) Balconies. Sprinkler protection shall be provided for exterior balconies and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within one inch (25 mm) to six inches (152 mm) below the structural members, and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies that are constructed of open wood joist construction.
 Exception: Sprinkler protection is exempt if there is no roof, canopy or upper deck projecting over the balcony or deck.
- (d) NFPA 13D Sprinkler Systems. Where allowed, automatic sprinkler systems installed in one- and two-family dwellings shall be installed throughout in accordance with NFPA 13D ~~((2010))~~2013 Edition.
- (e) Quick-Response and Residential Sprinklers. Where automatic sprinkler systems are required by this fire code, quick-response or residential automatic sprinklers shall be installed in the following areas in accordance with NFPA standards and other listings:

- (1) Throughout all spaces within a smoke compartment containing patient sleeping units in Group I-2 in accordance with the International Building Code.
 - (2) Dwelling units and sleeping units in Group R and I-1 occupancies.
 - (3) Light-hazard occupancies as defined in NFPA 13 2010 Edition.
- (f) **Obstructed Locations.** Automatic sprinklers shall be installed with due regard to obstructions that will delay activation or obstruct the water distribution pattern. Automatic sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, or equipment that exceeds four feet (1,219 mm) in width. Not less than a three-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers.
- Exception: Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with Section 904 of the IFC.
- (g) **Actuation.** Automatic sprinkler systems shall be automatically actuated unless specifically provided for in this fire code.
- (h) **Water Supplies.** Water supplies for automatic sprinkler systems shall comply with this section and NFPA standards. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the Uniform Plumbing Code ~~2012~~~~((2009))~~ Edition.
- (1) **Domestic Services.** Where the domestic service provides the water supply for the automatic sprinkler system, the supply shall be in accordance with this section.
 - (2) **Limited Area Sprinkler Systems.** Limited area sprinkler systems serving fewer than 20 sprinklers on any single connection are permitted to be connected to the domestic service where a wet automatic standpipe is not available. Limited area sprinkler systems connected to domestic water supplies shall comply with each of the following requirements:
 - (i) Valves shall not be installed between the domestic water riser control valve and the sprinklers.
Exception: An approved indicating control valve supervised in the open position in accordance with Section [14.84.170](#).
 - (ii) The domestic service shall be capable of supplying the simultaneous domestic demand and the sprinkler demand required to be hydraulically calculated by 13, NFPA 13R or NFPA 13D ~~((2010))~~2013 Edition.
 - (3) **Residential Combination Services.** A single combination water supply shall be permitted; provided, that the domestic demand is added to the sprinkler demand as required by NFPA 13R ~~((2010))~~2013 Edition.
 - (4) **Secondary Water Supply.** A secondary on-site water supply equal to the hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for high-rise buildings in Seismic Design Category C, D, E or F as determined by the International Building Code. The secondary water supply shall have a duration not less than 30 minutes as determined by the occupancy hazard classification in accordance with NFPA 13 ~~((2010))~~2013 Edition. Exception: Existing buildings.
- (i) **Hose Threads.** Fire hose threads used in connection with automatic sprinkler systems shall be approved and shall be compatible with Fire Department hose threads.

14.84.170 Sprinkler System Monitoring and Alarms.

- (a) **Alarms.** A fire alarm enunciator panel shall be installed in the fire sprinkler riser room. This panel shall have capabilities to view the activated zone and be able to silence and reset the alarm.
- (b) All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control panel.
Exceptions:
 - (1) Automatic sprinkler systems protecting one- and two-family dwellings.
 - (i) Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
 - (ii) Jockey pump control valves that are sealed or locked in the open position.
 - (iii) Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.

- (iv) Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
 - (v) Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.
- (c) Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72 ~~((2010))~~2013 Edition or, when approved by the Fire Marshal, shall sound an audible signal at a constantly attended location.

Exceptions:

- (1) Underground key or hub valves in roadway boxes provided by the City of Lake Stevens or public utility are not required to be monitored.
 - (2) Backflow prevention device test valves, located in limited area sprinkler system supply piping, shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 ~~((2010))~~2013 Edition and separately annunciated.
- (d) Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location.
- Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.
- (e) Floor Control Valves. Approved supervised control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings.
- (f) Testing and Maintenance. Sprinkler systems shall be tested and maintained in accordance with Section ~~((901))~~Chapter 901-903, 907-914 IFC 2012~~((2009))~~ Edition, NFPA 13 ~~((2010))~~2013 Edition and NFPA 72 ~~((2010))~~2013 Edition.
- (g) Existing Buildings. The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the International Building Code by requiring installation of an automatic fire-extinguishing system.
- (1) Pyroxylin Plastics. All structures occupied for the manufacture or storage of articles of cellulose nitrate (pyroxylin) plastic shall be equipped with an approved automatic fire-extinguishing system where required in Chapter ~~((46))~~64 IFC 2012~~((2009))~~ Edition.
 - (2) Group I-2. An automatic sprinkler system shall be provided throughout Group I-2 fire areas where required in Chapter ~~((46))~~64 IFC 2012~~((2009))~~ Edition.



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: August 12, 2013

Subject: Public Hearing – Final Shoreline Code Amendments (LUA2013-0073)

Contact Person/Department: Karen Watkins, Planning **Budget Impact:** None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Hold a first and final hearing on Ordinance No. 898 with a decision on adopting code amendments. A Council briefing was held on July 22, 2013 with minor revisions since the briefing.

SUMMARY: The City received final approval from Ecology for the Shoreline Master Program (SMP). Final code amendments to Chapter 14 Land Use Regulations need to be made for consistency with the Ecology-approved SMP.

BACKGROUND: Final Washington Department of Ecology approval of the City Council adopted SMP occurred on May 31, 2013. The new SMP became effective on June 14, 2013. With the final approval, final code amendments are required to retain consistency between the SMP and Title 14 Land Use Regulations. The code amendments are minor except for the repeal of a large portion of Chapter 14.92 Shoreline Management of which the information is included in the SMP. Many of the proposed amendments add a reference to the SMP.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission held a public hearing on the proposed Shoreline code amendments on July 17, 2013. The Planning Commission Recommendation Letter (*Attachment A*) recommends approval of the proposed code amendments.

DISCUSSION: Ordinance No. 898 (*Attachment B*) has been reviewed by the City Attorney. The code amendments in the ordinance are the same as staff briefed the Council on except for the two items described below.

- The briefing included changes to Section 14.64.025 to remove reference to Chapter 14.92 as the original decision was to repeal the entire Chapter 14.92. Since the briefing, it was decided to retain Chapter 14.92 with changes. Therefore, no code amendments need to be made to Section 14.64.025.
- Instead of repealing the entire Chapter 14.92, the chapter was retained with changes to the first few sections as shown below and the remainder of the chapter was deleted.

Chapter 14.92
SHORELINE MANAGEMENT

Sections:

[14.92.010](#) Adopted Shoreline Master Program. ((Definitions))

[14.92.020](#) Administration

[14.92.030](#) *Repealed*

14.92.040 Requirements for Exempted Developments
(~~14.92.050 Supplemental Application Requirements for a Shoreline Development Permit~~
~~14.92.060 Fees~~
~~14.92.070 Processing Requirements~~
~~14.92.080 Repealed~~
~~14.92.090 Hearing~~
~~14.92.100 Duties of Hearing Examiner~~
~~14.92.110 Repealed~~
~~14.92.120 Effective Date of Permit~~
~~14.92.130 Variances and Conditional Uses~~
~~14.92.140 Appeals~~
~~14.92.150 Modification or Rescission of Permit~~
~~14.92.160 Permit Expiration and Extension~~
~~14.92.170 Reapplication))~~

14.92.010 Adopted Shoreline Master Program. (Definitions.

~~Definitions contained in the Washington State Shoreline Management Act of 1971 shall apply to all terms and concepts used in this title; provided, that shoreline related definitions contained in Chapter 14.08 shall be applicable where not in conflict with the Washington State Shoreline Management Act of 1971.)~~

The Lake Stevens 2013 Shoreline Master Program, Ecology Approved May 31, 2013, as amended, contains the policies, regulations and procedures for development within the designated shoreline of Lake Stevens, Catherine Creek and Little Pilchuck Creek. The Table of Contents for the Shoreline Master Program (SMP) is as follows:

Chapter 1 – Introduction to the SMP
Chapter 2 – Environment Designation Provisions (including policies and regulations)
Chapter 3 – General Provisions (including policies and regulations)
Chapter 4 – Shoreline Modification Provisions (including policies and regulations)
Chapter 5 – Shoreline Use Provisions (including policies and regulations)
Chapter 6 – Definitions
Chapter 7 – Administrative Provisions
Appendix A – Shoreline Environment Designation Maps
Appendix B – Critical Areas Regulations Within Shoreline Jurisdiction

Critical areas located within shoreline jurisdiction and designated as a shoreline or associated wetland shall use Appendix B of the SMP for regulation. Critical areas located outside shoreline jurisdiction shall use Chapter 14.88 LSMC for regulation.

14.92.020 Administration.

(a) Shoreline Designation Map. Shorelines of the State located within Lake Stevens shall be designated on an official map to be kept (~~in City Hall~~) by the Shoreline Administrator in the Permit Center.

(b) Administration. The Planning Director as the Shoreline Administrator is vested with the duty of administering the rules and regulations relating to shoreline management and may prepare and require the use of such forms as are essential to such administration.

(c) Compliance with Other Laws. Nothing in this title shall be construed as excusing a developer from compliance with any other local, State, or Federal statute, ordinance or regulation applicable to a proposed development.

(d) Enforcement and Penalty. The Lake Stevens City Attorney shall bring such criminal injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines of the City located within the City in conflict with provisions, policy, or intent of this chapter or the Shoreline Management Act of 1971. Procedures for enforcement action and penalties shall be as specified in WAC [173-27-240](#) through [173-27-310](#).

14.92.030 Repealed.

14.92.040 Requirements for Exempted Developments.

Certain developments are exempt from the requirement to obtain a substantial development permit pursuant to WAC 173-27-040. An exempt development is only exempt from a shoreline permit, but is still subject to other provisions in this SMP and any other applicable federal, state and local rules and regulations. See Chapter 7, Subsection C.1 of the Shoreline Master Program for a short summary of the types of developments which do not require substantial development permits (see WAC 173-27-040 for detailed descriptions).

APPLICABLE CITY POLICIES: Shoreline Master Program and Chapter 14.92 LSMC.

BUDGET IMPACT: No budget impact.

ATTACHMENTS:

- A Planning Commission Recommendation Letter dated July 17, 2013
- B Ordinance No. 898 (Approved as to form by City Attorney)



July 17, 2013

Council President John Spencer
Lake Stevens City Council
1812 Main Street
Lake Stevens, WA 98258

**SUBJECT: PLANNING COMMISSION RECOMMENDATION
Final Shoreline Code Amendments (LUA2013-0073)**

Dear Council President Spencer and Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, July 17, 2013 to consider code amendments related to the final Ecology approval of the Shoreline Master Program.

Commissioners in attendance were Chair Janice Huxford, Vice Chair Gary Petershagen and Commissioners Pam Barnet, Tom Matlack, Sammie Thurber and Linda Hoult. Commissioner Jennifer Davis' absence was excused.

PUBLIC HEARING FOR FINAL SHORELINE CODE AMENDMENTS

One person attended (Mirza Avdic). Planning and Community Development staff gave a short summary of the code amendments related to Ecology's final adoption of the Shoreline Master Program. Planning Commission opened public testimony and no one provided verbal testimony. No written testimony was received.

Summary of Planning Commissioner Questions

The following topics were discussed by the Planning Commission during deliberations:

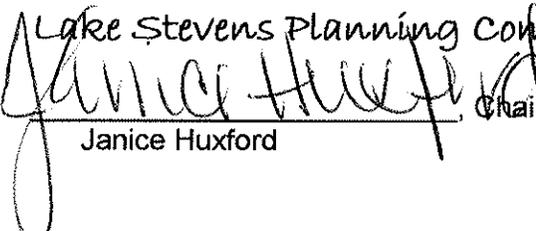
- Are regulations specific to Lake Stevens – In general yes, however, many regulations are specified by Ecology and are therefore consistent among jurisdictions, such as four foot wide docks in the first 30 feet.
- Total Staff Time – The grant money went towards consultant costs. Staff time was not accounted for separately.
- Next Update Cycle – Ten years. The City is required to keep track of all shoreline approvals to ensure we meet the No Net Loss of current habitat requirement.
- Shoreline within the UGA – Within the UGA, projects would be reviewed by Snohomish County under their SMP; however they have the same four foot width requirement in the first 30 feet. They do allow for new boat houses.

- Shoreline Areas – Catherine Creek below Hartford Road and portions of Little Pilchuck Creek at the east edge of the UGA are also considered shoreline. In addition, wetlands associated with (i.e., have a connection to) the lake or the creeks are also considered shoreline. However, a property could have both shoreline wetlands regulated by the SMP and other wetlands which would be regulated by the Critical Area Regulations within Chapter 14.88 LSMC.
- Hydraulic Permit Approvals (HPA) and Washington Department of Fish and Wildlife – Applicants are still required to work with Fish and Wildlife for an HPA, if required. However, Fish and Wildlife did review the SMP during the public process.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission made a recommendation to accept the Final Shoreline Code Amendments as written and recommend Council approval. Motion made by Chair Huxford seconded by Commissioner Hoult. Passed 6-0-0-1

Respectfully submitted,

Lake Stevens Planning Commission

Janice Huxford
Chair


Gary Petershagen
Vice Chair

**CITY OF LAKE STEVENS
Lake Stevens, Washington
ORDINANCE NO. 898**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING PORTIONS OF THE LAKE STEVENS MUNICIPAL CODE TO BE CONSISTENT WITH THE ECOLOGY-APPROVED SHORELINE MASTER PROGRAM; AMENDING SECTION 14.08.010 DEFINITION OF “SHORELINE SUBSTANTIAL DEVELOPMENT”; AMENDING SECTION 14.16A.220 ENTITLED “APPLICATION PROCEDURS”; AMENDING SECTION 14.16C.100 ENTITLED “SHORELINE PERMITS”; AMENDING SECTION 14.18.120 ENTITLED “DECISION CRITERIA”; AMENDING SECTION 14.36.060 ENTITLED “SHORELINE ENVIRONMENT DESIGNATION”; AMENDING SECTION 14.44.010 TABLE 14.40-I ENTITLED “TABLE OF PERMISSIBLE USES”; BY AMENDING SECTION 14.48.040 ENTITLED “BUILDING SETBACK REQUIRMENTS”; AMENDING SECTION 14.64.025 ENTITLED “CONFORMANCE WITH CHAPTER 14.88 (CRITICAL AREAS), CHAPTER 14.92 (SHORELINE MANAGEMENT), SECTION 14.16C.100 (SHORELINE PERMITS), AND THE SHORELINE MASTER PROGRAM”; AMENDING SECTION 14.88.430 ENTITLED “REQUIREMENTS”; AMENDING CHAPTER 14.92 ENTITLED “SHORELINE MANAGEMENT”; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is required to ensure compliance with the Shoreline Management Act, Ch. 9058 RCW, and shoreline permit requirements, Ch. 173-26 WAC; and

WHEREAS, the Washington State Department of Ecology approved the City Council adopted Shoreline Master Program on May 31, 2013 with an effective date of June 14, 2013; and

WHEREAS, the adoption of final code amendments is necessary to retain consistency between the Lake Stevens Municipal Code, the Shoreline Master Program and the Shoreline Management Act; and

WHEREAS, on April 15, 2011, the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance for the adoption of code amendments related to adoption of the Lake Stevens Shoreline Master Program (SMP), which included amendments to the same code chapters proposed for final amendments for consistency with the Ecology-approved SMP; and

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

WHEREAS, the City submitted the proposed code amendments to the Washington State Department of Commerce on July 5, 2013 with a request for 15-day expedited review, with approval on July 30, 2013; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed code amendments, held a duly noticed public hearing on July 17, 2013, and all public testimony was given full consideration; and

WHEREAS, on August 12, 2013, the Lake Stevens City Council reviewed the Planning Commission's recommendation relating to the proposed code amendments and held a duly noticed public hearing, and all public testimony has been given full consideration.

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

Section 1. LSMC Section 14.08.010 entitled "Definitions of Basic Terms" is amended by amending the definition for "Shoreline Substantial Development" to read as follows (all other definitions in 14.08.010 remain unchanged and in effect):

Shoreline Substantial Development. Any development of which the total cost or fair market value exceeds \$6,416(~~5,718~~) (WSR 07-15-090), as adjusted for inflation by the Office of Financial Management every five years, or any development which materially interferes with the normal public use of the water or shorelines of the State; except that the types of development defined in Section 14.16C.100(c) shall not be considered substantial developments for the purpose of this chapter. A dock is not considered substantial development if the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of Chapter 14.92 and the Shoreline Master Program.

Section 2. LSMC Section 14.16A.220 entitled "Application Procedures" is amended to read as follows:

14.16A.220 Application Procedures.

(a) This section describes the requirements for making application for review, including pre-application conferences, submittal requirements, and fees.

(b) Applications for development permits and other land use actions shall be made to the Department of Planning and Community Development, except Type I applications shall be made to the department which has the decision making authority (see Section 14.16A.210(d)).

(c) The property owner or any agent of the owner with authorized proof of agency may apply for a permit or approval under the type of process specified. Consent to the application must be made by the owners or lessees of property or persons who have contracted to purchase property. Signatures by agents of these parties may be accepted, if a letter from the party with ownership interest is submitted which authorizes the agent to sign the application in their name.

(d) Pre-Application Conferences.

(1) To achieve efficient and effective application of the requirements of this title, a pre-application conference between the applicant and the City staff is required for projects needing a conditional use permit, planned action certification and planned neighborhood developments.

(2) Pre-application conferences are highly recommended for applications requiring Type III, IV or V reviews, and/or design review. Pre-application conferences are optional for applications requiring Type I, II and VI reviews.

(3) Prior to submitting an application, the applicant may arrange a conference with Planning and Public Works staff to review the proposed action, to become familiar with City policies, plans and development requirements and to coordinate all necessary permits and procedures. Pre-application procedures and submittal requirements shall be determined by the Planning Director and available in the Department of Planning and Community Development.

(4) Since it is impossible for the conference to be an exhaustive review of all potential issues, the discussions at the conference shall not bind or prohibit the City's future application or enforcement of all applicable law.

(5) To request a pre-application conference, an applicant shall submit a set of preliminary plans to the City. The amount and quality of the information submitted is up to the applicant; however, better information provided initially is more likely to result in better feedback and discussion with Planning staff. At a minimum, the plans should include a basic layout of the proposal, including circulation, lot patterns and building locations, location of critical areas, and other site constraints.

(e) Submittal Requirements.

(1) The Planning Director shall specify submittal requirements, including type, detail, and number of copies, for an application to be complete. Submittal requirements for each permit application shall be available in the Department of Planning and Community Development. At a minimum the following shall be submitted with new applications:

- (i) General application form;
- (ii) Applicable fees;
- (iii) Environmental checklist (if not exempt);
- (iv) Applicable signatures, stamps or certifications;
- (v) All required items stated in the applicable development handouts.

(2) The Planning Director may waive in writing specific submittal requirements determined to be unnecessary for review of an application. Alternatively, the Planning Director may require additional material, such as maps, studies, or models, when the Planning Director determines such material is needed to adequately assess the proposed project and submits the request in writing to the applicant.

(3) Applications for shoreline substantial development permits shall include submittal of the supplemental requirements set forth in Chapter 7 of the Shoreline Master Program and Shoreline Permits application materials(~~Section 14.92.050~~).

(f) Determination of Complete Application.

(1) The presumption established by this title is that all of the information set forth in the specified submittal checklists is necessary to satisfy the requirements of this section. However, each development is unique, and therefore the Planning Director may request additional information, if necessary, or may waive certain items if it is determined they are not necessary to ensure that the project complies with City requirements.

(2) The Planning Director shall make a determination of completeness pursuant to Section [14.16A.230\(c\)](#).

(g) Consolidated Permit Process.

(1) When applying concurrently for a development that involves two or more related applications, individual permit numbers shall be assigned and separate permit fees

shall be paid, but the applications shall be reviewed and processed collectively. A consolidated report setting forth the recommendation and decision shall be issued.

(2) Applications processed in accordance with subsection (g)(1) of this section, which have the same highest numbered procedure but are assigned different hearing bodies, shall be heard collectively by the highest decision maker(s). The City Council is the highest, followed by the Hearing Examiner and then the Design Review Board.

(3) No hearing or deliberation upon an application for a conditional use permit, subdivision, variance, planned neighborhood development, site plan review, administrative conditional use permit, shoreline permit, or similar quasi-judicial or administrative action, which is inconsistent with the existing Zoning Map, shall be scheduled for the same meeting at which the required Zoning Map amendment will be considered by the Hearing Examiner or the City Council. This section is intended to be a procedural requirement applicable to such actions as noted in RCW [58.17.070](#).

(h) Application and Inspection Fees. Fees are set forth in a separate fees resolution adopted by the City Council.

Section 3. LSMC Section 14.16C.100 entitled “Shoreline Permits” is amended to read as follows:

14.16C.100 Shoreline Permits.

(a) The Shoreline Master Program~~((This section))~~ describes the procedures and requirements for development within specified areas related to lakes, rivers, streams, wetlands, and floodplains, as required to implement the Shoreline Management Act, as amended, Chapter [90.58](#) RCW~~((, and as consistent with Chapter 14.92))~~.

(b) Permit Required. Chapter 1, Section E.1 of the Shoreline Master Program describes when a~~((A))~~ substantial shoreline development permit is required for development that either materially interferes with the normal public use of the water or shorelines of the City~~((or exceeds a total cost or fair market value of \$5,718, or \$10,000 for docks, and is located within the shorelines of the City as defined in Section 14.92.010 and RCW 90.58.030))~~. The current shoreline areas are described below:

(1) Shoreline Areas. The shoreline areas are designated in the Shoreline Master Program and are generally described as:

(i) Lake Stevens, its underlying land, associated wetlands, and a line 200 feet landward at the line of ordinary high water (elevation 27 feet above sea level) plus the area within the one percent numerical probability floodplain (100-year floodplain) as defined by the best available data.

(ii) Catherine Creek for approximately one mile south of Hartford Drive NE, the confluence with the outflow from Lake Stevens, where the mean annual flow is 20.0 cubic feet per second or more, and the territory between 200 feet on either side of the tops of the banks, plus associated wetlands and the area within the one percent probability floodplain (100-year floodplain) as defined by the best possible data.

(iii) Little Pilchuck Creek within the urban growth area as the mean annual flow is 20.0 cubic feet per second or more in these areas, and the territory between 200 feet on either side of the tops of the banks, plus associated wetlands and the area within the one percent probability floodplain (100-year floodplain) as defined by the best possible data.

(2) Adjacent Areas. Those parcels of land adjacent to the shoreline areas involving projects and developments that overlap into the shoreline areas.

(c) Exemptions. Certain developments are exempt from the requirement to obtain a substantial development permit pursuant to WAC 173-27-040. An exempt development is only exempt from a shoreline permit, but is still subject to other provisions in this SMP and any other applicable federal, state and local rules and regulations. See Chapter 7, Subsection C.1 a short summary of the types of developments which do not require substantial development permits (see WAC 173-27-040 for detailed descriptions).

~~((The following types of developments are exempt from the requirements of a shoreline substantial development permit but shall obtain a shoreline exemption under subsection (d)(1) of this section and comply with all other policies, plans, codes and regulations of the City and shall be consistent with the policy and intent of the Shoreline Management Act of 1971 and of this chapter and with the City's Shoreline Master Program:~~

~~(1) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.~~

~~(2) Construction of the normal protective bulkhead common to single family residences.~~

~~(3) Emergency construction necessary to protect property from damage from the elements.~~

~~(4) Construction or modification of navigational aids such as markers and anchor buoys.~~

~~(5) Construction by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the State agency or City government having jurisdiction, other than requirements imposed pursuant to Chapter 90.58 RCW and this title.~~

~~(6) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences, when the fair market value of the dock does not exceed \$10,000, but if subsequent construction having a fair market value exceeding \$2,500 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this section.~~

~~(7) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.~~

~~(8) The marking of property lines or corners on State-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.~~

~~(9) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.~~

~~(10) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:~~

~~(i) The activity does not interfere with the normal public use of the surface waters;~~

~~(ii) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;~~

~~(iii) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;~~

~~(iv) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and~~

~~(v) The activity is not subject to the permit requirements of RCW [90.58.550](#).~~

~~(11) The process of removing or controlling an aquatic noxious weed, as defined in RCW [17.26.020](#), through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department jointly with other State agencies under Chapter [43.21C](#) RCW.)~~

(d) Procedures.

(1) Applications for a shoreline exemption shall follow the procedures for a Type I review pursuant to Chapter [14.16B](#).

(2) Applications for a shoreline substantial development permit shall follow the procedures for a Type II review pursuant to Chapter [14.16B](#).

(3) Applications for a shoreline conditional use permit shall follow the procedures for a Type III review pursuant to Chapter [14.16B](#).

(4) Applications for a shoreline variance shall follow the procedures for a Type III review pursuant to Chapter [14.16B](#).

(5) Special Requirements. No final action or construction shall be taken until 21 days after notice of the final action taken by the City is filed with the Department of Ecology.

(e) Decision Criteria. All applications, including exemptions, shall comply with the Shoreline Master Program. ~~((WAC [173-27-140](#).~~

~~(1) Shoreline Exemption. Types of developments outlined in subsection (e) of this section are exempt from the requirements of a shoreline substantial development permit but shall comply with all other policies, plans, codes and regulations of the City.~~

~~(2) Shoreline Substantial Development Permit. Shoreline substantial development permit applications shall be reviewed pursuant to WAC [173-27-150](#) and the following shoreline policies:~~

~~(i) A permit shall be granted only when the proposed development is consistent with the Lake Stevens Shoreline Master Program.~~

~~(ii) A permit shall be granted only when the proposed development is consistent with the policy of RCW [90.58.020](#).~~

~~(iii) Surface drilling for oil and gas is prohibited in the waters of Lake Stevens from on all lands within 1,000 feet landward from the ordinary high water mark.~~

~~(iv) A permit shall be denied if the proposed development is not consistent with the above enumerated policies.~~

~~(v) The granting of any shoreline development permit by the City shall be subject to the conditions imposed by the Shoreline Hearings Board.~~

~~(3) Shoreline Conditional Use Permit. Uses which are not classified or set forth in the Shoreline Master Program or use regulations may be allowed, provided the applicant can demonstrate that they meet the criteria outlined in WAC [173-27-160](#).~~

~~(4) Shoreline Variance. Relief may be granted from specific provisions of the Shoreline Master Program or shoreline use regulations, provided the applicant can demonstrate that the variance will meet the criteria outlined in WAC [173-27-170](#).)~~

(f) Administrative Provisions. Chapter 7 of the Shoreline Master Program establishes an administrative system designed to assign responsibilities for implementation of the Shoreline Master Program and to outline the process for review of

proposals and project applications. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act (SMA) (Chapter 90.58 Revised Code of Washington (RCW)) and to the policies and regulations of this SMP. Where inconsistencies or conflicts with other sections of the Lake Stevens Municipal Code (LSMC) occur, Chapter 7 of the Shoreline Master Program shall apply.

Section 4. LSMC Section 14.18.120 entitled “Decision Criteria” is amended to read as follows:

14.18.120 Decision Criteria.

In order to approve a binding site plan, the Department must find that the newly created lots function and operate as one site and that the binding site plan and record of survey comply and are consistent with the following provisions as well as any other applicable regulations as determined by the Department:

- (a) Requirements of this part;
- (b) Requirements for noise control, Chapter [9.56](#);
- (c) Requirements for public or private roads, right-of-way establishment and permits, access, and other applicable road and traffic requirements;
- (d) Compliance with fire lane, emergency access, fire-rated construction, hydrants and fire flow, and other requirements of Chapter [14.84](#);
- (e) Compliance with applicable construction code requirements, Chapter [14.80](#);
- (f) Compliance with applicable use and development standard requirements of this title;
- (g) Compliance with applicable shoreline management code requirements of the Shoreline Master Program, Chapter [14.92](#) and/or flood hazard area requirements of Chapter [14.64](#);
- (h) Compliance with environmental policies and procedures and critical areas regulations of Title [16](#) and Chapter [14.88](#);
- (i) Compliance with applicable drainage requirements of Chapter [14.64](#);
- (j) Compliance with applicable impact fee requirements;
- (k) Provisions for adequate sewer service, water supply and refuse disposal; and
- (l) Any other applicable provision of this title.

Section 5. LSMC Section 14.36.060 entitled “Shoreline Environment Designation” is amended to read as follows:

14.36.060 Shoreline Environment Designation.

The shoreline environment designation is hereby established as an “overlay” district, meaning that these districts are overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district and a shoreline development permit has been granted, if necessary, pursuant to the Shoreline Master Program~~((Chapter [14.92](#)))~~, where this district is further described.

Section 6. LSMC Section 14.44.010, Table 14.40-I, entitled “Table of Permissible Uses” is amended by adding rows under Use Description 6.000 Recreation, Amusement, Entertainment and three new footnotes and to read as follows (All other provisions of 14.44.010 remain unchanged and in effect):

TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES¹⁶

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	MU ¹	PBD ⁵	SRC	LI	GI	P/SP
6.000 RECREATION, AMUSEMENT, ENTERTAINMENT														
6.100 Activity Conducted Primarily Within Building or Substantial Structure, Except Those Uses Described in 6.300														
6.110 Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses							PA	PA	PA	P	PA	PC	PC	PA
6.120 Movie theaters														
6.121 Seating capacity of not more than 300							PA	PA	PA	P	P			PA
6.122 Unlimited seating capacity							PA	PA	PA	P	P			PA
6.130 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously										P	P	PC	PC	C

ATTACHMENT B

	more than 1,000 people														
6.200	Activities Conducted Primarily Outside Enclosed Buildings or Structures, Except Those Uses Described in 6.300, 6.400, or 6.500														
6.210	Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development	C	C	C	C	C		PA	PA	PA	P		PA	PA	PA
6.220	Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	C	C	C	C	C	PA	PA	PA	PA	P	P	PA	PA	PA
6.230	Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses										P	PA	PA	PA	PA
6.240	Horseback riding; stables (not constructed pursuant to permit												A	A	A

ATTACHMENT B

	authorizing residential development)														
6.250	Automobile and motorcycle racing tracks													A	
6.260	Drive-in movie theaters										A			A	
6.300	Indoor or Outdoor Recreational Activities Compatible with Regional Recreation Facilities and/or Intended to Cater to Users of Such Facilities									P			PA	PA	PA
6.400	Over-Water or In-Water Structures, Other Than Boathouses or Boat Shelters, Accessible from Shore ¹⁸														
6.410	Privately owned, used by owner(s) of property only		P											C	
6.415	<u>Privately owned, used by public</u> ¹⁹													C	
6.420	Publicly owned, used by public		A											C	A
6.500	Boathouses or Boat Shelters														
6.600	Over-Water or In-Water Structures, Other Than Boathouses or Boat Shelters,														

	Inaccessible from Shore ^{18,19}														
6.610	Privately owned, used by owner(s) of property only		P												
6.620	Publicly owned, used by public		A												A
6.700	Marina ¹⁸							C							
6.800	Accessory Uses to a Boating Facility ^{18,20}							C							

¹⁸ These structures are regulated by the Shoreline Master Program, Shoreline Management Act and Title 14.

¹⁹ Allowed structures are jet ski lifts, boatlifts, and boatlift canopies. Temporary inflatable recreational equipment is allowed between May 1 and September 30. New recreational floats and swimming platforms are prohibited.

²⁰ Accessory uses in support of boating facilities may include fuel docks and storage, boating equipment sales and rental, wash-down facilities, fish cleaning stations, repair services, public launching, bait and tackle shops, potable water, waste disposal, administration, parking, groceries, and dry goods.

Section 7. LSMC Section 14.48.040 entitled “Building Setback Requirements” is amended to read as follows:

14.48.040 Building Setback Requirements.

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

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

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

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

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

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

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

(d) All docks and other permissible overwater structures shall be set back pursuant to the Shoreline Master Program, Chapter 4, Section C.3~~((a minimum of 20 feet from side property lines))~~. For the purposes of this section each property line extending into the lake shall be construed as extending at the same angle as the property line on shore~~((perpendicular from the shore from the point at which they leave the shore))~~.

Section 8. LSMC Section 14.88.430 entitled “Requirements” is amended to read follows:

14.88.430 Requirements.

(a) Except as provided in this subsection, a 50-foot buffer shall be required for all regulated activities adjacent to fish and wildlife conservation areas. All buffers shall be measured from the fish and wildlife conservation area boundary as surveyed in the field. The width of the buffer may be increased depending on the habitat value and the proposed land use.

(b) Buffer widths may be increased based on recommendations by the Department of Fish and Wildlife based on their Management Recommendations for Priority Habitats and Species.

(c) To retain the natural functions of streams and stream corridors, the following streamside buffers shall be maintained:

- (1) For ravines with banks greater than 10 feet in depth, maintain the existing or native vegetation within the ravine and a strip 25 feet from the top of the bank;
- (2) Where there is no ravine or the bank is less than 10 feet in depth, maintain existing or native vegetation on both sides of the stream as measured from the ordinary high water mark (OHWM), in accordance with Table 14.88-I, which sets forth the required buffer widths based on classification of stream types:

Table 14.88-I: Stream Buffer Width

Stream Type	Buffer
S	150 feet
F	100 feet
Np	50 feet
Ns	50 feet

(d) Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of the bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.

(e) The Planning and Community Development Director may modify the buffer widths in the above table in accordance with the following:

(1) Buffer widths may be increased as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential as determined by an arborist.

(2) Buffer widths may be reduced in exchange for restoration and enhancement of degraded areas in accordance with an approved plan, or for buffer averaging in accordance with Section [14.88.275](#) and subsection (e)(4) of this section.

(3) If the stream enters an underground culvert or pipe, and is unlikely to ever be restored aboveground, the Planning and Community Development Director may waive the buffer along the underground stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.

(4) Stream buffer widths may be modified by averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Stream buffer width averaging shall only be allowed when the applicant demonstrates the following:

(i) A site-specific evaluation and documentation of buffer adequacy is based on consideration of the best available science as described in Section [14.88.235](#); and

(ii) A buffer enhancement plan is proposed that would significantly improve the functions and values of the stream buffer(s); and

(iii) The averaging will not impair or reduce the habitat, water quality purification and enhancement, stormwater detention, groundwater recharge, shoreline protection and erosion and other functions and values of the stream and buffer.

(5) Buffer widths may be modified if the subject property is separated from the stream channel by pre-existing, intervening, and lawfully created structures, public roads, or other substantial pre-existing intervening improvements. The intervening structures, public roads, or other substantial improvements must separate the subject upland property from the stream channel by height or width, preventing or impairing the delivery of buffer functions to the stream channel. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the stream channel.

(f) Development in the shorelines of State-wide significance is regulated under Appendix B of the City's State-approved Shoreline Master Program (SMP). ~~((Because such shorelines are considered fish and wildlife conservation areas, they are also regulated under this chapter. Accordingly, the setbacks of subsection (a) of this section shall apply when there are no setbacks specified in the SMP, and the more restrictive setbacks shall apply when there are setbacks specified in both the SMP and this chapter.))~~

(g) To protect the natural functions and aesthetic qualities of a stream and stream buffer, a detailed temporary erosion control plan which identifies the specific mitigating measures to be implemented during construction to protect the water from erosion, siltation, landslides and hazardous construction materials shall be required. The City shall review the plan with the appropriate State, Federal and tribal agencies and any adjacent jurisdiction.

Section 9. LSMC Ch. 14.92 entitled "SHORELINE MANAGEMENT" is amended to read as follows:

Chapter 14.92 SHORELINE MANAGEMENT

Sections:

- 14.92.010 ~~Adopted Shoreline Master Program. ((Definitions))~~
- 14.92.020 Administration
- 14.92.030 *Repealed*
- 14.92.040 Requirements for Exempted Developments
- ~~((14.92.050 Supplemental Application Requirements for a Shoreline Development Permit~~
- ~~14.92.060 Fees~~
- ~~14.92.070 Processing Requirements~~
- ~~14.92.080 Repealed~~
- ~~14.92.090 Hearing~~
- ~~14.92.100 Duties of Hearing Examiner~~
- ~~14.92.110 Repealed~~
- ~~14.92.120 Effective Date of Permit~~
- ~~14.92.130 Variances and Conditional Uses~~
- ~~14.92.140 Appeals~~
- ~~14.92.150 Modification or Rescission of Permit~~
- ~~14.92.160 Permit Expiration and Extension~~
- ~~14.92.170 Reapplication))~~

14.92.010 Adopted Shoreline Master Program.((Definitions.
~~Definitions contained in the Washington State Shoreline Management Act of 1971 shall apply to all terms and concepts used in this title; provided, that shoreline-related definitions contained in Chapter 14.08 shall be applicable where not in conflict with the Washington State Shoreline Management Act of 1971.))~~

The Lake Stevens 2013 Shoreline Master Program, Ecology Approved May 31, 2013, as amended, contains the policies, regulations and procedures for development within the designated shoreline of Lake Stevens, Catherine Creek and Little Pilchuck Creek. The Table of Contents for the Shoreline Master Program (SMP) is as follows:

- Chapter 1 – Introduction to the SMP
- Chapter 2 – Environment Designation Provisions (including policies and regulations)
- Chapter 3 – General Provisions (including policies and regulations)
- Chapter 4 – Shoreline Modification Provisions (including policies and regulations)
- Chapter 5 – Shoreline Use Provisions (including policies and regulations)
- Chapter 6 – Definitions
- Chapter 7 – Administrative Provisions
- Appendix A – Shoreline Environment Designation Maps
- Appendix B – Critical Areas Regulations Within Shoreline Jurisdiction

Critical areas located within shoreline jurisdiction and designated as a shoreline or associated wetland shall use Appendix B of the SMP for regulation. Critical areas located outside shoreline jurisdiction shall use Chapter 14.88 LSMC for regulation.

14.92.020 Administration.

(a) Shoreline Designation Map. Shorelines of the State located within Lake Stevens shall be designated on an official map to be kept ~~((in City Hall))~~ by the Shoreline Administrator in the Permit Center.

(b) Administration. The Planning Director as the Shoreline Administrator is vested with the duty of administering the rules and regulations relating to shoreline management and may prepare and require the use of such forms as are essential to such administration.

(c) Compliance with Other Laws. Nothing in this title shall be construed as excusing a developer from compliance with any other local, State, or Federal statute, ordinance or regulation applicable to a proposed development.

(d) Enforcement and Penalty. The Lake Stevens City Attorney shall bring such criminal injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines of the City located within the City in conflict with provisions, policy, or intent of this chapter or the Shoreline Management Act of 1971. Procedures for enforcement action and penalties shall be as specified in WAC [173-27-240](#) through [173-27-310](#).

14.92.030 Repealed.

14.92.040 Requirements for Exempted Developments.

Certain developments are exempt from the requirement to obtain a substantial development permit pursuant to WAC 173-27-040. An exempt development is only exempt from a shoreline permit, but is still subject to other provisions in this SMP and any other applicable federal, state and local rules and regulations. See Chapter 7, Subsection C.1 of the Shoreline Master Program for a short summary of the types of developments which do not require substantial development permits (see WAC 173-27-040 for detailed descriptions).

~~((Any development or substantial development exempted from obtaining a shoreline development permit by Section [14.16C.100\(c\)](#) (Development Exempted from the Shoreline Development Permit Requirement) shall be consistent with the policy and~~

intent of the Shoreline Management Act of 1971 and of this chapter and with the City's Shoreline Master Program.

14.92.050 Supplemental Application Requirements for a Shoreline Development Permit.

In addition to the application requirements of the specified submittal checklist, any person applying for a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance shall submit with their land use development application the following information:

- (a) ~~The name, address and phone number of the applicant, applicant's representative and property owner;~~
- (b) ~~The location and legal description of the proposed shoreline substantial development;~~
- (c) ~~Name of the shoreline (water body) associated with proposal;~~
- (d) ~~A general description of the vicinity of the project (at least 400 feet) including adjacent uses, structures and improvements, intensity of development and physical characteristics;~~
- (e) ~~The present and intended use of the property and a description of the proposed shoreline substantial development project, including proposed use(s) and activities necessary to accomplish the project;~~
- (f) ~~A site development plan consisting of maps and elevation drawings, drawn to an appropriate scale to depict clearly all required information, and including photos or text, as required. The following information will be provided on a site plan map:

 - (1) ~~Land contours, using five foot contour intervals; if project includes grading, filling or other alteration of contours, then either:

 - (i) ~~Show both existing and proposed contours on a single map, clearly indicating which is which, and include subsections (f)(2) through (13) of this section; or~~
 - (ii) ~~Provide two or more maps, one showing existing contours, including subsections (f)(2) through (6) of this section, and the others showing proposed contours, including subsections (f)(7) through (13) of this section;~~~~
 - (2) ~~Dimensions, including height, size and location of existing and proposed structures and improvements, including but not limited to buildings, paved or gravel areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities;~~
 - (3) ~~Ordinary high water mark;~~
 - (4) ~~Beach type: sand, mud, gravel, etc.;~~
 - (5) ~~Width of setback, side yards;~~
 - (6) ~~Delineate all critical areas including lakes, streams and wetland areas and their buffers and identify those to be altered or used as part of development;~~
 - (7) ~~General indication of character of vegetation found on the site;~~
 - (8) ~~Proposed temporary and permanent fill areas (state quantity, source and composition of fill);~~
 - (9) ~~Proposed excavated or dredged areas (state quantity, composition and destination of material);~~
 - (10) ~~A landscaping plan for the project, if applicable;~~
 - (11) ~~Plans for mitigation on or off the site for impacts associated with project, if applicable;~~
 - (12) ~~A depiction of impacts to views from existing residential uses and public areas, where applicable; and~~~~

~~(13) For variances, clearly show on plans where development could occur without approval of variance, the physical features and circumstances on the property that provide a basis for request and location of adjacent structures and uses;~~

~~(g) Total value of all construction and finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises;~~

~~(h) Approximate dates of construction initiation and completion;~~

~~(i) Short statement explaining why this project needs a shoreline location and how the proposed development is consistent with the policies of the Shoreline Management Act of 1971;~~

~~(j) Listing of any other permits for this project from State, Federal or local government agencies for which the applicant has applied or will apply;~~

~~(k) Any additional material or comments concerning the application which the applicant wishes to submit may be attached to the application on additional sheets; and~~

~~(l) Property owners of record within 300 feet of project site in electronic table format.~~

14.92.060 Fees.

The fees for each proposed shoreline exemption, shoreline substantial development, shoreline conditional use, or shoreline variance permit shall be set by resolution.

14.92.070 Processing Requirements.

(a) Shoreline substantial development permits shall be processed as a Type II review, and shoreline conditional use permits and shoreline variances shall be processed as a Type III review, pursuant to Chapters [14.16A](#) and [14.16B](#), conforming to the requirements of RCW [90.58.140\(4\)](#).

(b) Each permit issued shall include a provision that construction pursuant to the permit shall not begin and is not authorized until 21 days from date of filing as defined in RCW [90.58.140\(6\)](#) and WAC [173-27-130](#), or until all review proceedings initiated within 21 days from date of filing have been terminated, except as provided in RCW [90.58.140\(5\)\(a\)](#) and (b).

(c) The Washington Department of Ecology shall review the permit submitted by the City and approve, approve with conditions or disapprove permit within 30 days of the date of submittal by City. (WAC [173-27-200\(1\)](#))

14.92.080 Policies.

Repealed by Ord. 811.

14.92.090 Hearing.

Within a reasonable time after the filing of an application for a shoreline development permit, the Hearing Examiner shall consider such application at a meeting, notice of which shall be given as per Section [14.16A.225](#) (Noticing Requirements).

14.92.100 Duties of Hearing Examiner.

The Hearing Examiner shall consider the proposed substantial development based on information from: the application; written comments from interested persons; the advice of the various City departments; independent study of the Hearing Examiner; and views expressed by the public. The Hearing Examiner may request an applicant furnish information concerning a proposed substantial development in addition to information required in an application. The Hearing Examiner shall formulate findings of fact and a decision, based on the decision criteria enumerated in Section [14.16C.100\(c\)](#). The

~~Hearing Examiner shall transmit its recommendations in writing, together with a statement setting forth the factors considered, and an analysis of the findings considered by him to be controlling, to the Shoreline Hearings Board within 14 days following the Hearing Examiner meeting.~~

~~14.92.110 Notification of Decision.~~

~~Repealed by Ord. 811.~~

~~14.92.120 Effective Date of Permit.~~

~~No person shall begin substantial development of any part of the shorelines of the State located within the City of Lake Stevens for at least 21 days pursuant to Section [14.92.070\(b\)](#).~~

~~14.92.130 Variances and Conditional Uses.~~

~~The City's shoreline master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances to ensure that strict implementation of the shoreline master program will not create unnecessary hardships or thwart the policy enumerated in this chapter or in Section 2 of the Shoreline Management Act of 1971 (RCW [90.58.020](#)). Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect.~~

~~14.92.140 Appeals.~~

~~Any person aggrieved by the granting, denying or rescinding of a shoreline permit may seek review by filing a request for review with the Shoreline Hearings Board, the Department of Ecology, and the Attorney General within 21 days of receipt of the decision pursuant to WAC [461-08-340](#). The City may appeal to the Shoreline Hearings Board any rules, regulations, guidelines, designations, or master programs for shorelines of the State adopted or approved by the Department of Ecology within 30 days of the date of adoption or approval.~~

~~14.92.150 Modification or Rescission of Permit.~~

~~The Hearing Examiner shall retain continuing jurisdiction over permits which it issues. It may modify or rescind any shoreline development permit if it finds that a permittee has not complied with the conditions of a permit. The Hearing Examiner shall hold a public hearing and make findings of fact relating to a permit in question before it may take action to modify or rescind the permit.~~

~~14.92.160 Permit Expiration and Extension.~~

~~Shoreline permits are valid for five years. A shoreline permit shall become void two years from the date of its issuance when substantial work on the authorized shoreline development has not been initiated within that time period. However, and consistent with RCW [90.58.143\(2\)](#), the City may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration or void date and notice of the proposed extension is given to parties of record on the shoreline permit and to the Department of Ecology.~~

~~14.92.170 Reapplication.~~

~~After the final action regarding the denial of a shoreline development permit, a reapplication for such a permit involving substantially the same development on the same property shall not be accepted for consideration for a period of six months.))~~

Section 10. 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 11. 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 12th day of August, 2013.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First and Final Reading:

Published:

Effective Date:



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: August 12, 2013

Subject: Resolution No. 2013-6 Fees Resolution Amendments

Contact Person/Department: Karen Watkins, Planning **Budget Impact:** None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: **The recommendation is for the City Council to adopt Resolution No. 2013-1 Fees Resolution on August 12, 2013 and repeal Resolution No. 2013-1.**

SUMMARY: The Fees Resolution requires an update to amend shoreline related fees and other fees. The amendments are described below. The attached Fees Resolution shows the amendments in strikeout/underline and highlighted for easier identification, but these will be removed before the fees resolution is signed.

BACKGROUND: With adoption of the Shoreline Master Program and other shoreline code amendments, staff reviewed the shoreline-related fees and are proposing amendments. Other fees are also proposed for updates or addition as described below.

DISCUSSION: This section summarizes all the proposed amendments to the Fees Resolution. Strikeouts and underlines with a highlight are used in the attached Fees Resolution to assist the Council in finding the changes in the resolution.

Page 2 – Section 2, Administrative Approvals/Determinations – Type I Review:

- Add “Adult Family Home” for \$325
- Delete “Docks – Private (6.410)” for \$200 as these now require a shoreline exemption
- Modify “Floodplain Development Permit” fee to be “when no Shoreline Exemption Required”
- Add note to better define when “Grading Permit” is required by adding “(less than or equal to 100 cubic yards)”
- Add “Pasture/Waste Management Plan” to Land Use Fees as it is collected by the Permit Center; it is still shown under “Animal Code Fees” on page 12 with a reference to Table A

Page 2 – Section 2, Administrative Conditional Use Permits – add note to better define when this permit is required for grading stated as “(Grading > 100 cubic yards)”.

Pages 2 and 3 – Section 2, Code Enforcement – add a new section of fees consistent with the Code Enforcement code amendments adopted by Council on May 13, 2013 by Ordinance No. 891.

Pages 3 & 4 – Section 2, Fireworks Permits – Under state law, stands may only be charged a total permit fee of \$100. Fireworks Displays take more time to review as they require inspections, so the fee is proposed to be increased to \$250.

Page 4 – Section 2, Pre-Application Conference Fee – The proposal is to better define when applicants may receive a credit for a pre-application conference fee and modify the fee when City consultants are requested to be present in the conference.

Pages 5 – Section 2, Shoreline Permits – The Planning Department would like to modify the shoreline permits to be more in line with the time it takes to review a permit. Many of the fees are proposed to be reduced for a specific review rather than one fee for all types of reviews.

- The Shoreline Conditional Use and Shoreline Variance fees are proposed to be reduced to \$1,500 plus the hearing examiner fee.
- A new combined “Shoreline Exemption with Floodplain Development Permit” fee is proposed for \$300 to reduce the need for separate reviews and saves the applicant \$50.
- The Shoreline Substantial Development fee is proposed to be modified to be specific for type of development and lower for some uses and higher for others that take more staff time to review.

Page 12 – Table D, Animal Code Fees –The table still shows the requirement of a “Pasture/Waste Management Plan” but refers to the Land Use fee table for specific fees since the Permit Center collects the fees.

APPLICABLE CITY POLICIES: LSMC 14.04.020 Fees allows for reasonable fees to be collected sufficient to cover costs and established by resolution.

BUDGET IMPACT: Fees are intended to cover cost of permit processing, so budget impact dependent on types and number of permits.

ATTACHMENTS: Resolution No. 2013-6 Fees Resolution

CITY OF LAKE STEVENS
Lake Stevens, Washington

RESOLUTION NO. 2013-6

A RESOLUTION REPEALING RESOLUTION NO. 2013-1 AND ADOPTING AMOUNTS FOR THE RATES, FEES, AND DEPOSITS FOR VARIOUS SERVICES PROVIDED AND ACTIONS PERFORMED BY THE CITY AND FINES LEVIED AGAINST CODE VIOLATORS, TO INCLUDE NEW LAND USE FEES FOR SERVICES ACTIONS OR PERMITS

WHEREAS, the City Council, through ordinance, has adopted regulations requiring certain actions and services; and,

WHEREAS, these various ordinances set forth that fees shall be set by resolution, and;

WHEREAS, the cost of providing these various services consistent with applicable codes, regulations, and policies periodically increase or decrease, or certain services or practices are discontinued and fees are no longer needed; and,

WHEREAS, it is the intent of the City of Lake Stevens to charge appropriate fees and charges that are consistent with the services provided and to cover the public cost of providing these various services so that the public is not subsidizing individual benefits derived therefrom;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE STEVENS AS FOLLOWS: Resolution No. 2013-1 is hereby repealed and the following rates, fees, and deposits for various services provided and actions performed by the city and fines levied against code violators are hereby adopted:

Section 1. Fees and Deposits-General.

- A. **Fees.** Fees are intended to cover the normal, recurring administrative costs associated with said action, such as secretarial staff time, advertising, mailings, file distribution, etc. and project review. Fees are non-refundable. The applicant is responsible for costs incurred for any portion of project/permit reviewed by a consultant hired by the City for such review.
- B. **Payment Due.** Fees and deposits are due at the time the action is requested (e.g., at time of application) or occurs (e.g., prior to a specific action). An applicant may pay all fees and deposits of a multi-phased project in advance; however, doing so does not vest applicable fees due. Fees due are those in effect at the time the specific action or phase of an action is requested or occurs.
- C. **Late Payment Penalties.** If payment is not received within 30 days of the due date specified on the invoice, the amount due shall accrue interest at the rate of 1.5 percent per month, with a maximum monthly interest accrual of \$20.00, from the date the fee became due and the date payment is actually made.
- D. **Waivers.** Upon petition by the applicant, the City Council may waive any of the fees or portions thereof, for any non-profit organization that provide services for the necessary support of the poor or infirm.
- E. **Concurrent Applications.** Concurrent applications requiring land use fees established by this resolution shall be subject to each fee cumulatively as if reviewed separately. There shall be no reduction in fees where more than one type of fee is charged for a project.

Section 2. Land Use Fees. Fees for various services, actions, and permits regarding land use, as per LSMC Title 14 and 16, shall be as listed in Table A. Land Use fees are in addition to Building Permit fees. Attorney fees may be recovered for specific projects. (Note: "X.XX" number refers to Use Category from Title 14 Table of Permissible Uses.)

Table A: Schedule of Land Use Fees

Action/Permit/Determination	Fee (\$)
ADMINISTRATIVE APPROVALS/DETERMINATIONS – TYPE I REVIEW	
Administrative Modifications	450
<u>Adult Family Home</u>	<u>325</u>
Boundary Line Adjustments	1,000
Changes of Use	750
Code Interpretations	150
<u>((Docks – Private (6.410))</u>	<u>200))</u>
Floodplain Development Permit <u>when no Shoreline Exemption is required</u> (may also require SEPA and critical area review fees)	150
Grading Permits (less than or equal to 100 cubic yards)	375
Home Occupations	Reviewed as part of business license
Lot Line Consolidation	500
<u>Pasture/Waste Management Plan (LSMC 5.18.040)</u>	
<u>Plan Review Fee</u>	<u>75</u>
<u>Subsequent Plan Modification Review</u>	<u>75/hour</u>
Reasonable Use Exceptions	200+critical areas review
Temporary Use	
Temporary Residence (1.700)	125
Temporary Mobile/Modular Public Structures (15.500) in any zone	100
Temporary Structures (23.000)	200
ADMINISTRATIVE CONDITIONAL USE PERMITS (formerly Special Use Permits) (Grading > 100 cubic yards)	
Basic Review & administrative decision	1,000
If hearing called for in addition to previous costs)	Hearing Examiner cost
ANNEXATIONS	
Submission of 10% Petition	0
Submission of 60% Petition	0
If it goes to BRB hearing	0
ATTORNEY FEES	Applicant pays actual cost charged City plus 35 Administrative fee
APPEALS PER TITLE 14	
To City Council	350
To Hearing Examiner	350+Hearing Examiner cost
To Shoreline Hearings Board	75/hr
BINDING SITE PLANS	
Revision	1,000
BUOY OR MARKER PERMIT (PRIVATE) (Per LSMC 10.16.070)	
Initial Application Review	105
Private buoy or marker permit (annual) (LSMC 10.16.070)	75
CODE ENFORCEMENT – NOTICE OF VIOLATION (Per Ch. 17.20 LSMC)	
<u>Filing Fee to Request Contested Hearing</u>	<u>350</u>

Action/Permit/Determination	Fee (\$)
<u>Filing Fee to Request Mitigation Hearing</u>	<u>350</u>
<u>Hearing Examiner Hearing (except for initial open record hearing per LSMC 17.20.080(d))</u>	<u>Hearing Examiner cost</u>
COMPREHENSIVE PLAN AMENDMENTS (including area-wide-rezones)	
Minor Amendment (annual cycle)	2,400
Major Amendment (5-year cycle)	3,500
CONDITIONAL USE PERMITS	((5))3,500+ Hearing Examiner cost
CONSTRUCTION PLAN APPROVAL	
Residential developments 1-9 units	1,300 for first two reviews + 200 for each additional review
Residential developments 10 or more units	1,500 + 150 per lot for first two reviews + 300 for each additional review
Commercial and/or non-residential developments	2,000 for first two reviews + 300 for each additional review
CONSULTANT FEES	Applicant pays actual cost charged City plus 35 Administrative fee
CRITICAL AREA REVIEW	Applicant pays actual cost charged City plus 35 Administrative fee
DESIGN REVIEW	
Design Review – Administrative Decision	450
Design Review - without other permit – Design Review Board	750
Design Review – with other permit – Design Review Board	300
DEVELOPMENT AGREEMENT	1,400
EDDS DEVIATION REQUEST	100
ESSENTIAL PUBLIC FACILITIES (in addition to conditional use permit fees)	
Essential Public Facility	Public participation costs (e.g., mailings, noticing, room rental) +consultant fees +attorney fees
Secure Community Transition Facility	Public participation costs (e.g., mailings, noticing, room rental) +consultant fees +attorney fees
EVENT PERMITS	
Event Level 1	75
Event Level 2	225
Event Level 3	300
Event Level 4	1,050
Event Level 4 Deposit	80% of City estimated cost for City services
Event Expedited Review Fee	100
Boat Launch Closure	100/day
Recycle Containers	10/unit deposit 35/unit replacement fee for unreturned or damaged units
FIREWORKS PERMITS	

Action/Permit/Determination	Fee (\$)
Fireworks Display	250 ((100))
Fire Works Stand	100 ((185))
IMPACT FEES	
Park Mitigation	
Single Family Residence and Apartments with 3+ bedrooms	2,363/dwelling
Duplex and Apartments with 2 bedrooms	1,733/dwelling
Apartments with 0-1 bedrooms	1,103/dwelling
School Mitigation	
Detached Single Family Residence	4,692/dwelling
Duplex/Apartment/Townhouse with 2 or more bedrooms	2,915/dwelling
Duplex/Apartment/Townhouse with 1 or fewer bedrooms	0
Traffic Mitigation	
Traffic Impact Zone 1	2,039/PM Peak Hour Trip
Traffic Impact Zones 2 & 3	2,917/PM Peak Hour Trip
LAND USE CODE AMENDMENTS	3,000
MISCELLANEOUS ACTIONS/ITEMS	
Permit Extension	150
Public Notice Signs Rental Fee	50
Security Administration Fee, per each security	100
Sign Non-Return Charge – If not returned within 7 days of permit approval	10/sign
Tree Replacement Fee In-Lieu (per LSMC 14.76.120(e))	Equal to cost of purchasing & planting trees as per applicant submitted report prepared by certified arborist or landscape designer/contractor
MISCELLANEOUS TASKS	
Miscellaneous Engineering Review (e.g., storm drainage plans for Single-Family Residential & Duplexes, drainage studies, etc.)	75/hr
Miscellaneous Research or other staff time	75/hr
PARK PERMITS	
Park Permit without Picnic Shelter	35
Park Permit is included if Picnic Shelter is rented	0
PLANNED NEIGHBORHOOD DEVELOPMENTS	3,500+Hearing Examiner cost
PRE-APPLICATION CONFERENCE FEE (\$400 ((C)) credited toward application fee over \$1,000 upon submittal of said application if received within 12 months from date of pre-application conference. ((Maximum credit is the lower of application fee or Pre-Application Conference Fee.))	
Without Consultant Review	400
With Requested Consultant Review (e.g., critical areas consultant, etc.)	400+Consultant fees((1,100))
RECONSIDERATION OF DECISION by:	
Planning Director	200
Design Review Board	200
City Council	200
Hearing Examiner	100+Hearing Examiner cost
RECORDING FEES	At cost (paid directly to Snohomish County)
REZONES - ZONING MAP AMENDMENTS	
Rezone Minor	500+Hearing Examiner cost
Rezone Major	1,000+Hearing Examiner cost
Area-wide Rezones	See Comprehensive Plan Amendments fee

RIGHT-OF-WAY	
Right-of-Way Permit	
Individual Residential (outside roadway improvements)	50
All Others	200
Right-of-Way Vacation	1,000
Road Cuts (required only for pavement cuts where roadway overlay is not required by City)	2 per square foot
SEPA REVIEW (does not include critical areas review, which is a separate fee)	
Planned Action Project Certification Review including SEPA Checklist	750
Review of SEPA Checklist	750
Review of requested studies	75/study per hour 2 hour minimum
Review of requested traffic studies	75 per hour 2 hour minimum
Review of requested drainage studies	75 per hour 2 hour minimum
Environmental Impact Statement (EIS)	75 per hour 10 hour minimum
Addendum	300
SEPA Appeals (to Hearing Examiner)	150+Hearing Examiner cost
SHORELINE PERMITS (may also require SEPA and critical area review fees)	
Shoreline Conditional Use	1,((2))500+Hearing Examiner cost
Shoreline Exemption	200
<u>Shoreline Exemption with Floodplain Development Permit</u>	300
Shoreline Substantial Development	+Hearing Examiner if requested by public ((1,875))
<u>Related to Single Family Residence</u>	500
<u>Related to Multifamily Residence or Commercial Property</u>	1,500
<u>Related to Subdivision</u>	2,000
<u>Other</u>	2,500
Shoreline Variance	1,((2))500+Hearing Examiner
SIGN PERMITS	
Sign Permit	150+50/sign
Master Sign Program Permit	450
Action/Permit/Determination	Fee (\$)
SUBDIVISIONS (1-9 lots – Short Plat; more than 9 lots – Plat)	
Preliminary Short Plat	4,320
Final Short Plat	765
Short Plat Alteration	1,225
Short Plat Vacation	1,225
Preliminary Plat	10,030
Final Plat	1,565 + 100 per lot or unit + Survey Consultant Review cost
Plat Alteration	1,600
Plat Vacation	1,600
Street Signs (per Manual on Uniform Traffic Control Devices)	Purchased & installed by applicant per code & consistent with MUTCD
VARIANCE (Hearing Examiner review)	
	1,100+Hearing Examiner cost
ZONING CERTIFICATION LETTER	
	150

Section 3. Building Permit Fees. (Land Use fees, if required, are in addition to Building Permit fees.)

- A. Washington State Building Codes Adopted. The City of Lake Stevens does hereby incorporate by this reference as though fully set forth the fees from:
1. 2009 edition of the International Building Code (IBC)
 2. 2009 edition of the International Residential Code (IRC)
 3. 2009 edition of the International Mechanical Code including the 2009 International Fuel Code, 2008 National Fire Protection Association 58 (Liquefied Petroleum Gas Code) and 2009 National Fire Protection Association 54 (National Fuel Gas Code)
 4. 2009 edition of the Uniform Plumbing Code
 5. Washington State Barrier Free Regulations (Title 51 WAC)
 6. Current edition of the Washington State Energy Code
 7. 2009 edition of the International Fire Code
 8. Current edition of the Washington State Ventilation & Indoor Air Quality Code
- B. Valuation for Calculating Building Permit Fees shall be determined according to the International Code Council "Building Valuation Data" which is herein incorporated by reference as though fully set forth. The "Building Valuation Data," including modifiers, is found in Building Safety Journal, and is published quarterly by the International Code Council. Subsequent semi-annual revisions of the "Building Valuation Data" shall be automatically incorporated by this reference to be effective immediately following each new publication. Building permit fees shall be based on the formulas contained in Table 1A.

Table 1A: Building Permit Fees

Total Valuation	Fee
\$1.00 to \$499.99	\$23.50
\$500.00 to \$1,999.99	\$23.50 for the first \$499.99 plus \$3.05 for each additional \$100, or fraction thereof, up to and including \$1,999.99.
\$2,000.00 to \$24,999.99	\$69.25 for the first \$1,999.99 plus \$14 for each additional \$1,000, or fraction thereof, up to and including \$24,999.99.
\$25,000.00 to \$49,999.99	\$391.25 for the first \$24,999.99 plus \$10.10 for each additional \$1,000, or fraction thereof, up to and including \$49,999.99.
\$50,000 to \$99,999.99	\$643.75 for the first \$49,999.99 plus \$7.00 for each additional \$1,000, or fraction thereof, up to and including \$99,999.99.
\$100,000 to \$499,999.99	\$993.75 for the first \$99,999.99 plus \$6.50 for each additional \$1,000, or fraction thereof, up to and including \$499,999.99.
\$500,000 to \$999,999.99	\$3,233.75 for the first \$499,999.99 plus \$4.75 for each additional \$1,000, or fraction thereof, up to and including \$999,999.99.
\$1,000,000 and up	\$5,608.75 for the first \$999,999.99 plus \$3.65 for each additional \$1,000, or fraction thereof.

C. Plan Review Fees:

Residential:

- New construction & additions: 65% of permit fee using Table 1A
- Repairs & Alterations: \$75.00 per hour (min. 1 hour)

Commercial:

- New construction & additions: 85% of permit fee using Table 1A
- Tenant Improvements (TI) & Alterations: 85% of permit fee using Table 1A **OR** \$75.00 per hour (min. 1 hour) as determined by the building official
- Plumbing & mechanical: 25% of permit fee or City's hourly rate of \$75.00 per hour (min. 1 hour)

D. Fire Department Commercial Plan Review.

New or Tenant Improvement Building Permits – Applies to all Occupancies except Groups R-3 and U

Construction Valuation From:	To:	Fee
\$0	\$1,000	\$30
\$1,001	\$5,000	\$115
\$5,001	\$10,000	\$175
\$10,001	\$20,000	\$200
\$20,001	\$45,000	\$260
\$45,001	\$100,000	\$315
\$100,001	\$250,000	\$430
\$250,001	\$500,000	\$545
\$500,001	\$1,000,000	\$690
\$1,000,001	\$1,500,000	\$775
\$1,500,001	\$2,000,000	\$835

>\$2 million \$865 plus \$55 per \$500,000 (prorated over \$2 million)

E. Other Inspections and Fees:

See Section II Tables D and E for Sprinkler and Alarm fees.
 Inspections outside of normal business hours: \$75/ hour, 2 hour minimum.
 Reinspection fees assessed at \$75 per hour (1 hour minimum).
 Penalty for commencing work prior to permit issuance: Double permit fee.
 Inspections for which no fee is specifically indicated: \$75 /hour (1/2 hour minimum).
 Additional plan review required by changes, additions or revisions to plans: \$75/hour.
 For use of outside consultants for plan checking and inspections, or both: Actual Costs

F. Miscellaneous Building Permit Fees. Tables B2 and B3 specifies those fees charged for permits to be issued pursuant to the Washington State Building Code and which are not included in the provisions of Subsections A and B:

Table B2: Schedule of Miscellaneous Building Permit Fees

Permit	Fee (\$)		
	Permit	Plan Check	Total
Accessory Structures	Valued as Utility (BVD) See Table 1A for fees	65% of permit fee	Permit fee + plan check fee
State Building Code fee (each permit)	\$4.50		\$4.50
Each additional residential unit (per RCW 19.27.085)	\$2.00		\$2.00
Deck	Valued at: \$15/sq.ft. – uncovered \$17/sq.ft. – covered See Table 1A for fees	65% of permit fee	Permit fee + plan check fee
Demolition	\$75		\$75
Dock	Valued at: \$30/sq.ft. See Table 1A for fees	65% of permit fee	Permit fee + plan check fee
Fence/Retaining Wall	\$75	\$75/hr (1/2 hr min)	\$75 + plan check fee
Manufactured Home Placement ((& Skirting))	\$225		\$225
Certificate of Occupancy	\$100		\$100
Reroof:			
Residential	\$40.00		\$40.00
Residential with sheathing	\$90.00		\$90.00
Commercial	Refer to Table1A	Same as Commercial TI	Permit fee + plan check fee
Adult Family Home	\$150		\$150
Re-inspection	\$75		\$75

BVD = Building Valuation Data, August 2012, International Code Council

Table B3: Mechanical and Plumbing Fees

Mechanical Fees		Plumbing Fees	
Mechanical Permit	35.00	Plumbing Permit	35.00
AC unit < 100,000k	20.00	Back Flow Preventer	10.00
AC unit 100,000k – 499,999 k	30.00	Bathtub	10.00
AC unit 500,000k and up	40.00	Commercial Dishwasher	15.00
Air Handlers <10,000 CFM	13.00	Drinking Fountain	10.00
Air Handlers 10,000 CFM and up	23.00	Floor Sink or Drain	10.00
Boilers	15.00	Grease Interceptor	50.00
Commercial Incinerator	30.00	Grease Traps	10.00
Condensers	20.00	Hose Bibs	10.00
Domestic Incinerator	20.00	Ice Makers	10.00

Mechanical Fees		Plumbing Fees	
Duct Work	15.00	Kitchen Sink	10.00
Evaporative Cooler	15.00	Laundry Tray	10.00
Forced Air System <100,000 BTU	18.00	Lavatory	10.00
Forced Air System 100,000 or more BTU	24.00	Lawn Sprinkler System	10.00
Gas Clothes Dryer	15.00	Medical Gas 1- 5	50.00
Gas Piping 1 – 4 Outlets	11.00	Medical Gas, for each one over five	10.00
Additional Outlets	1.00	Mop Sink	10.00
Heat Exchanger	15.00	Other	10.00
Heat Pump	15.00	Pedicure Chair	10.00
Manf. Fireplace/ Log Lite	18.00	Reclaimed Water System	40.00
Misc. Appliance	15.00	Residential Dishwasher	10.00
Range Hood – Residential	15.00	Roof Drains	10.00
Range Hood – Commercial	150.00	Shower	10.00
Refrigeration Unit <100K	20.00	Specialty Fixtures	10.00
Refrigeration Unit 100K – 499K	30.00	Supplemental Permit	15.00
Refrigeration Unit 500K and up	40.00	Testing of Reclaimed Water System	30.00
Relocation Repair	15.00	Urinal	10.00
Stove Appliance	15.00	Vacuum Breakers 1- 5	10.00
Supplemental Permit	15.00	Vacuum Breakers, for each one over five	2.00
Vent Systems	15.00	Washing Machine	10.00
Vent w/o Appliance	10.00	Waste Interceptor	10.00
Ventilation Fans	10.00	Water Closet	10.00
Wall/Unit Heaters	20.00	Water Heater	15.00
Water Heater	15.00	Water Service	10.00
Wood Stoves	18.00		

Section 4. Sewer Fees. Fees for various services, actions, and permits regarding sewerage, as per LSMC Titles 6 and 14, shall be as listed in Table C (below).

Table C: Schedule of Sewer Service Rates, Fees, and Fines

Service/Action	Fee/Fine (\$)
Sewer Disconnection Inspection – Capping	125
Sewer Re-Connection - Uncapping	125
Side Sewer Permit Fee	
- Single-family dwelling units	250
- Duplex	375
- Tri-plex	500
- Multiple Units 4+ (apartments & condos)	250 for the first unit served, next 3 units 125 each. Sequence restarts with 5 th unit.
- Commercial or industrial buildings	250for the first unit served, next 3 units 125 for each additional separate leasable area. Sequence restarts with 5 th unit.
- Modifications or additions to an existing side sewer servicing a building where such modification or addition is done entirely on private property	125 each
Local Facilities Charge	
- Sewer stub permit (except in case below)	3,530 each
- No stub provided by District	
- Exception per Developer Extension Agreement or through ULID Agreement. Stub extension is subject to reimbursable.	Check with Lake Stevens Sewer District
Illegal connections to District sewer system	1000 fine and 100per day
Sewer Connection Charges	6,850 per residential unit or equivalent
- Grade Road Basin Charge	1,080 per residential unit or equivalent within Grade Road Basin per LSMC 6.16.100
- Grade Road Frontage Charge*	6,280 per residential unit or equivalent fronting Grade Road Sewer Main Extension per LSMC 6.16.100
	*Units subject to Grade Road Frontage charge are also subject to Grade Road Basin Charge
	The Grade Road Basin and Frontage Charges shall be updated with interest annually in January of each year with the current State Investment Pool rate until January 1, 2015
- General Facilities (except some properties in ULID	6,850 per residential unit or

Service/Action	Fee/Fine (\$)
70-1) - General Facility Reimbursable Fee per Developer Extension Agreement - Administrative Fee for processing sewer assessment agreements	equivalent May be applicable on a basin to basin case. Check with Lake Stevens Sewer District. 1,100
Monthly Sewer Service Rate (LSMC 6.20.020) - Except grandfathered qualified Low Income Senior Citizens and Low Income Disabled Persons.	65/unit for the first 900 ft ³ of water consumption/unit 7.22/100 ft ³ (or part thereof) of water consumption/unit over 900 ft ³
Late Payment Charge (effective 1/1/97) - If the monthly sewer service charge is not received by the District on or by the last calendar day of the month there will be assessed a 10% late charge on the current month's outstanding charges and 8% annum interest charge on the total outstanding balance.	
Lien Fee - The fee for filing/releasing liens shall include the cost set by the Snohomish County Auditor's Office plus District administrative fee.	County Fee + 35
Collection of delinquent accounts - The fee shall be set by the collection agency Foreclosure (attorney and administrative fees)	2,500

Section 5. Animal Code Fees. Fees for other various services, actions, and permits related to Animal Control, as per LSMC Title 5, shall be as listed in Table D.

Table D: Animal Code Fees

Permit/Action	Fee (\$)
<p>Dog/Cat License:</p> <ul style="list-style-type: none"> - Each dog or cat licensed within 60 days of residency or within 60 days of acquiring pet, lifetime Free - Each dog or cat neutered or non-neutered, lifetime 20 - Senior Citizen (defined as being 62 years of age or older) owners, lifetime Free - Service and guide dogs, lifetime Free - Duplicate license for lost or destroyed dog/cat tag 4 - Other Code Violations: <ul style="list-style-type: none"> ■ First Offense, For first offense the fee for such violation will be set equivalent to the Basic Rule Violation as set forth in the Justice Information System (JIA) Law Table as published by the Administrative Office of the Courts. ■ Second Offense, For the second offense, the fee for such violation shall be set equivalent to double the Basic Rule Violation as set forth in the Justice Information System (JIA) Law Table as published by the Administrative Office of the Courts. 	
<p>Impound Fees for Cost Recovery:</p> <ul style="list-style-type: none"> - Dogs and cats (at police kennel) 25 - Dogs, Cats and other animals (at/or transported to animal shelter) As set forth by the Everett Animal Shelter animal impound fee schedule, plus an additional \$5.00 administrative fee for reviewing and processing billing statements. - Animals 30 - Additionally, any costs incurred which exceed the base fee and which are associated with the collection, impoundment, maintenance, treatment, and destruction of the animal(s), any fees owing, and any costs of damage cause by the animal(s) shall be the liability of the owner. The City is not responsible for such costs incurred. Varies 	
<p>Pasture/Waste Management Plan (Sec5.18.040): <u>See Table A Land Use Fees</u></p> <ul style="list-style-type: none"> - ((Plan review fee 75)) - ((Subsequent plan modification review 75/hour)) 	

Section 6. Miscellaneous Police Fees. Fees for various Police services, actions, and permits shall be as listed in Table E.



Table E: Schedule of Miscellaneous Police Fees & Fines

Permit/Action/Service	Fee (\$)
Fingerprinting:	
1. For Concealed Pistol Licenses	State fee
2. People who work or reside in the City (per 2 cards)	10
3. People who do not work or reside in the City (per 2 cards)	20
Lamination Services – Concealed Pistol Licenses	3.50
Boat Launch Parking Fees and Fine:	
1. Daily	5
2. Annual Permit	75
3. Low-income Seniors (defined as being 62 years of age or older)	40
4. Failure to pay fee (50% reduction if paid with in 24 hours)	40
5. Current Washington State Fishing License decal affixed to vehicle	Free
DUI cost recovery:	
1. Administrative fee	200
2. Jail booking fee (or as revised by Snohomish County or City of Marysville)	82
3. Daily lodging fee (or as revised by Snohomish County or City of Marysville)	61
False Alarm Fees:	
1. Second response to premises within six months after the first response	25
2. Third response to premises within six months after a second response	50
3. Fourth response to premises in six months after the third response and for all succeeding responses within six months of last response	100
Impound Fees for Cost Recovery:	
Signs if owner wants returned, per sign	25
Impound fee for wheeled recreational devices	60
Administrative storage fee for impounded vehicles	15
Fine for parking:	
1. Fine for parking as described in Lake Stevens Municipal Code Section 7.12.090, Prohibited Parking	40
2. Fine if paid within 24 hours	20
Off-duty Officer:	Refer to current billable rate schedule
Security for Non-profits	
Security for others (includes a 15% administrative fee)	
Special Event Services Deposit: (For special planned events that require additional police services)	\$100 per hour of event with one hour minimum
Letters for search of local criminal justice data bases	10
Police records research, 1 hour minimum, billed in ½ hr increments, paid in advance	Rate effective beginning: 1/1/10 61.00/hr
Administrative dismissal of infraction for operating motor vehicle without insurance – administrative fee	25

Section 7. Miscellaneous Fees. Fees for various other services, actions, and permits shall be as listed in Table F.

Table F: Schedule of Miscellaneous Fees and Fines

Permit/Action	Fee or Fine (\$)
Public Works :	Refer to current billable rate schedule
Hourly Rate for Service for Non-profits Hourly Rate for Service for others (includes a 15% administrative fee)	
Business Licenses:	
- Non-refundable Adult Entertainment (Cabaret) application Fee	100
- Adult Entertainment (Cabaret) Establishment (annual)	500
- Adult Entertainment (Cabaret) Establishment Manager/ Entertainer (annual)	50/person
- Business License Registration – Application	40
- Business License Registration – Annual Renewal	25
- Temporary business license	40
- Renewal	5
- Canvassers, Solicitors and Peddlers (includes City application fee, does not include Washington State Patrol application fee. License expires one year from date of application.)	75 for the 1 st three employees, and \$10 for each additional employee
- Live music and/or dance entertainment (annual)	50
- Games (annual)	50
- Pawnbroker and Second Dealers (annual)	500
- Washington State Department of Licensing's Master License Service	Currently New Application \$15 Renewal \$9
- Business license handling fee (fees shall be automatically amended by the State)	
Duplication of Public Records: (postage/delivery costs extra)	
- In-house Copying of City documents for the public	15¢/page/side first \$2 charge is free
- In-house Copying of City documents to pdf when original document is not in electronic format	10¢/page/side first \$2 charge is free \$1 extra for copy to CD
- In-House duplication of City documents to CD, such as Comprehensive Plan, Lake Stevens Municipal Code Title 14, Urban Design Standards, Engineering Design and Development Standards, etc.	10/CD
- Documents or CDs printed by outside party	Actual cost to reproduce
- Maps - Duplication of maps less than 11"X17"	2
- Maps - Duplication of maps greater than 11"x17"	6
- Special requests for plotted maps, aerials, plans, etc. (each)	12
- Audio cassette recordings of meetings: Duplicated by staff	1/tape
Duplicated by outside party	Actual cost to reproduce

Permit/Action	Fee or Fine (\$)
<ul style="list-style-type: none"> - Color photos (cost to reproduce) - Duplication of all other types of City media (i.e., photographs, audio/video tapes, blueprints) shall include the cost of duplication, postage/delivery costs, and actual staff time - Certified copy of a public record 	<p style="text-align: right;">40¢</p> <p style="text-align: right;">\$5 for 1st Page and \$1 each after the 1st Page</p>
Dishonored Check Fine (in payment of City services)	35
Passports (fees shall be automatically amended by U.S. Dept. of State)	Consistent with effective federal changes
Age 16 and Over	Passport Fee 110 Execution Fee 25
Under Age 16	Passport Fee 80 Execution Fee 25
Passport Photos	\$16.00/set including sales tax

Section 8. Community Center Rental Fees. Fees for renting the City's Community Center shall be as listed in Table G.

Table G: Schedule of Rental Fees

Classification	Rental Amount (\$)
*Local users – see definition below	\$10/ hour or \$60/day
Non-local users	\$15/hour or \$90/day
**Non-Profit Community Interest Groups - see definition below	\$5/hour
Public utilities and any instrumentality of the United States, State of Washington, or political subdivision thereof with respect to the exercise of governmental functions	Free

1. If the City requires general liability insurance coverage, the event shall be required to provide proof of insurance in compliance with the Facility Use Permit rules ten days prior to the event. If applicant requests additional time (less than 10 days prior to the event) to provide proof of insurance, a City expedite fee of \$25 will be charged. If proof of insurance is not provided, the event will be cancelled.
2. "Local" user is a group whose coordinator or assigned member is a citizen of the City of Lake Stevens.
3. **Non-Profit Community Interest Groups devoted to community interest whose activities generally take place within the geographical confines of the City of Lake Stevens. This classification would include, but not be limited to: Girl Scouts, Lake Stevens Historical Society and Lake Stevens Rowing Club. Non-profit group is defined as being registered with the Secretary of State as a non-profit.
4. A minimum security deposit of \$25 MAY be required of users when, in the judgment of the facilities scheduler, the type of facility use may necessitate such a deposit.
5. In case of a cancellation, a written ten-day advance notice must be received to qualify for a refund.

Section 9. Lundeen Park Shelter Fees. Fees for the rental of Lundeen Park Shelters shall be as listed in Table H (below).

Table H: Schedule of Lundeen Park Shelter Rental Fees

	Group Size	Number of shelters	Rate
Lundeen Park Single Shelter Pricing	1-25	1	\$ 40 <i>reservation fee</i> + \$ 7 \$ 47
	26-50	1	\$ 60 <i>reservation fee</i> + \$ 7 \$ 67
Lundeen Park Double Shelter Pricing	1-50 <i>(patron requests both shelters)</i>	2	\$ 80 <i>reservation fee</i> + \$ 7 \$ 87
	51-75	2	\$ 100 <i>reservation fee</i> + \$ 7 \$ 107
	76-100	2	\$ 120 <i>reservation fee</i> + \$ 7 \$ 127

Maximum of 50 people per shelter.

Section 10. Stormwater Utility and Lake Management Charges. Fees for the Stormwater Management Utility, as per LSMC Title 11, shall be as listed in Table IA (below).

Table I: Stormwater Management Utility

Class	Impervious Surface %	Monthly Rate	Annual Rate
Single Family	NA	\$8.67/parcel	\$104.00 per parcel
Condominium	NA	\$7.17 per unit	\$86.02per unit
Undeveloped Lot	NA	Exempt	Exempt
Exempt	Less than 1%	No Charge	No Charge
Very Light	1% to 19%	\$2.38 per 1/4 acre	\$28.61per 1/4 acre
Light	20% to 39%	\$8.00 per 1/4 acre	\$96.00 per 1/4 acre
Moderate	40% to 59%	\$13.28 per 1/4 acre	\$159.36 per 1/4 acre
Heavy	60% to 79%	\$18.06 per 1/4 acre	\$216.77 per 1/4 acre
Very Heavy	80% to 100%	\$23.90 per 1/4 acre	\$286.85 per 1/4 acre
City Roads	NA	Set in accordance with RCW 90.03.525	Set in accordance with RCW 90.03.525
State Highways	NA	Set in accordance with RCW 90.03.525	Set in accordance with RCW 90.03.525

Mobile Home parks shall be charged under the appropriate rate category by their percentage of impervious surface. Duplex, Triplex, Four-plex will be charged the base single family rate multiplied by the number of units.

Parcels with multiple single family structures will be charged the base single family rate multiplied by the number of structures.

Miscellaneous structures over 120sf, parking lots, play areas, and sport courts will be charged under the appropriate rate category by their percentage of impervious surface.

Segregated plat roads and driveways in private easements will be charged a single family base rate.

Unsegregated plat roads will be charged under the appropriate rate category by their percentage of impervious surface.

Undeveloped lots are not altered from the natural state by construction and include lakefront and split lots.

Fees for the Lake Management, as per Title 11 LSMC, shall be listed in Table IB (below).

Table IB: Lake Management Benefit Assessment

Class	Impervious Surface %	Monthly Rate	Annual Rate
Lakefront Lot	NA	\$16.00per parcel	\$192.00 per parcel
Split Lot	NA	\$11.33 per parcel	\$136.00per parcel

The lake front lot assessment applies to each land parcel abutting the lake shore. The split lot assessment applies to each land parcel with a portion of the lot abutting the lake shore and a portion of the lot separated from the lake shore by the city road. Each parcel abutting the lake will be charged a lakefront/split lot surcharge in addition to the appropriate Stormwater Management Utility rate.

Lakefront lots developed with only a dock or other over the water structure will receive a lakefront assessment.

Lakefront /split lot parcels with multiple single family structures will be charged the applicable assessment in addition to the single family Stormwater Management Utility rate multiplied by the number of units.

Commercial lakefront/split lot parcels will be charged a lakefront/split lot assessment in addition to the appropriate rate category by their percentage of impervious surface.

Parcels with a common interest in a community beach will be charged a proportionate share of the lakefront assessment in addition to their single family (or other) Stormwater Management Utility rate.

Section 11. Annual Fire Inspection Fees and Fire Department Related Service fees. Fees for fire inspection and Fire Department related Services fees shall be as listed in Table J below.

Table J: ANNUAL FIRE INSPECTION

AND FIRE DEPARTMENT RELATED SERVICE FEES

TABLE A -- ANNUAL FIRE INSPECTION FEE			
Building size In square feet	FEE		
	B, M, R	A, E, LC, R	F, H, I, S Occupancies
0-1000	\$45	\$75	\$95
1,001-2,500	\$65	\$105	\$165
2,501-5,000	\$95	\$155	\$245
5,001-7,500	\$115	\$185	\$285
7,501-10,000	\$125	\$195	\$300
10,001-12,500	\$145	\$230	\$315
12,501-15,000	\$165	\$275	\$330
15,001-17,500	\$175	\$295	\$345
17,501-20,000	\$190	\$310	\$365
20,001-30,000	\$215	\$350	\$375
30,001-40,000	\$230	\$375	\$385
40,001-50,000	\$245	\$400	\$400
50,001-60,000	\$260	\$425	\$425
60,001-70,000	\$275	\$450	\$450
70,001-100,000	\$300	\$475	\$475
100,001-150,000	\$350	\$500	\$500
150,001-200,000	\$400	\$525	\$525
OVER 200,000	\$450	\$550	\$550
REINSPECTION FEES			
For uncorrected violations at time of first re-inspection			\$25
For uncorrected violations at time of second re-inspection			\$50
SPECIAL INSPECTION FEES			
Riser system Re testing			\$58 each
Fuel storage tank abandonment			\$58.00 each
Alarm System re-testing			\$58.00 each
SPECIAL EVENT PERMIT FIRE INSPECTIONS			

During regular business hours	\$115
After regular business hours/weekends	\$69/hour of actual
PYROTECHNIC FIREWORKS	
Retail fireworks	\$115
Wholesale fireworks	\$115

FIRE DEPARTMENT RELATED SERVICE

Table B -- SPECIAL ASSEMBLY PERMITS(IFC 105.6.43)	
Temporary Membrane Structures, Tents & Canopies	
(See IFC 105.6.43& IFC 24)	
Duration / Commercial Use	Fee:
< 3 days	No Fee
4 to 180 days	\$58
Temporary Assembly	
For <99 people	\$58
For >100 people	\$115
Table C -- EXPLOSIVES (105.6.15)	
Retail Fireworks Stand	
Retail Sales - Wood Stand	included in Fireworks Permit fee
Retail Sales – Tent	included in Fireworks Permit fee
Must meet requirements of Table B, but no additional fees required.	
Public Display	
Licensed Pyrotechnic Operators Only	\$115
Temporary Storage	\$173

Table D -- NFPA 72 FIRE ALARM SYSTEMS 105.7.4		
Comprehensive Fees for Permit, Review & Inspection		
Tenant Improvement or System Modification		
Number of Devices*		Fee:
From:	To:	
1	2	\$ 86
3	5	\$ 144
6	10	\$ 201
11	20	\$ 259
21	40	\$ 345
41	100	\$ 431
101	200	\$ 546
>200		\$575 plus \$58 per 100 additional devices (prorated)
New System		
Number of Devices*		Fee:
From:	To:	
1	100	\$403
101	200	\$546
>200		\$575 plus \$58 per 100 additional devices (prorated)
In addition to device* fees shown, the following fees also apply:		
FACP and/or Transmitter		
Replaced		\$144
New		\$230
Note: All Central Station Monitoring must be UL or FM listed.		
*Devices include separate individual portions of a Fire Alarm System such as: Initiation Devices, Notification Appliances, Flow Switches, Supervisory Switches, Magnetic Door Hold-Open devices, Remote Annunciators, Pull Stations, Beam Detectors (each piece is one device), and other such devices.		

Table E -- FIRE SPRINKLER SYSTEMS (105.7.1, 105.7.11, 105.7.4)		
Tenant Improvement or System Modification (NFPA 13 / 13R)		
Number of Sprinklers or Devices** From: To:		Fee:
1	2	\$ 86
3	5	\$ 144
6	10	\$ 201
11	20	\$ 259
21	40	\$ 345
41	100	\$ 460
101	200	\$ 546
201	300	\$ 661
>300		\$690 plus \$58 per 100 additional devices (prorated)
New System (NFPA 13 / 13R)		
Number of Sprinklers or Devices** From: To:		Fee:
1	100	\$431
101	200	\$546
201	300	\$690
>300		\$719 plus \$58 per 100 additional devices (prorated)
NFPA 13-D (RESIDENTIAL)		
Number of Sprinklers:		Fee*:
1 to 10		\$ 201
11 to 25		\$ 259
26+		\$ 316
*Non-required NFPA 13-D Systems Fee 50% of listed fees for voluntary installations		
Hood Suppression Systems		
Type of System:		Fee:

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Pre-Engineered	\$144
Custom Engineered	\$316
Standpipe Systems	
Class I, II or III new or existing	\$173
Fire Pump (each)	
\$345 each, maximum \$575	
**Devices include separate individual portions of a Fire Sprinkler System such as: Sprinklers, Risers, Valves, Pull Stations, Beam Detectors (each piece is one device) and other such devices.	
Table F -- HAZARDOUS MATERIALS FACILITY CONSTRUCTION (105.7.7)	
Hazardous Materials Installation, Repair, Abandonment, Removal, Closure or Substantial Improvement	
Permits in addition to Annual Operational Permit	
Permits required when quantity exceeds permit amounts in Table 105.6.20.	
QUANTITY	FEE
1-2 Materials in Excess of Permit Amount	\$115.00
3-5 Materials in Excess of Permit Amount	\$230.00
>5 Materials in Excess of Permit Amount	\$460.00
Table G -- COMPRESSED GASES (105.7.3) AND FLAMMABLE & COMBUSTIBLE LIQUIDS (105.7.6) AND LP-GAS (105.7.9)	
Compressed Gas Installation, Repair, Abandonment, Closure or Substantial Modification to a Compressed Gas System when the Compressed Gases used or Stored exceed the amounts listed in Table 105.6.8.	
Modification or repair of a flammable or combustible liquids pipeline. Installation or construction or Alteration of those items listed in 105.7.6	
For installation of or modification to an LP-gas system.	
Compressed Gas System	\$201
Flammable & Combustible Liquids	\$115
< 500 Gallons	\$230
>/= 500 Gallons	\$575
>/= 1000 Gallons	
LP-Gas System	\$86

Table H -- SPRAY BOOTHS (105.7.11) AND INDUSTRIAL OVENS (105.7.8) Note: Separate Sprinkler Permit Required under Table E	
NOT SUBJECT TO TABLE A FEES	

SPRAY BOOTHS Type:	Fee:
Pre-Engineered w/ documents	\$ 173
Site-Built or used w/o documents	\$ 288
INDUSTRIAL OVENS	\$ 288
Table I -- ANNUAL BUSINESS INSPECTION FEES	
1 st Inspection	In accordance with LSMC 2.52
Table J -- MISCELLANEOUS FEES	
Work Begun or Completed before Permit Issuance	Permit Fees Triple / No inspections until paid
After Hours Inspection (Regular Inspection Hours: 7:30am to 3:30pm)	\$86 per hour / 1 hour minimum
Firefighter Fire Watch or Standby	\$75 per hour / per firefighter 2-hour minimum per firefighter
Fire Flow Determination	\$115
Re-Inspection Fee for each inspection after the 3rd site visit, or as required by the fire code official.	\$86
<p>Fees may be reduced by the fire code official for small or short duration projects. Note: \$25 of each fire permit issued is retained by the permit department as an administrative fee. The remainder of the fees listed is remitted to the Fire Department. "Additional plan review required by changes, additions or revisions to plans \$58.00 per hour." Outside Consultant Review: Actual Costs plus 10% (Fire Marshal Review Fee)</p>	
TABLE K -- OPERATIONAL PERMITS	
An Operational Fire Permit constitutes permission to store, or handle hazardous materials, or to operate processes which may produce conditions hazardous to life or property.	
An Operational Fire Permit is required prior to engagement in the activities, operations, practices or functions described in IFC 105.6 AND, if an ongoing operation, is required to be renewed annually before expiration.	
Unless otherwise indicated, Operational Permit Fees are \$100 each. If more than one permit is required for a single occupancy, all permits shall be issued under a single permit fee in the amount of \$150.	
Request for waivers of fees for non-profit events, in accordance with Title 9.28.135, shall be made in writing to the Fire Marshal no less than 7 days before the event or will not be considered.	
Permit Type:	Required for:
Aerosol Products	Level 2 or 3 in excess of 500 lbs
Amusement buildings	Operation of a special amusement building

Aviation Facilities	Using a Group H or Group S occupancy for aircraft servicing or aircraft fuel-servicing vehicles
Carnivals & Fairs	Conducting a carnival or fair
Battery Systems	Installing or using lead-acid battery systems w/ a liquid capacity > 50 gallons
Cellulose Nitrate film	Storing, handling or using cellulose nitrate film in a Group A occupancy
Combustible Dust	Operation of a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2 of the IFC
Combustible Fibers	Storage and handling of combustible fibers in excess of 100 cubic feet (Agricultural storage exempt)
Compressed Gases	Storage, use or handling at normal temperature and pressure of compressed gases in excess of quantities listed in IFC 105.6.8(compressed gas-fueled vehicles exempt)
Covered Mall Buildings	1. Placement of retail fixtures or displays, concession equipment, displays of highly combustible goods and similar items in the mall 2. Display of liquid- or gas- fired equipment in the mall. 3. The use of open-flame or flame-producing equipment in the mall.
Cryogenic Fluids	Production, storage, transport on site, using, handling or dispensing cryogenic fluids in excess of the amounts listed in Table 105.6.11. Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.
Cutting and Welding	Cutting or welding operations within the jurisdiction
Dry Cleaning Plants	Engaging in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment
Exhibits and Trade Shows	Operating an exhibit or trade show
Explosives	The manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of IFC 33
Flammable and Combustible Liquids	See WAC 51-54-0100, 105.6.16
Floor Finishing	Floor finishing or surfacing operations exceeding 350 square feet (33 m2) using Class I or Class II liquids
Fruit and Crop Ripening	Operating a fruit-, or crop-ripening facility or conducting a fruit-ripening process using ethylene gas.
Fumigation and Thermal Insecticidal Fogging	Operating a business of fumigation or thermal insecticidal fogging and to maintaining a room, vault or chamber in which a toxic or flammable fumigant is used.

Hazardous Materials	Storage or Use in excess of quantities shown in Table 105.6.20.
High-piled Storage	Using a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m ²)
Hot Work Operations	Hot work including, but not limited to: 1. Public exhibitions and demonstrations where hot work is conducted. 2. Use of portable hot work equipment inside a structure. Exception: Work that is conducted under a construction permit. 3. Fixed-site hot work equipment such as welding booths. 4. Hot work conducted within a hazardous fire area. 5. Application of roof coverings with the use of an open-flame device. 6. When approved, the fire code official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 26. These permits shall be issued only to their employees or hot work operations under their supervision.
Industrial Ovens	Operation of industrial ovens regulated by IFC 21
Lumberyards and Woodworking Plants	Storage or processing of lumber exceeding 100,000 board feet (8,333 ft ³) (236 m ³)
Liquid- or gas-fueled vehicles or equipment in assembly buildings	Display, operation or demonstration of liquid- or gas-fueled vehicles or equipment in assembly buildings
LP Gas	1. Storage and use of LP-gas Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less serving occupancies in Group R-3. 2. Operation of cargo tankers that transport LP-gas.
Magnesium	Melting, casting, heat treating or grinding more than 10 pounds (4.54 kg) of magnesium
Miscellaneous Combustible Storage	Storing in any building or upon any premises in excess of 2,500 cubic feet (71 m ³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material
Open Burning	Contact Fire District Directly at 425.334.3034
Open Flames and Torches	Removing paint with a torch; or using a torch or open-flame device in a hazardous fire area
Open Flames and Candles	Using open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments
Organic Coatings	Any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day
Places of Assembly	Operating a place of assembly
Pyrotechnic special effects material	Use and handling of pyrotechnic special effects material

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Pyroxylin Plastics	Storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics
Refrigeration Equipment	Operation of a mechanical refrigeration unit or system regulated by IFC 6
Repair garages and motor fuel-dispensing facilities.	Operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities
Rooftop Heliport	Operation of a rooftop heliport
Spraying and Dipping	Conducting a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by IFC 15
Storage of scrap tires and tire byproducts	Establishing, conducting or maintaining storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71m3) of total volume of scrap tires and for indoor storage of tires and tire byproducts
Temporary Membrane Structures, Tents & Canopies	The fees for this permit are in Table B. An operational permit is not required – but a construction permit is required under Table B.
Tire-rebuilding Plants	Operation and maintenance of a tire-rebuilding plant
Waste Handling	Operation of wrecking yards, junk yards and waste material-handling facilities
Wood products	Storing chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m3)

PASSED BY THE CITY COUNCIL OF THE CITY OF LAKE STEVENS THIS 12th DAY OF AUGUST, 2013.

ATTEST:

 Vern Little, Mayor

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

APPROVED AS TO FORM:

 Grant K. Weed, City Attorney



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 12 August 2013

Subject: Contract Award – 20th Street NE Sidewalk Connectivity Project

Contact Mick Monken **Budget Impact:** \$100,400.00
Person/Department: Public Works

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Award the Base Bid for 20th Street NE Sidewalk Connectivity Project and authorize the Mayor to execute the construction contract to Trinity Contractors Inc for an amount of \$258,051.00 plus authorize a contingency of \$13,000.

SUMMARY/BACKGROUND: A call for bids was made in late June through a contracting web site with no bids received. A second call for bids using the City’s web site and direct emailing through AWC small works listing resulted in the City receiving 4 bids out of over 120 contractors contacted. This is a very low response which is believed to be a direct reflection on the recent increase in private development activities.

The City had applied for and was awarded a State grant through the Transportation Improvement Board (TIB) in late 2012 to design and construction a sidewalk connection on 20th Street NE between Main Street and the Centennial Trail. Over most of this length there is existing sidewalk/designated walkway and the scope of this project is to fill in the missing sections to provide a contiguous designated sidewalk along the entire south side of 20th Street NE. The original project budget was \$273,000 with \$33,000 allocated to design and the balance of \$240,000 for construction. Grant dollars amount is \$204,750.

Due to the recent surge in the construction environment, the project’s construction estimate was increased from \$240,000 to \$255,252 (Engineer’s Estimate) prior to the call for bids. The lowest responsive bid, from Trinity Contractors Inc., came in at 1% over this at \$258,051.00 (Base Bid). A bid tab of all four bids is shown in Exhibit A. (Note that the project was bid in two parts: 1) Base Bid for the sidewalk and drainage improvements; and 2) Alternate Bid for upgrade to ADA ramps outside of the new sidewalk improvements.) Staff’s recommendation is to proceed with awarding the contract to Trinity Contractors Inc. which would allow for the City to take advantage of receiving the full grant amount of \$204,750. The increase to the City over the current approved budget amount of \$68,250 is \$32,150 (total sum of \$100,400 which includes the \$13,000 contingency). Not awarding would result in the City’s lost of the full grant amount. The \$100,400 would come from the Sidewalk Capital Project fund which has approximately \$319,500 unallocated funds. A summary of the project’s budget is shown in Exhibit B.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: \$100,400.00 (City’s match) which includes the survey, design, environmental services, and construction. (TIB grant is an additional \$204,750.00)

ATTACHMENTS:

- ▶ Exhibit A: Bid Tabulation
- ▶ Exhibit B: Project Budget

EXHIBIT A
 Bid Tabulation

20th Street NE Sidewalk Connection
 Bid Tabulation

Rev: 5 Aug 13

Prepared by: M. Monken, P.E.

Base Bid Item No	Description	Engineer's Estimate		Trinity Contractors Inc POB 1348 Marysville, WA 98270		B&L Utility, Inc. 7101 Sexton Road Snohomish, WA 98290		West Coast Construction POB 419 Woodinville, WA 98072		Kamins Construction 19315 Ross Road Bothell, WA 98011				
		Section	Unit	Quantity	Unit \$	Total	Unit \$	Total	Unit \$	Total	Unit \$	Total		
1	Mobilization	1-09.7	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00	\$ 20,000.00	\$ 30,000.00	\$ 30,000.00	\$ 37,020.00	\$ 37,020.00
2	Project Temporary Traffic Control	1-10	LS	1	\$ 11,200.00	\$ 11,200.00	\$ 35,000.00	\$ 35,000.00	\$ 40,000.00	\$ 40,000.00	\$ 25,000.00	\$ 25,000.00	\$ 33,960.00	\$ 33,960.00
3	Inlet Protection		LS	1	\$ 1,000.00	\$ 1,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00	\$ 300.00	\$ 300.00	\$ 1,200.00	\$ 1,200.00
4	Silt Fencing for Fterra Unit		LS	1	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00	\$ 180.00	\$ 180.00
5	Clearing and Grubbing	2-01	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 5,000.00	\$ 10,000.00	\$ 10,000.00	\$ 13,320.00	\$ 13,320.00
6	Removal of Structure and Obstruction	2-02	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 2,500.00	\$ 2,500.00	\$ 15,000.00	\$ 15,000.00	\$ 11,211.84	\$ 11,211.84
7	Crush Surfacing Top Course (1 1/2" minus)	4-04	Ton	155	\$ 45.00	\$ 6,975.00	\$ 50.00	\$ 7,750.00	\$ 20.00	\$ 3,100.00	\$ 40.00	\$ 6,200.00	\$ 29.70	\$ 4,603.50
8	HMA CI 1/2 PG 64-22 (includes driveways, ramps, approaches)	5-04	Ton	146	\$ 250.00	\$ 36,500.00	\$ 190.00	\$ 27,740.00	\$ 200.00	\$ 29,200.00	\$ 150.00	\$ 21,900.00	\$ 166.19	\$ 24,263.74
9	Solid Wall PVC Culv. Pipe 8 In. Diam. (C900)	7-02	LF	463	\$ 60.00	\$ 27,780.00	\$ 45.00	\$ 20,835.00	\$ 90.00	\$ 41,670.00	\$ 60.00	\$ 27,780.00	\$ 26.49	\$ 12,264.87
10	Ductile Iron Pipe 6 In. Diam.	7-09	LF	39	\$ 36.00	\$ 1,404.00	\$ 100.00	\$ 3,900.00	\$ 100.00	\$ 3,900.00	\$ 70.00	\$ 2,730.00	\$ 48.92	\$ 1,907.88
11	Ductile Iron Pipe 8 In. Diam.		LF	97	\$ 47.00	\$ 4,559.00	\$ 90.00	\$ 8,730.00	\$ 110.00	\$ 10,670.00	\$ 97.00	\$ 9,409.00	\$ 46.70	\$ 4,529.90
12	Catch Basin Type I	7-05	Each	7	\$ 1,200.00	\$ 8,400.00	\$ 1,200.00	\$ 8,400.00	\$ 1,800.00	\$ 12,600.00	\$ 1,500.00	\$ 10,500.00	\$ 549.60	\$ 3,847.20
13	Metal Frame and Vane Grate (CB Type I)	9-05	Each	1	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 350.00	\$ 350.00	\$ 500.00	\$ 500.00	\$ 477.60	\$ 477.60
14	Metal Frame and Vane Grate w/CB Trash Rack	-	Each	1	\$ 700.00	\$ 700.00	\$ 700.00	\$ 700.00	\$ 350.00	\$ 350.00	\$ 600.00	\$ 600.00	\$ 598.80	\$ 598.80
15	Metal Frame and Solid Grate (CB Type I)	9.05.15(2)	Each	5	\$ 500.00	\$ 2,500.00	\$ 500.00	\$ 2,500.00	\$ 350.00	\$ 1,750.00	\$ 500.00	\$ 2,500.00	\$ 439.20	\$ 2,196.00
16	Cast Iron Inlet assembly with Vane Grate	9-05.15(3)	Each	5	\$ 1,200.00	\$ 6,000.00	\$ 1,500.00	\$ 7,500.00	\$ 1,500.00	\$ 7,500.00	\$ 1,200.00	\$ 6,000.00	\$ 762.00	\$ 3,810.00
17	Fterra Internal by-Pass Pipe Unit	-	Each	1	\$ 20,000.00	\$ 20,000.00	\$ 6,500.00	\$ 6,500.00	\$ 16,000.00	\$ 16,000.00	\$ 28,000.00	\$ 28,000.00	\$ 23,940.00	\$ 23,940.00
18	Hand Placed Riprap (4-8 inch)	8-15	CY	192	\$ 35.00	\$ 6,720.00	\$ 50.00	\$ 9,600.00	\$ 50.00	\$ 9,600.00	\$ 40.00	\$ 7,680.00	\$ 57.15	\$ 10,972.80
19	Biofiltration Swale Complete	-	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 7,500.00	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00	\$ 12,000.00	\$ 12,000.00	\$ 2,400.00	\$ 2,400.00
20	Saw cut concrete and asphalt		LF	2276	\$ 5.00	\$ 11,380.00	\$ 1.00	\$ 2,276.00	\$ 5.00	\$ 11,380.00	\$ 2.00	\$ 4,552.00	\$ 2.40	\$ 5,462.40
21	Cement Conc. Traffic Curb and Gutter	8.04	LF	1072	\$ 27.00	\$ 28,944.00	\$ 25.00	\$ 26,800.00	\$ 22.00	\$ 23,584.00	\$ 28.00	\$ 30,016.00	\$ 29.61	\$ 31,741.92
22	Cement Conc. Sidewalk	8.14	SY	437	\$ 50.00	\$ 21,850.00	\$ 40.00	\$ 17,480.00	\$ 40.00	\$ 17,480.00	\$ 45.00	\$ 19,665.00	\$ 53.56	\$ 23,405.72
23	Cement concrete curb ramp type Parallel A	8.14	Each	5	\$ 1,800.00	\$ 9,000.00	\$ 2,000.00	\$ 10,000.00	\$ 1,600.00	\$ 8,000.00	\$ 2,500.00	\$ 12,500.00	\$ 1,884.00	\$ 9,420.00
24	Cement Conc. Driveways Entrance Type I	8.06	SY	114	\$ 60.00	\$ 6,840.00	\$ 60.00	\$ 6,840.00	\$ 42.00	\$ 4,788.00	\$ 65.00	\$ 7,410.00	\$ 64.74	\$ 7,380.36
25	Relocation of Signs		LS	1	\$ 2,000.00	\$ 2,000.00	\$ 3,500.00	\$ 3,500.00	\$ 1,000.00	\$ 1,000.00	\$ 400.00	\$ 400.00	\$ 1,200.00	\$ 1,200.00
26	Force Account	1-09.6	FC	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
					\$ 255,252.00		\$ 258,051.00		\$ 292,422.00		\$ 301,842.00		\$ 281,314.53	
Alternate Bid														
Item No	Description	Section	Unit	Quantity	Unit \$	Total	Unit \$	Total	Unit \$	Total	Unit \$	Total	Unit \$	Total
1	Project Temporary Traffic Control	1-10	LS	1	\$ 6,160.00	\$ 6,160.00	15,000.00	15,000.00	10,000.00	10,000.00	10,000.00	10,000.00	11,280.00	11,280.00
2	Inlet Protection		LS	1	\$ 800.00	\$ 800.00	1,000.00	1,000.00	3,000.00	3,000.00	200.00	200.00	1,200.00	1,200.00
3	Clearing and Grubbing	2-01	LS	1	\$ 2,000.00	\$ 2,000.00	7,500.00	7,500.00	2,000.00	2,000.00	100.00	100.00	2,100.00	2,100.00
4	Removal of Structure and Obstruction	2-02	LS	1	\$ 4,000.00	\$ 4,000.00	7,500.00	7,500.00	1,000.00	1,000.00	10,000.00	10,000.00	14,078.88	14,078.88
5	Crush Surfacing Top Course (1 1/2" minus)	4-04	Ton	44	\$ 45.00	\$ 1,980.00	50.00	2,200.00	40.00	1,760.00	40.00	1,760.00	32.33	1,422.52
6	HMA CI 1/2 PG 64-22 (includes driveways, ramps, approaches)	5-04	Ton	19	\$ 250.00	\$ 4,750.00	200.00	3,800.00	200.00	3,800.00	150.00	2,850.00	314.53	5,976.07
7	Cement Conc. Traffic Curb and Gutter	8.04	LF	352	\$ 27.00	\$ 9,504.00	25.00	8,800.00	30.00	10,560.00	28.00	9,856.00	40.01	14,083.52
8	Cement concrete curb ramp type Parallel A	8.14	Each	11	\$ 1,800.00	\$ 19,800.00	2,000.00	22,000.00	1,800.00	19,800.00	2,500.00	27,500.00	2,001.82	22,020.02
9	Saw cut concrete and asphalt		LF	352	\$ 5.00	\$ 1,760.00	1.00	352.00	6.00	2,112.00	2.00	704.00	4.80	1,689.60
10	Chain Link Fence Type 4	8-12.3(1)	LF	15	\$ 25.00	\$ 375.00	100.00	1,500.00	100.00	1,500.00	50.00	750.00	66.00	990.00
					\$ 51,129.00		69,652.00		55,532.00		63,720.00		74,840.61	
TOTAL Base & Alternate					\$ 306,381.00		\$ 327,703.00		\$ 347,954.00		\$ 365,562.00		\$ 356,155.14	
Delta to Engr Estimate							\$ 21,322.00		\$ 41,573.00		\$ 59,181.00		\$ 49,774.14	

EXHIBIT B
 Project Budget Summary
 5 August 2013

Project Budget	Estimated Costs	Notes
Design	\$ 28,000.00	95% complete – construction staking pending
Environmental	\$ 3,600.00	Completed
Mail Box Cluster	\$ 2,500.00	To be ordered and installed by staff
Construction (Base)	\$ 258,051.00	Pending Council action
Contingency (5%)	\$ 12,902.55	Approximately 5% (rounded to \$13,000)
TOTAL Project Budget	\$ 305,053.55	Estimated cost with contingency
TIB Grant	\$ 204,750.00	Maximum amount of TIB grant funding
City's Original Match	\$ 68,250.00	Authorized budget amount
Sub-Total	\$ 273,000.00	Total of Grant plus Original match amount
Increase Budget	\$ 32,053.55	Estimated increase in City's match amount
TOTAL City Match	\$ 100,303.55	Total City match to secure grant funds (rounded at \$100,400)



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 12 August 13

Subject: Grade Road 3000 Block Embankment Stability

Contact Mick Monken **Budget Impact:** \$18,900
Person/Department: Public Works

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Authorize the Mayor to execute a Professional Service agreement with Robinson Noble, Inc. to perform a slope stability analysis and prepare a preliminary soil nailing design for the eastside Grade Road north of 30th Street NE.

SUMMARY/BACKGROUND: Since 2011, the City has been observing a depressed pavement section on Grade Road just north of 30th Street NE. This depression appears to be in line with a deep utility trench and for the past two years the City has seen no noticeable movement in the pavement. There had been observed some minor slope erosion on the east bank resulting from some fallen trees redirecting drainage against the road base. This erosion area is about 10 feet below the roadway surface grade along a year-long flowing fish stream. For the past three summers the City has had Robinson Noble, which had been under contract with the City for Geotechnical Services for 36th Street NE road reconstruction, provide observation and advice for this area.

During this year's visits (three), some further erosion of the bank was observed and it was determined that further investigation was needed to know the extent of the impact of this erosion on the road and to develop a plan to stabilize the roadway base. This investigation, which is the proposed action under consideration in this report, is to have a geotechnical analysis performed on the road bank condition and to develop a preliminary stabilization plan (soil nailing). Along with this, a roadway surface level and alignment control was surveyed in by the City so that any surface movement can be measured.

At this point, this is considered to be a proactive measure to identify an action to stabilize the roadway bank in an attempt to avoid having a roadway failure. While there is no certainty that this study will result in lower cost repair project, as to doing it after a failure had occurred, it is necessary to make a determination of the existing conditions of the soil to develop a proposed design solution. However, if the existing road bank can be stabilized, it will result in lower impact to the public and environmental over a road bank failure.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: Funding would come from ending fund balance.

ATTACHMENTS:

- ▶ Attachment A: Professional Service Agreement with Scope of Services

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF LAKE STEVENS
AND ROBINSON NOBLE 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 Entity Name: ROBINSON AND NOBLE, INC. Business Name: CORNERSTONE GEOTECHNICAL, 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 geotechnical analysis to perform a slope stability analysis and prepare a preliminary soil nailing design for Grade Road 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 22 August 2013 and shall terminate at midnight, 30 December 2013. The parties may extend the term of this Agreement by written mutual agreement.

III.4 NONASSIGNABLE. The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

III.5 EMPLOYMENT. Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of any said employees while so engaged, and any and all claims made by any third party as a consequence of any negligent act or omission on the part of the Consultant or its employees while so engaged in any of the work or services provided herein shall be the sole obligation of the Consultant.

III.6 INDEMNITY. Indemnification/Hold Harmless Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the

purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

III.7 INSURANCE.

a. **Minimum Limits of Insurance.** The Consultant shall procure, and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work and services hereunder by the Consultant, its agents, representatives, employees or subcontractors. The Consultant shall, before commencing work under this agreement, file with the City certificates of insurance coverage and the policy endorsement to be kept in force continuously during this Agreement, in a form acceptable to the City. Said certificates and policy endorsement shall name the City, its officers, elected officials, agents and/or employees as an additional named insured with respect to all coverages except professional liability insurance and workers' compensation. The minimum insurance requirements shall be as follows:

(1) Comprehensive General Liability. \$1,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; \$2,000,000 general aggregate.

(2) Automobile Liability. \$300,000 combined single limit per accident for bodily injury and property damage.

(3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington.

(4) Consultant's Errors and Omissions Liability. \$1,000,000 per occurrence and as an annual aggregate.

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

c. **Acceptability of Insurers.** Insurance to be provided by Consultant shall be with a Bests rating of no less than A:VII, or if not rated by Bests, with minimum surpluses the equivalent of Bests' VII rating.

d. **Verification of Coverage.** In signing this agreement, the Consultant is acknowledging and representing that required insurance is active and current. Further, throughout the term of this Agreement, the Consultant shall provide the City with proof of insurance upon request by the City.

e. **Insurance shall be Primary.** The Consultant's insurance coverage shall

be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

f. **No Limitation.** Consultant's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance or otherwise limit the recourse to any remedy available at law or in equity.

g. **Claims-made Basis.** Unless approved by the City all insurance policies shall be written on an "Occurrence" policy as opposed to a "Claims-made" policy. The City may require an extended reporting endorsement on any approved "Claims-made" policy.

III.8 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age or handicap except for a bona fide occupational qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training, rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this Agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

III.9 UNFAIR EMPLOYMENT PRACTICES. During the performance of this Agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III.10 LEGAL RELATIONS. The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this Agreement. The Consultant represents that the firm and all employees assigned to work on any City project are in full compliance with the statutes of the State of Washington governing activities to be performed and that all personnel to be assigned to the work required under this Agreement are fully qualified and properly licensed to perform the work to which they will be assigned. This Agreement shall be interpreted and construed in accordance with the laws of Washington. Venue for any litigation commenced relating to this Agreement shall be in Snohomish County Superior Court.

III.11 INDEPENDENT CONTRACTOR.

a. The Consultant and the City understand and expressly agree that the Consultant is an independent contractor in the performance of each and every part of this Agreement. The Consultant expressly represents, warrants and agrees that his status as an independent contractor in the performance of the work and services required under this Agreement is consistent with and meets the six-part independent contractor test set forth in RCW 51.08.195 or as hereafter amended. The Consultant, as an independent contractor, assumes the entire responsibility for carrying out and accomplishing the services required under this Agreement. The Consultant shall make no claim of City employment nor shall claim any related employment benefits, social security, and/or retirement benefits.

b. The Consultant shall be solely responsible for paying all taxes, deductions, and assessments, including but not limited to federal income tax, FICA, social security tax, assessments for unemployment and industrial injury, and other deductions from income which may be required by law or assessed against either party as a result of this Agreement. In the event the City is assessed a tax or assessment as a result of this Agreement, the Consultant shall pay the same before it becomes due.

c. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

d. Prior to commencement of work, the Consultant shall obtain a business license from the City.

III.12 CONFLICTS OF INTEREST. The Consultant agrees to and shall notify the City of any potential conflicts of interest in Consultant's client base and shall obtain written permission from the City prior to providing services to third parties where a conflict or potential conflict of interest is apparent. If the City determines in its sole discretion that a conflict is irreconcilable, the City reserves the right to terminate this Agreement.

III.13 CITY CONFIDENCES. The Consultant agrees to and will keep in strict confidence, and will not disclose, communicate or advertise to third parties without specific prior written consent from the City in each instance, the confidences of the City or any information regarding the City or services provided to the City.

III.14 SUBCONTRACTORS/SUBCONSULTANTS.

a. The Consultant shall is responsible for all work performed by subcontractors/subconsultants pursuant to the terms of this Agreement.

b. The Consultant must verify that any subcontractors/subconsultants they directly hire meet the responsibility criteria for the project. Verification that a subcontractor/subconsultant has proper license and bonding, if required by statute, must be included in the verification process. The Consultant will use the following Subcontractors/Subconsultants or as set forth in Exhibit Exhibit B:

Environmental Drilling Inc.

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 \$18,900.00 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. The Consultant shall maintain all books, records, documents and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All

such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts and records where necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

ARTICLE V. GENERAL

V.1 **NOTICES.** Notices to the City shall be sent to the following address:

City of Lake Stevens
Attn: Ed Gano
P.O. Box 257
Lake Stevens, WA 982258

Notices to the Consultant shall be sent to the following address:

Robinson Noble
Chuck Couvrette, Principal Engineer
17625 130th Ave NE, Suite 102
Woodinville, WA 98072

Receipt of any notice shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

V.2 **TERMINATION.** The right is reserved by the City to terminate this Agreement in whole or in part at any time upon ten (10) calendar days' written notice to the Consultant.

If this Agreement is terminated in its entirety by the City for its convenience, the City shall pay the Consultant for satisfactory services performed through the date of termination in accordance with payment provisions of Section VI.1.

V.3 **DISPUTES.** The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this Agreement may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

V.4 **EXTENT OF AGREEMENT/MODIFICATION.** This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This

Agreement may be amended, modified or added to only by written instrument properly signed by both parties.

V.5 SEVERABILITY

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

b. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

V.6 NONWAIVER. A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any agreement, covenant or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition or right.

V.7 FAIR MEANING. The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

V.8 GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

V.9 VENUE. The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Snohomish County, Washington.

V.10 COUNTERPARTS. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

V.11 AUTHORITY TO BIND PARTIES AND ENTER INTO AGREEMENT. The undersigned represent that they have full authority to enter into this Agreement and to bind the parties for and on behalf of the legal entities set forth below.

DATED this _____ day of _____, 20__.

CITY OF LAKE STEVENS

Robinson Noble, Inc.

By _____
Vern Little, Mayor

By _____
Chuck Couvrette, Principal Engineer

Approved as to form:

Grant K. Weed, City Attorney

EXHIBIT A - SCOPE OF SERVICE



ROBINSON
NOBLE

July 24, 2013

Mr. Mick Monken
Public Works Director
City of Lake Stevens
1820 Main Street
Lake Stevens, Washington 98258

This agreement is between the **City of Lake Stevens** (Client) and **Robinson Noble, Inc.** (Consultant), for geotechnical engineering and consultation for the embankment repair of Grade Road adjacent to Catherine Creek. The section of road is between 30th Street Northeast and 32nd Street Northeast in the City of Lake Stevens.

Project Description

The east side of the road is supported on an embankment that slopes steeply down to Catherine Creek. Cracking of the road along the top of the embankment suggests settlement and possible failure of the embankment. Cutting of the toe of the embankment by Catherine Creek may be also adding to the ongoing process.

Rebuilding the embankment would be costly, and we have discussed a few alternatives; one being the use of a nail system. It would probably be best to not use a large structural system that extends into the creek, requiring permitting by the Department of Fisheries. We believe that some type of nail system would meet that criterion.

Depending on how much scour is occurring at the base of the slope, there might be some flow control devices that could be designed for in the creek. These could consist of barbs, similar to what was used on the Catherine Creek embankment near 36th Street Northeast. Those improvements could be separated from the nailed reinforcement such that the main structural improvements would not need a Fisheries permit.

Approach to the Project

We plan to complete the project in two phases. The first phase would be to explore the embankment and complete an analysis of the slope stability and preliminary nail design, if deemed appropriate. We would also consult a few specialty contractors that could provide ideas for repair. This is considered important as the site access to the embankment face is limited and construction techniques will be important. We would also evaluate a nail system that the City work crews could possibly install. Following review of the design, the City is expected to make a decision on the final design. The second phase would be to complete a formal design and provide a geotechnical report. That would be completed under a separate contract, or an addendum to this one.

We propose to complete 4 borings. The location of the borings includes two in the outside shoulder of the embankment and two on the other side of the centerline, within the road. These borings will give us two cross-sections that can be used to evaluate stability of the slope

and potential repair options. We estimate 1.5 to 2 days for drilling. Following our field investigation, we will complete a preliminary analysis of the slope and evaluate potential mitigation, including the use of spiral nails.

Our exploration program will include drilling in the right-of-way. We have assumed that the City of Lake Stevens will provide the necessary documents, permits, signage and personnel for us to complete our work in the right-of-way. We have not budgeted time for right-of-way permits or flagmen for our exploration program.

General comments on flow control within the creek will also be provided. Details would be covered under a separate phase of work, if this is desired.

One issue that is common with this type of problem is that although failure has significant implications, the immediacy of the problem is unknown. The condition can many times not be addressed for a period of a few to several years. We recommend that the road surface be sealed to reduce water infiltration into the embankment. We also recommend that survey points be established near the fog line so horizontal and vertical movements can be monitored. That way, when someone perceives movement in the future, it can be verified. We understand that City staff has undertaken these steps.

One way to monitor slope movement is to install a slope indicator casing. The casing is a 2.75" diameter vertical plastic pipe that is slotted orthogonally down its length. The casing is installed in the borehole during the exploration drilling. A digital tilt-meter capable of measuring to 0.003 degrees of tilt is passed down the casing. After a baseline is established, subsequent readings are made over time to determine what portion of the embankment is moving. This provides significant aid in the design of the embankment repair. It can also be used for future evaluation of repairs made, providing the repairs do not damage the casing.

Scope of Work

The scope of services to be provided by Robinson Noble, Inc. is for geotechnical evaluation services, including the following:

PHASE ONE ONLY

- Review available geologic maps for the site.
- Explore the subsurface soil and groundwater conditions at the location of two cross-sections in the embankment.
- Install a slope indicator casing.
- Evaluate pertinent physical and engineering characteristics of the soils encountered in the borings. We have budgeted for 3 direct shear tests, 2 Plasticity Index tests and 10 moisture contents.
- Complete a preliminary slope stability analysis including preliminary soil nailing design.
- Attend a meeting with City Personnel to discuss our findings and direction for design.
- Provide a preliminary Phase One report.

Grade Road Repair
City of Lake Stevens
July 24, 2013
Page 3 of 3

Service Fee

A breakdown of our estimate for the above services is as follows:

Field explorations and Laboratory work (includes subcontracted driller)	\$11,000
Preliminary Analysis and meeting	\$3,400
Installation and 2 subsequent inclinometer readings	\$3,000
Letter Report	\$1,500
Total	\$18,900

We appreciate the opportunity to submit this Scope of Service and are looking forward to working with you on this project.

Sincerely,
Robinson Noble, Inc.



Charles P. Couvrette, PE
Principal Engineer

CPC:am

EXHIBIT B – Scope of Service - Sub-consultant

Environmental Drilling Inc. Snohomish Washington
10918 159th Avenue SE
Snohomish, WA 98290
360-568-2045

Perform equipment and labor to perform two soils drilling along east side of Grade Road, located in Lake Stevens, approximately 200 feet north of 30th Street NE as directed by Robinson Noble.

Service Cost: \$4,800.00



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 12 August 2013

Subject: 123rd Avenue NE/Outfall Bridge Preliminary Geotechnical Study

Contact Mick Monken **Budget Impact:** \$7,500.00
Person/Department: Public Works

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Authorize the Mayor to execute a Professional Service Agreement with Robinson Noble, Inc. to perform a preliminary soils study along the 123rd Avenue NE alignment over the Lake Stevens outfall channel for potential future bridge location.

SUMMARY/BACKGROUND: The property west of the City's Permit Center has had some recent redevelopment interest for a multi-floor mix use facility. This property falls within the designated downtown redevelopment area. While this is still in a preliminary stage, this has triggered staff to look at site vehicular access and circulation impacts. Access to this site for redevelopment would need to be located to the east side of the property. This is due to the buffer of the lake's outfall channel and impacts to the existing homes to the west along North Lakeshore Drive.

Existing conditions for site access come through the parking lot of City Hall or through North Cove Park. Both of these are unacceptable due to safety and poor circulation. Using the City's approved Downtown Roadway network (adopted during the 2012 Capital Improvement Plan), this site would be served by the future southern extension of 123rd Avenue NE (aka Park Lane). This would provide good circulation, lowest area impact, and a safe alternative. There is also an opportunity for the City to partner with a developer to get the northern segment of this roadway constructed.

A big unknown for the future construction for Park Lane is the need for the construction of a bridge to cross the lake outfall. The vicinity of this bridge is shown on Attachment A. This is expected to be the biggest single cost items along the entire new roadway and could be a critical factor to redevelopment along this future corridor. What is proposed by staff it to perform a geotechnical study to determine the soils condition and the type of foundation needed to support a bridge structure. While this won't result in determining the cost of the bridge it will give the City direction on what type of bridge would be suitable for this site. Once the City has this information, it can be used in making decisions on what will be the next action (eg: perform a preliminary design or talk with pre-manufacture bridges companies).

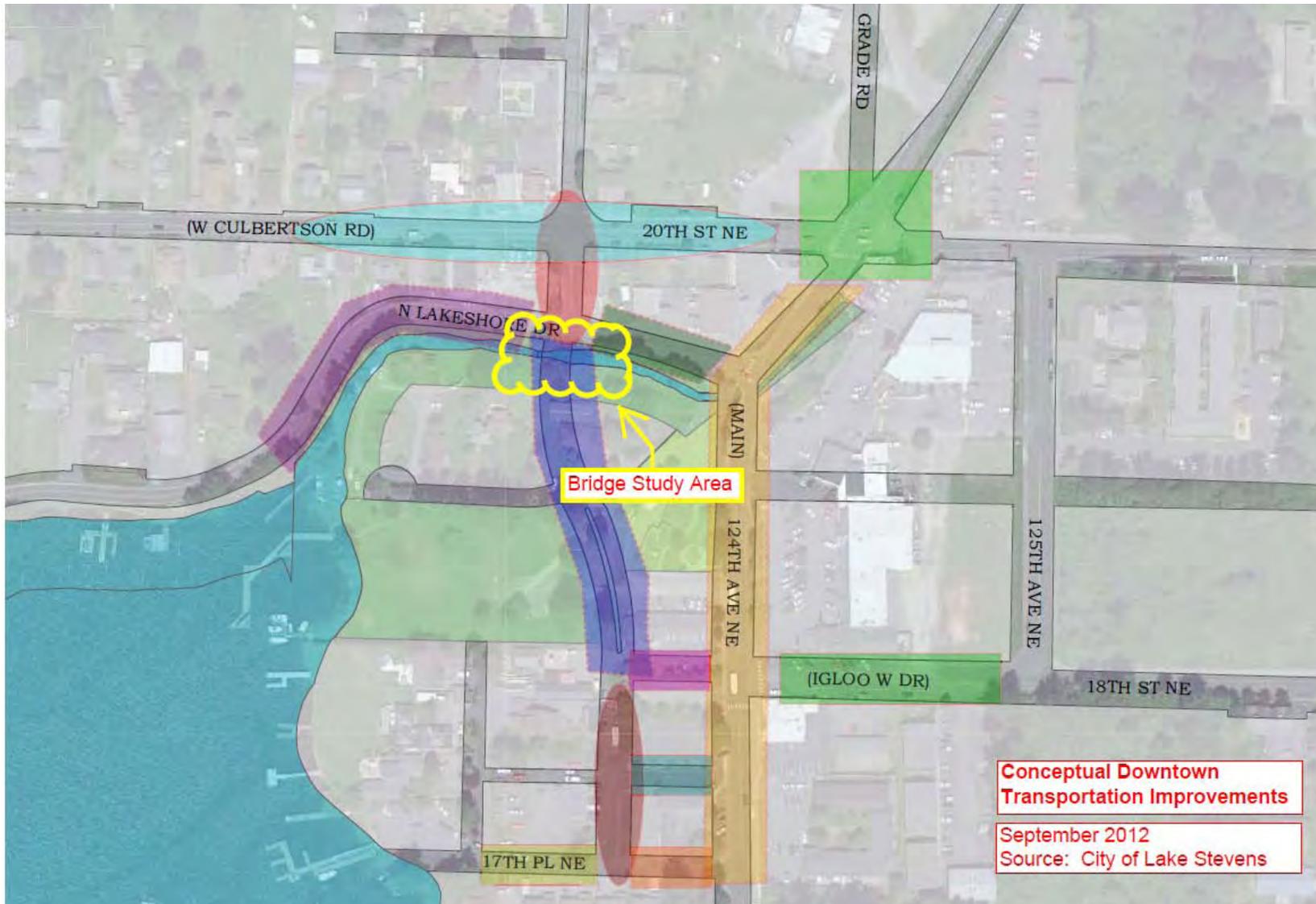
APPLICABLE CITY POLICIES:

BUDGET IMPACT: \$7,500 from Capital Reserves

ATTACHMENTS:

- ▶ Attachment A: Downtown Roadway System Map with Bridge Location
- ▶ Attachment B: Professional Service Agreement

Attachment A - Downtown Roadway System



Attachment B

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF LAKE STEVENS
AND ROBINSON NOBLE 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 Entity Name: ROBINSON AND NOBLE, Inc. Business Name: CORNERSTONE GEOTECHNICAL, 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 site exploration to perform preliminary geotechnical evaluation of the subsurface soil and groundwater conditions on both sides of the Lake Stevens outfall at a future crossing of 123rd Avenue NE alignment 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 1 September 2013 or as of the date of Notice to Proceed and shall terminate at midnight, 30 December 2013. The parties may extend the term of this Agreement by written mutual agreement.

III.4 NONASSIGNABLE. The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

III.5 EMPLOYMENT. Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this Agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of any said employees while so engaged, and any and all claims made by any third party as a consequence of any negligent act or omission on the part of the Consultant or its employees while so engaged in any of the work or services provided herein shall be the sole obligation of the Consultant.

III.6 INDEMNITY. Indemnification/Hold Harmless Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to

defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

III.7 INSURANCE.

a. **Minimum Limits of Insurance.** The Consultant shall procure, and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work and services hereunder by the Consultant, its agents, representatives, employees or subcontractors. The Consultant shall, before commencing work under this agreement, file with the City certificates of insurance coverage and the policy endorsement to be kept in force continuously during this Agreement, in a form acceptable to the City. Said certificates and policy endorsement shall name the City, its officers, elected officials, agents and/or employees as an additional named insured with respect to all coverages except professional liability insurance and workers' compensation. The minimum insurance requirements shall be as follows:

(1) Comprehensive General Liability. \$1,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; \$2,000,000 general aggregate.

(2) Automobile Liability. \$300,000 combined single limit per accident for bodily injury and property damage.

(3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington.

(4) Consultant's Errors and Omissions Liability. \$1,000,000 per occurrence and as an annual aggregate.

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

c. **Acceptability of Insurers.** Insurance to be provided by Consultant shall be with a Bests rating of no less than A:VII, or if not rated by Bests, with minimum surpluses the equivalent of Bests' VII rating.

d. **Verification of Coverage.** In signing this agreement, the Consultant is acknowledging and representing that required insurance is active and current. Further,

throughout the term of this Agreement, the Consultant shall provide the City with proof of insurance upon request by the City.

e. **Insurance shall be Primary.** The Consultant's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

f. **No Limitation.** Consultant's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance or otherwise limit the recourse to any remedy available at law or in equity.

g. **Claims-made Basis.** Unless approved by the City all insurance policies shall be written on an "Occurrence" policy as opposed to a "Claims-made" policy. The City may require an extended reporting endorsement on a ny approved "Claims-made" policy.

III.8 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, sexual orientation, age or handicap except for a bona fide occupational qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training, rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this Agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

III.9 UNFAIR EMPLOYMENT PRACTICES. During the performance of this Agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III.10 LEGAL RELATIONS. The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this Agreement. The Consultant represents that the firm and all employees assigned to work on any City project are in full compliance with the statutes of the State of Washington governing activities to be performed and that all personnel to be assigned to the work required under this Agreement are fully qualified and properly licensed to perform the work to which they will be assigned. This Agreement shall be interpreted and construed in accordance with the laws of Washington. Venue for any

litigation commenced relating to this Agreement shall be in Snohomish County Superior Court.

III.11 INDEPENDENT CONTRACTOR.

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 B:

Environmental Drilling Inc.

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 \$7,500 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. The Consultant shall maintain all books, records, documents and other evidence pertaining to the costs and expenses allowable under this Agreement in accordance with generally accepted accounting practices. All such books and records required to be maintained by this Agreement shall be subject to inspection and audit by representatives of the City and/or the Washington State Auditor at all reasonable times, and the Consultant shall afford the proper facilities for such inspection and audit. Representatives of the City and/or the Washington State Auditor may copy such books, accounts and records where necessary to conduct or document an audit. The Consultant shall preserve and make available all such books of account and records for a period of three (3) years after final payment under this Agreement. In the event that any audit or inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

ARTICLE V. GENERAL

V.1 NOTICES. Notices to the City shall be sent to the following address:

City of Lake Stevens
Attn: Generally City Clerk
P.O. Box 257
Lake Stevens, WA 982258

Notices to the Consultant shall be sent to the following address:

Robinson Noble
Chuck Couvrette, Principal Engineer
17625 130th Avenue NE, Suite 102
Woodinville, WA 98072

Receipt of any notices shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

V.2 TERMINATION. The right is reserved by the City to terminate this Agreement in whole or in part at any time upon ten (10) calendar days' written notice to the Consultant.

If this Agreement is terminated in its entirety by the City for its convenience, the City shall pay the Consultant for satisfactory services performed through the date of termination in accordance with payment provisions of Section VI.1.

V.3 DISPUTES. The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this Agreement may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

V.4 EXTENT OF AGREEMENT/MODIFICATION. This Agreement, together with attachments or addenda, represents the entire and integrated Agreement between the parties and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended, modified or added to only by written instrument properly signed by both parties.

V.5 SEVERABILITY

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

b. If any provision of this Agreement is in direct conflict with any statutory provision of the State of Washington, that provision which may conflict shall be deemed inoperative and null and void insofar as it may conflict, and shall be deemed modified to conform to such statutory provision.

V.6 NONWAIVER. A waiver by either party hereto of a breach by the other party hereto of any covenant or condition of this Agreement shall not impair the right of the party not in default to avail itself of any subsequent breach thereof. Leniency, delay or failure of either party to insist upon strict performance of any agreement, covenant or condition of this Agreement, or to exercise any right herein given in any one or more instances, shall not be construed as a waiver or relinquishment of any such agreement, covenant, condition or right.

V.7 FAIR MEANING. The terms of this Agreement shall be given their fair meaning and shall not be construed in favor of or against either party hereto because of authorship. This Agreement shall be deemed to have been drafted by both of the parties.

V.8 GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

V.9 VENUE. The venue for any action to enforce or interpret this Agreement shall lie in the Superior Court of Washington for Snohomish County, Washington.

V.10 COUNTERPARTS. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.

V.11 AUTHORITY TO BIND PARTIES AND ENTER INTO AGREEMENT. The undersigned represent that they have full authority to enter into this Agreement and to bind the parties for and on behalf of the legal entities set forth below.

DATED this _____ day of _____, 20__.

CITY OF LAKE STEVENS

Robinson Noble, Inc.

By _____
Vern Little, Mayor

By _____
Chuck Couvrette, Principal Engineer

Approved as to form:

Grant K. Weed, City Attorney

EXHIBIT A - Scope of Services



ROBINSON[®]
NOBLE

July 11, 2013

Mr. Mick Monken
City of Lake Stevens
1820 Main Street
Lake Stevens, Washington 98258

Project Description

The planned bridge site is next to the existing City buildings located on Main Street, in downtown Lake Stevens. The bridge will provide enhancements for access to a proposed commercial development to be located west of the City offices. The bridge will cross the outfall creek and connect to North Lakeshore Drive, near the intersection with 123rd Ave NE.

We plan to explore the site by drilling one boring on both sides of the creek. One of those borings will be in the drive lane of North Lakeshore Drive. We understand that the City of Lake Stevens will handle all traffic control including traffic revision plans and permits, if necessary. Since a bridge plan has not been selected, our work is considered preliminary.

Scope of Work

The scope of services to be provided by Robinson Noble, Inc. is for geotechnical evaluation services, including the following:

- Explore the subsurface soil and groundwater conditions on both sides of the creek with a hollow stem auger drill rig.
- Evaluate pertinent physical and engineering characteristics of the soils encountered in the borings.
- Prepare a geotechnical report containing the results of our subsurface explorations, and our conclusions and recommendations for geotechnical design elements of the project. Our report will include:
 - Description of the geologic materials encountered.
 - Description of depth to groundwater, if encountered.
 - Discussion of seismicity at the site along with seismic design parameters including Site Class and site coefficients based on current IBC criteria.

Lake Outfall Bridge
Lake Stevens, Washington
July 11, 2013
Page 2 of 2

- Provide preliminary discussions on bridge foundation design as appropriate. The results and or direction of those discussions will be included in our report.
- Preliminary recommendations for shallow and deep foundations including allowable soil bearing values, and pile capacities.
- Recommendations for earthwork and site preparation. An evaluation of the effects of weather and/or construction equipment on site soils and mitigation of any unsuitable soil conditions at the site will be included.

Estimated cost for services is \$7,500

Sincerely,
Robinson Noble, Inc.



Charles P. Couvrette, PE
Principal Engineer

CPC:am

EXHIBIT B – Scope of Service - Sub-consultant

Environmental Drilling Inc. Snohomish Washington
10918 159th Avenue SE
Snohomish, WA 98290
360-568-2045

Provide equipment and labor to perform two soils drilling along the north and south side of Lake Stevens outfall channel, along the 123rd Avenue NE roadway alignment, located in Lake Stevens, as directed by Robinson Noble.

Service Cost: \$2,500.00



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: August 12, 2013

Subject: Third Amendment - Agreement with Feldman and Lee for Public Defender Services

Contact Person/Department: City Administrator Jan Berg **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Approve Third Amendment to extend current Agreement through December 31, 2013 with Feldman and Lee for Public Defender Services.

SUMMARY/BACKGROUND:

In June of this year the City of Lake Stevens extended the current agreement with Feldman & Lee, P.S. through the end of August 2013 in order to allow the staffs of Lake Stevens, Marysville and Arlington to research other options for public defender services. During the last two months informal interviews have been conducted with other legal firms and it was found that either the firms would need more time to expand their staffing to serve the three cities or the cost of service was much higher than the proposed increase from the current public defender proposed extension. All three cities agree that they would be best by extending their current agreements through the end of this year.

The current amendment includes a proposed increase of 33% for the next four months to assist Feldman and Lee in complying with standard requirements being imposed as of October 2013 and also includes language to ensure that the public defenders office meets with the required standards.

BUDGET IMPACT:

The 2013 budget included an expected increase of 43% which did not occur, so there is adequate budget in the line item to cover the proposed 33% increase for four months.

ATTACHMENTS:

- ▶ Exhibit A: Agreement Amendment #3

THIRD AMENDMENT TO AGREEMENT

THIS AMENDMENT, entered into this _____ day of _____, 2013, by and between the CITY OF LAKE STEVENS, a Washington municipal corporation (hereinafter referred to as the "City") and FELDMAN & LEE, P.S., a Washington corporation doing business at 19303 – 44th Avenue West, Lynnwood, WA (hereinafter referred to as the "Attorneys").

WITNESSETH:

WHEREAS the City entered into an Agreement with the Attorney dated May 6, 2008 for the provision of Public Defense Services (hereinafter the "Agreement"); and

WHEREAS the parties entered into a First Amendment to Agreement for extension of the Agreement through June 30, 2013; and

WHEREAS the parties entered into a Second Amendment to Agreement for extension of the Agreement through August 31, 2013; and

WHEREAS the parties hereto wish to further amend the Agreement by extending the term thereof; and

WHEREAS the parties hereto wish to amend the Agreement further to adjust Compensation and level of service provided by Attorney,

NOW, THEREFORE, the parties hereby amend the Agreement as follows:

A. Section 4 of the Agreement – Term of Contract is hereby amended to read as follows:

This Third Amendment to Agreement shall commence on September 1, 2013 at 12:01 a.m. and shall continue in effect through December 31, 2013 at 12:00 a.m., unless earlier terminated by either party. In the event of termination, the Attorneys shall continue representation of any indigent defendants for which they have received appointment prior to the termination date and the City shall compensate the Attorneys for services so rendered at a reasonable rate therefore.

B. Section 6 of the Agreement – Compensation is hereby amended to read as follows:

The City shall pay the Attorneys the sum of SIX THOUSAND NINE HUNDRED EIGHTY TWO and 50/100 DOLLARS (\$6,982.50) per month. In addition, Attorneys shall be reimbursed for any expert witness fees which have been approved by the court as necessary in a particular case, for costs for appointment of conflict public defenders

approved by the court, and for interpreter fees approved by the court. It is intended with this fee increase that Attorney will provide levels of service to City consistent with the standards as mandated by the Supreme Court of Washington in Case No. 25700-A, Order Nos. 1013 and 1016 and to comply with the per attorney weighted or unweighted case load requirements as established by the City.

Except as amended above, all remaining provisions of Section 6 – Compensation remain the same.

C. All other terms and conditions of the Agreement shall remain the same.

CITY OF LAKE STEVENS

FELDMAN AND LEE

By _____
Mayor Vern Little

By _____
James Feldman, President

Date _____

Date _____

Attest:

Norma Scott, City Clerk

Approved as to form:

Grant Weed, City Attorney



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