



City of Lake Stevens Vision Statement

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



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

Tuesday, February 28, 2017 – 7:00 p.m.

NOTE:

WORKSHOP ON VOUCHERS AT 6:45 P.M.

CALL TO ORDER:	7:00 P.M.	Mayor
PLEDGE OF ALLEGIANCE		Mayor
ROLL CALL:		
APPROVAL OF AGENDA:		Council President
GUEST BUSINESS:		
EMPLOYEE RECOGNITION	Employee Anniversary	Steve
COUNCIL BUSINESS:	Veterans Commission – Mike Shindler	Council President
MAYOR’S BUSINESS:		
CITY DEPARTMENT REPORT:	Update	
CONSENT AGENDA:		
	*A Approve 2017 Vouchers	Barb
	*B Approve City Council Special Meeting Minutes of January 20-21, 2017	Barb
	*C Approve City Council-Park Board Joint Meeting Minutes of January 24, 2017	Barb
	*D Approve City Council Regular Meeting Minutes of January 24, 2017	Barb
	*E Approve City Council Special Meeting Minutes of February 13, 2017	Barb
	*F Approve Resolution 2017-04 Authorizing Purchase of Motorcycle and Related Equipment Under Special Market Conditions	Barb

- | | | |
|----|---|------|
| *G | Grade Road Emergency Repair – Marshbank Construction – Final Project Acceptance | Mick |
| *H | Grade Road Emergency Repair – Marshbank Construction – Contract Amendment No. 1 | Mick |

PUBLIC HEARING:

PUBLIC HEARING FORMAT:

- | | | |
|-----|--|-------|
| 1. | Open Public Hearing | Mayor |
| 2. | Staff Presentation | |
| 3. | Council's Questions of Staff | |
| 4. | Public Comments | |
| 6. | Close Public Comments | Mayor |
| 7. | Close Public Hearing | Mayor |
| 8. | Re-open public comment portion of the hearing for additional comments (optional) | |
| 9. | Close Hearing | |
| 10. | COUNCIL MOTION/DELIBERATION/ACTION: | |
| | a. Approve | |
| | b. Deny | |
| | c. Continue | |
| | d. Remand | |

- | | | |
|----|--|------|
| *A | First Reading of Ordinance 984 re Critical Areas Updates | Russ |
|----|--|------|

ACTION ITEMS:

- | | | |
|----|--|--------|
| *A | Confirmation of Planning Commission Appointment Recommendations | Mayor |
| *B | Confirmation of Design Review Board Appointment Recommendations | Mayor |
| *C | Eagle Glen Plat Public Meeting – Final Plat Acceptance and Right-of-Way Acceptance | Stacie |
| *D | Approve Ordinance No. 988 Amending 2017 Budget (Budget Amendment #1) | Barb |

DISCUSSION ITEMS:

- | | | |
|----|---------------------------------------|------|
| #A | 2016 Year End Financial Update | Barb |
| *B | Permit Extensions / Permit Expiration | Russ |
| *C | Marijuana Regulations – Status | Russ |

EXECUTIVE SESSION:

Real Property

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



CITY DEPARTMENT REPORT
FEBRUARY 28, 2017 CITY COUNCIL MEETING

Finance Director/City Clerk

- The “City Expenditure by Type Report” summarizing the expenditures within the Blanket Voucher Approval cover sheet, has now been included within the monthly voucher packet.
- The 2016 Annual Impact Fee Report has been uploaded to the City Website and is attached for your review.
- On February 15th, Moody’s Investors Service upgraded its long-term underlying rating on the limited tax general obligation (“LTGO”) debt of the City of Lake Stevens. The upgrade was done pursuant to Moody’s publication of a new methodology for the sector. As a result of this rating action, the City’s LTGO rating was upgraded from “A1” to “Aa3”.

Police Department

- **Cases of interest**
We are continuing to cooperate with the County SMART team, in reference to our critical incident the week before last. Given the nature of the incident, we are doing everything we can to both ensure an open and complete investigation and support the involved Officers.
- **Personnel Issues**
 - We held interviews for the Records supervisor this past Thursday. The list will be narrowed, and then move on to “Chief’s interview.”
 - We held interviews for the first Commanders position on the morning of 02-28-17. We will be announcing this selection soon.
 - Lateral Interviews were on 02-27-17. This will also be narrowed and sent on to Chief’s interview
- **Notes of Interest**
 - We have selected Officer Wayne Auckerman as the Traffic Officer.
 - He will start the position as soon as we have his replacement in patrol ready to take his place.
 - Wayne is fully qualified and trained as a Traffic Officer
 - We have found a used motorcycle which is perfect for our needs
 - We are now putting together the staff team which will help determine the needs of the new police department.
 - I participated in a “Coffee with the Chiefs” event on 02-22-17, at Buzz Inn.
 - We have put together a solid plan to help address the issues surrounding the homeless population, prior to the warmer weather.

Public Works Department

- Temp City Hall status – The Permit Center building was abated of hazardous material and was scheduled to be removed this past weekend. The current plan is to have the modular facility provider to perform a “turn key” with a target to turn the new temp City Hall over to the City by late June this year. Permits for the site work and modular are expected to be completed within the next 8 weeks, which will allow for the earth work to begin in early May.

- Cavelero Skate Park – still on schedule for a later spring/early summer start and completion this year. Work on the BMX and pump track are anticipated to be performed this year with a potential of being ready for usage in 2017. This has yet to be confirmed by the BMX group.
- Hartford trailhead – Work continues to get a clear title on the public right-of-way so that an exchange of land can occur. Snohomish County has been assisting the City in this effort and it is hoped that this can be cleared up by mid-year.
- Food Bank power – staff continues to work with our contractor and PUD to get the power restored. The target is to have the Food Bank power at Eagle Ridge park restored by the end of March.
- Visitor's Information Center sign – Visitor's Information Center sign – the communication with the sign has been set up and appears to be fully operational. The sign has the ability to have colors, multi-lines of text, and animation. Tests may be run over the next few weeks so you may see a variety of messages in March.

Human Resources Department

- H.R. conducted Police Records Supervisor Oral Boards on February 23, 2017. The Civil Service Commission is scheduled to certify the list on March 1st.
- H.R. assisted the Police Chief this week with Commander candidate interviews. Three internal candidates were interviewed. We are also currently recruiting for one external candidate.
- Lateral Police Officer Oral Boards took place on February 27th with some excellent candidates. The list will be certified on March 1st.
- Communications/Admin. Assistant interviews will take place on March 3rd. We have narrowed the list down to 5 applicants.
- We are currently recruiting for a new Senior Engineer to replace Adam Emerson.
- We are starting recruitment next week for Seasonal Parks Workers.
- H.R. will be attending the AWC Healthy Worksite Summit on March 22 & 23.
- H.R. will be attending the next AWC Employee Benefits Advisory Committee meeting on March 24.
- We are currently looking for three more citizens to volunteer on the City's Salary Commission.
- The City's new Public Works Director, Eric Durpos starts on March 6th.
- Our temporary employee, Teresa Meyers has agreed to stay on as a new Permit Specialist to replace Casey Howell.

MEMORANDUM

To: John Spencer, Mayor
City Councilmembers

From: Barb Stevens, Finance Director/ City Clerk

Date: February 28, 2017

Subject: Impact Fee Report - 2016

RCW 82.02.070 related to impact fees provides that: “Annually, each county, city or town imposing impact fees shall provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.” This report is presented to City Council in response to that requirement.

The City began collecting impact fees for transportation and parks in the 1990’s. Park impact fees are Growth Management Act based impact fees for mitigation of residential impacts on parks. These are accounted for collectively citywide.

The Southwest Annexation, effective on December 31, 2009, included approximately 80 projects under review by Snohomish County. 20th Street SE, a major east-west arterial being widened by the County, was also included in the annexation. As of May 21, 2011, 19 subdivisions in the Southwest Annexation area requiring payment of traffic mitigation fees were approved by the County and seven additional subdivisions had pending applications in review at the County. The subdivisions approved by the County included traffic mitigation fees which included funding for 20th Street SE to be paid to the County. In September 2011, the City amended its code to collect the traffic mitigation fees imposed by the County in this newly annexed area. These are listed as Traffic - GMA County Pre Annexation.

In 2012, the City completed a traffic mitigation study to determine GMA-related traffic mitigation fees and related code amendments to ensure adequate transportation facilities both within subareas and citywide. With the passage of Ordinance 876, in September 2012, three traffic impact zones (TIZ) were established. They consist of TIZ 1 – East Lake Stevens, TIZ 2 – West Lake Stevens, and TIZ 3 – South Lake Stevens.

Prior to these changes, traffic impact fees were authorized within the Transportation Improvement Project (TIP) element of the Comprehensive Plan and accounted for by individual project. These are included in the Pre 2011 SEPA column.

During 2016, \$603,949 in transportation impact fees and \$788,944 in park impact fees were collected. Also, investment interest of \$22,339 was earned on invested impact fees. Investment interest is allocated proportionally to each mitigation zone and type.

Year			Impact Fee Revenues 2012 - 2016					
	Park Mitigation	Tree Mitigation	Traffic	Traffic	Traffic	Traffic	Traffic	Traffic
			Pre 2011 SEPA	GMA County Pre-Annexation	WSDOT	TIZ 1	TIZ 2	TIZ 3
2012	\$339,454		\$10,021	\$728,193	\$6,587			
2013	\$168,896		\$50,528	\$272,605	\$408	\$38,416	\$2,917	\$14,585
2014	\$317,546		\$0	\$324,708	\$0	\$69,979	\$5,863	\$11,668
2015	\$371,940	\$1,716	\$0	\$303,970	\$0	\$41,498	\$229,803	\$24,625
2016	\$788,944	\$8,960	\$0	\$97,989	\$0	\$32,186	\$189,605	\$284,169

Note: Impact fee revenues above are exclusive of interest earnings.

20th Street Planning & Design

In 2015, the City spent \$272,900 on 20th Street SE Phase II, and includes ROW, planning and design. A Federal grant funded \$103,478 of the project costs in 2015, with another grant reimbursement of \$132,580 received in 2016. The remaining \$36,842 was paid from GMA County Pre-Annexation mitigation dollars. This project continued into 2016 where the City spent \$403,637. The Federal grant covered \$147,840 and GMA County Pre-Annexation mitigation dollars paid \$255,797. This project will continue into 2017 where expected costs are \$960,001.

Grade Road

The emergency work on Grade was completed in 2016. A total of \$154,000 of Pre-2011 SEPA mitigation funds were used for this project.

Parks & Tree Projects

In 2016, \$14,594 of parks mitigation was spent on Frontier Height's and Harford Trailhead.

A total of \$977 was spent on tree replacement out of Tree mitigation funds.

At yearend 2016, the fund balance was \$5,559,009 which is made up of different types of mitigation zones and uses as seen below:

ROAD IMPROVEMENT FUND FUND 301					
	2012	2013	2014	2015	2016
Ending Fund Balance-Pre 2011 SEPA	\$ 999,607	\$ 1,059,024	\$ 1,059,940	\$ 1,061,418	911,085
Ending Fund Balance-TSA/TDM	731,355	958,669	1,284,484	\$ 1,553,766	1,401,600
Ending Fund Balance-WSDOT ANNEX	6,855	7,272	7,278	\$ 7,288	7,318
Ending Fund Balance-TIZ 1	0	38,462	108,535	\$ 150,251	183,174
Ending Fund Balance-TIZ 2	0	2,921	8,791	\$ 238,926	430,263
Ending Fund Balance-TIZ 3	0	14,603	26,293	\$ 50,990	336,513
Ending Fund Balance - Park Unrestricted	436,687	605,809	924,151	\$ 1,297,862	2,095,205
Ending Fund Balance - Park AQ & D	141,570	141,768	141,890	\$ 142,084	128,004
Ending Fund Balance - Tree	55,680	55,758	55,806	\$ 57,600	65,847
Ending Grant -				\$ (132,580)	0.00
Total Ending Fund Balance	\$ 2,371,754.00	\$ 2,884,286.00	\$ 3,617,169	\$ 4,427,606	5,559,009

Respectfully,

Barb Stevens
Finance Director/ City Clerk



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**BLANKET VOUCHER APPROVAL
2017**

Payroll Direct Deposits	2/15/2017	\$167,182.64
Payroll Checks	41964-41965	\$5,142.81
Tax Deposit(s)	2/15/2017	\$68,112.91
Electronic Funds Transfers	ACH	\$8,515.67
Claims	41966-42067	\$371,068.19
Void Checks	41746, 41751, 41707, 41729, 41498, 41863	(\$2,920.34)
Total Vouchers Approved:		\$617,101.88

This 28th day of February 2017:

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

Finance Director/Auditing Officer

Mayor

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

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

February 28th, 2017

CITY OF LAKE STEVENS



City Expenditures by Type on this voucher packet			
Personnel Costs	\$	172,325.45	28%
Employer paid Benefits - By Payroll	\$	68,112.91	11%
Employer paid Benefits - By Check	\$	7,743.21	1%
Employee paid benefits - By Payroll	\$	5,808.96	1%
Supplies	\$	33,103.69	5%
Professional Services**	\$	93,184.95	15%
Intergovernmental Services*	\$	132,770.52	22%
Capital***	\$	84,354.53	14%
SERS 800 MHz Debt	\$	22,618.00	4%
Void Checks	\$	(2,920.34)	0%
Total		\$617,101.88	100%

Large Purchases

- * Includes monthly SnoPac Dispatch Invoice of \$26,988.6, Marysville Prisoner Housing of \$27,280.50 for November and December 2016, and Annual Snohomish Emergency Radio System (SERS) Assessment of \$67,541
- ** Invoiced \$14,029 for LS Subarea Plan & EIS/Planned Action Ordinance
- *** Lighted Mounted sign at VIC was \$36,073. Budget was rolled over from 2016 for the sign.



Checks to be Approved for 2/10/2017 to 2/23/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Ace Hardware	41966						Check Total
							\$396.41
		2/23/2017	53294	001-008-521-20-31-01	LE-Operating Costs	Keys	\$17.38
			53358	101-016-544-90-31-02	ST-Operating Cost	Rapid Maul	\$37.02
				410-016-531-10-31-02	SW-Operating Costs	Rapid Maul	\$37.01
			53490	001-008-521-20-31-01	LE-Operating Costs	Baking soda/clorox/bottle brush/splashguard	\$19.01
			53517	001-008-521-20-31-01	LE-Operating Costs	Tire cleaner/turtle wax	\$15.77
			53525	001-008-521-20-31-01	LE-Operating Costs	Booster cable	\$28.30
			53568	001-008-521-20-31-01	LE-Operating Costs	Damprid/De-icer	\$36.98
			53585	001-010-576-80-31-00	PK-Operating Costs	Drill Bits	\$15.97
				101-016-544-90-31-02	ST-Operating Cost	Drill Bits	\$15.96
				410-016-531-10-31-02	SW-Operating Costs	Drill Bits	\$15.96
			53614	001-008-521-20-31-01	LE-Operating Costs	Ice melt	\$79.43
			53616	001-013-594-18-60-02	GG - City Hall Demo	Screws	\$46.82
			53626	001-010-576-80-31-00	PK-Operating Costs	Wallplate/alum level	\$10.27
				101-016-544-90-31-02	ST-Operating Cost	Wallplate/alum level	\$10.27
				410-016-531-10-31-02	SW-Operating Costs	Wallplate/alum level	\$10.26
ACES	41967						Check Total
							\$329.00
		2/23/2017	12367VM	001-005-517-60-31-00	HR-Safety Program	Safety mtg: Respiratory Safety Training	\$104.44
				101-016-517-60-31-00	ST-Safety Program	Safety mtg: Respiratory Safety Training	\$112.28
				410-016-517-60-31-00	SW-Safety Program	Safety mtg: Respiratory Safety Training	\$112.28
Nathan Adams	41968						Check Total
							\$38.00
		2/23/2017	02.10.17	001-008-521-20-43-00	LE-Travel & Meetings	TX-Per Diem-PSR Training	\$38.00
Advantage Building Services	41969						Check Total
							\$980.75
		2/23/2017	2824	001-007-558-50-41-00	PL-Professional Servic	Janitorial Services	\$30.00
				001-007-559-30-41-00	PB-Professional Srv	Janitorial Services	\$30.00
				001-008-521-20-41-00	LE-Professional Services	Janitorial Services	\$315.00
				001-010-576-80-41-00	PK-Professional Services	Janitorial Services	\$20.00
				001-012-575-50-41-00	CS-Community Center - Cleaning	Janitorial Services	\$120.00
				001-013-518-20-41-00	GG-Professional Service	Janitorial Services	\$280.00
				101-016-542-30-41-02	ST-Professional Service	Janitorial Services	\$20.00
				410-016-531-10-41-01	SW-Professional Services	Janitorial Services	\$20.00
				621-000-389-20-00-05	Retainage -Public Bldg Maint	Retainage-Advantage svcs	(\$41.75)



Checks to be Approved for 2/10/2017 to 2/23/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Advantage Building Services	41969	2/23/2017	2832	001-013-594-18-60-02	GG - City Hall Demo	Carpet cleaning - City Hall Annex	\$187.50
Alexander Printing	41970						Check Total \$68.80
		2/23/2017	49892	001-002-513-11-31-00	AD-Office Supply	Business Cards - Brazel	\$68.80
James Barnes	41971						Check Total \$22.00
		2/23/2017	01.17.17	001-008-521-20-43-00	LE-Travel & Meetings	Gun Crime Intelligence Seminar - Barnes	\$22.00
Kerry Bernhard	41972						Check Total \$22.00
		2/23/2017	02.15.17	001-008-521-20-43-00	LE-Travel & Meetings	TX-Per Diem - Gun Crime Intelligence-Bernhard	\$22.00
Business Card	41973						Check Total \$16,838.79
		2/23/2017	2956 02.17	001-008-521-20-31-00	LE-Office Supplies	Paper plates	\$37.88
					LE-Office Supplies	Tissue	\$71.85
				001-008-521-20-31-01	LE-Operating Costs	Book-Human Performance Vol 10 No 2	\$9.67
				001-008-521-20-43-00	LE-Travel & Meetings	Chamber of Commerce Jan meeting	\$10.00
				001-008-521-20-49-00	LE-Dues & Memberships	Membership-Police Exec Research Forum	\$200.00
			3880 02.17	001-001-511-60-43-00	Legislative - Travel & Mtgs	Hotel - AWC Conf - Daughtry	\$107.23
				001-001-511-60-49-01	Legislative - Prof. Developmen	NLC Regiattration - Petershagen	\$455.00
				001-001-511-60-49-02	Legislative-C.C.Retreat	Meals - Council Retreat	\$1,104.10
					Legislative-C.C.Retreat	Hotel - Council Retreat	\$541.37
					Legislative-C.C.Retreat	Room Rent - Council Retreat	\$1,279.22
				001-002-513-11-49-00	AD-Staff Development	NLC Regiattration - Brazel	\$320.00
			4396 02.17	001-001-511-60-31-00	Legislative - Operating Costs	SCCT membership 2017	\$305.00
				001-001-511-60-43-00	Legislative - Travel & Mtgs	Water for council	\$7.99
					Legislative - Travel & Mtgs	Airfare to NLC - Petershagen	\$846.40
					Legislative - Travel & Mtgs	Airfare to NLC - Daughtrey	\$846.40
					Legislative - Travel & Mtgs	Water for City Council	\$7.99
				001-001-513-10-43-00	Executive - Travel & Mtgs	Airfare to NLC - Daughtrey	\$846.40
				001-002-513-11-43-00	AD-Travel & Meetings	Airfare to NLC - Brazel	\$778.40
				001-002-513-11-49-00	AD-Staff Development	Registration Wa Operator Workshop - Brazel	\$225.00
				001-004-514-23-43-00	FI-Travel & Meetings	Airfare - GFOA Conference	\$240.40
				001-004-514-23-49-00	FI-Miscellaneous	GFOA conference deposit	\$100.00
					FI-Miscellaneous	GFOA membership	\$250.00
					FI-Miscellaneous	WPTA membership 2017	\$80.00



Checks to be Approved for 2/10/2017 to 2/23/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Business Card	41973	2/23/2017	4396 02.17	001-004-514-23-49-01	FI-Staff Development	WMCA Annual Conference Registration	\$375.00
				001-008-521-20-41-03	LE-Advertising	Help Wanted - Lateral Police Officer	\$195.00
				001-008-521-20-43-00	LE-Travel & Meetings	Toll fee	\$7.75
				001-013-518-20-41-00	GG-Professional Service	NLC registration - Swenson	\$590.00
			5428 02.17	001-008-521-20-31-04	LE - Donation Exp - Other	Beverages - Awards Banquet	\$30.80
			7530 02.17	001-007-559-30-49-01	PB-Staff Development	CESCL Certificaton Training - Farmer	\$300.00
				001-013-594-18-60-02	GG - City Hall Demo	Ceiling to floor hanging system	\$47.08
				101-016-542-30-49-01	ST-Staff Development	CESCL Certificaton Training - Wicken	\$150.00
				101-016-543-30-43-00	ST-Travel & Meetings	Parking - Sno County Garage	\$6.00
				101-016-544-90-31-02	ST-Operating Cost	Fluorescent light bulbs	\$9.56
					ST-Operating Cost	Mechanic certification fees	\$76.50
				410-016-531-10-31-02	SW-Operating Costs	Mechanic certification fees	\$76.50
					SW-Operating Costs	Fluorescent light bulbs	\$9.56
				410-016-531-10-49-01	SW-Staff Development	CESCL Certificaton Training - Wicken	\$150.00
			7638 02.17	001-008-521-20-31-00	LE-Office Supplies	Message stamp	\$44.81
				001-008-521-20-31-01	LE-Operating Costs	Tool cart on wheels	\$86.27
			8232 02.17	001-002-513-11-43-00	AD-Travel & Meetings	Parking at Snohomish County	\$3.00
			8484 02.17	001-007-558-50-41-03	PL-Advertising	LUA2016-0197 NOA	\$14.88
					PL-Advertising	LUA2016-0200 NOA	\$35.60
					PL-Advertising	LUA2016-0145 DRB	\$103.98
					PL-Advertising	Master SEPA	\$72.88
					PL-Advertising	LUA2016-0139 NOPH	\$11.38
					PL-Advertising	LUA2016-0071 McKay	\$48.87
					PL-Advertising	LUA2016-0190 Planned Action	\$85.73
					PL-Advertising	LUA2016-0134 NOA	\$26.12
					PL-Advertising	LUA2016-0071 NOPM_NOPH	\$48.10
					PL-Advertising	LUA2016-0199 NOA	\$28.01
					PL-Advertising	LUA2017-0002 & 0014	\$38.16
					PL-Advertising	LUA2016-0188 DRB	\$74.17
					PL-Advertising	LUA2016-0185 NOPH	\$40.02
				001-007-558-50-43-00	PL-Travel & Mtgs	Refreshments for Downtown Open House	\$155.26
				001-007-558-50-49-01	PL-Staff Development	AICP/APA Membership 2017	\$635.00



Checks to be Approved for 2/10/2017 to 2/23/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc			
Business Card	41973	2/23/2017	8877 02.17	001-008-521-20-26-00	LE-Clothing	Belts - Explorers	\$57.92		
				001-008-521-20-31-01	LE-Operating Costs	Transcriptions	\$287.95		
					LE-Operating Costs	Optics purchase	\$618.84		
					LE-Operating Costs	Organizers	\$16.29		
				001-008-521-20-31-04	LE - Donation Exp - Other	Supplies for Awards Banquet	\$104.74		
					LE - Donation Exp - Other	Refreshments Awards Banquet	\$931.09		
					LE - Donation Exp - Other	Carafe	\$13.07		
				001-008-521-20-41-00	LE-Professional Services	Database searches	\$108.90		
				001-008-521-20-43-00	LE-Travel & Meetings	Parking at Sno County Garage	\$6.00		
				001-008-521-22-31-00	LE- Investigation Ops Costs	Ravelli Tripod/Lens filters/UHS-I Card/Remote	\$235.41		
					LE- Investigation Ops Costs	Nikon AR-S DX Micro Zoom Lens	\$276.95		
					LE- Investigation Ops Costs	Glass Filter for Nikon D5500	\$39.00		
				520-008-594-21-63-00	Capital Equipment	Deck box for PT69	\$1,367.77		
			9185 02.17	001-001-511-60-31-00	Legislative - Operating Costs	Coffie for Council meeting	\$34.74		
				001-001-513-10-49-00	Executive - Miscellaneous	Help Wanted - Admin Assistant	\$45.00		
				001-002-513-11-49-01	AD-Miscellaneous	Help Wanted - Admin Assistant	\$45.00		
				001-008-521-20-41-03	LE-Advertising	Help Wanted - Police Records Supervisor	\$45.00		
				001-013-518-20-49-00	GG-Miscellaneous	Employee Aniversary supplies	\$358.83		
Carquest Auto Parts Store	41974	2/23/2017	2421-252874	001-010-576-80-31-00	PK-Operating Costs	Fuel filter	\$0.58		
				101-016-544-90-31-02	ST-Operating Cost	Fuel filter	\$0.58		
				410-016-531-10-31-02	SW-Operating Costs	Fuel filter	\$0.59		
			2421-252928	001-010-576-80-31-00	PK-Operating Costs	Fuel filter	(\$0.73)		
				101-016-544-90-31-02	ST-Operating Cost	Fuel filter	(\$0.73)		
				410-016-531-10-31-02	SW-Operating Costs	Fuel filter	(\$0.73)		
			2421-252986	001-010-576-80-31-00	PK-Operating Costs	Nylon Re-coil hose	\$6.29		
				101-016-544-90-31-02	ST-Operating Cost	Nylon Re-coil hose	\$6.30		
				410-016-531-10-31-02	SW-Operating Costs	Nylon Re-coil hose	\$6.30		
			2421-252992	101-016-544-90-31-02	ST-Operating Cost	Battery	\$67.33		
				410-016-531-10-31-02	SW-Operating Costs	Battery	\$67.32		
			2421-253111	101-016-544-90-31-02	ST-Operating Cost	Battery Cable	\$0.95		
				410-016-531-10-31-02	SW-Operating Costs	Battery Cable	\$0.95		
			Check Total						\$218.06



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Carquest Auto Parts Store	41974	2/23/2017	2421-253229	001-010-576-80-31-00	PK-Operating Costs	Cleaner wax/car wash	\$9.25
				101-016-544-90-31-02	ST-Operating Cost	Cleaner wax/car wash	\$9.25
				410-016-531-10-31-02	SW-Operating Costs	Cleaner wax/car wash	\$9.26
			2421-253239	101-016-544-90-31-02	ST-Operating Cost	Oil & Oil Filter	\$17.65
				410-016-531-10-31-02	SW-Operating Costs	Oil & Oil Filter	\$17.65
Cascade Collision Center Inc	41975	Check Total					\$1,207.97
		2/23/2017	4135	001-008-521-20-48-00	LE-Repair & Maintenance Equip	Collision repair PT37	\$1,207.97
CDW Government Inc	41976	Check Total					\$2,279.09
		2/23/2017	GSK5624	510-006-518-80-31-00	Purchase Computer Equipment	MS Surface Pro with Dock & Cover	\$2,021.49
			GTB6227	510-006-518-80-31-00	Purchase Computer Equipment	MS Surface Pro warranty	\$257.60
Cemex Inc	41977	Check Total					\$310.27
		2/23/2017	9434922045	001-013-594-18-60-02	GG - City Hall Demo	Asphalt	\$310.27
Central Welding Supply	41978	Check Total					\$46.89
		2/23/2017	EV234469	001-010-576-80-31-00	PK-Operating Costs	Mild Steel Wire	\$15.63
				101-016-544-90-31-02	ST-Operating Cost	Mild Steel Wire	\$15.63
				410-016-531-10-31-02	SW-Operating Costs	Mild Steel Wire	\$15.63
City of Bellevue	41979	Check Total					\$5,000.00
		2/23/2017	31643	001-005-518-10-41-00	HR-Professional Services	eCityGov Annual Membership 2017	\$5,000.00
City of Marysville	41980	Check Total					\$38,319.76
		2/23/2017	17-001	001-013-512-50-41-00	GG-Municipal Court Fees	Municipal court citations Jan 2017	\$11,039.26
			POLIN11-0741	001-008-523-60-51-00	LE-Jail	Prisoner Housing SCORE Dec 2016	\$367.50
			POLIN11-0746	001-008-523-60-51-00	LE-Jail	Prisoner Housing November 2016	\$17,780.25
			POLIN11-0749	001-008-523-60-51-00	LE-Jail	Prisoner Housing December 2016	\$9,132.75
Comcast	41981	Check Total					\$145.68
		2/23/2017	0991976 01.17	001-013-518-90-49-03	GG-Visitor Center	Internet services - VIC	\$145.68
Comdata Corporation	41982	Check Total					\$236.05
		2/23/2017	20270014	001-008-521-20-32-00	LE-Fuel	Fuel	\$236.05
Control Dynamics Inc	41983	Check Total					\$16,079.11
		2/23/2017	165620	001-013-594-18-60-02	GG - City Hall Demo	Electrical work at Permit Ctr/City Hall	\$1,814.23
			165621	001-013-594-18-60-02	GG - City Hall Demo	Electrical work at Permit Ctr/City Hall	\$6,047.43
			165622	001-013-594-18-60-01	GG - Lundeen House Capital	Electrical install for VIC sign	\$3,052.81



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Control Dynamics Inc	41983	2/23/2017	165623	001-013-594-18-60-02	GG - City Hall Demo	Electrical work at Permit Ctr/City Hall	\$5,164.64
Cooking Light	41984	Check Total \$24.00					
		2/23/2017	2806766271 217	001-005-517-90-41-00	HR-Wellness Program	Cooking Light subscription	\$24.00
Crandall Arambula PC	41985	Check Total \$19,568.97					
		2/23/2017	10	001-007-558-70-41-00	PL-Economic Devel	LS Subarea Plan & EIS/Planned Action Ordinance	\$14,028.97
			2	001-007-558-70-41-00	PL-Economic Devel	LS Subarea Plan & EIS/Planned Action Ordinance	\$5,540.00
Crystal and Sierra Springs	41986	Check Total \$418.35					
		2/23/2017	16015194020417	001-008-521-20-31-01	LE-Operating Costs	Bottled Water	\$100.48
			5249844020117	001-007-558-50-31-01	PL-Operating Costs	Bottled Water	\$55.14
				001-007-559-30-31-01	PB-Operating Cost	Bottled Water	\$27.63
				001-013-518-20-31-00	GG-Operating	Bottled Water	\$27.63
				101-016-544-90-31-02	ST-Operating Cost	Bottled Water	\$103.74
				410-016-531-10-31-02	SW-Operating Costs	Bottled Water	\$103.73
				Dell Marketing LP	41987	Check Total \$6,235.76	
2/23/2017	10146591925	510-006-518-80-31-00	Purchase Computer Equipment	(5) OptiPlex 7440 AIO XCTO computers		\$6,235.76	
Dept of Retirement (Deferred Comp)	0	Check Total \$2,370.00					
		2/23/2017	Feb15-2017	001-000-282-00-00-00	Payroll Liability Retirement	Employee Portion-State Deferre	\$2,370.00
Dept of Revenue	0	Check Total \$3,768.21					
		2/23/2017	Jan17	001-008-521-20-42-00	LE-Communication	Jan 2017 Use Tax	\$20.72
				001-013-518-90-49-06	GG-Excise Tax	Jan 2017 Excise Tax	\$413.36
				101-016-595-64-63-00	ST-Traffic Control-Capital	Jan 2017 Use Tax	\$1,977.62
				410-016-531-10-44-00	SW-Excise Taxes	Jan 2017 Excise Tax	\$1,356.51
Economic Alliance Sno Co	41988	Check Total \$3,000.00					
		2/23/2017	2017-117	001-013-518-90-49-02	GG-Economic Alliance	EASC Annual Investment	\$3,000.00
Electronic Federal Tax Pmt System EFTPS	0	Check Total \$68,112.91					
		2/23/2017	Feb15-2017	001-000-281-00-00-00	Payroll Liability Taxes	Federal Payroll Taxes	\$68,112.91
Electronic Business Machines	41989	Check Total \$316.41					
		2/23/2017	AR56770	101-016-542-30-48-00	ST-Repair & Maintenance	Copier Maintenance & Repair	\$3.77
				410-016-531-10-48-00	SW-Repairs & Maintenance	Copier Maintenance & Repair	\$3.77
			AR56980	001-013-518-20-48-00	GG-Repair & Maintenance	Copier Maintenance & Repair	\$306.40



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Electronic Business Machines	41989	2/23/2017	AR57899	001-008-521-20-48-00	LE-Repair & Maintenance Equip	Copier Maintenance & Repair	\$206.32
			AR57900	001-007-558-50-48-00	PL-Repairs & Maint.	Copier Maintenance & Repair	\$160.75
				101-016-542-30-48-00	ST-Repair & Maintenance	Copier Maintenance & Repair	\$80.38
				410-016-531-10-48-00	SW-Repairs & Maintenance	Copier Maintenance & Repair	\$80.38
			AR58996	001-007-558-50-48-00	PL-Repairs & Maint.	Copier Maintenance & Repair	\$6.39
				101-016-542-30-48-00	ST-Repair & Maintenance	Copier Maintenance & Repair	\$3.20
				410-016-531-10-48-00	SW-Repairs & Maintenance	Copier Maintenance & Repair	\$3.19
			AR60584	001-008-521-20-48-00	LE-Repair & Maintenance Equip	Copier Maintenance & Repair	\$273.25
			CM14827	001-013-518-20-48-00	GG-Repair & Maintenance	Copier Maintenance & Repair	(\$811.39)
Employment Security Department	41990	Check Total					\$364.25
		2/23/2017	Q4/2016	501-000-517-60-49-00	Payment to Claimants	Q4 2016 Payments to Claimants	\$364.25
Everett Stamp Works	41991	Check Total					\$44.49
		2/23/2017	20856	001-007-558-50-31-00	PL-Office Supplies	Stamps	\$22.25
				001-007-559-30-31-00	PB-Office Supplies	Stamps	\$22.24
Everett Steel	41992	Check Total					\$862.68
		2/23/2017	163989	101-016-542-66-31-00	ST-Snow & Ice - Sply	Steel channel	\$862.68
Fastenal Company	41993	Check Total					\$6,040.39
		2/23/2017	WAEV133997	410-016-531-10-31-02	SW-Operating Costs	Gas Monitor	\$6,040.39
Donna Foster	41994	Check Total					\$539.06
		2/23/2017	37776	001-008-521-20-31-04	LE - Donation Exp - Other	Ceramic Coffee Mugs	\$539.06
Frontier	41995	Check Total					\$63.60
		2/23/2017	1002135 2.17	101-016-542-64-47-00	ST-Traffic Control -Utility	Traffic Modem Control	\$63.60
Gall LLC	41996	Check Total					\$1,519.53
		2/23/2017	006826106	001-008-521-20-26-00	LE-Clothing	Mace	\$24.99
			006871891	001-008-521-20-26-00	LE-Clothing	Shirts	\$143.97
			006871956	001-008-521-20-26-00	LE-Clothing	Jacket	\$315.08
			006875003	001-008-521-20-26-00	LE-Clothing	Commendation bars	\$137.57
			006880322	001-008-521-20-26-00	LE-Clothing	Shirts	\$231.03
			006880364	001-008-521-20-26-00	LE-Clothing	Collar Cutouts	\$121.91
			006902570	001-008-521-20-26-00	LE-Clothing	Boots	\$98.00
			006911213	001-008-521-20-26-00	LE-Clothing	USA Flag commendation bars	\$116.69



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Gall LLC	41996	2/23/2017	006912240	001-008-521-20-26-00	LE-Clothing	Shirt	\$108.56
			006919366	001-008-521-20-26-00	LE-Clothing	Pants	\$118.88
			006927288	001-008-521-20-26-00	LE-Clothing	Trousers	\$102.85
Glens Welding and Machine Inc	41997						Check Total
							\$203.64
		2/23/2017	S9636	101-016-544-90-31-02	ST-Operating Cost	Timberline chain sharpener	\$101.82
				410-016-531-10-31-02	SW-Operating Costs	Timberline chain sharpener	\$101.82
Glock Inc	41998						Check Total
							\$250.00
		2/23/2017	TRP/100092623	001-008-521-40-49-01	LE-Staff Development	Armorer's Course-Irwin	\$250.00
Grainger	41999						Check Total
							\$312.48
		2/23/2017	9347202351	101-016-544-90-31-01	ST-Office Supplies	Liquid laundry detergent	\$18.07
				410-016-531-10-31-01	SW-Office Supplies	Liquid laundry detergent	\$18.07
			9348230156	101-016-544-90-31-01	ST-Office Supplies	Memo books	\$8.95
				410-016-531-10-31-01	SW-Office Supplies	Memo books	\$8.94
			9355062705	001-010-576-80-31-00	PK-Operating Costs	Washroom mirror	\$258.45
Granite Construction Supply	42000						Check Total
							\$1,089.00
		2/23/2017	262_00066456	101-016-542-64-31-00	ST-Traffic Control - Supply	Speed Limit signs	\$1,089.00
Group Health Coop	42001						Check Total
							\$102.00
		2/23/2017	65561549	001-008-521-20-41-00	LE-Professional Services	New employee medical exam	\$102.00
HB Jaeger Co LLC	42002						Check Total
							\$108.71
		2/23/2017	182173/1	001-013-594-18-60-02	GG - City Hall Demo	Orange barrier fencing	\$108.71
HERC Rentals Inc	42003						Check Total
							\$1,484.28
		2/23/2017	29075757-001	001-013-594-18-60-02	GG - City Hall Demo	Backhoe rental for City Hall demo	\$1,484.28
Honey Bucket	42004						Check Total
							\$214.00
		2/23/2017	0550238343	001-010-576-80-45-00	PK-Equipment Rental	Honeybucket rental - Boat Launch	\$214.00
J Thayer Company Inc	42005						Check Total
							\$914.30
		2/23/2017	1116485-0	001-007-558-50-31-00	PL-Office Supplies	Copy paper/floor mat	\$60.65
				101-016-544-90-31-01	ST-Office Supplies	Copy paper/floor mat	\$30.33
				410-016-531-10-31-01	SW-Office Supplies	Copy paper/floor mat	\$30.31
			1116519-0	001-008-521-20-31-00	LE-Office Supplies	Toner cartridges	\$70.97
			1116829-0	001-008-521-20-31-00	LE-Office Supplies	Binders/3 hole punch/laminated pouches/toner cartridges	\$272.41
			1116840-0	001-004-514-23-31-00	FI-Office Supplies	Dry erase board/markers	\$76.22



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
J Thayer Company Inc	42005	2/23/2017	1116840-0	001-005-518-10-31-00	HR-Office Supplies	Ink cartridges	\$21.77
				001-007-559-30-31-00	PB-Office Supplies	Ink cartridges	\$21.78
			1117149-0	001-007-558-50-31-00	PL-Office Supplies	Toner cartridges	\$52.80
				001-007-559-30-31-00	PB-Office Supplies	Toner cartridges	\$52.79
			1117174-0	001-008-521-20-31-00	LE-Office Supplies	Paper clips	\$76.86
			1117759-0	001-007-559-30-31-00	PB-Office Supplies	Ink cartridges	\$147.41
Johns Cleaning Service	42006	Check Total					\$91.60
		2/23/2017	1911	001-008-521-20-26-00	LE-Clothing	Uniform cleaning Jan 2017	\$91.60
Keller Supply Company	42007	Check Total					\$333.75
		2/23/2017	S010358197.001	001-010-576-80-31-00	PK-Operating Costs	ME-Copper tube/90 ell/CXC tee	\$111.25
				101-016-544-90-31-02	ST-Operating Cost	ME-Copper tube/90 ell/CXC tee	\$111.25
				410-016-531-10-31-02	SW-Operating Costs	ME-Copper tube/90 ell/CXC tee	\$111.25
Kroesens Uniforms	42008	Check Total					\$5,320.41
		2/23/2017	31158-1	001-008-521-20-26-00	LE-Clothing	Duty belt & accessories	\$574.61
			41390	001-008-521-20-26-00	LE-Clothing	Stinger phone charger	\$147.02
			41690	001-008-521-20-26-00	LE-Clothing	Boots	\$88.20
			41718	001-008-521-20-26-00	LE-Clothing	Gloves	\$46.83
			41730	001-008-521-20-26-00	LE-Clothing	Embroidery	\$19.60
			41898	001-008-521-20-26-00	LE-Clothing	Short sleeve shirt	\$54.40
			42056	001-008-521-20-26-00	LE-Clothing	Ballistic vests	\$2,629.93
			42282	001-008-521-20-26-00	LE-Clothing	Ballistic vests	\$1,759.82
Lake Stevens Police Guild	42009	Check Total					\$1,061.50
		2/23/2017	Feb15-2017	001-000-284-00-00-00	Payroll Liability Other	Employee Paid Union Dues	\$1,061.50
Lake Stevens School District	42010	Check Total					\$4,112.49
		2/23/2017	0016170062	001-007-558-50-32-00	PL-Fuel	Fuel	\$5.17
				001-007-559-30-32-00	PB-Fuel	Fuel	\$63.37
				001-008-521-20-32-00	LE-Fuel	Fuel	\$3,155.82
				001-013-518-20-32-00	GG-Fuel	Fuel	\$5.17
				101-016-542-30-32-00	ST-Fuel	Fuel	\$441.48
				410-016-531-10-32-00	SW-Fuel	Fuel	\$441.48
Lake Stevens Sewer District	42011	Check Total					\$996.00
		2/23/2017	02.2017	001-008-521-50-47-00	LE-Utilities	Sewer - N Lakeshore Dr	\$83.00



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Lake Stevens Sewer District	42011	2/23/2017	02.2017	001-008-521-50-47-00	LE-Utilities	Sewer - Police Station	\$83.00
				001-010-576-80-47-00	PK-Utilities	Sewer - Lundeen Park	\$166.00
				001-012-572-20-47-00	CS-Library-Utilities	Sewer - Library	\$83.00
				001-013-518-20-47-00	GG-Utilities	Sewer - Vacant Houses 20th St SE	\$166.00
					GG-Utilities	Sewer - City Hall	\$166.00
					GG-Utilities	Sewer - Family Center	\$83.00
					GG-Utilities	Sewer - Permit Center	\$83.00
				101-016-543-50-47-00	ST-Utilities	Sewer - 99th Ave SE Property	\$83.00
Langdon and Associates Corp	42012	Check Total					\$176.90
		2/23/2017	11925	001-008-521-20-31-04	LE - Donation Exp - Other	Employee of the Year Plaques	\$176.90
Language Line Svc Inc	42013	Check Total					\$3.73
		2/23/2017	4002439	001-008-521-20-41-00	LE-Professional Services	Language translations	\$3.73
Lemay Mobile Shredding	42014	Check Total					\$27.27
		2/23/2017	4508806	001-008-521-20-41-00	LE-Professional Services	Shredding services	\$4.65
			4508807	001-013-518-20-31-00	GG-Operating	Shredding services	\$22.62
LN Curtis & Sons	42015	Check Total					\$42.42
		2/23/2017	INV79871	001-008-521-20-26-00	LE-Clothing	Name patch	\$42.42
Robert Miner	42016	Check Total					\$127.00
		2/23/2017	Req01.17.17	001-008-521-20-43-00	LE-Travel & Meetings	TX-Per Diem Child Abuse Interview Training-Miner	\$105.00
			Req01.17.17b	001-008-521-20-43-00	LE-Travel & Meetings	TX-Per Diem Gun Crime Intelligence-Miner	\$22.00
Nationwide Retirement Solution	0	Check Total					\$1,975.00
		2/23/2017	Feb15-2017	001-000-282-00-00-00	Payroll Liability Retirement	Employee Portion-Nationwide	\$1,975.00
Neofunds by Neopost	42017	Check Total					\$442.19
		2/23/2017	01.22.17	001-008-521-20-42-00	LE-Communication	Postage	\$442.19
Newtech Communications Inc	42018	Check Total					\$7,250.28
		2/23/2017	2011500	001-013-594-18-60-02	GG - City Hall Demo	Cabling install to Public Works shop	\$3,724.31
			2011527	001-013-594-18-60-02	GG - City Hall Demo	Cable relocation at City Hall & Planning Bldg	\$3,525.97
North Sound Hose Fittings Inc	42019	Check Total					\$140.49
		2/23/2017	79085	001-010-576-80-31-00	PK-Operating Costs	ME-Hydraulic Hose	\$46.83
				101-016-544-90-31-02	ST-Operating Cost	ME-Hydraulic Hose	\$46.83
				410-016-531-10-31-02	SW-Operating Costs	ME-Hydraulic Hose	\$46.83



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Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total
Northwest Assessment Services PLLC	42020						\$375.00
		2/23/2017	1771	001-008-521-20-41-00	LE-Professional Services	Pre-employment Psychological Eval	\$375.00
O Reilly Auto Parts	42021						\$19.59
		2/23/2017	2960314797	001-008-521-20-31-01	LE-Operating Costs	Headlight bulb	\$19.59
Office of The State Treasurer	42022						\$8,380.18
		2/23/2017	Jan17	633-000-589-30-00-03	State Building Permit Remit	January 2017 State Court Fees	\$249.50
				633-000-589-30-00-07	Public Safety And Ed. 1986	January 2017 State Court Fees	\$3,536.47
				633-000-589-30-00-08	Public Safety And Education	January 2017 State Court Fees	\$2,072.69
				633-000-589-30-00-09	Judicial Information System-Ci	January 2017 State Court Fees	\$1,201.51
				633-000-589-30-00-12	Trauma Care	January 2017 State Court Fees	\$372.96
				633-000-589-30-00-13	School Zone Safety	January 2017 State Court Fees	\$95.49
				633-000-589-30-00-14	Public Safety Ed #3	January 2017 State Court Fees	\$73.91
				633-000-589-30-00-15	Auto Theft Prevention	January 2017 State Court Fees	\$536.76
				633-000-589-30-00-16	HWY Safety Act	January 2017 State Court Fees	\$45.57
				633-000-589-30-00-17	Death Inv Acct	January 2017 State Court Fees	\$29.27
				633-000-589-30-00-18	WSP Highway Acct	January 2017 State Court Fees	\$166.05
Outcomes by Levy LLC	42023						\$5,472.04
		2/23/2017	2017-01-LS	001-013-511-70-40-00	Lobbying Services	Legislative Regulatory consulting for Jan 2017	\$5,472.04
Orville H Owens	42067						\$2,500.00
		2/23/2017	02.13.17	001-008-521-20-41-00	LE-Professional Services	Testing	\$2,500.00
Pacific Power Batteries	42024						\$123.27
		2/23/2017	12237182	101-016-544-90-31-02	ST-Operating Cost	Batteries	\$61.64
				410-016-531-10-31-02	SW-Operating Costs	Batteries	\$61.63
PACLAB	42025						\$15.50
		2/23/2017	LSPD 02.17	001-008-521-20-41-00	LE-Professional Services	Blood draw fee	\$15.50
Petty Cash Account	42026						\$154.75
		2/23/2017	Req 02.15.17	001-002-513-11-43-00	AD-Travel & Meetings	Chamber Lunch (SOC)	\$10.00
				001-003-514-20-43-00	CC-Travel & Meetings	SCCFOA - Training	\$18.00
				001-004-514-23-43-00	FI-Travel & Meetings	Chamber Lunch (SOC)	\$10.00
					FI-Travel & Meetings	SCCFOA - Training	\$36.00
				001-007-558-50-43-00	PL-Travel & Mtgs	Chamber Lunch (SOC)	\$20.00



Checks to be Approved for 2/10/2017 to 2/23/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Petty Cash Account	42026	2/23/2017	Req 02.15.17	001-008-521-20-43-00	LE-Travel & Meetings	Chamber Lunch (SOC)	\$10.00
				101-016-543-30-43-00	ST-Travel & Meetings	Chamber Lunch (SOC)	\$10.00
				520-008-594-21-63-00	Capital Equipment	Licensing - Boat/Trailer	\$40.75
Pigskin Uniforms	42027	Check Total					\$591.33
		2/23/2017	2016-86	001-008-521-20-26-00	LE-Clothing	Summer jumpsuit-Schedler	\$591.33
Pitney Bowes	42028	Check Total					\$112.48
		2/23/2017	3302768700	001-013-518-20-45-00	GG-Equipment Rental	Postage machine rental	\$112.48
Puget Sound Energy	42029	Check Total					\$345.44
		2/23/2017	24316495 2.17	001-010-576-80-47-00	PK-Utilities	Natural gas - City shop	\$115.15
				101-016-543-50-47-00	ST-Utilities	Natural gas - City shop	\$115.15
				410-016-531-10-47-00	SW-Utilities	Natural gas - City shop	\$115.14
	42030	Check Total					\$194.76
		2/23/2017	3723810 2.17	001-008-521-50-47-00	LE-Utilities	Natural gas - N Lakeshore Dr	\$194.76
Radarsign LLC	42031	Check Total					\$15,940.00
		2/23/2017	5049	101-016-595-64-63-00	ST-Traffic Control-Capital	Driver feedback signs	\$15,940.00
Republic Services 197	42032	Check Total					\$2,010.29
		2/23/2017	0197-002049473	001-010-576-80-31-00	PK-Operating Costs	Dumpster services - City Shop	\$593.67
				101-016-542-30-45-00	ST-Rentals-Leases	Dumpster Rental - City Shop	\$114.64
				101-016-544-90-31-02	ST-Operating Cost	Dumpster services - City Shop	\$593.67
				410-016-531-10-31-02	SW-Operating Costs	Dumpster services - City Shop	\$593.67
				410-016-531-10-45-00	SW-Equipment Rental	Dumpster Rental - City Shop	\$114.64
	42033	Check Total					\$264.87
		2/23/2017	0197-002049305	001-010-576-80-31-00	PK-Operating Costs	Dumpster svcs - Lundeen Park	\$250.96
				001-010-576-80-45-00	PK-Equipment Rental	Dumpster rental - Lundeen Park	\$13.91
	42034	Check Total					\$132.07
		2/23/2017	0197-002050121	001-013-518-20-31-00	GG-Operating	Dumpster services - City Hall	\$115.87
				001-013-518-20-45-00	GG-Equipment Rental	Dumpster rental - City Hall	\$16.20
Right On Heating & Sheet Metal Inc	42035	Check Total					\$500.00
		2/23/2017	22073	001-013-518-20-48-00	GG-Repair & Maintenance	Winter HVAC services all city buildings	\$500.00
Safeguard Pest Control Inc	42036	Check Total					\$261.63
		2/23/2017	54272	001-008-521-50-48-00	LE -Repair & Maint Facilities	Pest control services Police Station	\$49.14



Checks to be Approved for 2/10/2017 to 2/23/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Safeguard Pest Control Inc	42036	2/23/2017	55680	001-008-521-50-48-00	LE -Repair & Maint Facilities	Pest control services Police Station	\$49.14
			55812	001-010-576-80-48-00	PK-Repair & Maintenance	Pest control services City Shop	\$54.45
				101-016-542-30-48-00	ST-Repair & Maintenance	Pest control services City Shop	\$54.45
				410-016-531-10-48-00	SW-Repairs & Maintenance	Pest control services City Shop	\$54.45
SCCIT	42037					Check Total	\$500.00
		2/23/2017	12677	101-016-542-30-49-00	ST-Miscellaneous	2017 SCCIT membership for K Daughtry	\$500.00
Christopher Schedler	42038					Check Total	\$38.00
		2/23/2017	Req 02.12.17	001-008-521-20-43-00	LE-Travel & Meetings	TX-Per Diem-PSR Training-Schedler	\$38.00
Sherwin-Williams Co	42039					Check Total	\$50.04
		2/23/2017	4676-8	001-013-594-18-60-02	GG - City Hall Demo	Paint	\$50.04
Signs Plus Inc	42040					Check Total	\$36,073.00
		2/23/2017	23987	001-013-594-18-60-01	GG - Lundeen House Capital	Lighted Monument sign at VIC	\$36,073.00
Sirchie Acquisition Company LLC	42041					Check Total	\$310.86
		2/23/2017	0286711-IN	001-008-521-20-31-01	LE-Operating Costs	Multi Purpose Half Mask/vapor/hepa filters	\$93.85
			0286833-IN	001-008-521-20-31-01	LE-Operating Costs	Peel & Lift Tape Pad	\$217.01
SirennnetCom	42042					Check Total	\$1,921.19
		2/23/2017	0211352-IN	520-008-594-21-63-00	Capital Equipment	Siren/Lights new patrol vehicles	\$1,921.19
Smarsh Inc	42043					Check Total	\$1,225.00
		2/23/2017	INV00209480	510-006-518-80-49-00	License Renewal - Annual Maint	NetGuard Cloud Archiving 2017 License	\$1,225.00
Snohomish County Human Service	42044					Check Total	\$1,980.47
		2/23/2017	I000431943	001-013-566-00-51-00	GG-Liquor Tax to SnoCo	Q4 2016 Liquor excise tax	\$1,980.47
Snohomish County PUD	42045					Check Total	\$18,695.21
		2/23/2017	100288648	001-010-576-80-47-00	PK-Utilities	203203245 Lundeen Restrooms	\$80.21
			100288684	001-010-576-80-47-00	PK-Utilities	205395999 Visitor Center	\$340.70
			100289382	001-012-575-50-47-00	CS-Community Center-Utilities	200860922 Community Center	\$1,174.48
			100289383	001-010-576-80-47-00	PK-Utilities	201513934 Parks	\$18.36
			107951532	001-008-521-50-47-00	LE-Utilities	200558690 Police N Lakeshore Drive	\$99.11
			111261689	001-013-518-20-47-00	GG-Utilities	200321172 Permit Center	\$66.37
			111261837	101-016-542-63-47-00	ST-Lighting - Utilities	200363505 Traffic Signal	\$95.08
			114576432	001-013-518-20-47-00	GG-Utilities	200206019 City Hall	\$500.01
			114576434	001-012-572-20-47-00	CS-Library-Utilities	200206977 Library	\$908.49



Checks to be Approved for 2/10/2017 to 2/23/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Snohomish County PUD	42045	2/23/2017	114576434	001-013-518-20-47-00	GG-Utilities	200206977 Library water meter	\$135.72
			114576520	001-013-518-20-47-00	GG-Utilities	200245215 Family Center	\$443.29
			114576708	001-013-518-20-47-00	GG-Utilities	200321172 Permit Center	\$430.57
			114581279	101-016-542-63-47-00	ST-Lighting - Utilities	200178218 Traffic Signal	\$213.60
			124523548	001-010-576-80-47-00	PK-Utilities	200748721 Parks	\$53.61
			127823604	001-010-576-80-47-00	PK-Utilities	203531959 Mobile at 2424 Soper Hill Rd	\$76.74
			127823678	101-016-542-63-47-00	ST-Lighting - Utilities	203582010 Street Lights	\$121.63
			134427002	101-016-542-63-47-00	ST-Lighting - Utilities	201595113 Street Lights	\$237.21
			137637805	101-016-542-63-47-00	ST-Lighting - Utilities	201973682 Street Lights	\$44.73
			137639057	101-016-542-63-47-00	ST-Lighting - Utilities	203730189 Traffic Signal	\$81.88
			137639060	101-016-542-63-47-00	ST-Lighting - Utilities	203731153 Traffic Signal	\$107.88
			137644860	101-016-542-63-47-00	ST-Lighting - Utilities	205320781 SR92 Roundabout at 99th	\$65.00
			140946659	101-016-542-63-47-00	ST-Lighting - Utilities	205338056 SR92 Roundabout at 113th	\$51.17
			147565480	101-016-542-63-47-00	ST-Lighting - Utilities	201860178 Traffic Signal	\$143.12
			150850074	001-013-518-20-47-00	GG-Utilities	201956075 War Memorial	\$28.30
			154099310	101-016-542-63-47-00	ST-Lighting - Utilities	204719074 Catherine Creek Bridge lights	\$21.42
			154101080	001-013-518-20-47-00	GG-Utilities	201783685 Annex	\$243.51
			157302035	101-016-542-63-47-00	ST-Lighting - Utilities	203115522 Street Light meter	\$210.13
			157302755	001-012-575-30-47-00	CS-Historical-Utilities	202289237 Museum	\$63.30
				001-012-575-51-47-00	CS-Grimm House Expenses	202289237 Grimm House	\$63.31
			157306868	101-016-542-63-47-00	ST-Lighting - Utilities	202648705 Street Lights	\$52.63
			157307797	101-016-542-63-47-00	ST-Lighting - Utilities	202342622 Street Lights	\$78.28
			163709706	101-016-542-63-47-00	ST-Lighting - Utilities	202624367 Street Lights	\$10,175.78
			163709786	101-016-542-63-47-00	ST-Lighting - Utilities	202648101 Street Lights - Soper Hill Annexation	\$1,066.97
			163709867	101-016-542-63-47-00	ST-Lighting - Utilities	202670725 Street Lights	\$1,181.12
			163710729	001-010-576-80-47-00	PK-Utilities	202513354 Park lighting	\$21.50
Snohomish County PWS	42047						Check Total
		2/23/2017	1000430978	101-016-542-64-48-00	ST-Traffic Control - R&M	Sign repair Dec 2016	\$35.70
			1000431498	303-008-591-28-78-01	800 MHZ Capital Debt Principal	800 MHZ 2017 Capital Costs	\$17,305.96
				303-008-592-28-83-01	800 MHZ Capital Debt Interest	800 MHZ 2017 Capital Costs	\$5,312.04
			1000431525	001-008-528-00-51-00	LE-Snopac Dispatch	800 MHZ 2017 Assessment	\$67,541.00



Checks to be Approved for 2/10/2017 to 2/23/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total
Snohomish County Treasurer	42048						\$125.50
		2/23/2017	12.2017	633-000-589-30-00-06	Crime Victims Compensation	Dec 2016 Crime victims Compensation	\$125.50
Snopac	42049						\$26,988.62
		2/23/2017	8843	001-008-528-00-51-00	LE-Snopac Dispatch	Dispatch Services	\$26,988.62
Sound Publishing Inc	42050						\$632.20
		2/23/2017	EDH738811	001-007-558-50-41-03	PL-Advertising	Lua2016-0024 Amend LMSC Title 14	\$106.88
			EDH740804	001-007-558-50-41-03	PL-Advertising	LUA2016-0188 Design Review Board Mtg	\$91.28
			EDH741613	001-007-558-50-41-03	PL-Advertising	LUA2017-0002/0014 Sea Pac Homes	\$91.28
			EDH742093	001-007-558-50-41-03	PL-Advertising	2017 Docket Auth Comp Plan Amendments	\$82.68
			EDH742919	001-007-558-50-41-03	PL-Advertising	LUA2016-0145 Chapel 5	\$84.40
			EDH742987	001-007-558-50-41-03	PL-Advertising	LUA2016-0197 St John	\$91.28
			EDH743136	001-007-558-50-41-03	PL-Advertising	LUA2016-0145 Chapel 5	\$84.40
Staples	42051						\$1,509.34
		2/23/2017	3328195130	001-013-594-18-60-02	GG - City Hall Demo	Mobile File Roll	\$598.93
			3329414790	001-013-594-18-60-02	GG - City Hall Demo	Vis-I Rack with bins	\$871.18
			3329694176	001-008-521-20-31-00	LE-Office Supplies	Certificate holder	\$39.23
Stericycle Inc	42052						\$10.36
		2/23/2017	3003729800	001-008-521-20-41-00	LE-Professional Services	Hazardous waste disposal	\$10.36
Symbol Arts	42053						\$120.00
		2/23/2017	0275046-IN	001-008-521-20-26-00	LE-Clothing	Badges	\$120.00
Tacoma Screw Products Inc	42054						\$734.30
		2/23/2017	18147349	001-010-576-80-31-00	PK-Operating Costs	Steel Deck Screws/lag screws/TSP/safety glasses	\$138.96
				101-016-544-90-31-02	ST-Operating Cost	Steel Deck Screws/lag screws/TSP/safety glasses	\$138.95
				410-016-531-10-31-02	SW-Operating Costs	Steel Deck Screws/lag screws/TSP/safety glasses	\$138.95
			18147620	001-010-576-80-31-00	PK-Operating Costs	Graffiti & Paint Remover	\$55.48
				101-016-544-90-31-02	ST-Operating Cost	Graffiti & Paint Remover	\$55.47
			18147621	001-010-576-80-31-00	PK-Operating Costs	TSP Brake cleaner/De-icer/Nitrile Gloves	\$68.83
				101-016-544-90-31-02	ST-Operating Cost	TSP Brake cleaner/De-icer/Nitrile Gloves	\$68.83
				410-016-531-10-31-02	SW-Operating Costs	TSP Brake cleaner/De-icer/Nitrile Gloves	\$68.83
Terra Services Inc	42055						\$1,318.68
		2/23/2017	17-02127	001-007-558-50-41-00	PL-Professional Servic	Termporary services - Planning Admin	\$659.34



Checks to be Approved for 2/10/2017 to 2/23/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
Terra Services Inc	42055	2/23/2017	17-02127	001-007-559-30-41-00	PB-Professional Srv	Temporary services - Planning Admin	\$659.34
ULINE	42056						Check Total \$176.91
		2/23/2017	83702003	001-008-521-80-30-00	LE - Evidence Room - Supplies	Knife evidence box/manila tag	\$176.91
UPS	42057						Check Total \$40.22
		2/23/2017	74Y42047	001-008-521-20-42-00	LE-Communication	Evidence shipping	\$16.55
			74Y42057	001-008-521-20-42-00	LE-Communication	Evidence shipping	\$23.67
Jerad Wachtveitl	42058						Check Total \$22.00
		2/23/2017	Req 01.17.17	001-008-521-20-43-00	LE-Travel & Meetings	TX-Per Diem Gun Crime Intelligence-Wachtveitl	\$22.00
Steve Warbis	42059						Check Total \$98.00
		2/23/2017	Req 01.14.17	001-008-521-20-43-00	LE-Travel & Meetings	TX-Per Diem-Marysville-Warbis	\$76.00
			Req 02.14.17	001-008-521-20-43-00	LE-Travel & Meetings	TX-Per Diem-Burien-Warbis	\$22.00
Washington Audiology Services	42060						Check Total \$2,704.50
		2/23/2017	50304	001-008-521-20-41-00	LE-Professional Services	Employee Hearing exams	\$927.20
				101-016-542-30-41-02	ST-Professional Service	Employee Hearing exams	\$231.90
				410-016-531-10-41-01	SW-Professional Services	Employee Hearing exams	\$231.90
			50308	001-008-521-20-41-00	LE-Professional Services	Employee Hearing exams	\$927.20
				101-016-542-30-41-02	ST-Professional Service	Employee Hearing exams	\$193.15
				410-016-531-10-41-01	SW-Professional Services	Employee Hearing exams	\$193.15
Washington State Crime Prevention	42061						Check Total \$50.00
		2/23/2017	2017	001-008-521-20-49-00	LE-Dues & Memberships	2017 WSCPA membership	\$50.00
Washington State Dept of Enterprise Svcs	42062						Check Total \$142.44
		2/23/2017	73158463	001-008-521-20-31-01	LE-Operating Costs	Business cards-Thomas/Wells/Bryant/Warbis	\$142.44
Washington State Patrol	42063						Check Total \$516.00
		2/23/2017	I17005341	633-000-589-30-00-10	Gun Permit - FBI Remittance	Weapons permit background checks	\$516.00
Washington State Support Registry	0						Check Total \$402.46
		2/23/2017	Feb15-2017	001-000-284-00-00-00	Payroll Liability Other	Employee Paid Child Support	\$402.46
Neil Chad Wells	42064						Check Total \$38.00
		2/23/2017	Req 02.13.17	001-008-521-20-43-00	LE-Travel & Meetings	TX-Per Diem-Police Skills-Wells	\$38.00
West Marine Pro	42065						Check Total \$818.89
		2/23/2017	0003912	001-007-559-30-31-01	PB-Operating Cost	PFDs and Rearm kits	\$818.89



Checks to be Approved for 2/10/2017 to 2/23/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	
WLEEA	42066						Check Total \$300.00
		2/23/2017	1615	001-008-521-20-31-04	LE - Donation Exp - Other	Explorer/Advisor Academy Dues 2017	\$300.00
Total							\$447,696.77



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CITY OF LAKE STEVENS
CITY COUNCIL SPECIAL MEETING/RETREAT MINUTES
Friday, January 20, 2017 and Saturday, January 31, 2017
107 South 2nd Street, La Conner, WA

CALL TO ORDER: 9:00 a.m. by Mayor John Spencer

COUNCILMEMBERS PRESENT: Kim Daughtry, Sam Low, Kurt Hilt, Todd Welch, Rauchel McDaniel, Kathy Holder (arrived at 12:00 p.m.), Marcus Tageant

COUNCILMEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director/City Clerk Barb Stevens (1/20/2017), Community Development Director Russ Wright

OTHERS: Grant Weed, City Attorney (1/20/2017), Mary Swenson, Consultant

Mayor Spencer convened the meeting at 9:00 a.m. for the purpose of conducting a special meeting/retreat to discuss city business as summarized below, with no action to take place.

- I. Agenda Review
- Mayor and Council president welcomed the Council members to the retreat. The agenda for the two days was reviewed and no changes were made to the agenda.
- Council and Mayor reviewed “parking lot topics” from the 2016 planning retreat. Topics remaining to be addressed in 2017:
1. Update reserve fund policies
 2. Develop basis for RUTA UGA
 3. Detention pond maintenance and management city wide
 4. Confirmation of appointment to Boards and Commissions
 5. Public hearing and meeting management streamlining.
- II. Budget and Finance
- Barb Stevens presented Council an update on the city budget and financial position. Barb briefed the members on adjustments that will need to be made to the budget to account for “roll-over” of unfinished projects into 2017, as well as adjustments to account for changes in staffing associated with the creation of a new City Engineer position.
- Barb noted that the actual ending balance of funds for 2016 is projected to be \$6.0m more than assumed at the time the 2017 budget was prepared.
- Barb briefed the Council on all revenue sources status (year to

date) for each fund. Of note; the assessed value of property in Lake Stevens has increased from prior year by approximately \$90m. This will not result in an on-going increase in revenue due to the property tax cap. It will produce some increase in revenue based on the time the new property goes on the books and end of year.

Barb presented a general fund projection showing a conservative, mid-point and aggressive revenue assumption. The mid-model that has been used by Council demonstrated a \$7.9m general fund ending balance in 2024 or approximately 35% of 2024 general fund revenue.

All models assumed a \$10m 20-year bond sale in 2018 and debt service for that period.

III. Miscellaneous or
“parking lot” topics

Council asked that Mayor work with Chamber of Commerce to assure that the funding provided to the Chamber is producing service and outcomes as expected. Main benefit being a closer relationship between City and chamber re: new businesses. Council would like to have regular reports on working relations.

Beautification plan: Council inquired whether this plan would involve City in moving forward with branding initiative (give the City a recognizable “brand” for marketing purposes. Staff reported that yes, this is the intent as well as to adopt a common style for City signage, adopt neighborhood monikers and entry way improvements. Council liked the idea of seeking local, City resident, input in the development of “brand”.

Council was updated on Bob Stowe contract and work being performed by Mr. Stowe. Council would like to be more involved in economic development initiatives, would like to have more frequent report/updates.

Council asked that the new position being hired for communication also perform role of Liaison to Council to improve information flow to Council across a broad range of events, topics, issues, as well as maintaining current calendar. Mayor announced plan to meet with Council Members either one-on-one or with no more than 3 at a time to brief members on up-coming agenda items three months out.

Council asked that Mayor and staff take a more aggressive approach to upgrading City’s IT programs, particularly security and day-to-day service.

A brief discussion was held on annexation plans and strategy for RUTA. Council was briefed on current strategy/schedule. Council would like staff to look into **North** area as well.

Council was briefed on current Sewer District-City Inter-local Agreement. Council asked that Mayor and staff look into accelerating the date for merger.

Please look into BBQ replacement at Lundeen Park.

Council would like to address sign-code, particularly fees in the near future.

Council would like to address fire extinguisher policies soon.

Develop plan "B" for library if bond issue does not pass on 14th of February.

IV. Parks

V. Economic
Development

Russ Wright briefed Council on priorities to be considered in 2017 economic development agenda. Those are: (1) Sports Tourism, (2) 20th Street Retail and Business Recruitment, (3) Downtown Redevelopment, (4) Lake Stevens Center Redevelopment and (5) Annexations and Industrial Development.

Council provided comments and indicated 20th Street and Downtown should be major focal point for economic development prioritization.

VI. IT (stipend), City
Organization, Public
Works, Communica-
tions

Mayor briefed the Council on intent to offer Council members a stipend in-lieu of providing City computer for Council members' City business.

Mayor briefed Council on intent to change the Public Works Department organization by creating a City Engineer position under the Public Works Director.

VII. Assignments/New
Commissions

Councilmember Hilt briefed members on the idea of establishing a Veterans Commission.

Council members discussed assignments to Boards and Commissions. Final assignments were agreed upon. Clerk will circulate final assignments matrix to members.

Council asked the President to have a Councilmember be appointed as a representative to the Historical Society.

VIII. Downtown sub-
area plan

Mayor and Planning Director Wright briefed Council on fundamental elements for developing downtown. The pros and cons of the alternatives for location of a City Hall were also presented, along with schedule for completing the plan. Council members expressed thoughts and ideas on this with the conclusion that the decision should be made as part of the sub-

area planning process and not be advanced ahead of the whole plan.

Council inquired of Mayor of intentions regarding expansion of North Cove Park. Mayor indicated his intention to either acquire through willing purchaser-willing seller or to initiate condemnation. Condemnation would require Council approval by ordinance.

- IX. Transportation City Administrator, Gene Brazel briefed council on the process
Benefit District and methods for creating a TBD.

Councilmember Holder arrived at 12:00 p.m. on January 20, 2017.

At 5:00 p.m. the meeting was continued to January 21, 2017.

On January 21, 2017 the meeting was reconvened at 8:00 a.m. with all Councilmembers, City Administrator Gene Brazel, Consultant Mary Swenson and Interim City Administrator Mary Swenson in attendance.

Adjourn.

The special meeting/retreat was adjourned at 1:00 p.m.

John Spencer, Mayor

Kathy Pugh, Deputy City Clerk

**CITY OF LAKE STEVENS
CITY COUNCIL / PARKS BOARD JOINT MEETING MINUTES**

Tuesday, January 24, 2017
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 5:30 p.m. by Mayor John Spencer

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Gary Petershagen, Kurt Hilt (arrived at 5:41 p.m.), Todd Welch, Rauchel McDaniel, Kathy Holder, Marcus Tageant

ELECTED OFFICIALS ABSENT: None

PARKS BOARD MEMBERS
PRESENT: Chris Jones, Terry Van Wyck, Carl Johnson, Roger Schollenberg, Leland Adams

PARKS BOARD MEMBERS
ABSENT: Marlene Sweet

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director/City Clerk Barb Stevens (5:58 p.m.), Community Development Director Russ Wright, Parks Coordinator Jim Haugen, Police Chief John Dyer, Human Resources Director Steve Edin, Deputy City Clerk Kathy

Mayor Spencer called the meeting to order.

Parks & Recreation Coordinator Jim Haugen and the Parks Board members introduced themselves to Council and provided their background and a brief history of their involvement with the Parks Board members.

2016 Accomplishments: Community Development Director Russ Wright welcomed the Council and Parks Board and stated that the purpose of this evening's meeting is to review the accomplishments of 2016 and then review the proposed work program for 2017.

Director Wright introduced Parks & Recreation Coordinator Jim Haugen and turned the meeting over to him.

Coordinator Haugen reviewed and commented on the 2016 accomplishments of the Parks Board. He commented on the status of Cavelero Park and said it is moving towards development. A plan has been agreed upon and the County and City are working on completing the application for the permit process. The State application for funding for this park in the amount of \$500,000 has been approved, signed and received.

Director Wright added they are planning to develop the BMX portion of the park in phases, and they are planning to put in a temporary track and a pump track, with the goal to have the facility useable for competitions by late summer.

Discussion ensued and Director Wright and Coordinator Haugen responded to Councilmembers' questions regarding logistics of the coming park improvements.

Coordinator Haugen next reviewed the status of the Frontier Heights park acquisition and that he is working with the homeowner's association board. Director Wright said that staff has put together a brief sketch for the homeowners; which the board has reviewed and identified some things they like and some that they do not like. The homeowner's association board would like to see the parking strategy refined, and Coordinator Haugen is working with the utility companies to see if adjacent easements can be utilized for parking. The City will work with the homeowners association prior to a vote to address questions such as how the park will be developed and what the strategies and phases will be.

Coordinator Haugen next updated on the Eagle Ridge Community Garden. Public Works is working on designing a parking area and the Being Neighborly Group has taken on establishing the community garden.

Coordinator Haugen referenced a diagram that was distributed to Councilmembers showing some of the proposed planning for the Hartford Trailhead. He also said the Parks Board is in the process of establishing a Park Bench Memorial Program where park benches may be purchased by community members and installed by the City. The Parks Board will be reviewing this proposal.

Coordinator Haugen said that only a few trees are left to be removed from Lundeen Park; once that is completed a landscape plan will be undertaken to beautify the park. There was discussion of installing an irrigation and drainage system in Lundeen Park this year, but this improvement will be revisited next year, as it is likely North Cove Park activities will be temporarily moved to Lundeen Park while North Cove Park is improved. Coordinator Haugen also reviewed the status of the playground equipment at Lundeen Park.

Coordinator Haugen said there is not a lot to do with the Catherine Creek Disc Golf Course, but that they would like to add a port-a-potty facility for the golfers. There are back-to-back disc golf tournaments scheduled on Saturday and Sunday this coming weekend.

Coordinator Haugen updated on the 20th Street Ballfields, including installing some nice soccer fields.

Returning to Eagle Ridge Park, the Parks Board is going to investigate the possibility of developing a playground and installing play structures. Also, the play structures at Frontier Heights Park will need to be replaced, and possibly Lundeen Park.

Director Wright updated on the North Cove Master Plan, and said the City is working with the Downtown Subarea Consultant and one of their consultants, to develop a park design for this park. Major points to the plan include opening up the lake access, providing a great lawn for community events and creating a substantial plaza area for festivals, Aquafest and sporting events. A conceptual site plan has been developed, which staff is reviewing. The City is also looking for grant funding to begin this park project.

Coordinator Haugen reported that the school district has a successful recreation program in place right now and the City's goal is to piggyback with that program to help enhance it. The City wants to add to the program to include activities for children and seniors.

Coordinator Haugen said that he has worked with Human Resources Director Steve Edin to update all the forms for the adopt-a-park program. Coordinator Haugen said he is working with different groups to bring them into this program to help unify and beautify the parks.

Director Wright added they would like to broaden the program to “adopt a community” and then the various service groups can be utilized in different capacities, whether it be for a street program or a park improvement. This might also include contributions by corporate sponsors.

Coordinator Haugen turned to the Trail Master Plan and commented the community has many trails, and they can be more fully developed so that they run under the power lines all the way from 20th to the top of the city, with the goal being that the trail can at some point connect to the Centennial Trail.

Discussion ensued regarding Bonneville Playfield. Board member Jones commented a lot of money has been invested into that field over the last two years by Little League and they are concerned that the park will be lost to them. He added that Lake Stevens Little League is unique because it is the only league with three lit ballfields. Little League is concerned that the Bonneville Field will be put up for auction by the County. The Mayor and Council assured that they will work to annex that property.

Coordinator Haugen said that the sign at Lundeen Park will be installed in the next few weeks.

Director Wright returned the discussion to several of the new parks needing new play structures and said that the City wants to involve the Parks Board this year to develop playground themes so that each of the parks has its own unique characteristics.

Coordinator Haugen said he is working with Lake Stevens School District to fix up the Kids Oasis at Pilchuck Elementary. He said the structure is solid, it just needs some attention and maintenance; this will be completed as a community project.

Discussion ensued regarding the challenges that Aquafest will face this year with the construction activities around North Cove Park, and also the Arts Commission and the Music on the Lake program. Music on the Lake will likely take place in Lundeen Park this year.

Director Wright discussed the list of upcoming projects in the packet that was distributed.

Mayor Spencer commented the City will want an interlocal agreement with Snohomish County for police services as Cavelero Park becomes active.

Councilmember Welch asked about Eagle Scout projects; Coordinator Haugen responded there is a project going forward for signage at the boat launch and at Lundeen Park identifying the fish in the lake, there is another project in place that is redoing all of the disc golf signage, and there is a third project going forward at Eagle Ridge Park. There is also a fourth project going forward.

Councilmember Daughtry commented there is a request for a project to develop signage for the rain garden at Lundeen Park.

In response to Councilmember Hilt’s question, Coordinator Haugen said that the rowing clubs love the lake. They believe it is the prefect size for rowing and they would like to promote a lot of events. North Cascade Rowing Club is oriented to Wyatt Park and is moving forward with a

building design for boat storage to be located there. Lake Stevens Rowing is oriented toward downtown and would also like a boat storage area.

Responding to Councilmember Hilt's question regarding the ease of working with the power companies to use the powerline easements, which the City owns, for trails and other passive uses, Coordinator Haugen said the power companies generally do not have any objection to this type of use so long as the uses do not include anything with height, such as planting trees. Coordinator Haugen does not think the power companies will have any objections to the Master Trail Plan being implemented.

Parks Board member Chris Jones commented the City needs to identify a plan to cross SR 9 so that trail users can safely move from the trail system on the west side of the highway to downtown and the Centennial Trail. Discussion ensued regarding how a trail system could cross the highway, and Director Wright said the City is exploring the possibility with Marysville of an interlocal agreement for the intersection of SR 9 and Soper Hill Road.

Mayor Spencer commented the City needs to update its sidewalk plan, which the Parks Board could include in its work plan, and also the City needs to participate with the rowing clubs in the development of a long-term plan for the rowing clubs.

Coordinator Haugen responded that Lake Stevens Rowing would like one club, but historically the two clubs are different, with one being more casual and the other more organized.

Parks Board member Johnson said having a Parks Coordinator has been a dramatic improvement and is very helpful to the board; he thanked the Council for this.

Parks Board member Schollenberg said the Parks Board's plate is full and that the Board is seeing progress, all of which makes participation as a board member more rewarding.

Parks Board member Jones is very excited about the community garden moving forward, and generally the increased interest in parks projects and the faster pace for Parks Board.

Coordinator Haugen noted the Parks Board is meeting once a month.

Councilmember Holder wondered if the neighbors to Lundeen Park will need to be notified if Music on the Lake is moved to that venue for 2017. Coordinator Haugen said yes.

Adjourn:

Meeting adjourned at 6:29 p.m.

John Spencer, Mayor

Chris Jones, Parks Board

Kathy Pugh, Deputy City Clerk

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

Tuesday, January 24, 2017
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

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

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Gary Petershagen, Kurt Hilt, Todd Welch, Rauchel McDaniel, Kathy Holder, Marcus Tageant

ELECTED OFFICIALS ABSENT: None.

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director/City Clerk Barb Stevens, Community Development Director Russ Wright, Police Chief John Dyer, Human Resources Director Steve Edin, Deputy City Clerk Kathy Pugh, City Attorney Grant Weed, Civil Engineer Adam Emerson, Economic Development Coordinator Jeanie Ashe, Senior Planner Stacie Pratschner, Accountant Joan Norris, Detective James Barnes, IT Department Manager Troy Stevens, Detective Jerad Wachtveitl, Records Specialist Jenn Anderson

OTHERS: Consultant Mary Swenson, Fire Chief Kevin O'Brien, Fire Marshal Mike Messer

Pledge of Allegiance: Mayor Spencer called the meeting to order and led the Pledge of Allegiance.

Roll Call: All present.

Approval of Agenda: Council President Hilt said that Action Item A, Authorize Appointment of Civil Service Commissioner, will be moved to immediately follow the Consent Agenda.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to approve the agenda with the noted change. On vote the motion carried (7-0-0-0).

Guest Business: None.

Oath of Office: Mayor Spencer administered the Oath of Office to Police Officer Chris Shedler.

Employee Recognitions: Mayor Spencer recognized and thanked Mary Swenson for her service, energy and dedication to Lake Stevens as Interim City Administrator, and presented her with a Certificate of Appreciation.

Mayor Spencer next recognized the following staff, each of whom have provided 10 years of service to the City, and provided them with a Certificate of Appreciation and commemorative

gift: Troy Stevens, IT Department Manager, Joan Norris, Accountant, Jenn Anderson, Police Records Specialist, Detective Jerad Wahchtveitl, and Detective Jim Barnes.

Council Business: Council President Hilt reported on the Council Retreat, including that the 2016 retreat agenda and goals were reviewed and that many of the 2016 identified goals were achieved. He next commended staff and thanked Mary Swenson for their hard work. Council President Hilt made suggestions he believes will improve the City Council regular meetings, including that each subcommittee select a chairperson to facilitate the subcommittee meetings and update the Council on the subcommittee activities during the regular Council meeting, and that the Mayor preside over the Council meetings rather than the Mayor and Council President.

- Councilmember Daughtry: Snohomish County Cities for Improved Transportation (SCCIT), Sewer subcommittee.
- Councilmember Petershagen: Retreat.
- Councilmember Hilt: AWC Action Days and National League of Cities conferences are coming up in February and March respectively.
- Councilmember Welch: Arts Commission, Library Board, passage of Library bond issues are dependent on the percentage of voter turnout based on the most recent election, which was the Presidential election.
- Councilmember McDaniel: Fire Commission.
- Councilmember Holder: No report.
- Councilmember Tageant: Public Safety subcommittee, Sewer District.

Mayor's Business: North County Mayors meeting – reviewed Snohomish County transportation projects and they are trying to synchronize efforts to ensure that transportation funding stays solid in Snohomish County this year; Sewer Utility committee – funding priorities.

City Department Report.

- Chief Dyer: Point in Time Count for Homeless with Family Center.
- Human Resources Director Edin: Started recruiting for City Hall Administrative Assistant.
- Community Development Director Wright: Next downtown subarea meeting is January 25, 2017 at Community Center.
- City Administrator Brazel: Meeting with Food Bank representative; meet and greet for Public Works Director candidate on Thursday, January 26, 2017 and Friday, January 27, 2017.

Consent Agenda:

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Hilt, to approve (A) 2016 Vouchers [Electronic Funds Transfers (ACH) of \$30,963.44, Claims Check Nos. 41731-41803 totaling \$323,505.35, Void Check No. 41002 in the amount of \$32,655.71, Previous Period Voucher 41695 in the amount of \$746.20, Total Vouchers Approved: \$322,559.28]; (B) 2017 Vouchers [Payroll Direct Deposits of \$163,479.52, Payroll Check Nos. 41726-41728, 41730 totaling \$10,051.92, Tax Deposits of \$68,637.13, Electronic Funds Transfers (ACH) of \$119,054.80, Claim Check Nos. 41729, 41804-41827 totaling \$529,648.40, Total Vouchers Approved: \$890,871.77]; (C) City Council Workshop Meeting Minutes of December 13, 2016, (D) City Council Regular Meeting Minutes of January 10, 2017, (E) Small Public Works Contract with All Phase Brush & Land Clearing for Tree Removal Services; and

(F) Amendment No. 1 to Professional Services Agreement with Mary Swenson. On vote the motion carried (7-0-0-0).

Action Items:

Appointment of Ray Mitchell as Civil Service Commissioner: Mayor Spencer said that he recommends, following interviews, the appointment of Ray Mitchell for appointment to the City's Civil Service Commission. This appointment would be to fill a vacant position for a term that expires July 1, 2019.

MOTION: Moved by Councilmember McDaniel, seconded by Councilmember Tageant, to appoint Ray Mitchell to the Civil Service Commission to fill a vacant position for a term that expires July 1, 2019. On vote the motion carried (7-0-0-0).

Public Hearings:

Second Reading and Approval of Ordinance No. 972 re International Building Code:

Mayor Spencer opened the Public Hearing and reviewed the Public Hearing process.

Senior Planner Stacie Pratschner presented the staff report and said tonight's meeting is a second reading of the proposed code amendments and adoption of Ordinance 972, adopting those amendments. She reviewed that at the January 10, 2017 meeting Council had questions regarding the proposed amendments to the Fire Code and that Fire Marshal Mike Messer would review the additional changes since that last Council meeting. Planner Pratschner said that comments from the Master Builders Association were distributed this evening with suggestions for adoption of language that would allow more administrative discretion to staff, particularly in relation to Appendix D, and also concerning fire and rescue operations as described in LSMC 14.84.180. Planner Pratschner also reviewed the recommendation that when conflicts occur between the adopted appendices and the Lake Stevens Municipal Code, or the City's adopted engineering and design standards that the city regulations will apply. Language is also included that the fire code waiver modifications will be reviewed in coordination with the Fire Marshal and City staff, and also including that the municipal code will apply in the case of any conflict, including in the administration of the fire apparatus access road standards.

Fire Marshal Mike Messer reviewed the additional amendments to the Fire Code and reminded that these fire code amendments are mandated at the federal level, and that the City's adoption of these amendments will close any gaps between the two codes. Fire Marshal Messer said that the proposed amendments provide for strategic placement of fire protection facilities, including fire hydrants and fire department connection placements, standardizing functionality of fire alarms and knox boxes, and providing for safe growth for the City now and in the future. This is accomplished through the requirements of Appendix D, including providing for secondary access to large residential communities, tall buildings taller than 35 feet, and improved road widths based on parking and fire hydrant placement. There is also a provision that if developers cannot meet the strict requirement of the code they can be allowed to meet the intent of the code by providing modifications that are proven to be of an equal level of safety as required by the code. These modifications will be approved by the Fire Department in collaboration with the City.

Planner Pratschner and Fire Marshal Messer then responded to questions from the Mayor and Council. Marshall Messer noted that updates to the code are made once every three years, but procedurally the City can initiate a code amendment when it is identified as part of the annual planning docket.

Mayor Spencer invited public comment.

Patrick McCourt, 10515 20th Street SE, Lake Stevens, speaking on behalf of the Master Builders Association, said that their staff did work closely with the City and all comments were addressed. What is contained in the document is supported by the Master Builders Association. Turning to his comments from the previous Council meeting, Mr. McCourt did meet with Fire Marshal Messer to review the comments he made and his comments are included in the modifications brought forward tonight. Mr. McCourt commended both City staff and the Fire Department for effecting a catch up to the outgrown codes.

Mayor Spencer then closed the Public Comment portion of the Public Hearing and the Public Hearing.

MOTION: Moved by Councilmember Hilt, seconded by Councilmember Daughtry, to continue the public hearing to the February 13, 2017 Special Meeting in order for Council to review the written stakeholder comments. On vote the motion carried (7-0-0-0).

First Reading of Ordinance 985 re Stormwater Amendments:

Mayor Spencer opened public hearing.

Planner Pratschner presented the staff report and said tonight's requested action is to hold a public hearing and first reading of Ordinance No. 985 adopting the 2012 Department of Ecology Stormwater Manual as part of the City's Municipal Code. The proposed code amendments are requirements under the Federal Clean Water Act. Planner Pratschner reviewed some of the specific amendments, and also how the City plans to implement the amendments. She added that Staff has reached out to stakeholders for their input, and in order to allow time to hear back, Staff will bring this ordinance back for a second reading at the February 13, 2017 Special Meeting. She also noted under new case law that courts have determined that Stormwater regulations are not a local land use control, but are instead a state mandated regulation and are treated differently under vesting law. Planner Pratschner reviewed that Staff has met all procedural requirements in bringing this Ordinance forward. She noted that Staff has received comments from the Master Builders Association, and Staff has worked with the Master Builders Association to address those comments.

Responding to a question from Councilmember Hilt, Planner Pratschner explained that Stormwater retention facilities, such as a swale or rain garden are already vegetative in nature, so requiring additional landscaping would be onerous, as opposed to a "hard" facility such as a stormwater pond or vault that does not include vegetation by design. The screening is directed to address the large above-ground structures such as vaults and stormwater ponds.

Councilmember Petershagen asked if there has been discussion or analysis regarding impacts of these code amendments to the City's buildable land.

Planner Pratschner said the new stormwater manual does not make reference as to how the new requirements will affect buildable lands, and it is designed in such a way that developers will have to look at doing an LID prior to doing the hard structural development.

Councilmember Petershagen expressed concern that the City is contemplating adopting an ordinance put forward by Department of Ecology without analyzing the full impacts on the City's buildable lands, and whether the City will build out or if it will determine to build up.

Director Wright responded that the City will be going through a buildable lands process, but the City does do its own inventory of buildable lands as part of the Comprehensive Plan update and maintains its own records on the effect of buildable lands. Additionally, Council has vocalized that it wants to look at what lies beyond the City's current urban growth area boundaries and staff will begin that analysis in the near future.

Mayor Spencer invited public comment.

Patrick McCourt, 10515 20th Street, Lake Stevens, responded to Councilmember Petershagen's question regarding land inventory. He said that in speaking with the president of LDC Engineering and discussing the impact of the stormwater manual, he asked what is the impact to the vault size under the current manual. The response was that there are many factors, but the general rule of thumb is a 30% size increase. This is a real impact to useable land that could be used for housing or commercial uses. Mr. McCourt believes there is going to be a significant issue with useable land in Lake Stevens, and there are other factors impacting useable lands including steep slopes and existing zoning.

Mayor Spencer invited additional public comment and there was none. Mayor Spencer then closed the Public Comment portion of the Public Hearing.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Holder, to continue the first Reading of Ordinance No. 985 re Amendments to the City of Lake Stevens Municipal Code to Adopt the 2012 Department of Ecology Stormwater Manual. On vote the motion carried (7-0-0-0).

First Reading of Ordinance 984 re Critical Areas:

Mayor Spencer opened the public hearing.

Community Development Director Russ Wright presented the staff report and said tonight's requested action is to hold a public hearing and first reading of Ordinance No. 984 adopting changes to the Critical Areas regulations of the Lake Stevens Municipal Code. Director Wright reviewed the history of the proposed updates, the process for reviewing the Critical Areas regulations and the amendments that are proposed including looking for innovative mitigations for critical areas impacts. Director Wright noted this is not a "one size fits all" proposal. Staff has tried to achieve a balance with the new state level regulations vs. local control. He also noted there have been conversations with different stakeholders including Department of Ecology, and public comment was received during the public hearing before the Planning Commission. He then invited Councilmembers' questions.

In response to Councilmember Hilt's question, Director Wright said he has not reviewed Snohomish County's Critical Areas Regulations. Councilmember Hilt referenced a pending

lawsuit, and Director Wright said that Snohomish County did not adopt the new buffers, whereas the City did adopt the new buffers.

Responding to Councilmember Petershagen's question, Director Wright responded that trails can be located in the outer limits of buffers. The City's code provides for utility allowances through buffers, and some small structures such as an observatory for educational purposes can be built if they are associated with a trail. Primarily buffers are to serve as a set aside to protect the function of the associated critical area, and to provide habitat for urban wildlife.

Councilmember Petershagen encouraged that Staff evaluate the impacts that will be brought about by the proposed amendments, because the mitigation type and ratio being proposed is quite a change.

Mayor Spencer commented on the irony that the Growth Management Act was established to control urban sprawl, and now as the codes and manuals evolve cities run out of buildable land, with the option being to build up or to expand the urban growth area. Mayor Spencer suggested perhaps neighboring cities would have an interest in joining with Lake Stevens to address some of the concerns with the cities' legislators.

Responding to Councilmember Holder's question, Director Wright said that Department of Ecology has now developed a model ordinance, which the City reviewed as it developed its own draft ordinance, to make sure that we included all of the big picture elements in our ordinance. Department of Ecology has reviewed each iteration of the City's ordinance as it has evolved and has approved the document as written. There is not a hard date for adoption of the ordinance, but the City does need to remain compliant with the Growth Management Act and implement Comprehensive Plan updates; there is time to go through the process methodically.

Mayor Spencer invited public comment and there was none. Mayor Spencer then closed the Public Comment portion of the hearing.

Mayor Spencer closed the Public Hearing.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Tageant, to continue the first reading of Ordinance No. 984 re Critical Areas.

Councilmember Hilt requested that the City Attorney provide input as to the potential outcome of the Snohomish County lawsuit, and also that Councilmember Petershagen's concerns be addressed.

VOTE: On vote the motion carried (7-0-0-0).

Approve Grade Road Development Agreement:

Mayor Spencer opened the public hearing.

Director Wright distributed a revised staff report and development agreement, and Resolution 2017-03. Staff has continued to work closely with Lake Stevens Senior Housing, LLC ("LSSH"), and all parties have agreed to the elements of the development agreement. Director Wright explained that the City is in a purchase agreement with LSSH to sell the Grade Road property, and LSSH wants to gain certainty for how the property can be developed. Under Washington

State law there are a few tools that can be used to gain certainty for development, and one of those tools is a development agreement. The parties can enter into a development agreement that will vest the project. Things included in the development agreement include the intended uses, what are the vesting rights, what are the exclusions, and if there are any special terms in the agreement. The proposed project that LSSH would like to build in three phases includes (1) about 170 units of assisted living, with 50 of those units being for memory care, (2) about 30,000 square feet of medical offices/retail space for that community and the greater downtown community, and (3) construction of an additional 150 residential units. This project will be complimentary to the goals of the downtown redevelopment. Director Wright believes this development agreement protects both the developer's and the City's interests.

Responding to Councilmember McDaniel's question on whether there would be sidewalk improvements, Director Wright said that before Council this evening is a concept level site plan that does not include construction details, but yes, they would be required to build sidewalk and frontage on Grade Road.

Councilmember Welch commented on SB5212 regarding vesting, and wondered if the City needs to take this into consideration. Mayor Spencer said the City will follow up on this with the City's government relations firm.

In response to Councilmember Petershagen's question as to whether the development agreement satisfies vesting, City Attorney Grant Weed said there is a lot of uncertainty because the Supreme Court ruling is very recent, but the development agreement contains language that should protect the developer's vesting rights, and also indemnifies the City as best as possible against any claims of vesting.

Mayor Spencer invited public comment.

Clay White of LDC, Inc., 20210 142nd Avenue NE, Woodinville, said he is on speaking on behalf of LSSH. He reviewed that the Grade Road property is one of two areas within the City zoned as Planned Business District. By definition this zoning designation is designed to accommodate commercial or mixed use development on sites containing sensitive resources, or due to other circumstances, detailed planning would benefit all property owners, as well as the public. This zone requires that the developer go through a Master Development Plan, and approval of this development agreement will provide some certainty to the developer that can be utilized as the phased development moves forward. He reviewed the three development phases and how they are envisioned. Critical areas assessments will dictate what the final development plan is. LSSH is hoping to complete the permit process this year and begin construction of Phase 1 in 2018 with the remaining phases following in succeeding years.

Pat McCrory, 2504 Meadow Drive, reviewed previous efforts to develop land known as The Meadow, but what did not come out to the public was the condition of the land, which is water saturated. He expressed concern about how the property will support the proposed development and provided photos of the property for distribution to Council.

Mayor Spencer closed the Public Comment portion of the Public Hearing.

Mayor Spencer closed the Public Hearing.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Petershagen, to approve Resolution 2017-03 authorizing the Mayor to enter into the Grade Road Development Agreement. On vote the motion carried (7-0-0-0).

Study Session: None.

Executive Session: Mayor Spencer announced an executive session beginning at 8:24 p.m. and lasting 20 minutes for the purpose of discussing pending litigation, with no action to follow.

At 8:44 p.m. the regular meeting of the City Council was reconvened.

Adjourn:

Moved by Councilmember Welch, seconded by Councilmember McDaniel, to adjourn the meeting at 8:44 p.m. On vote the motion carried (7-0-0-0).

John Spencer, Mayor

Kathy Pugh, Deputy City Clerk

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

Monday, February 13, 2017
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

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

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Gary Petershagen, Kurt Hilt, Todd Welch, Rauchel McDaniel, Kathy Holder, Marcus Tageant

ELECTED OFFICIALS ABSENT: None.

STAFF MEMBERS PRESENT: Finance Director/City Clerk Barb Stevens, Community Development Director Russ Wright, Police Chief John Dyer, Deputy City Clerk Kathy Pugh, City Attorney Grant Weed, Senior Engineer Adam Emerson

OTHERS: Jason Bierman, Snohomish County Department of Emergency Management, Fire Marshal Mike Messer

Pledge of Allegiance: Mayor Spencer led the Pledge of Allegiance.

Roll Call: All present.

Approval of Agenda: Council President Hilt added SnoPac as a discussion item. Mayor Spencer said there will be an executive session with action to follow, and requested that Action Item A, Approve Ordinance No. 987 re Condemnation of Real Property be moved to follow the Executive Session.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Welch-, to approve the agenda with the requested changes. On vote the motion carried (7-0-0-0).

Guest Business: Jason Bierman, Director of Snohomish County Department of Emergency Management (DEM) provided an update on the current organizational structure, activities and service programs of DEM, including what DEM plans to accomplish in 2017. He commented that pursuant to the RCW's every jurisdiction is responsible for its own emergency management organization and activities, and that DEM supports each jurisdiction's emergency management plan. DEM covers all jurisdictions in Snohomish County with the exception of Everett and the part of Bothell that is located in Snohomish County. DEM also is part of Homeland Security Region 1 and is also partnered with the counties and cities to the south of Snohomish County. He then responded to Councilmembers' questions.

Responding to Councilmember Welch's questions regarding coordination with the Navy, and plans to upgrade any local hospitals to a Trauma 1 rating, Mr. Bierman explained how DEM coordinates with the Navy and other federal entities, including joint exercises and joint responses. Mr. Bierman said, regarding upgrading of hospitals, that DEM has a healthcare coalition that works with the hospitals, but he is not aware of any plans for upgrades to

Snohomish County facilities. DEM does coordinate with regional hospitals as part of the emergency preparedness planning.

In response to Councilmember Hilt's question, Mr. Bierman discussed E911 services and how it works with SnoCom and SnoPac to distribute funds collected through the E911 program. They also provide GIS data and work with DEM to make sure that GIS information is accurately reflected so that when emergency responders are dispatched they are dispatched to the correct address.

Mayor Spencer asked how the City and Council can be helpful to DEM and also ensure if there is an emergency, the response is effective. Mr. Bierman responded this can be accomplished by working closely with DEM and advocating DEM efforts. It is important for city officials to support DEM programs by advocating to staff that emergency preparedness is a priority.

Councilmember Holder expressed concern that because of its location adjacent to the Trestle and the SR 9 bridge in Snohomish, Lake Stevens could be cutoff in a disaster. Mr. Bierman responded that DEM has a program, CPOD (Community Points of Distribution), that they train for, and this program is specifically designed to assist communities that could be cut off in a disaster. DEM can provide this training to Lake Stevens.

Mayor Spencer thanked Mr. Bierman for coming this evening.

Larry Marlow, 11611 North Lakeshore Drive, Lake Stevens, commented on the process of starting a condemnation process on the Williams property now, and said they are bothered by this. Mr. Marlow also commented on the speed sign placed adjacent to his home. He said North Lakeshore Drive is a speeding area and he has requested enforcement. He does not believe the sign is effective.

Sharon Pratt, 11611 North Lakeshore Drive, Lake Stevens, wondered why shorelands are being condemned. She said it appears, from reviewing the Eagle Ridge Park Master Plan, that the intent is to connect all of the parks together by North Lakeshore Drive. She does not want to see this happen. She does not want the ambiance of her neighborhood changed.

Mayor Spencer responded the City does not have any intent to proceed further than acquiring land that can be associated with the park. Also, the City has communicated with the landowner without success regarding purchase of the parcels.

Melissa Corbett, 10411 11th Place SE, Lake Stevens, commented that people have not heard about the park upgrades. She would like to see a restaurant or other business that would bring people into the downtown area and provide jobs. She does not understand why the City would proceed with condemnation and pay to complete improvements at North Cove Park when there is a private investor willing to do those improvements.

Ryan Kilby, 4404 Thomson, Everett, is here with his grandmother, Mrs. Williams, this evening. This property has been in the family for almost 70 years. They are at a point where they can start investing and develop the property, and have hired architects and surveyors to assist. They are surprised that the City is proceeding with a condemnation and are not in agreement with the plan. They believe bringing retail in would be a better use than more park space. If the City proceeds, this action affects their family, their company and their plans for the property.

Council Business:

- Councilmember Daughtry: Public Works subcommittee, Economic Development subcommittee
- Councilmember Petershagen: No report.
- Councilmember Hilt: No report.
- Councilmember Welch: Parks subcommittee, Library Board.
- Councilmember McDaniel: Economic Development subcommittee.
- Councilmember Holder: Family Center, Economic Development subcommittee, Park Board subcommittee & Park Board.
- Councilmember Tageant: Economic Development subcommittee, AWC City Action Days.

Mayor's Business: Has attended two meetings sponsored by City of Everett with affected jurisdictions regarding how to address the US 2 Trestle and move forward. It is likely there will be workshops scheduled with key legislators to address the Trestle as it has become one of the highest priorities in the state. Also, letters were sent to legislators regarding pending legislation; copies will be provided to Council.

City Department Report.

- Chief Dyer: Lake Stevens Police Department had a major incident last week, and on behalf of the Police Department, he thanked the Council, Mayor, community and the law enforcement community for their support.

Consent Agenda:

MOTION: Moved by Councilmember Hilt, seconded by Councilmember Tageant, to approve (A) 2017 Vouchers [Payroll Direct Deposits of \$166,039.69, Payroll Check Nos. 41851-41852 totaling \$4,979.67, Tax Deposits of \$65,904.90, Electronic Funds Transfers (ACH) of \$207,431.29, Claims Check Nos. 41828-41850, 41853-41963 totaling \$266,849.48, Total Vouchers Approved: 711,205.03], and (B) Task Order 2 to 2016-2018 On-Call Electrician Services with Control Dynamics, Inc. On vote the motion carried (7-0-0-0).

Public Hearing:

Third Reading and Adoption of Ordinance 972 re International Building Code: Mayor Spencer opened the public hearing.

Director Wright presented the staff report and briefly reviewed the procedural history of Ordinance 972 regarding amendments to the International Building and Construction Code and the International Fire Code. Director Wright said that staff has worked with stakeholders to ensure that any questions or concerns they may have were addressed, and has worked to respond to Council's questions. He then invited Council questions and there were none.

Mayor Spencer invited public comment and there was none. Mayor Spencer then closed the public comment portion of the hearing.

Mayor Spencer closed the public hearing.

MOTION: Councilmember Hilt moved, Councilmember McDaniel seconded, to approve the third reading and adoption of Ordinance 972 re amendments to the Building and Construction and Fire Code. On vote the motion carried (7-0-0-0).

Action Items:

Confirm Appointment of Public Works Director: Mayor Spencer reviewed that candidate Eric Durpos met with City Councilmembers and staff on January 26 and 27, 2017. Following these meetings it is Mayor Spencer's recommendation that Council confirm the appointment of Mr. Durpos as Public Works Director, with a start date of March 6, 2017.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to confirm the appointment of Eric Durpos to the position of Public Works Director. On vote the motion carried (7-0-0-0).

Mayor Spencer announced that Senior Engineer Adam Emerson submitted his resignation; he will be going to work for WSDOT at the end of the month. He thanked Mr. Emerson for all of his hard work.

Approve Supplemental Agreement No. 2 to Professional Services Agreement between City of Lake Stevens and Crandall Arambula, PC for Consultant Services: Community Development Director Russ Wright presented the staff report and said that approval of this supplemental agreement will allow Crandall Arambula's subconsultant, Greenworks, to move forward with the design for North Cove Park. Director Wright commented that with the approval of this amendment, the City will have a permit-ready plan that is compatible with the work the City is doing in preparation for the temporary City Hall facility. Director Wright said that he distributed a full scope of services and the final quote this evening. Approval of this supplement will allow the City to move forward with the improvements to North Cove Park as an early action of the downtown plan. Director Wright then responded to Councilmembers' questions.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Holder, to authorize the Mayor to execute Supplemental Agreement No. 2 to Professional Services Agreement between City of Lake Stevens and Crandall Arambula, PC for Consultant Services. On vote the motion carried (7-0-0-0).

Authorize Interlocal Agreement with Snohomish Health District re Property Disposition: Director Wright presented the staff report and said that signing of this Interlocal agreement will assist in clearing the title of the Rucker Building for sale, which is owned by Snohomish Health District. Director Wright explained that public funds from different jurisdictions and Snohomish County were used to finance the purchase of the building. The Health District has determined it is not financially feasible to continue in the Rucker Building and is seeking to sell the building and relocate to a more size-appropriate facility, meeting current staffing needs.

City Attorney Weed provided a brief history of how purchase of the building was financed in 1990-1991 with contributions by Snohomish County and participating cities. This was accomplished with a financing interlocal agreement between all of the participating parties. In 1996 the debt was paid off to the County and a deed was issued vesting title to the Snohomish County Health District. At that time there was to be an ownership interlocal agreement between all of the participating parties. That document has not been found, and it is uncertain if this second interlocal agreement was ever prepared.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to authorize the Mayor to enter into an Interlocal Agreement with Snohomish Health District re Property Disposition. On vote the motion carried (7-0-0-0).

Discussion Items:

Annexation Updates: Director Wright presented the staff report and updated Council on the status of the overall annexation strategy. He then reviewed specific tasks that have been undertaken, which will lead to the annexation of Area 1-Machias Industrial. He also reviewed the options for moving forward with an annexation and said that he and staff have been meeting with property owners in the Machias Industrial area. The next areas to be considered for annexation are the Island Area and Bonneville Field. Director Wright invited Councilmembers' questions and there were none.

Sign Fees / Policy: Director Wright reviewed the current sign permit fees and those of other nearby jurisdictions. He reviewed the various formulas used to determine the cost of sign permits, and also the formula that the City currently uses. Director Wright said that the City's sign permit fees are comparable to surrounding jurisdictions, and that they are predictable and easy to administer. For these reasons staff does not recommend significant changes to the base fee schedule at this time. Regarding replacement signs, Director Wright said those are easy reviews and asked if Council would like to institute a new nominal fee for over-the-counter replacement sign reviews. He also commented the City may want to consider at some point in the future small, inconsequential signs for home businesses. Director Wright then responded to Councilmembers' questions. There was consensus to add a nominal fee for replacement sign review.

2017 Budget Amendment No. 1: Finance Director Barb Stevens presented the staff report and reviewed the proposed budget amendments. She then responded to Councilmembers' questions. With Council's consensus, this will be brought forward for consideration at the February 28, 2017 Council meeting.

SnoPac: Councilmember Hilt said the City's 911 calls are processed and managed by SnoPac and SERS, the accompanying radio system. Both are managed as a consortium with member partners which includes other participating public entities and the County. There is some talk about consolidating all 911 systems, including the radio system within the County, and this comes with a potential needed upgrade of the radio system, with a potential cost of \$70 million. This would have to be a county-wide initiative of some sort. The City approached SERS and requested a presentation, since the City is not represented, along with other unrepresented areas in the County. The City's request for a presentation was rebuffed. The City is exploring how to proceed.

Action Item:

Approve Ordinance No. 987 re Condemnation of Real Property: City Attorney Weed presented the staff report and said that adoption of Ordinance No. 987 authorizes the City to proceed with acquiring the property under a condemnation process, is the first step for the City to acquire parcels adjacent to North Cove Park currently owned by Williams Investments, LLC. Approval of this ordinance does not preclude a purchase and sale agreement between the City and Williams Investment; it does set the stage so that if the parties cannot reach an agreed sale

price the City can move forward with a condemnation proceeding in court to acquire the property.

Executive Session: Mayor Spencer announced an executive session, regarding potential litigation, at 8:39 p.m. for 15 minutes with action to follow.

The regular meeting of the City Council reconvened at 8:57 p.m.

MOTION: Moved by Councilmember Hilt, seconded by Councilmember Daughtry, to approve Ordinance 987 re Condemnation of Real Property with an amendment to remove the property north of Lakeshore Drive. On vote the motion carried (6-1-0-0).

Study Session: None.

Adjourn:

Moved by Councilmember Tageant, seconded by Councilmember Hilt, to adjourn the meeting at 8:57 p.m. On vote the motion carried (7-0-0-0).

John Spencer, Mayor

Kathy Pugh, Deputy City Clerk



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: February 28, 2017

Subject: Resolution 2017-04 Authorizing Purchase of Used Motorcycle & Equipment

Contact John Dyer/Police Department
Person/Department: _____

Budget Impact: N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Approve Resolution 2017-04 Authorizing the Purchase of (1) Used Motorcycle from Sound Harley Davidson, and accessory equipment from Swinomish Indian Tribal Community, Under Special Market Conditions.

SUMMARY/BACKGROUND:

In the 2017 adopted budget, the City Council approved the addition of (1) one motorcycle for traffic control and enforcement. This motorcycle was expected/budgeted to be a 2017 Harley Davidson, at an individual total cost of \$38,500.

Based on the needs of the department, an alternative to purchasing new, was to look at used motorcycles, for the following reasons:

- To meet the individual needs of the traffic unit
- As a cost saving measure

The department explored this alternative and made the following recommendation:

1. Purchase: (1) Used 2015 Harley Davidson FLHTP Electra Glide Motorcycle with 600 miles, previously leased by the Swinomish Indian Tribal Community, to be purchased from Sound Harley Davidson for \$21,857.78
2. Purchase: Used equipment attached to above listed motorcycle (and the accessory equipment from a second motorcycle for use as spare parts) from Swinomish Indian Tribal Community, including lights, siren, radar system, and radar gun holster, in the amount of \$4,000.

The total purchase price of the motorcycle and attached equipment is \$25,857.78. This does not yet include the installation of radio, computer equipment, license plate reader, and Lake Stevens Police Department insignia. After these additional costs, the total expenditures will remain below the budgeted \$38,500.

This is a high quality, preowned vehicle, with very low mileage that will be usable for many years, and meets the specific needs of the department.

RCW 39.04.280 authorizes the city council to waive, by resolution, standard competitive bidding requirements for the purchase of equipment where "special market conditions" exist for procurement of the equipment. These vehicles that fit the specific needs to the Police Department, are "used" which meets the requirement of "special market condition."

APPLICABLE POLICIES: RCW 39.04.280, allows for exceptions from standard bidding procedures

BUDGET IMPACT: None – Included in 2017 budget

ATTACHMENTS:

- Exhibit A: Resolution 2017-04

CITY OF LAKE STEVENS
Lake Stevens, Washington

RESOLUTION NO. 2017-04

**A RESOLUTION OF THE CITY OF LAKE STEVENS, WASHINGTON
AUTHORIZING THE PURCHASE OF (1) ONE USED MOTORCYCLE FROM
SOUND HARLEY DAVIDSON AND ATTACHED EQUIPMENT FROM
SWINOMISH INDIAN TRIBAL COMMUNITY**

WHEREAS, RCW 39.04.280, allows for exceptions from standard bidding procedures based on special market conditions and sole source findings for qualifying purchases; and

WHEREAS, the city council approved the purchase of a police motorcycle in the 2017 budget; and

WHEREAS, the City has researched the suitability of the used motorcycle for the City Police Department's specific intended purpose; and

WHEREAS, the used equipment has been identified that fits the specific needs of the City at a very favorable price and may be sold before the City could complete a formal bidding process;

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

Section 1. The purchase of (1) used 2015 Harley Davison FLHTP Electra Glide in the amount of \$21,857.78 from Sound Harley Davison, and the used police accessory equipment in the amount of \$4,000 from Swinomish Indian Tribal Community, is hereby approved.

Section 2. RCW 39.04.280 authorizes the city council to waive standard competitive bidding requirements for the purchase of equipment where "special market conditions" exist for procurement of the equipment. To the extent any bidding requirements apply to the purchase of the equipment, in light of findings of fact set forth herein, the city council finds that special market conditions under RCW 39.04.280(b) exist and that all bidding requirements (if any) are hereby waived for the purchase of the specified equipment in Section 1.

Section 3. The city council hereby finds the following facts relating to the special market conditions of the specified equipment:

- a) The motorcycle provider, Sound Harley Davidson, and the equipment provider, Swinomish Indian Tribal Community are willing to sell to the city (1) used 2015 Harley Davison FLHTP Electra Glide, and accessory equipment, that would normally be offered for purchase.
- b) The 2015 Harley Davison FLHTP Electra Glide and attached equipment is being offered at a very favorable price to the City of Lake Stevens.
- c) The motorcycle and accessory equipment may be sold by the providers before the city could complete a formal bid process
- d) The motorcycle and accessory equipment is needed for a specific purpose and is suitable to the unique needs of the Lake Stevens Police Department. No other equipment has been found that meets the needs and budget of the city at this time.

PASSED by the City Council and APPROVED by the Mayor this 28th day of February,
2017.

CITY OF LAKE STEVENS

John Spencer, Mayor

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

ATTEST:

Kathy Pugh, Deputy City Clerk



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council **Agenda** 28 February 17
Date: _____

Subject: Grade Road Emergency Embankment Repair – Marshbank Construction – Final Project Acceptance

Contact	Mick Monken	Budget	
Person/Department:	Public Works	Impact:	\$481,150.30

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Authorize final project acceptance of the work performed by Marshbank Construction for the Grade Road Emergency Embankment Repair project in an amount of \$451,150.30.

SUMMARY/BACKGROUND: In mid-October 2015, Grade Road was closed to all vehicle traffic due to movement of the fill embankment that resulted in a void under the pavement. The cause of the movement was believed to be the result of Catherine Creek undercutting the toe of the embankment and settlement occurring. Most of the moving embankment was located on private property along the eastside of Grade Road. Immediate steps were taken towards reopening Grade Road, which consisted of gaining access to the private property, assessing the situation, plan development, and coordination with permitting agencies (Department of Fish and Wildlife, Department of Ecology, and US Corps of Engineers).

During this process, it was discovered that the sewer main within the embankment was moving, threatening a sewer spill, and creating an emergency condition. An emergency was declared in March 2016 under Resolution No. 2016-04 and an emergency Small Works contract was executed with a local contractor, Marshbank Construction.

The work was performed in two phases: 1) temporary stabilization performed; and 2) permanent repairs. Phase 1 was completed in April 2016. Phase 2, was significantly completed in October 2016 with the road reopening that month.

The original contract estimate for the emergency work was set at \$300,000 based on time and material (versus Bid). However, it was identified that actual cost could exceed this dependent on existing conditions and the permitting process. The actual cost did exceed this amount by \$181,150.30 which was primarily a result from: the high amount of unsuitable material that needed to be removed and replaced with suitable material; the extent of the failure limits exceeded the original visual surface failure area; and permitting requirements. Council was updated on this during the project and a budget adjustment made to cover this project increase cost. However, due to the final contract exceeding the original contract amount, a Contract Amendment will be needed.

Marshbank performed the work with due diligence and ahead of schedule. Work was field inspected by the City staff and accepted as significantly complete in October 2016. Some minor remaining work was completed in January 2017, which completed the project final.

BUDGET IMPACT: \$481,150.30

ATTACHMENTS: None.



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda

Date: 28 February 17

Subject: Grade Road Emergency Embankment Repair – Marshbank Construction – Contract Amendment No. 1

Contact	Mick Monken	Budget	\$481,150.30
Person/Department:	Public Works	Impact:	

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Authorize the Mayor to execute Amendment No. 1 with Marshbank Construction for the Grade Road Emergency Embankment Repair project in an amount of \$451,150.30.

SUMMARY/BACKGROUND: Under an emergency declaration, Resolution No. 2016-04, the City entered into a Small Works contract in March 2016 with Marshbank Construction for \$300,000. At the time of the contract execution it was not known the extent of the work necessary nor the suitability of the in situ material to repair and reopen Grade Road. Due to this limited knowledge the contract was established to be a Time and Material (T&M) so that work could be performed as determined in the field as necessary and progress as quickly as possible.

The project work was performed in two phases: 1) temporary stabilization, which was completed in April 2016; and 2) the permanent repairs, significantly completed in October 2016. The permanent repairs work around the stream were limited between July through early October 2016. Due to this short window, and the need to get Grade Road open before the winter, work progressed quickly.

During the start of construction, it was found that the material under the roadway was unsuitable and needed to be removed and imported material placed. An initial estimate of project cost was increased to \$600,000 and a budget adjustment was approved by the Council. As final project limits and conditions were not known at the time, it was determined that a contract amendment would be prepared once actual costs were determined.

The project was significantly completed in October 2016 and Grade Road was reopened to the public. However, some minor work on the project was finally completed in January 2017 allowing for a final project cost determination.

The execution of this Amendment will bring the City into compliance with contract requirements for the work performed by Marshbank Construction. The final contract amount is \$481,150.30, of which \$24,057.52 is retainage.

BUDGET IMPACT: \$481,150.30

ATTACHMENTS:

- Exhibit A – Marshbank Construction Small Works Contract Amendment No. 1

EXHIBIT A

AMENDMENT NO. 1 TO SMALL PUBLIC WORKS CONTRACT FOR EMERGENCY REPAIRS

This Amendment No. 1 is made between the City of Lake Stevens, Washington ("City") and Marshbank Construction, Inc., (Contractor).

WHEREAS, City and Contractor are parties to a Small Works Contract for Emergency Repairs (the "Contract") dated March 18, 2016; and

WHEREAS, the scope of work under the Contract for the emergency was greater than expected; and

WHEREAS, the increased scope of work under the Contract increased the amount of the payment due, the duration of time to complete the project, the acceptance date, and other provisions of the Contract; and

WHEREAS, the City and Contractor wish to enter into this amendment to memorialize changes required to the Contract as a result of the increased scope of work;

Now, therefore, it is agreed between City and Contractor as follows:

1. Name and Title of Contract. The title of the Contract is hereby revised to "Public Works Contract for Emergency Repairs." Any reference in the Contract to "small works" or "small public works" is hereby revised to refer to "works," or "public works."
2. Liquidated Damages. As of the date of the parties signing this Amendment No. 1, the parties agree that under paragraph 4 the City has no claim to liquidated damages.
3. Payment for Project. The maximum payment for the Project under paragraph 5 a. is hereby increased from \$300,000 to \$480,000, plus applicable sales tax. The parties agree that as of the date of this Amendment No. 1 the City has no right to withhold payments under the Contract with the exception of retainage held in trust. Contractor agrees that it has been paid \$457,092.78, and payments to Contractor are current as of February 13, 2017. This includes payments for change orders or work directives through January 16, 2017. The total amount of retainage held in trust as of February 13, 2017 is \$24,057.52, and will be released upon satisfactory completion of State contract requirements.
4. Project Completion. The parties agree that as of the date of this Amendment No. 1 the Project is complete. If the Project is complete, the parties agree that the completion date was January 16, 2017. The Public Works Director accepted the Project complete on February 28, 2017.
5. Scope of Work. The parties agree that the scope of work was revised during the course of the Project. The parties agree that the final scope of work is attached hereto as Attachment A.
6. Ratification. Except as revised in this Amendment No. 1, the terms and provisions of the Contract are hereby ratified and affirmed.

7. Counterparts. This Amendment No. 1 may be signed in counterparts and this Amendment No. 1 shall be in full force and effect when a counterpart has been signed by each party.

DATED this _____ day of February, 2017.

CITY OF LAKE STEVENS

MARSHBANK CONSTRUCTION, INC.

By: _____
John Spencer, Mayor

By: _____

Printed Name & Title

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

SCOPE OF WORK

Grade Road Emergency Embankment Repair

Project: 16019

Revised

Scope of Work: Perform temporary and permanent stream realignment, road prism and roadway embankment repairs to an east section of Grade Road, storm drainage control along the west side of the roadway, pavement repair, and guardrail placement between 30th and 32nd Streets NE to mitigate an existing emergency situation.

Work is expected to consist of:

1. Temporary stream realignment and fish habitat protection measures;
2. Temporary embankment stabilization
3. Clearing of work area of trees and ground vegetation
4. Re-construction of road prism and embankment to include construction of an earthen retaining wall
5. Installation of ground water collection system
6. Repair, control, and capture of ground water along the west side
7. Installation of a guardrail along east side,
8. Permanent realignment of stream
9. Installation of fish habitat enhancements
10. Streambank planting enhancements
11. Offsite work to maintain temporary detour routes to include performance of repair services to existing infrastructure
- 12.

Work includes but not be limited to:

- Consultation with City site engineers (Geotech and City Engineer) on construction methods
- Working in a fish (Salmon) bearing stream (Catherine Creek – Type F stream)
- Realignment and permanent diverting of stream
- Vegetation clearing
- Tree removal including root system
- Preparation and placement of root wads with 20 to 30 foot truck stems
- Excavation and import of earth materials
- Excavation of surface material (asphalt pavement)
- Placement/replacement of storm conduit and structures
- Rock placement in and near stream and embankment toe
- Construction of a geo-textile type retaining wall or other retaining wall
- Construction of road bedding and surface paving
- Offsite disposal of waste material

- Pavement marking

Work to be performed will be directed by the City Engineer or designee.

Material and Equipment Storage: Contractor may use Grade Road between 30th and 32nd Streets NE for storage for material and equipment during the duration of the project.

Payment: Work shall be performed under a Force Account (Time and Material) in accordance with 2014 Standard Specification.

Hours of Work: 7:00 AM to 8:00 PM Monday through Friday

8:00 AM to 8:00 PM Saturday and Sunday

Other hours may be allowed with the City approval



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LAKE STEVENS CITY COUNCIL

STAFF REPORT

Council Agenda Date: February 28, 2017

Subject: Proposed Amendments to the Critical Areas Chapter of the Lake Stevens Municipal Code

Contact Person/Department: Russ Wright, Community Development Director **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. Continue the Public Hearing
 2. Motion to approve the 1st reading of Ordinance No. 984 adopting changes to the Critical Areas regulations of the Lake Stevens Municipal Code.
-

SUMMARY:

At the last City Council briefing and public hearing, staff provided an overview of the significant changes to the city's critical areas regulations and the Planning Commission's recommendation as listed below. During deliberation, City Council requested information related to the recent lawsuit filed against Snohomish County over the adoption of revised critical areas regulations, effects of new buffers on remaining buildable land supply and an overview of the local analysis conducted previously. The following sections will address each of these concerns followed by the information previously provided to Council in the last staff report.

SNOHOMISH COUNTY CONSOLIDATED CASE NO. 15-3-0012C

Staff has coordinated with legal counsel to identify the main elements of the Snohomish County ruling as follows with identified contrasts to the proposed city code revisions in italics:

1. Petitioners have asserted that the amendments to and failures to adequately review and revise 30.62A SCC violate provisions of the GMA and associated planning policies.

- SCC 30.62A.020 fails to clarify the relationship between the SMP and critical areas regulations and their applicability to various uses and activities, resulting in gaps in protection for critical areas.

Lake Stevens has adopted its critical areas code for land use and shorelines separately to comply with Futurewise v. W. Wash. Growth Mgmt. Hearings Bd. The Department of Ecology (DOE) has approved the city's Shoreline Master Plan (SMP) as compliant with best available science (BAS).

- SCC 30.62A.320 allows critical area buffer reductions up to 50%, exceeding recommendations of BAS indicating that buffers should not be reduced by more than 20 to 25%.

The city's proposed regulations (and current regulations) LSMC 14.88.830 allow up to a 25% buffer reduction for averaging or enhancements when specific criteria are met to prove BAS. Section 14.88.430 provides a discrete 25% buffer reduction for streams.

- SCC 30.62A.320(1)(c) and .520(4) improperly allow an increase in impervious surfaces within a 300-foot management area next to streams or rivers containing salmonids without regard to BAS.

LSMC 14.88.210 defines regulated activities in critical areas requiring permits. LSMC 14.88.220 defines allowed activities within buffers including ongoing agriculture, forest practices, harvesting of wild crops, enhancements, educational activities, walkways and trails in the outer 25% of a buffer, site

investigations, normal maintenance of existing facilities, installation of utilities, minor expansions of existing uses and structures that do not pose significant threat to habitat function or water quality. LSMC 14.88.420 defines allowed activities in streams and associated buffers. LSMC 14.88.820 defines allowed activities in wetlands and associated buffers.

- SCC 30.62A.520 fails to apply BAS or give special consideration to conservation measures necessary for anadromous fisheries because it allows a 4000 square foot building and a driveway envelope to any applicant within a constrained lot in a critical area buffer, replacing case-by-case reasonable use determination.

LSMC 14.88.235 describes methodology for applying BAS, which specifically requires protection of anadromous fisheries. The city has explicit reasonable use criteria found in sections 14.88.130 and 14.88.320 that are reviewed and a case-by-case basis under specific criteria.

- SCC 30.62A.140, .310(3)(b)(iii), and .320(3) fail to apply BAS and to protect the functions and values of critical areas because they allow mitigation ratios as low as 1:1 for replacement of critical areas and repeal the standard for monitoring mitigation without including a new standard.

14.88.840 establishes mitigation methodology and criteria. Revised Table 14.88-IV establishes mitigation ratios for direct wetland impacts. The lowest ratio is 1.5:1 for re-establishment of Category IV wetlands, rehabilitation and enhancement ratios increase. Buffer mitigation ratios are a minimum of 1:1 and must replace any impacts of development. LSMC 14.88.277 includes maintenance and monitoring requirements for mitigation.

- SCC 30.62A.340(1) fails to apply BAS or provide consistent standards in relation to the Stormwater code and Comp Plan policies because it protects only category I bogs from stormwater discharges.

LSMC 14.88.220(g) provides specific standards for allowances of stormwater facilities within the outer 25% of critical area buffers when the facilities will not degrade the function or values of the critical area. Proposed revisions to LSMC 14.88.820(c) provide explicit requirements for allowance of stormwater facilities within the outer 25% of wetland buffers.

- SCC 30.62A.010(1) fails to apply BAS and WAC 365-190-130 because it fails to include an updated list of critical area designations.

Staff proposes to update the fish and wildlife conservation areas definitions in LSMC 14.88.400 to be consistent with WAC 365-190-130. Wetland definitions have been updated in LSMC 14.88.805.

- Fails to provide internally consistent standards as relates to regulation of bulkheads, piers, floats, and other activities on shorelines between critical area regulations, SMP Policies 3.2.5.3, 3.2.5.4, 3.2.5.14, and 3.2.5.15, Shoreline Code SCC 30.67.515, .520, .570, .575, and .599 and Comp Plan Policies, and fails to apply BAS.

The city's adopted SMP includes consistent standards as they relate to the regulation of bulkheads, piers, floats and other activities.

- SCC 30.62A.160 fails to apply BAS because it allows for the protection of critical areas and buffers in easements, rather than separate tracts.

Proposed revisions to 14.88.290 define when a tract or easement is required for permanent protection of critical areas. Through a new residential or commercial subdivision, critical areas and associated buffers are placed in distinct tracts. If a development is proposed on an un-subdivided lot pursuant to a building permit, the critical area and associated buffers are placed in Native Growth Protection Area Easements and recorded to title.

- SCC 30.91B.190 fails to apply BAS by failing to update or clarify the definition of a "buffer" as it pertains to critical areas because the county's interpretation of the definition excludes critical area

protection in areas that have already been impacted such that naturally occurring or re-established vegetation are absent.

Revisions to LSMC 14.88.830 add specific language related to the adequacy of natural vegetation for buffer functions in order to meet the model wetlands ordinance requirements. Sections 14.88.430(e) and 14.88.830 address regulations where there are pre-existing, intervening, and lawfully created structures, public roads or other substantial pre-existing intervening improvements.

2. Petitioners have asserted that the amendments to and failures to adequately review and revise 30.62A SCC, 30.62B SCC, 30.62C SCC and repealing 30.64 SCC violate provisions of the GMA and associated planning policies because they fail to properly designate or protect wetlands, fish and wildlife habitat conservation areas, open space corridors, surface and ground water, aquifer recharge areas or geological hazards.

- SCC 30.62A.010, .130, and .140 fail to apply wetland and fish and wildlife habitat conservation regulations to all forms of development that can damage those habitats.

LSMC 14.88.210 defines regulated activities in critical areas requiring permits. LSMC 14.88.220 defines allowed activities within buffers. LSMC 14.88.420 defines allowed activities in streams and associated buffers. LSMC 14.88.820 defines allowed activities in wetlands and associated buffers. Specific regulations are contained in each distinct critical area chapter.

- SCC 30.63A.160 and .200, SCC 30.62A.310, .320, .340, .350, .520, .550, .620, .630, .640, SCC 30.62B.330, .530, and SCC 30.91B.190 allow buffers, uses, activities, impervious surfaces, and mitigation that fail to protect the functions and values of critical areas and are not based on BAS.

As previously stated, the existing and proposed critical areas regulations have multiple sections that deal with BAS methodology, allowed uses and mitigation strategies that must protect functions and values of all critical areas as contained in each distinct critical area chapter part.

- SCC 30.62B.520, .530, .540, SCC 30.62C.010, .130, .140, and .340 allow uses, activities, impervious surfaces, development, and surface diversions and groundwater withdrawal that fail to protect the functions and values of critical areas including critical aquifer recharge areas and surface and ground water and are not based on BAS.

As previously stated, the existing and proposed critical areas regulations have multiple sections that deal with BAS methodology, allowed uses, mitigation strategies that must protect functions and values of all critical areas as contained in each distinct critical area chapter part. The city is updating its land disturbance code and stormwater regulations to emphasize low impact development and holistic site design.

3. Petitioners have asserted that the amendments to and failures to adequately review and revise 30.62B violate provisions of the GMA and associated planning policies because they fail to properly designate or protect geologically hazardous areas.

- SCC 30.62B.010, .130, .140, .160, .210, .320, .340, and SCC 30.90L.040 fail to apply geologically hazardous regulations to all forms of development that can damage these areas or be damaged by them, fail to designate and require identification of all critical areas, fail to protect people and property from natural hazards, and are not based on BAS SCC 30.62B.390 authorizes the designation of landside hazards and protections that are discretionary, lack sufficient standards, fail to protect people and property, and are not based on BAS.

The city's critical areas Chapter 14.88 – Part VI provide specific regulations for protection of geologically hazardous areas including erosion hazard areas, landslide hazard areas, steep slopes and seismic hazard areas. Protection measures are not discretionary and have determinate standards. Setback buffers and any modifications are subject to a geotechnical recommendation.

LAND SUPPLY

Based on a comparison of 2012 Buildable Lands Report data utilizing the 2006 buffers and the proposed 2017 buffers, staff has determined that there are approximately 858 acres of remaining buildable lands that include redevelopable and vacant properties, this does not include partially-used properties. The proposed changes would result in 93 additional acres set aside in wetland buffers. A map will be provided separately.

RATING COMPARISON

DOE kept the structure of the Wetland Rating System the same essentially with the update. Wetlands are still categorized as I, II, III or IV based on 1) Water Quality Functions, 2) Hydrologic Functions and 3) Habitat Functions.

There are three major changes to the DOE Wetland Scoring System relevant to Lake Stevens. First, the scoring range has been modified from 1 – 100 to 9 – 27, which reflects the scientific accuracy of the scoring tools. The scoring system changed to rank qualitative rating into low, medium and high ranges before assigning scores. Lastly, the opportunity section of the scoring system was replaced with two new sections – Landscape Potential and Landscape Value. Specifying the habitat potential and wetlands value may provide a more accurate evaluation method. DOE has provided jurisdictions with conversion tables for updating buffer tables to the new scoring method:

Tables for converting category scores

2004	Western WA	2014		2004	Eastern WA	2014
≥ 70	Category I	23-27		≥ 70	Category I	22-27
51-69	Category II	20-22		51-69	Category II	19-21
30-50	Category III	16-19		30-50	Category III	16-18
<30	Category IV	9-15		<30	Category IV	9-15

Tables for converting function scores

2004	Final Habitat Score	2014		2004	Final Water Quality Score	2014
29-36	High	8-9		24-32	High	8-9
20-28	Medium	5-7				
≤ 19	Low	3-4				

DOE also provided quantitative data from 111 wetlands to calibrate scoring differences between the 2004 and 2014 scoring systems. In understand local impacts, the city's consultant rescored five projects using the 2014 system. The results reflect trends consistent with the DOE analysis. Wetlands that received a lower category by the 2014 scoring system are shown in red, while wetlands that received a higher classification by the 2014 scoring system are shown in blue. Six wetlands were re-categorized from Category III's to Category IV's. The habitat scores for five Category III wetlands increased, resulting in wider buffers under the 2014 system. The higher habitat scores would warrant larger buffer protection according to the DOE.

Project	Wetland ID	Size (Acres)	2004 Habitat Score	2004 Total Score	2004 Rating	2004 Buffer Width	2014 Habitat Score	2014 Total Score	2014 Rating	2014 Buffer Width
Grade Road	A	0.18	14	28	Category IV	35	5	14	Category IV	40
	B	0.61	10	38	Category III	50	4	15	Category IV	40
	C/D	2.16	12	32	Category III	50	5	15	Category IV	35
	E	1.59	13	33	Category III	50	5	15	Category IV	35
	F	0.31	13	27	Category IV	35	5	13	Category IV	40
	H	0.17	13	33	Category III	50	5	15	Category IV	40
20th Street SE Phase II	3	3.23	14	36	Category III	50	7	18	Category III	165
	4	0.56	15	43	Category III	50	6	17	Category III	165
	5	0.11	12	35	Category III	50	5	17	Category III	105
	7	0.09	12	37	Category III	50	5	17	Category III	105
Trestle Station	A	2.7	17	37	Category III	50	6	19	Category III	165
	B	0.05	14	18	Category IV	35	5	15	Category IV	40
McKay Subdivision	A	1.25	20	35	Category III	95	8	15	Category IV	40
S & G Plat	A	0.06	14	31	Category III	50	5	14	Category IV	40

Sources: Pertee Inc., Wetland Resources

BACKGROUND:

The Growth Management Act of Washington requires cities and counties review their critical area ordinances as part of their mandatory Comprehensive Plan update under RCW 36.70A.130. Planning and Community Development staff have completed a review of the entire Critical Areas regulations in Chapters 14.08 and 14.88 LSMC (**Attachment A**). Staff is proposing minor updates to the full chapter in addition to significant changes to the wetlands section based on adoption of the 2014 Wetland Rating System for Western Washington and integration of model code elements published in Wetland Guidance for CAO Updates (Publication No. 16-06-001), dated June 2016.

The Washington State Department of Ecology (DOE) recently made significant changes to the Wetland Rating System for Western Washington manual, which became effective January 1, 2015. The changes reflect best available science and a better understanding of wetland ecological functions based on an analysis of 111 wetland sites in eastern and western Washington. According to DOE, the changes to the rating system offer a more accurate characterization of wetland functions.

The following is a list of major changes:

1. Updated definitions added in Chapter 14.08;
2. Section 14.88.120 Regulated Activities updated for compliance with the model ordinance, including references to assumption of Class IV permits and limitations on subdivisions;
3. Section 14.88.220 Allowed Activities updated for compliance with the model ordinance, adding new sections (a) through (d);
4. Section 14.88.275 Mitigation/Enhancement Plan Requirements updated to include criteria for data collection;
5. Section 14.88.276 Alternative Mitigation added that would allow purchase of credits or payment of in-lieu fees for impacts to streams, wetlands and associated buffers;
6. Section 14.88.287 Fencing and Signage updated for compliance with the model ordinance;
7. Section 14.88.290 Critical Areas Tracts and Easements added to clarify when the city will require the dedication of a tract or easement to establish a Native Growth Protection Area;

8. Section 14.88.297 On-site Density Transfer for Critical Areas updated to clarify the extent and allowed modifications for on-site density transfers; and
9. Section 14.88.440 Mitigation updated to include specific requirements for innovative design;
10. Part VIII Wetlands – the majority of this section was updated for compliance with the model ordinance.
 - New purpose statement – Section 14.88.800
 - Wetland rating manual reference and the description of wetland types updated - Section 14.88.805
 - Allowed activities updated – Section 14.88.820
 - A new Exemptions section added – Section 14.88.825
 - Requirements updated – Section 14.88.830
 - Section on Buffers updated including Table 14.88-II Wetland Buffers – all buffers would increase – Table 14.88-III Required Measures, buffer averaging, and buffer conditions
 - Section 14.88.840 adds/modifies subsections related to buffer mitigation ratios, innovative design and credit/debit methodology.

The Planning Commission held multiple workshops and considered public comment, written comments, agency comments and analysis prepared by the city's wetland consultant. The Planning Commission held a public hearing on January 4, 2017. The PC recommended that City Council adopt the proposed regulations as written (see attached findings and conclusions within the recommendation letter – **Attachment B**). As written, the proposed revisions mirror the model ordinance found in the DOE wetland guidance document. DOE staff have confirmed the document is acceptable.

Staff has briefed the entire Council on these amendments and held detailed conversations with the Public Works and Planning/Economic Development subcommittees on the proposed updates. A Second Reading is scheduled for March 28, 2017 to provide additional time to alert the public to the pending change in regulations.

APPLICABLE CITY POLICIES: Chapters 14.08 and 14.88 LSMC – Critical Areas

BUDGET IMPACT: No budget impacts are expected from this update.

ATTACHMENTS:

Attachment A – Draft Ordinance 984 – Updates to Chapters 14.08 and 14.88 LSMC

Attachment B – Planning Commission Recommendation

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 984

AN ORDINANCE OF THE CITY OF LAKE STEVENS, REVISING AND UPDATING THE CITY'S CRITICAL AREAS REGULATIONS AS REQUIRED BY THE GROWTH MANAGEMENT ACT BY AMENDING CHAPTER 14.08 DEFINITIONS AND 14.88 CRITICAL AREAS OF THE LAKES STEVENS MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Washington State Growth Management Act, Chapter 36.70A RCW, (GMA), requires counties and cities to designate critical areas and adopt regulations to protect them (RCW 36.70A.060 and RCW 36.70A.170); and

WHEREAS, RCW 36.70A.130(1) directs cities and counties planning under the GMA to take periodic legislative action to review and, if needed, revise their comprehensive plans and development regulations, including critical areas regulations, to ensure that the plan and regulations are consistent with the GMA; and

WHEREAS, RCW 36.70A.172 requires that each GMA jurisdiction include best available science in developing policies and developing regulations to protect the functions and values of critical areas and to give special consideration to conservation of protection measures necessary to preserve or enhance anadromous fisheries; and

WHEREAS, the City of Lake Stevens adopted Land Use Code regulations for protection of environmentally sensitive areas, which became effective April 1995; and

WHEREAS, the City of Lake Stevens adopted revised critical area regulations with the adoption of Ordinance No. 741, which became effective May 2007 and additional amendments with the adoption of Ordinance 773, which became effective April 2008; and

WHEREAS, the Department of Ecology adopted new guidance for wetland ratings on October 2014; and

WHEREAS, the Department of Ecology adopted publication Wetland Guidance for CAO Updates: Western Washington Version on June 2016; and

WHEREAS, the proposed code amendments were reviewed under the State Environmental Policy Act (SEPA) and a Determination of Non-significance (DNS) was issued for the amendments on February 5, 2016, and no appeals were filed within the appeal period; and

WHEREAS, draft amendments to Chapters 14.80 and 14.88 LSMC were sent to the Washington State Department of Commerce as required by the Growth Management Act on January 28, 2016 (acknowledged with Material ID # 22050); and

WHEREAS, the Department of Ecology submitted comments to the city on February 18, 2016, February 29, 2016, March 16, 2016; June 24, 2016 and December 28, 2016.

WHEREAS, the city held multiple workshops with the Planning Commission and City Council on the proposed updates;

WHEREAS, the Planning Commission held a duly-noticed a public hearing on January 4, 2017; and

WHEREAS, the Planning Commission considered all testimony and recommended that the City Council approve the proposed amendments; and

WHEREAS, the City Council held a duly-noticed a public hearing on January 24, 2017; and

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 updating the city's Critical Areas Regulations was sent to the Washington State Department of Commerce on January 28, 2016 for a 60-day review as required by the Growth Management Act.
- B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.
- C. The Planning Commission has recommended approval (**Exhibit A**) of the proposed amendments pursuant to LSMC 14.16C.075(f) and found that they 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 14.08 entitled "DEFINITIONS" of the Lake Stevens Municipal Code is hereby amended to read as referenced and incorporated in Attached **Exhibit B**.

SECTION 3. Chapter 14.88 entitled "CRITICAL AREAS" of the Lake Stevens Municipal Code is hereby amended to read as referenced, amended and incorporated by reference in Attached **Exhibit C**.

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 28^h day of February 2017.

John Spencer, Mayor

ATTEST/AUTHENTICATION:

By: _____

Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading: January 24, 2017
Second Reading: February 28, 2017
Published:
Effective Date:

Attachment A

Definitions Chapter 14.08

Qualified Professional. A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, archaeology, cultural resources or related field, and two years of related work experience.

- A. A qualified professional for streams, wetlands or other natural habitats must have a degree in biology and professional experience related to the subject critical area.
- B. A qualified professional for geologically hazardous areas must be a professional geotechnical engineer or geologist, licensed by the state of Washington.
- C. A qualified professional for cultural resources must have a degree in archaeology or cultural resources and professional experience related to their discipline of expertise.

Part I. Purpose and Intent

14.88.010 Purpose and Intent.

The purpose of this chapter is to designate, classify, and protect the critical areas of the Lake Stevens community by establishing regulations and standards for development and use of properties which contain or adjoin critical areas for protection of the public health, safety, and welfare. The purpose and intent of this chapter is also to ensure that there is no net loss of the acreage or functions and values of critical areas regulated by this chapter.

- (a) A project proponent shall make all reasonable efforts to avoid and minimize impacts to critical areas and buffers in the following sequential order of preference:
 - (1) Avoiding impacts altogether by not taking a certain action or parts of an action; or
 - (2) When avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocations, or timing, to avoid or reduce impacts and mitigating for the affected functions and values of the critical area; and
 - (3) Reducing or eliminating impacts over time by preservation and maintenance operations during the life of the action.
 - (4) Compensating for unavoidable impacts by replacing, enhancing or providing substitute resources or environments.
- (b) Protect the public from personal injury, loss of life, or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence.
- (c) Protect against publicly financed expenditures due to the misuse of critical areas which cause:
 - (1) Unnecessary maintenance and replacement of public facilities;
 - (2) Publicly funded mitigation of avoidable impacts;
 - (3) Cost for public emergency rescue and relief operations where the causes are avoidable;
 - (4) Degradation of the natural environment.

- (d) Protect aquatic resources.
- (e) Protect unique, fragile, and valuable elements of the environment, including wildlife and its habitat.
- (f) Alert appraisers, assessors, owners, potential buyers, or lessees to the development limitations of critical areas.
- (g) Provide City officials with sufficient information to adequately protect critical areas when approving, conditioning, or denying public or private development proposals.
- (h) Give guidance to the development of Comprehensive Plan policies in regard to the natural systems and environment of the Lake Stevens Watershed.
- (i) Provide property owners and developers with succinct information regarding the City's requirements for property development. (Ord. 903, Sec. 51, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part II. Definitions

14.88.100 Definitions.

The definitions related to critical areas are included in Chapter [14.08](#). (Ord. 855, Secs. 3, 23, 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007; Ord. 590, 1998; Ord. 468, 1995)

Part III. General Provisions

14.88.200 Applicability.

The provisions of this chapter apply to all lands, land uses and development activity within the City. No action shall be taken by any person, which results in any alteration of any critical areas except as consistent with the purposes, objectives, and goals of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.210 Regulated Activities.

- (a) For any regulated activity, a critical areas report is required to support the requested activity. All land use and/or development activities on lands containing critical areas are subject to this chapter and are prohibited unless:
 - (1) The use or activity is found to be exempt by the Planning and Community Development Director or designee per the "allowed activities" sections of this chapter; or
 - (2) The use or activity meets the performance standards found in the "requirements" sections of this chapter; or
 - (3) It can be demonstrated that the denial of authorization of such an activity would deny all reasonable economic uses, as demonstrated per Section [14.88.310](#). In such a case, approval in writing shall be issued by the Planning and Community Development Director or designee. Approval of a reasonable economic use must be attached to another type of development permit obtained from the City of Lake Stevens prior to undertaking the regulated activity in the critical area or its buffer.
- (b) Land use and development activities include, but are not limited to, the following activities:
 - (1) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.

- (2) The dumping, discharging, or filling with any material.
- (3) The draining, flooding, or disturbing of the water level or water table.
- (4) The driving of pilings.
- (5) The placing of obstructions.
- (6) The construction, reconstruction, demolition, or expansion of any structure.
- (7) The destruction or alteration of vegetation in a critical area through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a critical area.
- (8) Class IV – General Forest Practices under the authority of the 1992 Washington State Forest Practices Act Rules and Regulations per WAC 222-12-030, or as thereafter amended, provided, that these activities are not part of a forest practice governed under Chapter 76.09 RCW and its rules
- (9) Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of water sources, including quantity, or the introduction of pollutants.
- (10) Land that is located wholly within a critical area or its buffer may not be subdivided, unless specifically allowed elsewhere in this chapter.

(Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.220 Allowed Activities.

Unless specifically prohibited elsewhere in this chapter, the following uses are allowed in any critical area or buffer; provided, that a site/resource-specific report is prepared when the activity may result in a loss of functions and values, to that describes the environmental limitations of and proposed mitigation for the site shall be submitted, reviewed, and approved by the City prior to permit issuance or land use approval:

- (a) Existing and ongoing agricultural activities, provided that they implement applicable Best Management Practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or develop a farm conservation plan in coordination with the local conservation district. BMPs and/or farm plans should address potential impacts from livestock, nutrient and farm chemicals, soil erosion and sediment control and agricultural drainage infrastructure. BMPs and/or farm plans should ensure that ongoing agricultural activities minimize their effects on water quality, riparian ecology, salmonid populations and wildlife habitat.
- (b) Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class IV – General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.
- (c) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of existing topography, water conditions, or water sources.
- (d) Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate

regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

- (e) Educational ~~and~~, scientific research activities.
- (f) ~~, and Walkways and trails may be construction-constructed and use of nature trails; provided, that they are proposed only~~ within the outer 25 percent of the ~~wetland~~ critical area buffers, except that trails may be located within the remainder of the critical area buffer when it is demonstrated through the site/resource-specific report that:
 - (1) No other alternative for the trail location exists which would provide the same educational and/or scientific research opportunities; and
 - (2) The critical area functions and values will not be diminished as a result of the trail; and
 - (3) The materials used to construct the trail are pervious and will not harm the critical area; and
 - (4) Raised boardwalks using non-treated pilings may be acceptable.
 - ~~(45)~~ Land disturbance is minimized to the greatest extent possible including removal of significant trees; and
 - ~~(56)~~ Where possible, the number of trails allowed in critical area buffers shall be limited.
- ~~(bg)~~ Navigation aids and boundary markers.
- ~~(eh)~~ Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, impacts shall be minimized and disturbed areas shall be immediately restored.
- ~~(di)~~ Normal maintenance, repair, or operation of existing structures, facilities, or improved areas.
- ~~(ej)~~ Installation or construction of City road right-of-way; or installation, replacement, operation, repair, alteration, or relocation of all water, natural gas, cable communication, telephone, or other utility lines, pipes, mains, equipment or appurtenances, not including substations or other buildings, only when required by the City and approved by the Planning and Community Development Director or designee and when avoidance of critical areas and impact minimization has been addressed during the siting of roads and other utilities and a detailed report/mitigation plan is submitted, reviewed, and approved by the City prior to permit issuance or land use approval.
- ~~(fk)~~ Minor expansion of uses or structures existing at the time of adoption of this code, and which are in compliance with all other chapters of this title; provided, that the applicant obtains all required local, State, and Federal permits, including but not limited to a Department of Fish and Wildlife Hydraulic Permit and a Clean Water Act 404 Permit and the expansion does not create a loss of ~~wetland~~ critical area and functions nor pose a significant threat to water quality. A site/resource-specific report and mitigation plan shall be prepared to describe the ~~wetland~~ critical area, function, and water quality and submitted to the City for review and approval prior to permit issuance. For the purposes of this subsection, "minor expansion" refers to an addition to or alteration of a use or structure and shall be limited to a maximum of 1,000 square feet of impervious area.

- (g) Stormwater Management Facilities. ~~Where buffers and setbacks are larger than 50 feet and slopes are less than 15 percent, stormwater management facilities, limited to stormwater~~ dDispersion outfalls and bioswales, may be allowed within the outer 25 percent of the buffer, when location of such facilities will not degrade the function or values of the ~~wetland~~ critical area.
- (h) Emergency Activities. Those activities that are necessary to prevent an immediate threat to public health, safety, or welfare or pose an immediate risk of damage to private property, and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.230 Compliance.

All land uses or development applications shall be reviewed to determine whether or not a critical area exists on the property for which the application is filed, what the action's impacts to any existing critical area would be, and what actions are required for compliance with this chapter. No construction activity, including land clearing or grading, shall be permitted until the information required by this section is reviewed and a plan is approved by the City. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.235 Best Available Science.

- (a) Criteria for Best Available Science. The best available science is that scientific information applicable to the critical area prepared by local, State or Federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC [365-195-900](#) through [365-195-925](#).
- (b) Protection of Functions and Values and Fish Usage. Critical area studies and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat, such as salmon and bull trout.
- (c) Lack of Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function or permitting an alteration of or impact to the critical area, the City shall:
- (1) Take a precautionary or no-risk approach that strictly limits development and land use activities until the uncertainty is sufficiently resolved; and
 - (2) Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and non-regulatory actions protect the critical area. An adaptive management program is a formal and deliberative scientific approach to taking action and obtaining information in the face of uncertainty. To effectively implement an adaptive management program, the City hereby commits to:
 - (i) Address funding for the research component of the adaptive management program;
 - (ii) Change course based on the results and interpretation of new information that resolves uncertainties; and
 - (iii) Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and non-regulatory actions affecting protection of critical areas and anadromous fisheries. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.240 Classification as a Critical Area.

Criteria for classification as a critical area will be listed under the applicable sections of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.250 Procedures.

Prior to fulfilling the requirements of this chapter, the City of Lake Stevens shall not grant any approval or permission to conduct development or use in a critical area. The Planning and Community Development Director or designee is authorized to adopt administrative procedures for the purpose of carrying out the provisions of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.260 Submittal Requirements.

To enable the City to determine compliance with this chapter, at the time of application submittal, the applicant shall file a SEPA Environmental Checklist (if use is subject to SEPA), ~~a critical area checklist,~~ site/resource-specific reports as specified in Section [14.88.270](#), and any other pertinent information requested by the Department of Planning and Community Development. ~~Any of these submittal requirements may be waived by the Planning and Community Development Director.~~ The Planning and Community Development Director or designee may waive any of these submittal requirements if it is deemed unnecessary to make a compliance determination. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.270 Site/Resource-Specific Reports.

Unless waived per Section [14.88.260](#), all applications for land use or development permits proposed on properties containing or adjacent to critical areas or their defined setbacks or buffers shall include site/resource-specific reports prepared to describe the environmental limitations of the site. These reports shall conform in format and content to guidelines prepared by the Department of Planning and Community Development, which is hereby authorized to do so. The report shall be prepared by a qualified professional who is a biologist or a geotechnical engineer as applicable with experience preparing reports for the relevant type of critical area. The report and conclusions present in the critical area report shall be based on best available science. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.275 Mitigation/Enhancement Plan Requirements.

In the event that mitigation and/or enhancement is required, the Department of Planning and Community Development shall require the applicant to provide a mitigation plan for approval and a performance and maintenance bond in a form and amount acceptable to the City in accordance with Section [14.88.278](#). The plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area that creates a no-net-loss area in function of the original area in terms of acreage, function, habitat, geographic location and setting. ~~The plan shall also include critical areas and buffer impacts and critical areas and proposed buffer areas.~~ All mitigation plans shall include the following items, which shall be submitted by the applicant or a qualified biologist, civil or geotechnical engineer:

- (a) Data collected and synthesized for the critical area and/or the newly restored site:
 - (1) Description of existing site conditions, critical areas and proposed buffers;
 - (2) Description of proposed impacts to critical areas and buffers and proposed plans to mitigate those impacts; and
 - (3) Documentation of best available science or site criteria supporting the proposed mitigation plan.
- (b) Specific goals and objectives describing site function, target species, selection criteria and measures to avoid and minimize impacts ~~which~~ shall include:

- (1) Reducing or eliminating the impact over time by preservation and maintenance operations;
 - (2) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
 - (3) Enhancing significantly degraded ~~wetlands~~ critical areas and buffers in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area by meeting appropriate ratio requirements; and
 - (4) Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on site, or in-kind and within the same stream reach, sub basin, or drift cell. Mitigation actions shall be conducted within the same sub drainage basin and on the same site as the alteration except as specifically provided for in Sections [14.88.440](#) and [14.88.840](#);
- (c) Performance standards, which shall include criteria for assessing project specific goals and objectives and whether or not the requirements of this chapter have been met;
 - (d) Contingency plans which clearly define the course of action or corrective measures needed if performance standards are not met;
 - (e) A legal description and a survey prepared by a licensed surveyor of the proposed development site and location of the critical area(s) on the site;
 - (f) A scaled site plan that indicates the proposed timing, duration and location of construction in relation to zoning setback requirements and sequence of construction phases including cross-sectional details, topographic survey data ~~(including showing percent slope, existing and finished grade elevations noted at two-foot intervals or less)~~, mitigation area, and water table elevation with sufficient detail to explain, illustrate and provide for:
 - (1) Soil and substrate conditions, topographic elevations, scope of grading and excavation proposal, erosion and sediment treatment and source controls needed for critical area construction and maintenance;
 - (2) Planting plans specifying plant species, types, quantities, location, size, spacing, or density. The planting season or timing, watering schedule, and nutrient requirements for planting, and where appropriate, measures to protect plants from destruction; and
 - (3) Contingency or mid-course corrections plan and a minimum five-year monitoring and replacement plan establishing responsibility for removal of exotic and nuisance vegetation and permanent establishment of the critical area and all component parts. The monitoring plan is subject to the provisions of Sections [14.88.277](#) and [14.88.278](#);
 - (g) A clearly defined approach to assess progress of the project, including the measurement of the success of a mitigation project by the presence of native species and an increase in the coverage of native plants over the course of the monitoring period;
 - (h) The plan must indicate ownership, size, type, and complete ecological assessment including flora, fauna, hydrology, functions, etc., of the critical area being restored or created; and
 - (i) The plan must also provide information on the natural suitability of the proposed site for establishing the replaced critical area, including water source and drainage patterns, topographic position, wildlife

habitat opportunities, and value of existing area to be converted. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.276 Alternative Mitigation

The director or designee may approve the establishment and use of a mitigation bank or in-lieu fee mitigation program to provide mitigation required by this chapter. The approval may allow deviations from the requirements of Parts IV and VII with respect to the treatment of wetlands, fish and wildlife habitat conservation areas or buffers.

(a) Credits from a mitigation bank may be approved for use as compensation for unavoidable impacts to fish and wildlife habitat conservation areas or buffers when:

(1) Criteria in LSMC 14.88.440 and 14.88.840 are met;

(2) The bank is certified under Chapter 173-700 WAC;

(3) The department determines that the mitigation bank provides appropriate compensation for the authorized impacts and that at minimum all proposals using a mitigation bank shall have made reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas and buffers through sequencing;

(4) The proposed use of credits is consistent with the terms and conditions of the bank's certification;

(5) The compensatory mitigation agreement occurs in advance of authorized impacts;

(6) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification; and

(7) The use of the mitigation bank will result in equivalent treatment of the functions and values of the critical area or buffer to offset the impacts on the project site such that the total net impact will be no net loss of critical area functions and values in the watershed in which the impacts will occur.

(b) In-lieu fee mitigation shall be established in accordance with the guidance contained in "Guidance on In-lieu Fee Mitigation" (Washington State Department of Ecology, December 2012, or latest edition, Publication #12-06-012) based upon the following order of preference:

(1) A City or County approved program that that gives priority to sites that will expand or improve habitat for Lake Stevens and associated tributaries;

(2) A City or County approved program that utilizes receiving mitigation sites within the same sub-basin as the approved impact; and

(3) A City or County approved program that gives priority to sites within the same sub-basin and/or a predefined service area that includes the City of Lake Stevens.

14.88.277 Mitigation Monitoring.

(a) All compensatory mitigation projects shall be monitored for the period necessary to establish that performance standards have been met, but in no event for a period less than five years following the acceptance of the installation/construction by the Planning and Community Development Director or designee.

- (b) Monitoring reports on the current status of the mitigation project shall be submitted to the Planning Department. The reports shall be prepared by a qualified consultant and shall include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation. Reports shall be submitted in accordance with the following schedule:
 - (1) At the time of construction;
 - (2) Thirty days after planting;
 - (3) Early in the growing season of the first year;
 - (4) End of the growing season of the first year;
 - (5) Twice the second year (at the beginning and end of the growing season); and
 - (6) Annually thereafter, to cover a total monitoring period of at least five growing seasons.
- (c) The Planning and Community Development Director or designee shall have the authority to extend the monitoring and surety period and require additional monitoring reports and maintenance activities beyond the initial five-year monitoring period for any project that involves one or a combination of the following factors:
 - (1) Creation or restoration of forested wetland or buffer communities;
 - (2) does not Failure to meet the performance standards identified in the mitigation plan;
 - (3) does not Failure to provide adequate replacement for the functions and values of the impacted critical area; or if
 - (4) otherwise warrants additional monitoring. Additional monitoring is warranted.

-(Ord. 773, Sec. 2, 2008)

14.88.278 Bonding (Security Mechanism).

- (a) If the development proposal is subject to compensatory mitigation, the applicant shall enter into an agreement with the City to complete the mitigation plan approved by the City and shall post a mitigation performance surety to ensure mitigation is fully functional.
- (b) The surety shall be in the amount of 150 percent of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater. The surety shall be based on a detailed, itemized cost estimate of the mitigation activity including clearing and grading, plant materials, plant installation, irrigation, weed management, monitoring and all other costs.
- (c) The surety shall be in the form of an assignment of funds, bond, security device, or other means acceptable to the City Finance Director in consultation with the City Attorney.
- (d) The performance surety authorized by this section shall remain in effect until the City determines, in writing, that the permit conditions, code requirements and/or standards bonded for have been met. Once the mitigation installation has been accepted by the ~~Planning~~ Director or designee ~~or Public Works Director~~, the bond may be reduced to 20 percent of the original mitigation cost estimate and shall become a maintenance surety. Said maintenance surety shall generally be held by the City for a

period of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods under Section [14.88.277\(c\)](#).

- (e) Depletion, failure, or collection of surety funds shall not discharge the obligation of an applicant to complete required mitigation, maintenance, monitoring, or restoration.
- (f) Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- (g) Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default. Upon notice of any default, the City may demand immediate payment of any financial guarantees or require other action authorized by the City code or any other law.
- (h) Any funds paid or recovered pursuant to this section shall be used to complete the required mitigation or other authorized action.
- (i) The Director or designee may authorize a one-time temporary delay, up to ~~120~~ 180 days, in completing mitigation activities when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation. The request for the temporary delay shall include a written justification documenting the environmental constraints that preclude implementation of the mitigation plan and shall include a financial guarantee. The justification shall be verified by the City before approval of any delay.
- (j) The provisions of Section [14.16A.180](#) (Security Mechanisms) shall also apply if necessary to ensure adequate protection of the public interest. (Ord. 811, Sec. 73, 2010; Ord. 773, Sec. 2, 2008)

14.88.280 Maps and Inventory.

The approximate location and extent of critical areas in the City are displayed on various inventory maps available at the Department of Planning and Community Development. More data will be included as inventories are completed in compliance with the requirements of the Growth Management Act. Maps and inventory lists are guides to the general location and extent of critical areas. Critical areas not shown are presumed to exist in the City and are protected under all the provisions of this chapter. In the event that any of the designations shown on the maps or inventory lists conflict with the criteria set forth in this chapter, the criteria and site-specific conditions shall control. Other mapping sources may include:

- (a) Washington Department of Fish and Wildlife Priority Habitat and Species maps.
- (b) Washington State Department of Natural Resources official water type reference maps, as amended.
- (c) Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington Conservation Commission.
- (d) Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps.
- (e) Washington State Department of Natural Resources Natural Heritage Program mapping data.
- (f) Lake Stevens and/or Snohomish County maps. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.283 Pesticide Management.

Pesticide use is not allowed in critical areas, including critical area buffers, unless it is determined by the Planning and Community Development Director or designee that there is no alternative to controlling invasive species. If pest control is being proposed as mitigation measures to control invasive species, a pesticide management plan must be submitted to the Planning and Community Development Department. The pesticide management plan must be part of the critical areas report required in Section 14.88.270 for any development proposal, and shall include why there is no other alternative to pesticide use, mitigation of pesticide use, planned application schedules, types of pesticides proposed for use, and a means to prevent or reduce pesticide movement to groundwater and surface water. The report shall be prepared by a qualified specialist. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.285 Building Setbacks.

Unless otherwise provided, buildings and other structures shall be set back a distance of 10 feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following may be allowed in the building setback area:

- (a) Uncovered decks;
- (b) Building overhangs, if such overhangs do not extend more than 18 inches into the setback area; and
- (c) Impervious ground surfaces, such as driveways and patios; provided, ~~that~~ such improvements may be subject to water quality regulations as adopted. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.287 Fencing and Signage.

~~Wetland Critical Area~~ Permanent fencing and signage adjacent to a regulated wetland or stream corridor shall be required. Permanent signage may be required for geologically hazardous areas and setback buffers not approved for alteration under Section 14.88.670.

- (a) ~~Fencing shall be smooth wire or an alternative approved by the Planning and Community Development Director.~~
 - (1) ~~The applicant shall install permanent fencing so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat. must be a permanent structure installed in a manner that allows continuous wildlife habitat corridors along critical fish and wildlife areas with a minimum gap of one and one-half feet at the bottom of the fence, and maximum height of three and one-half feet at the top;~~
 - (2) The fence shall be designed and constructed to clearly demarcate the buffer from the developed portion of the site and to limit access of landscaping equipment, vehicles, or other human disturbances; and
 - (3) No pressure treated posts and rails will be used for signage or fencing.
- (b) Signs designating the presence of a critical area shall be posted along the buffer boundary. The signs shall be posted at a minimum rate of one every 100 lineal feet, or one per lot, whichever provides more coverage. Standard details for signage shall be kept on file at the Planning and Community Development Department. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.290 Critical Areas Tracts and Easements.

(a) Unless otherwise required in this chapter, native growth protection areas shall be used in all development proposals to delineate and protect the following critical areas and buffers:

(1) All geologically hazardous areas not approved for alteration and associated setback buffers;

(2) All wetlands and buffers; and

(3) All fish and wildlife habitat conservation areas and buffers.

(b) Native growth protection areas created pursuant to this Chapter shall be designated on the face of the plat, short plat or other recorded drawing pursuant to Sections 14.16C.105 and 14.18.040 LSMC and shall be protected by one of the following methods:

(1) Development proposals for subdivisions, short subdivisions, binding site plans and planned residential developments and similar land use actions shall use separate critical area tracts to delineate and protect native growth protection areas. The critical area tract shall be held by each lot owner in the development in an undivided interest or held by a Homeowner's Association or other legal entity, which assures the ownership, maintenance, and protection of the tract; or

(2) For development proposals that do not segregate lots, the permit holder shall establish and record a native growth protection area easement with the Snohomish County Auditor stating the location of and the limitations associated with all of the critical areas and associated buffers or mitigation sites on the property. Restrictions and limitations shall be stated on the face of the deed applicable to the property and recorded with the Snohomish County auditor.

(c) Such easements or tracts shall cover the critical area as delineated by its defined boundaries and buffers.

~~14.88.290 Dedication of Open Space/Native Growth Protection Area.~~

~~(a) In order to protect critical areas, open space easements or tracts, referred to as a native growth protection area, where proposed as mitigation, shall be dedicated to the City.~~

~~(b) Anyone may offer to dedicate a critical area easement or tract and its buffer to the City even if not proposed as mitigation. The Planning and Community Development Director shall make a determination regarding the City's acceptance of such a dedication, based on consistency with the goals and policies of the adopted Comprehensive Plan.~~

~~(c) Such easements or tracts shall cover the critical area as delineated by its defined boundaries and buffers. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)~~

14.88.295 Permanent Protection for Streams, Wetlands and Buffers.

All streams and wetlands under this chapter and their required buffers shall be permanently protected by designating them as native growth protection areas (NGPAs) in accordance with Section [14.88.290](#). NGPAs are to be left permanently undisturbed in a substantially or environmentally enhanced natural state. No clearing, grading, filling, building construction or placement, or road construction is allowed except the following:

(a) On a case by case basis when supported by a critical areas assessment study, crossings for underground utility lines which utilize the shortest alignment possible and for which no alignment that would avoid such a crossing is feasible;

- (b) Removal of hazardous trees by the property owner, when based on a recommendation by a qualified arborist and an assessment of hazardous tree risk study and when approved by the City.
- (c) Existing legally (on-going) established structures, and non-native or ornamental landscaping, including, but not necessarily limited to, gardens, yards, pastures, and orchards, are not required to be designated as NGPAs. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.297 Density Transfers on Sites Less than Five Acres. On-site Density Transfer for Critical Areas.

On-site density transfers on sites less than five acres may be permitted when critical areas are located on the property subject to the following provisions:

- (a) Only the area contained in the following critical area areas and their associated buffers of the following wetlands is are eligible to be used in the density transfer calculation:
 - (1) Category II, and III, and IV wetlands ~~with a habitat score of less than 20; and~~
 - (2) ~~Category IV wetlands.~~ Fish and Wildlife Conservation areas; and
 - (3) Geologically hazardous areas, not approved for alteration.
 - (b) The development must be proposed to connect to sewer service and sewer service must be available.
 - (c) The base density shall be consistent with the densities set forth in Chapter 14.36 for the zoning districts. The site density shall be calculated using the area of the subject property divided by the minimum lot size of the applicable zone.
 - (d) The overall density of the proposed site may be transferred from the undevelopable portion to the developable part of the site.
 - (e) The development shall meet applicable policies, setbacks and other standards of the City except:
 - (1) Lot sizes may be modified to not less than 6,000 square feet in the WR and SR zones, not less than 4,500 square feet in the UR zone and not less than 3,000 square feet in the HUR zone; Lot widths of Chapter 14.48 Table V may be modified to not less than 40 feet in the SR and UR zones and not less than 30 feet in the HUR zone;
 - (2) Lot widths of Chapter 14.48 Table I may be modified to not less than 50 feet in the WR and SR zones, and not less than 40 feet in the UR and HUR zones; Lot sizes may be modified to not less than 4,000 square feet in the SR and UR zones and not less than 3,000 square feet in the HUR zone;
 - (3) The front setbacks, specified in Chapter 14.48 LSMC Table I, may be reduced by 5 feet, but in no instance may the garage setback be less than 19 feet;
 - ~~(iii) In no instance may the garage setback be less than 19 feet.~~
- Setbacks of the zone as specified in Chapter Table V I may not be modified when using the density transfer provision as follows:
- (i) In WR and SR zones, the front setback requirements of the UR zoning as specified in Chapter 14.48 Table I may be utilized to accommodate the density transfer;
 - (ii) In the UR and HUR zones, the front setback may be reduced by 5 feet;

~~(iii) In no instance may the garage setback be less than 19 feet.~~

- (4) The proposed development must be compatible with the character of the area and adjacent uses; and
- (5) The area to which density is transferred must not be constrained by other critical areas. (Ord. 773, Sec. 2, 2008)

14.88.298 Innovative Development Design.

A project permit applicant may request approval of an innovative design, which addresses wetland, fish and wildlife habitat conservation area or buffer treatment in a manner that deviates from the standards set forth in Sections [14.88.400](#) through [14.88.440](#), Fish and Wildlife Conservation Areas, and Sections [14.88.800](#) through [14.88.840](#), Wetlands.

- (a) An innovative development design will be considered in conjunction with the primary land use project approval or building permit approval, when the project. ~~The Planning and Community Development Director shall develop and adopt administrative procedures as authorized in Section [14.88.250](#) for review and approval of innovative development design that are~~ is consistent with subsection (b) of this section. An applicant may include the innovative development design proposal in the project pre-application review packet for review. ~~The Planning and Community Development Director shall give preliminary findings on the pre-application and shall only issue a final decision for the design with the project or building permit approval, whichever occurs first.~~
- (b) The applicant shall demonstrate in a site/resource-specific report required pursuant to Section [14.88.270](#) how the innovative development design complies with the following requirements:
 - (1) The innovative development design will achieve protection equivalent to or better than the treatment of the functions and values of the critical areas that would be obtained by applying the standard prescriptive measures contained in this chapter;
 - (2) Applicants for innovative development design ~~are encouraged to~~ must consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact stormwater management strategies which address wetlands, fish and wildlife habitat conservation areas or buffer protection consistent with this chapter;
 - (3) The innovative development design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property; and
 - (4) Applicants for innovative development design are encouraged to consider measures prescribed in the Puget Sound Action Team ~~2005~~ 2012 Technical Guidance Manual for Low Impact Development or as amended. (Ord. 773, Sec. 2, 2008)

14.88.300 Dedication of Land and/or Easements in Lieu of Park Mitigation.

The dedication of critical areas and their buffers as open space may not be used for satisfying park mitigation requirements. Park land must be dedicated or fees in lieu of dedication must be paid as set forth in this title. However, if an applicant provides recreation amenities in buffers as allowed under this chapter, the cost of those amenities may be subtracted from the total park mitigation calculated for a given project with prior approval of the Planning and Community Development Director. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.310 Demonstration of Denial of All Reasonable Economic Uses.

In order to conduct a regulated activity in a critical area where the applicant is claiming that denial of authorization of such an activity would deny all reasonable economic uses of the property, the applicant must demonstrate that such is the case. If a regulated activity is allowed within a critical area, it must minimize impacts per the "requirements" sections, below. If the Planning and Community Development Director or designee determines that alteration of a critical area is necessary and unavoidable, written findings addressing each of the items listed in this section shall be placed in the official project file. Demonstration of denial of all reasonable economic uses shall be accomplished as follows:

- (a) An applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.
- (b) For water-dependent activities, unavoidable and necessary impact can be demonstrated where there are no practicable alternatives which would not involve a ~~wetland~~ critical area or which would not have less adverse impact on a ~~wetland~~ critical area, and would not have other significant adverse environmental consequences.
- (c) Where non-water-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:
 - (1) The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on regulated critical areas; ~~and~~
 - (2) A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a critical area or its buffer will not accomplish the basic purpose of the project; and
 - (3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints. (Ord. 903, Sec. 52, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.320 Allowance of Regulated Use in a Critical Area Where Denial of All Economic Use is Demonstrated.

If an applicant for an activity or development proposal demonstrates to the satisfaction of the Planning and Community Development Director or designee that application of these standards would deny all reasonable economic use of the property as provided by Section 14.88.220, development, as may be conditioned, shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the Director:

- (a) If proposed in a wetland, stream, creek, river, lake or other surface water, that the proposed project is water-dependent or requires access to the wetland as a central element of its basic function; or
- (b) If proposed in a critical area not listed in subsection (a) of this section, that it is not water-dependent but has no practicable alternative; and
- (c) That no reasonable use with less impact on the critical area and its buffer is possible (e.g., agriculture, aquaculture, transfer or sale of development rights or credits, sale of open space easements, etc.);

- (d) That there is no feasible on-site alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to the critical area and its buffer;
- (e) That the proposed activities will result in minimum feasible alteration or impairment to the functional characteristics of the critical area and its existing contours, vegetation, fish and wildlife resources, hydrological, and geologic conditions;
- (f) That disturbance of the critical area has been minimized by locating any necessary alteration in buffers to the extent possible;
- (g) That the proposed activities will not jeopardize the continued existence of endangered, threatened, or sensitive species as listed by the Federal Government or the State of Washington. An applicant is required to confirm with the State of Washington that special conditions or recommendations are not required for candidate or monitor species;
- (h) That the proposed activities will not cause significant degradation of groundwater or surface water quality;
- (i) That the proposed activities comply with all State, local and Federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;
- (j) That any and all alterations to critical areas and their buffers will be adequately mitigated;
- (k) That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property;
- (l) That the inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter; and
- (m) That deliberate measures have been taken to minimize the impacts. Minimizing impacts shall include but not be limited to:
 - (1) Limiting the degree or magnitude of the prohibited activity;
 - (2) Limiting the implementation of the prohibited activity;
 - (3) Using appropriate and best available technology;
 - (4) Taking affirmative steps to avoid or reduce impacts;
 - (5) Sensitive site design and siting of facilities and construction staging areas away from critical areas and their buffers;
 - (6) Involving resource agencies early in site planning;
 - (7) Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures; and
 - (8) Scheduling the prohibited activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities. (Ord. 903, Sec. 53, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.330 Nonconforming Activities.

A regulated activity that was approved prior to the passage of this chapter and to which significant economic resources have been committed pursuant to such approval but which is not in conformity with the provisions of this chapter may be continued subject to the following:

- (a) No such activity shall be expanded, modified, or substituted in any way that increases the extent of its nonconformity without a permit issued pursuant to the provisions of this chapter;
- (b) Except for cases of discontinuance as part of normal agricultural practices, if a nonconforming activity is discontinued for 180 days, any resumption of the activity shall conform to this chapter;
- (c) If a nonconforming use or activity is destroyed by human activities or a natural occurrence, it shall not be resumed except in conformity with the provisions of this chapter;
- (d) Activities or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming activities. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.340 Assessment Relief.

The Snohomish County Assessor's office considers critical area regulations in determining the fair market value of land. Any owner of an undeveloped critical area who has dedicated an easement or entered into a perpetual conservation restriction with the City of Lake Stevens or a nonprofit organization to permanently control some or all regulated activities in that portion of land assessed consistent with these restrictions shall be considered for exemption from special assessments to defray the cost of municipal improvements such as sanitary sewers, storm sewers, and water mains. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part IV. Fish and Wildlife Conservation Areas

14.88.400 Classification.

Fish and wildlife conservation areas include:

- (a) Lands containing priority habitats and species, including plant and/or animal species listed on Federal or State threatened or endangered species lists.
- (b) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, waste-water treatment facilities, farm ponds, temporary construction ponds (of less than three years' duration), and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.
- (c) Waters of the State, as defined in WAC Title [222](#), Forest Practices Rules and Regulations. Waters of the State shall be classified using the system in WAC [222-16-030](#). In classifying waters of the State as fish and wildlife habitats the following shall be used:
 - (1) Species are present which are endangered, threatened or sensitive;
 - (2) Existing surrounding land uses are incompatible with salmonid and other game fish habitat;
 - (3) Presence and size of riparian ecosystem;
 - (4) Existing water rights.

- (d) Lakes, ponds, and streams planted with game fish (defined at RCW [77.08.020](#)), including those planted under the auspices of Federal, State, local, or tribal programs, or which support priority fish species as identified by the Department of Fish and Wildlife.
- (e) State natural area preserves and natural resource conservation areas.
- (f) Habitats or species of local importance. Such habitats or species may be locally listed per the process elucidated in Section [14.88.415](#).
- (g) Streams shall be classified according to the stream type system as provided in WAC [222-16-030](#), Stream Classification System, as amended.
 - (1) Type S Stream. Those streams, within their ordinary high water mark, as inventoried as shorelines of the State under Chapter [90.58](#) RCW and the rules promulgated pursuant thereto.
 - (2) Type F Stream. Those stream segments within the ordinary high water mark that are not Type S streams, and which are demonstrated or provisionally presumed to be used by fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size, are provisionally presumed to be used by fish. A provisional presumption of fish use may be refuted at the discretion of the Planning and Community Development Director where any of the following conditions are met:
 - (i) It is demonstrated to the satisfaction of the City that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;
 - (ii) It is demonstrated to the satisfaction of the City that the stream segment in question has confirmed, long-term, naturally occurring water quality parameters incapable of supporting fish;
 - (iii) Sufficient information about a geomorphic region is available to support a departure from the characteristics described above for the presumption of fish use, as determined in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;
 - (iv) The Washington Department of Fish and Wildlife has issued a hydraulic project approval, pursuant to RCW [77.55.100](#), which includes a determination that the stream segment in question is not used by fish; [and](#)
 - (v) No fish are discovered in the stream segment in question during a stream survey conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing waters under WAC [222-16-031](#); provided, that no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.
 - (3) Type Np Stream. Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purpose of classification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the City.

- (4) Type Ns Stream. Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall that are not located downstream from any Type Np stream segment. (Ord. 903, Sec. 54, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.410 Determination of Boundary.

- (a) The boundaries of fish and wildlife conservation areas shall be determined by the Planning and Community Development Director or designee, who may rely on a Departmental approved biological resources survey prepared by a qualified wildlife biologist per the Department's Biological Resources Survey Guidelines. Such a report would be supplied by the applicant of a permit.
- (b) The boundary of the creek, stream, river, lake, or other surface water shall be determined by the Planning and Community Development Director or designee, relying on a delineation by a licensed surveyor or other comparable expert. Such boundary shall be contiguous with the 100-year floodplain designations as adopted by the City, or where such a designation has not been adopted by the City, the 100-year floodplain designation of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated (shown on Flood Insurance Rate Maps (FIRM)). Where this information does not exist, the boundary determination shall be made by a licensed surveyor and based upon the same criteria used by FEMA. This determination shall be confirmed by the City Engineer. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.415 Species/Habitats of Local Importance.

- (a) Species or habitats may be listed as a species or habitat of local importance by the City Council according to the following process:
- (1) An individual or organization must:
 - (i) Demonstrate a need for special consideration based on:
 - a. Declining populations;
 - b. Sensitivity to habitat manipulation; or
 - c. Commercial or game value or other special value, such as public appeal.
 - (ii) Propose relevant management strategies considered effective and within the scope of this chapter.
 - (iii) Provide species or habitat location(s) on a map.
 - (2) Submitted proposals will be reviewed by the Planning and Community Development Director or designee and forwarded to the Departments of Fish and Wildlife and Natural Resources, and/or other local, State, Federal, or tribal agencies or experts for comment and recommendation regarding accuracy of data and effectiveness of proposed management strategies.
 - (3) The City Council will hold a public hearing for proposals found to be complete, accurate, potentially effective, and within the scope of this chapter. Approved nominations will become designated a species or habitat of local importance and will be subject to the provisions of this chapter.
- (b) Species or habitats of local importance include:

(1) [None adopted as of May 1, 1995] (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.420 Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within fish and wildlife conservation areas when the requirements of Section [14.88.430](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities listed in Section [14.88.220](#).
- (b) Activities consistent with the species located there and all applicable State and Federal regulations regarding the species, as determined by the Planning and Community Development Director [or designee](#), who may consult with other resource agencies as to their recommendations.
- (c) Bridges and other crossings over streams for public and private rights-of-way. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

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 undergrounded 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).
- (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. (Ord. 898, Sec. 8, 2013; Ord. 811, Sec. 92, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.440 Mitigation.

In order to avoid significant environmental impacts, the applicant for a land use or development permit may consider performing the following actions, listed in order of preference. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact as determined in accordance with Section [14.88.275](#).

- (a) Dedicate an exclusive open space easement for the protection of wildlife and/or habitat, creeks, streams, rivers, lakes, or other surface water over the creeks, streams, rivers, lakes, or other surface water and a buffer consistent with the standards listed in Section [14.88.430](#). Where such mitigation leads to, or would in the opinion of the Planning and Community Development Director lead to a court finding of a taking, the below listed mitigation may be considered.
- (b) Where on-site protection is not possible, dedicate an exclusive easement for the protection of an equivalent (in type and value) waterway over the waterway and a 50-foot buffer on an off-site waterway at a 2:1 ratio. The location of any off-site waterway shall be located as near to the site as possible, in accordance with the following preferred order:
 - (1) Contiguous to the impacted waterway;
 - (2) Within the same drainage basin;
 - (3) Elsewhere within the City;
 - (4) Within the Lake Stevens UGA;
 - (5) Within the region.
- (c) The applicant may propose innovative site design based on the best available science and pursuant to Section 14.88.298 if the innovative development design will achieve protection equivalent to or better than the standard provisions of this chapter. Approval of the innovative site design will be considered in combination with criteria listed in Section 14.88.298 if the design achieves the following:
 - (1) The site design avoids all impacts to the critical area and minimizes buffer impacts; or
 - (2) The site design increases the functions and/or values of the stream channel and buffer with a combination of the following measures:
 - (i) Increasing canopy-cover shade in the riparian zone to maintain cool stream temperatures and regulate micro-climates in the stream-riparian corridor;
 - (ii) Reducing fine sediment input in the stream system through hydrologic retention, filtration and streambank protection;
 - (iii) Stabilizing stream banks, and minimizing stream bank erosion;
 - (iv) Filtering and reducing potential of impact pollutants from groundwater and surface water runoff;
 - (v) Increasing large woody debris and coarse particulate matter into the stream channel for habitat and to moderate stream flow;
 - (vi) Increasing critical wildlife habitat along stream-associated migration corridors;

(vii) Increasing in-stream habitat for aquatic, amphibian, invertebrate and resident and/or anadromous fish species. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part V. Frequently Flooded Areas

14.88.500 Classification.

Classification for flood zones shall be consistent with the regulatory floodplain designations as adopted by the City per Chapter [14.64](#), Part I, or where such a designation has not been adopted by the City, by the special flood hazard area designations of the Federal Emergency Management Agency and the National Flood Insurance Program. Any such designations adopted by the City shall consider the following criteria if and when designating and classifying these areas:

- (a) Flooding impact to human health, safety, and welfare and to public facilities and services; and
- (b) Documentation including Federal, State and local laws, regulations and programs, local maps and federally subsidized flood insurance programs. (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.510 Determination of Boundary.

The boundary of a flood zone shall be contiguous with the regulatory floodplain as adopted by the City, per Chapter [14.64](#), Part I, or where such a designation has not been adopted by the City, the special flood hazard area designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated [shown on Flood Insurance Rate Maps (FIRM)]. Where this information does not exist, the boundary determination shall be made by a licensed engineer and based upon the same criteria used by FEMA. The Planning and Community Development Director or designee shall confirm this determination. (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.520 Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within the regulatory floodplain when the requirements of Section [14.88.530](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities allowed per Section [14.88.220](#).
- (b) Those activities allowed per Section [14.64.025](#). (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.530 Requirements.

All land uses and development proposals shall comply with the applicable provisions of the Lake Stevens Municipal Code for general and specific flood hazard protection (see Chapter [14.64](#), Special Flood Hazard Areas, Drainage, and Erosion).

- (a) Development shall not reduce the effective flood storage volume. Reduction of the floodwater storage capacity due to grading, construction, or other regulated activities shall provide compensatory storage per Section [14.64.055](#)(b).
- (b) The final recorded subdivision plat or site plan shall include a notice that the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable. (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.540 Mitigation.

If potential flooding impacts from development cannot be avoided by design or if the use is not an allowed or exempt use, the applicant shall provide a habitat impact assessment and/or habitat mitigation plan to mitigate impacts on federal, state or locally protected species and habitat, water quality and aquatic and riparian habitat, per Section [14.64.055](#)(c) and (d). (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part VI. Geologically Hazardous Areas

14.88.600 Classification.

- (a) Geologically hazardous areas include areas susceptible to erosion, sliding, earthquakes, liquefaction, or other geological events. Geologically hazardous areas shall be classified based upon the history or existence of landslides, unstable soils, steep slopes, high erosion potential or seismic hazards. In determining the significance of a geologically hazardous area the following criteria shall be used:
- (1) Potential economic, health, and safety impact related to construction in the area;
 - (2) Soil type, slope, vegetative cover, and climate of the area;
 - (3) Available documentation of history of soil movement, the presence of mass wastage, debris flow, rapid stream incision, stream bank erosion or undercutting by wave action, or the presence of an alluvial fan which may be subject to inundation, debris flows, or deposition of stream-transported sediments.
- (b) The different types of geologically hazardous areas are defined as follows:
- (1) Erosion hazard areas are as defined by the USDA Soil Conservation Service, United States Geologic Survey, or by the Department of Ecology Coastal Zone Atlas. The following classes are high erosion hazard areas.
 - (i) Class 3, class U (unstable) includes severe erosion hazards and rapid surface runoff areas;
 - (ii) Class 4, class UOS (unstable old slides) includes areas having severe limitations due to slope; and
 - (iii) Class 5, class URS (unstable recent slides).
 - (2) Landslide hazard areas shall include areas subject to severe risk of landslide based on a combination of geologic, topographic and hydrologic factors. Some of these areas may be identified in the Department of Ecology Coastal Zone Atlas, or through site-specific criteria. Landslide hazard areas include the following:
 - (i) Areas characterized by slopes greater than 15 percent; and impermeable soils (typically silt and clay) frequently interbedded with permeable granular soils (predominantly sand and gravel) or impermeable soils overlain with permeable soils; and springs or groundwater seepage;
 - (ii) Any area which has exhibited movement during the Holocene epoch (from 10,000 years ago to present) or which is underlain by mass wastage debris of that epoch;
 - (iii) Any area potentially unstable due to rapid stream incision, stream bank erosion or undercutting by wave action;

- (iv) Any area located on an alluvial fan presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments;
- (v) Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of consolidated rock;
- (vi) Any area with slope defined by the United States Department of Agriculture Soil Conservation Service as having a severe limitation for building site development; and
- (vii) Any shoreline designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas.

(3) Slopes.

- (i) Moderate slopes shall include any slope greater than or equal to 15 percent and less than 40 percent.
- (ii) Steep slopes shall include any slope greater than or equal to 40 percent.

- (4) Seismic hazard areas shall include areas subject to severe risk of earthquake damage as a result of seismic induced settlement, shaking, slope failure or soil liquefaction. These conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.610 Determination of Boundary.

Determination of a boundary of a geologically hazardous area shall be made by the Planning and Community Development Director, relying on a geotechnical or similar technical report and other information where available and pertinent. Such reports or information shall be provided by an applicant for an activity or permit at the request of the City. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.620 Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within geologically hazardous areas when the requirements of Section [14.88.630](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities allowed per Section [14.88.220](#).
- (b) Any other use allowed per the zone; provided, that it meets the requirements of Section [14.88.630](#) and will not have a detrimental impact on the health, safety, and welfare of the public, or will not negatively impact neighboring properties. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.630 Geological Assessment Requirements.

Development proposals on or within 200 feet of any areas which are designated as geologically hazardous, or which the City has reason to believe are geologically hazardous based on site-specific field investigation, shall be required to submit a geological assessment.

- (a) The geological assessment shall be submitted with the minimum required content as set forth in subsection (d) of this section and in the format established by the Planning and Community Development Director, and shall be consistent with the following:
 - (1) A geotechnical letter is required when the geologist or geotechnical engineer finds that no active geological hazard area exists on or within 200 feet of the site.

- (2) A geotechnical report is required when the geologist or geotechnical engineer finds that an active geological hazard area exists on or within 200 feet of the proposed project area.
- (b) The Department shall review the geological assessment and either accept or reject the assessment and require revisions or additional information. When the geological assessment has been accepted, the Department shall issue a decision on the land use permit application.
- (c) A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and site conditions affecting the site are unchanged. However, if any surface and subsurface conditions associated with the site change during the five-year period or if there is new information about a geological hazard, the applicant may be required to submit an amendment to the geological assessment.
- (d) A geological assessment shall include the following minimum information and analysis:
 - (1) A field investigation that may include the use of historical air photo analysis, review of public records and documentation, and interviews with adjacent property owners or others knowledgeable about the area, etc.
 - (2) An evaluation of any areas on the site or within 200 feet of the site that are geologically hazardous as set forth in Section [14.88.600](#).
 - (3) An analysis of the potential impacts of the proposed development activity on any potential geological hazard that could result from the proposed development either on site or off site. For landslide hazard areas, the analysis shall consider the run-out hazard of landslide debris to the proposed development that starts upslope whether the slope is part of the subject property or starts off site.
 - (4) Identification of any mitigation measures required to eliminate potentially significant geological hazards both on the proposed development site and any potentially impacted off-site properties. When hazard mitigation is required, the mitigation plan shall specifically address how the proposed activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long term basis. The mitigation plan shall include recommendations regarding any long term maintenance activities that may be required to mitigate potential hazards.
 - (5) The geological assessment shall document the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.
 - (6) The geological assessment shall contain a summary of any other information the geologist identifies as relevant to the assessment and mitigation of geological hazards.
- (e) Geological assessments shall be prepared under the responsible charge of a geologist or geotechnical engineer, and shall be signed, sealed, and dated by the geologist or geotechnical engineer. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.640 Setback Buffer Requirements.

- (a) The setback buffer width shall be based upon information contained in a geological assessment, and shall be measured on a horizontal plane from a vertical line established at the edge of the geologically hazardous area limits (both from the top and toe of slope). In the event that a specific setback buffer is not included in the recommendation of the geological assessment, the setback buffer shall be based

upon the standards contained in Chapter 18 of the International Building Code (IBC), or as the IBC is updated and amended.

- (1) If the geological assessment recommends setback buffers that are less than the standard buffers that would result from application of Chapter 18 of the IBC, the specific rationale and basis for the reduced buffers shall be clearly articulated in the geological assessment.
- (2) The City may require increased setback buffer widths under any of the following circumstances:
 - (i) The land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.
 - (ii) The area has a severe risk of slope failure or downslope stormwater drainage impacts.
 - (iii) The increased buffer is necessary to protect public health, safety and welfare based upon findings and recommendations of geological assessment.
- (b) Unless otherwise permitted as part of an approved alteration, the setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be replanted with native vegetation in conjunction with any proposed development activity.
- (c) The City may impose seasonal restrictions on clearing and grading within 200 feet of any geologically hazardous areas. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.650 Allowed Alterations.

Unless associated with another critical area, the Planning and Community Development Director or designee may allow alterations of an area identified as a geologically hazardous area or the setback buffers specified in the IBC if an approved geotechnical report demonstrates that:

- (a) The proposed development will not create a hazard to the subject property, surrounding properties or rights-of-way, or erosion or sedimentation to off-site properties or bodies of water;
- (b) The proposal addresses the existing geological constraints of the site, including an assessment of soils and hydrology;
- (c) The proposed method of construction will reduce erosion potential, landslide and seismic hazard potential, and will improve or not adversely affect the stability of slopes;
- (d) The proposal uses construction techniques which minimize disruption of existing topography and natural vegetation;
- (e) The proposal is consistent with the purposes and provisions of this chapter and mitigates any permitted impacts to critical areas in the vicinity of the proposal;
- (f) The proposal mitigates all impacts identified in the geotechnical letter or geotechnical report;
- (g) All utilities and access roads or driveways to and within the site are located so as to require the minimum amount of modification to slopes, vegetation or geologically hazardous areas; and
- (h) The improvements are certified as safe as designed and under anticipated conditions by a geologist or geotechnical engineer. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.660 Prohibited Alterations.

Modification of geologically hazardous areas shall be prohibited under the following circumstances:

- (a) Where geologically hazardous slopes are located in a stream, wetland, and/or a fish and wildlife habitat conservation area or their required buffers, alterations of the slopes are not permitted, except as allowed in Section [14.88.220](#). The required buffer for such slopes shall be determined through the site-specific geological assessment, but in no case shall be less than 25 feet from the top of slopes of 25 percent and greater.
- (b) Any proposed alteration that would result in the creation of, or which would increase or exacerbate existing geological hazards, or which would result in substantial unmitigated geological hazards either on or off site shall be prohibited. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.670 Mitigation.

- (a) In addition to the other requirements of this chapter, as part of any approval of development on or adjacent to geologically hazardous areas or within the setback buffers required by this section:
 - (1) The City shall require:
 - (i) Geologically hazardous areas not approved for alteration and their [setback](#) buffers shall be placed in a native growth protection area as set forth in Sections [14.88.290](#).
 - (ii) Any geologically hazardous area or required setback buffer that is allowed to be altered subject to the provisions of this chapter shall be subject to a covenant of notification and indemnification/hold harmless agreement in a form acceptable to the City Attorney. Such document shall identify any limitation placed on the approved alterations.
 - (2) The City may require:
 - (i) The presence of a geologist on the site to supervise during clearing, grading, filling, and construction activities which may affect geologically hazardous areas, and provide the City with certification that the construction is in compliance with the geologist's [or geotechnical engineer's](#) recommendations and has met approval of the geologist [or geotechnical engineer](#), and other relevant information concerning the geologically hazardous conditions of the site.
 - (ii) Vegetation and other soil stabilizing structures or materials be retained or provided.
 - (iii) Long term maintenance of slopes and on-site drainage systems.
- (b) If potential geologic impacts cannot be avoided by adhering to the above requirements and the other requirements of this chapter, other forms of mitigation may be considered. Applicants must provide mitigation plans exploring and analyzing any proposed mitigation measures. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact. For example, some potential risk due to construction in geologically hazardous areas may be reduced through structural engineering design. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part VII. Streams, Creeks, Rivers, Lakes and Other Surface Water

14.88.700 Classification.

Repealed by Ord. 741.

14.88.710 Allowed Activities.

Repealed by Ord. 741.

14.88.720 Requirements.

Repealed by Ord. 741.

14.88.730 Determination of Boundary.

Repealed by Ord. 741.

14.88.740 Mitigation.

Repealed by Ord. 741.

Part VIII. Wetlands

14.88.800 Purpose

The purposes of this Chapter are to:

- (a) Recognize and protect the beneficial functions performed by wetlands, which include, but are not limited to, providing food, breeding, nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and flood waters to reduce flooding and erosion; and improving water quality through biofiltration, adsorption, and retention and transformation of sediments, nutrients, and toxicants.
- (b) Regulate land use to avoid adverse effects on wetlands and maintain the functions and values of wetlands throughout Lake Stevens.
- (c) Establish review procedures for development proposals in and adjacent to wetlands.
- (d) Compliance with the provisions of the Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter.

1.88.805 Classification Identification and Rating.

~~Wetlands shall be classified as Category I, II, III, or IV using the Washington State Department of Ecology's Wetland Rating System for Western Washington, Publication No. 04-06-025, or as amended hereafter. Wetland delineations shall be determined in accordance with WAC 173-22-035.~~

- (a) Identification and Delineation. Wetlands, buffers and their boundaries shall be identified and delineated in accordance with the approved federal wetland delineation manual and applicable regional supplement. All areas within the City meeting the wetland designation criteria in that procedure are hereby-designated critical areas and are subject to the provisions of this Chapter. Wetland delineations are valid for five years; after such date, the City shall determine whether a revision or additional assessment is necessary. (a) Sources used to identify designated wetlands include, but are not limited to:

- (1) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.

- (2) Areas identified as hydric soils, soils with significant soil inclusions and wet spots with the United States Department of Agriculture/Soil Conservation Service Soil Survey for Snohomish County.
- (3) Washington State Department of Natural Resources, Geographic Information System, Hydrography and Soils Survey Layers.
- (4) City of Lake Stevens Critical Areas Inventory Maps.

~~(b) Category I Criteria.~~

- ~~(1) Wetlands that represent a unique or rare wetland type; or~~
- ~~(2) Are more sensitive to disturbance than most wetlands; or~~
- ~~(3) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or~~
- ~~(4) Provide a high level of functions.~~
- ~~(5) Category I wetlands include:~~
 - ~~(i) Estuarine wetlands which are larger than one acre in size.~~
 - ~~(ii) Natural heritage wetlands as identified by the Natural Heritage Program of the Washington Department of Natural Resources.~~
 - ~~(iii) Bogs.~~
 - ~~(iv) Mature and old-growth forested wetlands over one acre in area.~~
 - ~~(v) Wetlands that score 70 or more ~~23~~ 27 points out of 100 ~~27~~ using the Western Washington Rating System.~~

~~(c) Category II Criteria.~~

- ~~(1) Category II wetlands are difficult though not impossible to replace and provide high levels of some functions.~~
- ~~(2) Category II wetlands include:~~
 - ~~(i) Estuarine wetlands under one acre in area.~~
 - ~~(ii) Wetlands that score between 51 and 69 points out of 100 on the Western Washington Rating System.~~
- ~~(d) Category III Criteria. Wetlands with a moderate level of functions and with rating system scores between 30 and 50 points out of 100.~~

~~(e) Category IV Criteria. Wetlands with a low level of functions and with rating system scores less than 30 points out of 100. (Ord. 855, Sec. 24, 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)~~

- (b) [Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the Washington State Wetland Rating System for Western Washington: 2014 Update \(Ecology Publication #14-06-029, or as revised and approved by Ecology\) and in accordance with WAC 173-22-035, which contains the definitions and methods for determining whether the criteria below are met.](#)

- (1) Category I. Category I wetlands represent unique or rare wetland types; are more sensitive to disturbance than most wetlands; are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or provide a high level of functions. In Lake Stevens Category I wetlands may include:
 - i Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;
 - ii Bogs;
 - iii Mature and old-growth forested wetlands larger than 1 acre; and
 - iv Wetlands that perform many functions well (scoring 23 points or more).
 - (2) Category II. In Lake Stevens Category II wetlands may include wetlands with a moderately high level of functions (scoring between 20 and 22 points) that are difficult though not impossible to replace and provide high levels of some functions.
 - (3) Category III. In Lake Stevens Category III wetlands may include:
 - i Wetlands with a moderate level of functions (scoring between 16 and 19 points);
 - ii Can often be adequately replaced with a well-planned mitigation project; and
 - iii Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
 - (4) Category IV. In Lake Stevens Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. These wetlands may provide some important functions, and should be protected to some degree.
- (c) Illegal modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

14.88.810 Determination of Boundary.

- (a) The Planning and Community Development Director or designee, relying on a field investigation supplied by an applicant and applying the wetland definition provided in this chapter, shall determine the location of the wetland boundary. Qualified professional and technical scientists shall perform wetland delineations as part of a wetland identification report in accordance with WAC 173-22-035. Criteria to be included in a required wetland identification report may be found in Section 14.88.275, Mitigation/Enhancement Plan Requirements. The applicant is required to show the location of the wetland boundary on a scaled drawing as a part of the permit application.
- (b) When the applicant has provided a delineation of the wetland boundary, the Planning and Community Development Director or designee shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning and Community Development Director shall, at the applicant's expense, obtain expert services to render a final delineation.
- (c) The Planning and Community Development Director, when requested by the applicant, may waive the delineation of boundary requirement for the applicant and, in lieu of delineation by the applicant,

perform the delineation. The Planning and Community Development Director or designee shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant will be charged for the costs incurred. Where the ~~Planning and Community Development Director~~ city performs a wetland delineation at the request of the applicant, such delineation shall be considered a final determination. (Ord. 855, Sec. 25, 2011; Ord. 797, Sec. 6, 2009; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.820 Allowed Activities.

Except where regulated by other sections of this or any other title or law, and provided they are conducted using best management practices, the following uses and activities shall be allowed and regulated within wetlands and their buffers when the requirements of Sections [14.88.830](#) and [14.88.840](#) have been met and mitigation adequate to alleviate any other impacts has been proposed.:

(a) Those uses listed in Section [14.88.220](#).

~~(b) In Category IV wetlands only, access to developable portions of legal lots where:~~

- ~~(1) There is no other reasonable method of accessing the property;~~
- ~~(2) Altering the terrain would not cause drainage impacts to neighboring properties; and~~
- ~~(3) Not more than 2,500 square feet of wetland is impacted. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)~~

(b) Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.

(c) Stormwater management facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, Runoff Treatment or Flow Control BMP if the following criteria are met:

- (1) The location of the stormwater management facility is restricted to the outer 25 percent of the buffer around the wetland;
- (2) There will be "no net loss" of functions and values of the wetland;
- (3) The wetland does not contain a breeding population of any native amphibian species;
- (4) The hydrologic functions of the wetland can be improved;
- (5) The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing, and
- (6) All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits;
- (7) Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost would have to be compensated/replaced.
- (8) Stormwater LID BMPs required as part of New and Redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.

14.88.825 Exemptions

The following wetlands may be exempt from the requirement to avoid impacts and they may be filled if the impacts are fully mitigated based on the remaining actions. If available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank.

(a) All isolated Category IV wetlands less than 4,000 square feet:

- (1) Not associated with riparian areas or their buffers;
- (2) Not associated with shorelines of the state or their associated buffers;
- (3) Not part of a wetland mosaic;
- (4) Do not score 5 or more points for habitat function based on the 2014 update to the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology); and
- (5) Do not contain a Priority Habitat or a Priority Area for a Priority Species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat, or species of local importance.

(b) Wetlands less than 1,000 square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this Chapter.

14.88.830 Requirements.

- (a) Buffers. Wetland buffers shall be required for all regulated activities adjacent to regulated wetlands as provided in Table 14.88-II, unless modified per subsection (b) or (c) of this section elsewhere in this chapter.
- (1) Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer zone shall be determined according to wetland category and the proposed land use. ~~These buffers have been established to reflect the impact of low and high intensity uses on wetland functions and values.~~
 - (2) To facilitate long-range planning using a landscape approach, the Planning and Community Development Director or designee may pre-assess wetlands using the rating system and establish appropriate wetland buffer widths for such wetlands. The Administrator will prepare maps of wetlands that have been pre-assessed in this manner.
 - (3) All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Buffers must be fully vegetated in order to be included in buffer area calculations. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.

~~Table 14.88-II~~

Category	Land Use	HS 29-36	HS 20-28	HS <20
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I	High	190	95	65
	Low	125	65	45
II	High	190	95	65
	Low	125	65	45
III	High	N/A	95	50
	Low		65	35
IV	High	N/A	N/A	35
	Low			20

(b) The buffer widths in Table 14.88-II assume that the standard buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should be planted to create the appropriate plant community or the non-mitigated buffer should be widened to ensure that adequate functions of the buffer are provided.

Table 14.88-II Wetland Buffer Requirements

Wetland Category	Buffer Condition*	Buffer width in feet based on habitat scores			
		3-4	5	6-7	8-9
Category I	Standard	75	105	165	225
	No Mitigation	100	140	220	300
Category I (High Value)	Standard	190			225
	No Mitigation	250			300
Category II	Standard	75	105	165	225
	No Mitigation	100	140	220	300
Category III	Standard	60	105	165	225
	No Mitigation	80	140	220	300
Category IV	Standard	40			
	No Mitigation	50			

* The buffer condition directly affects the required buffer width. A standard buffer width is to be used when the buffer is vegetated or will be planted to comply with LSMC 14.88.830(b); otherwise, an increased buffer is required when limited vegetation exists or no mitigation is proposed to enhance buffer functions.

Table 14.88-III Required Measures to minimize impacts to wetlands (measures are required if applicable to a specific proposal)

Disturbance	Required Measures to Minimize Impacts
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<u>Lights</u>	<ul style="list-style-type: none"> • <u>Direct lights away from wetland</u>
<u>Noise</u>	<ul style="list-style-type: none"> • <u>Locate activity that generates noise away from wetland</u> • <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u> • <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u>
<u>Toxic runoff</u>	<ul style="list-style-type: none"> • <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u> • <u>Establish covenants limiting use of pesticides within 150-feet of wetland</u> • <u>Apply integrated pest management</u>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> • <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u> • <u>Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual)</u>
<u>Change in water regime</u>	<ul style="list-style-type: none"> • <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> • <u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u> • <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u>
<u>Dust</u>	<ul style="list-style-type: none"> • <u>Use best management practices to control dust</u>

(b) (c) Increased Wetland Buffer Widths. The Planning and Community Development Director shall require increased standard buffer zone widths on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on local conditions. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the regulated wetland. Such determination shall be attached as a permit condition and shall demonstrate that:

(1) A larger buffer is necessary to maintain viable populations of existing species; or

(2) The wetland is used by species proposed or listed by the Federal Government or the State as endangered, threatened, sensitive, critical or outstanding potential habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees. An applicant must consult with the State Department of Fish and Wildlife to confirm any special recommendations for candidate or monitor species as listed for approval by the Planning and Community Development Director; or

- (3) ~~The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts, or the adjacent land has minimal vegetative cover or slopes greater than 15-30 percent.~~
- (1) The wetland is used by a state or federally listed plant or animal species or has essential or outstanding habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
- (2) The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
- (3) The adjacent land has minimal vegetative cover or slopes greater than 30 percent.
- (c) ~~(d)~~ Wetland Buffer Width-Averaging. Wetland 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. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following as demonstrated in accordance with an approved critical report:
- (1) The averaging will not impair or reduce the habitat, water quality purification and enhancement, stormwater detention, groundwater recharge, shoreline protection, erosion protection, and other functions and values of the wetland and buffer; and
- (2) The buffer is increased adjacent to the higher functioning area and decreased adjacent to lower-functioning area; and
- (3) The total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging.
- (d) ~~(e)~~ Buffer Conditions. Except as otherwise specified, wetland buffers shall be retained in their natural condition.
- (1) Where buffer disturbance may or has occurred during construction, revegetation with native wetland vegetation may be required appropriate for the ecoregion or with vegetation performing similar functions.
- (2) If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.
- (e) ~~Permitted Uses in a Wetland Buffer.~~ Regulated activities shall not be allowed in a buffer zone except for the following:
- (1) ~~Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These may include low intensity, passive recreational activities such as pervious trails, nonpermanent wildlife watching blinds, short term scientific or educational activities, and sports fishing or hunting;~~
- (2) ~~For Category III and IV wetlands, stormwater management facilities restricted to the outer 25 percent of the buffer around the wetland; or~~
- (3) ~~For Category III and IV wetlands, development having no feasible alternative location, pursuant to sequencing and subject to the mitigation requirements of LSMC 14.88.840.~~

- (f) Buffer Reductions. Buffer reductions may be allowed for Category III or IV wetlands, provided the applicant demonstrates the proposal meets the criteria in subsections (f)(1) through (4) of this section and either subsection (f)(5) or (6) of this section. Buffer width reduction proposals that meet the criteria as determined by the Planning and Community Development Director or designee shall be reduced by no more than 25 percent of the required buffer and shall not be less than 25 feet in width.
- (1) The buffer area meets buffer area planting in Section [14.88.275](#) and has less than 15 percent slopes; and
 - (2) 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
 - (3) Buffer width averaging as outlined in subsection (c) of this section is not being used; and
 - (4) A buffer enhancement plan is proposed that would significantly improve the function and value of ~~the~~ a degraded wetland and buffer subject to mitigation requirements of LSMC 14.88.840; and either
 - (5) The subject property is separated from the wetland by pre-existing, intervening, and lawfully created structures, public roads, or other substantial improvements. The pre-existing improvements must be found to separate the subject upland property from the wetland by height or width that prevents or impairs the delivery of buffer functions to the wetland. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the wetland; or
 - (6) The wetland scores ~~less than 20~~ 5 points for wildlife habitat in accordance with the rating system applied in Section [14.88.800](#), and mitigation is provided based on Section [14.88.840\(b\)](#) and Table 14.88-III, when determined appropriate based on the evaluation criteria in Section [14.88.840\(f\)](#).

Table 14.88-III: Disturbance Mitigation

Examples of Disturbance	Activities that May Cause Disturbance	Example Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, high density residential	Direct lights away from wetland
Noise	Manufacturing, high density residential	Place activity away from wetland

Pets and humans	Residential areas	Landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets
Dust	Tilled fields	Best management practices for dust control
Toxic runoff*	Parking lots, roads, manufacturing, residential areas, landscaping	<ul style="list-style-type: none"> -Route all new untreated runoff away from wetland while ensuring that wetland is not dewatered -Establish covenants governing use of pesticides within 150 feet of wetland -Apply integrated pest management

Changes in Water Regime	Residential, commercial and industrial development	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surface and lawns
Stormwater runoff	Parking lots, roads, manufacturing, residential areas, commercial areas, landscaping	Retrofit stormwater detention and treatment for roads and existing adjacent development Prevent channelized flow from lawns that directly enters buffer
*These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.		

(g) Buffers may be modified when approved for the purpose of implementing innovative development design in accordance with Section [14.88.298](#). (Ord. 811, Sec. 92, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.840 Mitigation.

The mitigation sequence set forth in this section should be applied after impact avoidance and minimization measures have been taken.

(a) Location and Timing of Mitigation.

- (1) Restoration, creation, or enhancement actions should be undertaken on or adjacent to the site, or, where restoration, creation, or enhancement of a former wetland is proposed, within the same watershed. In-kind replacement of the impacted wetland is preferred for creation, restoration, or enhancement actions. The City may accept or recommend restoration, creation, or enhancement which is off site and/or out-of-kind, if the applicant can demonstrate that on-site or in-kind restoration, creation, or enhancement is unfeasible due to constraints such as parcel size or wetland type, or that a wetland of a different type or location is justified based on regional needs or functions;

- (2) Whether occurring on site or off site, the mitigation project shall occur near an adequate water supply with a hydrologic connection to the wetland to ensure a successful wetlands development or restoration;
 - (3) Any approved proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has also been approved by the Planning and Community Development Department;
 - (4) Wetland acreage replacement ratios shall be as specified in Table 14.88-IV;
 - (5) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands.
 - (i) This provision may be used when:
 - a. The bank is certified under Chapter [173-700](#) WAC;
 - b. The Planning and Community Development Director [or designee](#) determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
 - (ii) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
 - (iii) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.
- (b) Mitigation Performance Standards.
- (1) All reasonable measures shall be taken to avoid and reduce impacts. When such avoidance and reduction is not reasonable, adverse impacts to wetland functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in Section [14.88.010](#)(a). Proposals which include less preferred or compensatory mitigation shall demonstrate that:
 - (i) All reasonable measures will be taken to reduce impacts and losses to the original wetland;
 - (ii) No overall net loss will occur in wetland functions, values and acreage; and
 - (iii) The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.
- (c) Wetland Replacement Ratios.
- (1) Where wetland alterations are permitted by this chapter, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to size, function, category, location, timing factors, and projected success of restoration or creation.

- (2) Where wetland creation is proposed, all required buffers for the creation site shall be located on the proposed creation site. Properties adjacent to or abutting wetland creation projects shall not be responsible for providing any additional buffer requirements.
- (3) The following acreage replacement ratios shall be used as targets. The Planning and Community Development Director may vary these standards if the applicant can demonstrate and the Planning and Community Development Director [or designee](#) agrees that the variation will provide adequate compensation for lost wetland area, functions and values, or if other circumstances as determined by the Planning and Community Development Department justify the variation.
- (4) The qualified scientific professional in the wetlands report may, where feasible, recommend that restored or created wetlands shall be a higher wetland category than the altered wetland.
- (d) The Planning and Community Development Director may increase the ratios under the following circumstances:
 - (1) Uncertainty exists as to the probable success of the proposed restoration or creation; or
 - (2) A significant period of time will elapse between impact and replication of wetland functions.
- (e) All wetland restoration, creation and/or enhancement projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action shall follow a mitigation plan prepared in conformance to the requirements of Section [14.88.275](#), Mitigation/Enhancement Plan Requirements.
- (f) Mitigation ratios for the replacement of impacted wetlands shall be as listed in Table 14.88-IV. However, Table 14.88-IV shall not apply to bogs, because it is not possible to create or restore bogs due to their unique chemistry and hydrology. Therefore, impacts to bogs are considered to be a loss of functions and shall be avoided.

Table 14.88-IV: Wetland Mitigation Ratios

Affected Wetland	Mitigation Type and Ratio			
Category	Re-establishment Wetland Creation	or Rehabilitation	Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement Only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 E	12:1
Category I – Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1
Category I – Score Based	4:1	8:1	1:1 R/C and 10:1 E	16:1
Category I – Bog	Not possible	considered N/A	N/A	N/A

(Ord. 811, Sec. 92, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

(g) Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a minimum 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

(gh) The applicant may propose innovative site design based on the best available science and pursuant to Section 14.88.298 if the innovative development design will achieve protection equivalent to or better than the standard provisions of this Chapter. Approval of the innovative site design will be considered in combination with criteria listed in Section 14.88.298 if the design achieves the following:

(1) The site design avoids impacts to the critical area; or

(2) The site design increases the functions and/or values of the wetland and buffer with a combination of the following measures:

(i) Improving water quality functions and values of the wetland and buffer by reducing fine sediment and pollutant input in the watershed by increasing hydrologic retention and filtration;

(ii) Improving the hydrologic functions and values of the wetland and buffer by providing increased flood control adjacent to a stream channel or by improving water storage ability in the wetland system to increase groundwater recharge potential; and

(iii) Increasing habitat for aquatic, amphibian and invertebrate species and associated wetland bird and mammal species.

(i) Credit/Debit Method. As an alternative to the mitigation ratios found in the joint guidance *Wetland Mitigation in Washington State Parts I and II* (Ecology Publication #06-06-011a-b, Olympia, WA, March 2006), the Director or Designee may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in *Calculating Credits and Debits for Compensatory Mitigation in*

[Wetlands of Western Washington: Final Report, \(Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised\).](#)

Part IX. Transfer of Development Rights

14.88.900 Definitions.

- (a) "Development rights" are those rights granted to a property owner under a particular zoning district.
- (b) "Transferable rights" include dwelling unit equivalents (density) and commercial/industrial square footage. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.910 Intent and General Regulations of Transferring Development Rights (TDR).

- (a) The purpose in allowing the transfer of density is:
 - (1) To allow for the transfer of development rights out of critical areas into buildable areas; and
 - (2) To allow a property owner to recover a portion of the development value from property that may be used for a public purpose.
- (b) TDR is not a guarantee that full development value can be recovered from a parcel of land designated as a sending area. Certain market forces may limit demand for density transfers including limitations placed on critical area receiving district capacities; particularly where all such districts are built out. Value of development rights shall be determined by the market for said rights and shall in no way be the responsibility of the City of Lake Stevens.
- (c) All transfers must be consistent with the policies of the City's Comprehensive Plan and the provisions of this chapter. In particular, land developed within a critical area receiving district through the transfer of development rights shall comply with all use, dimensional, parking, screening, etc., requirements as set forth in this title.
- (d) Development rights may be transferred out of areas designated as critical area sending districts and only into areas designated as critical area receiving districts. They may be transferred within or across ownership boundaries.
- (e) When development rights are transferred off site, the property owners shall provide and enter into a contract with one another which, at a minimum, shall acknowledge their participation and acceptance. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.920 Qualifications for Designation of Land as a Critical Area Sending or Receiving District.

- (a) All areas classified as a critical area by this chapter shall be considered critical area sending districts. Additionally, land that does not qualify as an critical area but which has been determined by City Council to be land suitable for a public purpose may be designated as critical area sending districts by the Planning and Community Development Director with the concurrence of the majority ownership of the land.
- (b) Any parcel or portion of a parcel on which development can occur per this title may be designated as a critical area receiving district by the Planning and Community Development Director with the concurrence of the majority ownership of the land. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.930 Designation Process.

- (a) Critical area sending or receiving districts are considered overlay zones allowed per Section [14.88.920](#), Qualifications for Designation of Land as a Critical Area Sending or Receiving District. Designation as a critical area sending or receiving district is the equivalent of a rezone and shall be accomplished by the same process as specified in Section [14.16C.090](#).
- (b) Underlying land use and zoning designations may be changed by the legislative authority granted to the City through its normal Comprehensive Plan amendment or rezoning procedures. However, the land will retain the critical area sending district designation until that designation is specifically removed.
- (c) Land designated as a critical area sending or receiving district shall be shown as an overlay district on the Official Zoning Map. The map shall be modified upon each designation or revocation.
- (d) Designation or revocation as a critical area sending or receiving district shall be recorded with the Snohomish County recorder's office and shall run with the land. (Ord. 903, Sec. 55, 2013; Ord. 811, Sec. 74, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.940 Designation Revocation.

- (a) Land that has been designated as a critical area sending district shall retain its designation:
 - (1) Until all development rights calculated for that parcel have been transferred; or
 - (2) For a period of three years, whereby the designation may be reviewed for reconsideration. The designation may be continued upon all of the following findings being met:
 - (i) The property retains the same characteristics that qualified it as a critical area receiving district in the first place.
 - (ii) The owner(s) of the property desire a continuation of the designation.
 - (iii) It is still in the public interest to continue the designation.
- (b) Land that has been designated a critical area receiving district shall retain its designation until the property has yielded its development potential.
- (c) The Council may reconsider designation revocation of a noncritical area when it determines that the property is no longer suitable for public use.
- (d) Revocation of a critical area sending or receiving district designation shall not affect the underlying land use designation or zone. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.950 Calculating Transferable Development Rights.

- (a) Maximum transferable development rights shall be calculated for each parcel or portion of a parcel by calculating the theoretical development capacity were the land not classified as a critical area. Theoretical development capacity is calculated based on the requirements of this title, in particular Chapter [14.48](#), Density and Dimensional Regulations, but also taking into account the requirements of all other chapters (e.g., parking, screening, fire code, building code, etc.).
- (b) Only like development rights may be transferred, and may only be transferred to a zone allowing a similar use, e.g., commercial square footage may be transferred out of a commercial district and into

another commercial district or an industrial district that allows commercial uses. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part X. Mitigation Plan Requirements

14.88.960 Criteria.

Repealed by Ord. 741. (Ord. 468, 1995)

DRAFT

Attachment B



January 4, 2017

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

Subject: Planning Commission Recommendation – Critical Areas Regulations (LUA2016-0024)

Dear Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, January 4, 2017 to consider amendments to the city's Critical Areas regulations in chapters 14.08 and 14.88 of the Lake Stevens Municipal Code.

Commissioners Present: Commissioner Davis, Commissioner Huxford, Commissioner Oslund, Commissioner Trout

Commissioners Absent: Commissioner Hoult

PLANNING COMMISSION PUBLIC HEARING January 4, 2017

Planning and Community Development staff presented the proposed code amendments, summarized findings and conclusions from the staff report, and answered the Commission's questions. Sally Jo Sebring inquired on how credit for wetland banking will be defined and used in the new code. Director Wright responded that the revised code provides additional clarity on the use of mitigation banking.

FINDINGS AND CONCLUSIONS

The Planning Commission hereby adopts staff's findings and conclusions, included below, and concludes that the proposed amendments.

1. Comply with selected Goals of the Comprehensive Plan

- Land Use Goal 2.10 - Ensure that land uses optimize economic benefit and the enjoyment and protection of natural resources while minimizing the threat to health, safety and welfare.
- Land Use Goal 2.11 - Where possible, use elements of the natural drainage system to minimize storm water runoff impacts.
- Environmental and Natural Resources Goal 4.1 - Sustain environmental quality through the preservation and conservation of the natural environment and resources, and require development to be sensitive to site characteristics and protect natural and cultural resources.
- Environmental and Natural Resources Goal 4.3 - Protect the natural environment, surface water and ground water and aquifer recharge areas, conserve all critical areas including wetlands, shorelines, creeks/streams, geological hazard areas and wildlife habitats by locating development within geographically suitable and geologically stable areas, and coordinate local development regulations with state and federal policies.

Conclusions – The proposed code amendments are consistent with Comprehensive Plan goals.

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

- The SEPA official issued a Determination of Non-significance on February 5, 2016.
- The city did not receive any appeals related to the SEPA determination.
- The city responded to comments from the Department of Ecology.

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

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

- The city sent the amendments to the Department of Commerce on January 28, 2016 for the required 60-day review.
- The Department of Commerce sent a letter of acknowledgment on February 1, 2016
- Staff will file the final ordinance with the Department of Commerce within 10 days of final City Council action.

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

4. *Comply with Public Notice and Comment Requirements*

- The city published a notice of SEPA determination in the Everett Herald on February 5, 2016.
- The city published the required Public Hearing notices in the Everett Herald twice per LSMC 1416B LSMC.

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

PLANNING COMMISSION RECOMMENDATION

MOTION: Commissioner Huxford/Second Vicki Oslund forward a recommendation to the City Council to APPROVE the proposed amendment/Critical Areas regulations in chapters 14.08 and 14.88 of the Lake Stevens Municipal Code. Motion carried (4-0-0-1)

Respectfully submitted,

Lake Stevens Planning Commission

Signed original on file

Jennifer Davis, Vice Chairperson

City of Lake Stevens

Memo

To: City Council
From: Mayor Spencer
Date: February 28, 2017
RE: Planning Commission Appointments

There are currently two vacancies on the Planning Commission. The City advertised to fill the vacancies and received eight applications. On February 16, 2017, Councilmembers Hilt and McDaniel, Community Development Director Wright, Planning Commission Vice Chair Vicki Oslund and I interviewed the candidates. At this time I recommend that Karim Ali be appointed to vacant position no. 5 with a term expiring December 31, 2018, and that Brett Gailey be appointed to vacant position no. 2 with a term expiring December 31, 2020.

Mr. Ali will bring the following skills and abilities to the Planning Commission:

- Background in real estate with the related understanding of the value of comprehensive planning and zoning
- An understanding of how the development process works at both the commercial and residential levels
- Solid communication skills, including among diverse population groups

Mr. Gailey will contribute the following skills and abilities to the Planning Commission:

- Active in Washington Council of Sheriffs and Police, Vice President of Mystic Ridge Homeowners Association
- Previous civic experience and volunteering, including working with legislation
- Strong background and interest in Lake Stevens Planning and Economic Development.

Attached are both Mr. Ali's and Mr. Gailey's resumes.

APPLICATION FOR MEMBERSHIP:

(Fillable Form OR Print Form and Hand Print Responses – Attach Resume if Desired)

Planning Commission

NAME: Karim Ali DATE: 01/23/2017

ADDRESS: 11303 30th St NE

HOME PHONE:

CITY/ZIP: Lake Stevens 98258

WORK PHONE:

EMAIL ADDRESS: karimsproperties@gmail.com

CELL PHONE: 425-344-6262

Are you a City resident? Yes

If yes, how long? 20 years

Are you a registered voter? Yes

For Civil Service Commission **ONLY**: Political Affiliation:

(Required per LSMC §2.68.020 C: At the time of appointment, not more than two civil service commissioners shall

be adherents of the same party.)

NAME/ADDRESS OF EMPLOYER (and type of business): Self-Employed Real Estate Broker, Equality Realty

EDUCATIONAL BACKGROUND (including year graduated and degrees):

My educational background includes earning my GED in 2000, one year of english and math courses at EVCC in 2002 and many online courses that relate to best practices of business in real estate. Most of my education has been obtained through work and life experiences. While I do not hold a college degree, I do not believe this hinders my ability to contribute to the planning commission. Rather it makes me a stronger candidate to represent the majority of Lake Stevens residents, (per 2015 U.S. census).

PROFESSIONAL EXPERIENCE:

Most recently my professional experience has been in the area of real estate. As an independent small business owner, I value hard work and enabling others' success. Through my current business I have knowledge of zoning and other land-use determinations. Obtaining documents from the county to implement boundary line adjustments and short plats are also within the scope of my professional and personal experience. This background is a foundation for being a successful, contributing member of the planning committee.

ORGANIZED AFFILIATIONS:

NWMLS. NAREB, 4H volunteer with Bicycle Tree club.

WHY ARE YOU SEEKING APPOINTMENT?

Having this appointment would allow me to contribute to society in a role beyond my current business ventures while being also a voice within our community. I am seeking this appointment because it would be an honor to represent many of the home buyers I have brought to Lake Stevens as well as existing residents. I believe the planning commission position reflects my current business practices on a larger scale, allowing me to help the community as it continues moving forward. A core value of mine is, and always has been, enabling the success of others, whether on a large scale such as the city or individual families finding their forever homes.

Additionally, my wife and I are raising three daughters here and would like to ensure that Lake Stevens remains a solid community in which our family would like to remain or my daughters return to after college. I intend to bring open, honest and fair opinions to the commission in regard to the advising of land-use permits, planning capacities, comprehensive attention to zoning detail, and sustainable growth for the city.

WHAT QUALITIES DO YOU POSSESS THAT WOULD ENABLE YOU TO FULFILL THE POSITION?

One quality I possess enabling me to fulfill the position is a solid set of communication skills among a variety of peoples, including diverse population groups. For instance, in my role as a real estate broker I am responsible for communicating buyers' needs and wants to not only sellers, but also contractors, loan officers, escrow agencies, etc. I advocate for my all clients to fulfill their home buying needs within a demanding, time-sensitive and competitive market. The ability to communicate serves as an important platform in any role, such as this planning position.

Another quality I offer returns to my real estate business. I understand the need for comprehensive planning and zoning as it relates to real estate also. It is essential to know property boundaries and limits, commercial versus residential zones, etc. Much of my personal business is rooted in the same principles as the planning commission council, which I believe embodies the purpose of this position. This fundamental knowledge translates into a quantifiable skill. I value and respect everyone's needs and will bring this conviction to the commission as it pertains to sustainable city growth.

RECEIVED

DEC 27 2016

6:30 PM

APPLICATION FOR MEMBERSHIP:

(Fillable Form OR Print Form and Hand Print Responses – Attach Resume if Desired) CITY OF LAKE STEVENS

Planning Commission ☐



NAME: Brett Gailey

DATE: 12/23/2016

ADDRESS: 7727 13th ST SE

HOME PHONE: _____

CITY/ZIP: Lake Stevens WA 98258

WORK PHONE: _____

EMAIL ADDRESS: sheepdog566@gmail.com

CELL PHONE: 425-244-3443

Are you a City resident? Yes ☒

If yes, how long? 5 years

Are you a registered voter? Yes ☒

For Civil Service Commission **ONLY**: Political Affiliation: _____
(Required per LSMC §2.68.020 C: At the time of appointment, not more than two civil service commissioners shall be adherents of the same party.)

NAME/ADDRESS OF EMPLOYER (and type of business): City of Everett- Police Department

EDUCATIONAL BACKGROUND (including year graduated and degrees): _____

BA Spanish from Boise State University


Working on MBA from American Military University- Projected completion July 2017

PROFESSIONAL EXPERIENCE: 18 years Police Officer, 23 years US Army Reserves/Guard

ORGANIZED AFFILIATIONS: Washington Council of Sheriffs and Police, VP Mystic Ridge HOA
Everett Police Officer's Association

WHY ARE YOU SEEKING APPOINTMENT? Provide input into Lake Stevens Planning and Economic
Development. Gain experience in city government planning processes.

WHAT QUALITIES DO YOU POSSESS THAT WOULD ENABLE YOU TO FULFILL THE POSITION? Public Safety
background. Military planning and budgeting processes.


Signature

Please return completed application to:
City of Lake Stevens
Attn: Deputy City Clerk
1812 Main Street, P.O. Box 257
Lake Stevens, WA 98258
OR: deputycityclerk@lakestevenswa.gov
425.334.1012

Brett Gailey Resume

23 December 2016

BRETT A. GALEY

Professional Experiences

Police Officer- Boise Police Department 1998-2004. Everett Police Department 2004 to Current. Duties- Patrol Officer, Property Crimes Detective, Anti-Crime Team Officer and SWAT/Sniper Team Member.

Military Service- Current Rank- Lieutenant Colonel. Currently assigned to US Ground Forces Japan as Officer in Charge of Military Intelligence. US Army Reserves 1989-1995. Idaho National Guard 1995-2014. US Army Reserves 2014 to Current. Operation Iraqi Freedom 2004-2005. Operation New Dawn 2010-2011.

Civic Experience and Volunteer Work

Basketball and Baseball Coach in the Lake Stevens Boys and Girls Club

Cubmaster- Lake Stevens Cub Scout Den

Teacher in Church Men's Group

Vice President Mystic Ridge Homeowners Association

Lobbyist Idaho Fraternal Order of Police- Idaho Legislature 2000-2004.

Everett Police Officer Association Legislative Representative to Washington Council of Police and Sheriffs- Washington Legislature 2014 to Current.

Alicia's Law Legislation- Increased financial support for Internet Crimes Against Children

Civilian Education

Pendleton High School, Pendleton, Oregon

Graduated 1989

Boise State University, Boise, Idaho

BA 1995

American Military University-

MBA (Homeland Security Resource Allocation)

Projected 2017

Military and Police Schools Attended

Idaho Police Officer's Standards and Training Academy

1998

Washington State Basic Law Enforcement Equivalency Academy

2006

Military Police Officers Basic Course

1995

Military Intelligence Advanced Officer Course

2003

Combined Arms Service and Staff School

2004

Command and General Staff College

2009

Military and Police Awards

Bronze Star

Defense Meritorious Service Medal

Army Commendation Medal (7 Awards)

Global War on Terrorism

Iraqi Campaign Ribbon (2 Awards)

Everett PD Medal of Merit

VPW Law Enforcement Officer of the Year 2012

Hobbies

Hiking, Reading History, Politics

Amateur Radio General Class- Summits on the Air Activations



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City of Lake Stevens

Memo

To: City Council
From: Mayor Spencer
Date: February 28, 2017
RE: Design Review Board Appointments

The Design Review Board was created under LSMC 14.16C.050 to review and make urban design decisions that will promote visual quality throughout the City. LSMC 14.16.340(b) sets out the requirements for being appointed to the Design Review Board (DRB) as follows:

(b) Appointments and Qualifications.

(1) The Design Review Board shall consist of five individuals, of which at least three are City residents, from the following representatives selected by the City Council and shall include staff as a resource:

- (i) At least one member and a designated alternate of the Lake Stevens Planning Commission;
- (ii) At least one member and a designated alternate who work as urban design professionals experienced in the disciplines of architecture, landscape architecture, urban design, graphic design or similar disciplines and need not be residents of the City; and
- (iii) At least one member and a designated alternate who is a city resident that has expressed an interest in urban design.

The City recently received a resignation of position no. 4, leaving two vacancies on this board.

Following an interview, at the June 14, 2016 Council meeting Michael Lauer was appointed to serve as Member at Large on the DRB. As Member at Large Mr. Lauer has contributed significantly to the DRB. He is experienced with systems design, project and operations management, renewable energy, and process improvement. A copy of Mr. Lauer's application and resume is attached. It is my recommendation that Mr. Lauer be appointed to the vacant position no. 4 on the Design Review Board, with a term expiring December 31, 2019. Mr. Lauer has indicated he would be pleased to accept this appointment.

Sharon "Sammie" Thurber previously served on the Planning Commission and applied for the vacant Planning Commission positions. Following interviews, Ms. Thurber was contacted and said she would be interested in an appointment to the Design Review Board as a Member at Large. Ms. Thurber brings her previous experience as a Lake Stevens Planning Commissioner and a strong eye for detail. A copy of her application to the Planning Commission is attached. It is my recommendation that Ms. Thurber be appointed as Member at Large to the Design Review Board, with a term expiring December 31, 2019.

Kathleen Pugh

7/2/16 5/31/2016
4:30
email sent
5/17/16

From: Lauer, Michael <MRLauer@SNOPUD.com>
Sent: Monday, March 28, 2016 2:07 PM
To: Kathleen Pugh
Cc: 'thelauerfamily@comcast.net'
Subject: Design Review Board Application - Michael Lauer
Attachments: LS Design Review Board App- MRLAUER.pdf; MRLauer Current PUD Senior Designer Resume.pdf

Greetings,

Attached you will find a completed and signed application for the open Design Review Board and my current resume. My LinkedIn profile can be viewed by clicking [here](#).

Our family of 5 has lived in the Lake Stevens community for the past 4 years and we are closing the purchase of our first house at the end of April near the High School. We plan to be here long term and we would like to be more involved within the community. My wife is the current Director of the Lake Stevens Food Bank. Our 2 oldest are enrolled in Mount Pilchuck Elementary. Our youngest will enroll in Kindergarten at Highland Elementary next year after.

For the past 8 years, I have worked at the Snohomish County PUD in various Design Engineering roles in the Distribution & Engineering group. Currently I am working in the Standards Engineering department and assisting with testing our new SAP computer system and improving existing business processes. I also and classroom train and support co-workers with most computer processing as a District Super User. Additionally, I am involved with our Safety Department as a Safety Culture & Continuous Improvement Facilitator and have been a Safety Chair and Safety Secretary in the past.

Sharing experience and insight to help shape the design of our community would almost be as amazing as the knowledge and experience gained along the way.

Looking forward to speaking with you about this great opportunity. Please contact me by email or directly at 360-421-3092.

Thanks,

Michael Lauer

Senior Designer - Standards Engineering
Snohomish County PUD
425-783-5154 (OPS-O2)
mrlauer@snopud.com

Please consider the environment before printing this e-mail

CONFIDENTIALITY NOTICE

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APPLICATION FOR MEMBERSHIP:

(Fillable Form OR Print Form and Hand Print Responses – Attach Resume if Desired)



Design Review Board

NAME: Michael Lauer

DATE: 03/28/2016

ADDRESS: 2505 MeadowDr

HOME PHONE: 360-421-3092

CITY/ZIP: Lake Stevens, WA 98258

WORK PHONE: 424-783-5154

EMAIL ADDRESS: thelauerfamily@comcast.net

CELL PHONE: 425-239-0858

Are you a City resident? Yes

If yes, how long? 4 years

Are you a registered voter? Yes

For Civil Service Commission **ONLY**: Political Affiliation: _____

(Required per LSMC §2.68.020 C: At the time of appointment, not more than two civil service commissioners shall be adherents of the same party.)

NAME/ADDRESS OF EMPLOYER (and type of business): Snohomish County PUD, PO Box 1107, Everett, WA 98206

EDUCATIONAL BACKGROUND (including year graduated and degrees): UW/WSU Northwest Workforce Training - Smart Grid - Certification

Case Western University University - Operations/Business Management - 4 Semester Completed - Degree not finished Series 6 & 63 - Financial Services - Licensing

Jones NCTI - Broadband Sysyem Technician - Certification. Currently studying for EIT/PE tests for Professional Engineering licensing.

PROFESSIONAL EXPERIENCE: Senior Designer, Standards, Transmission & Distribution Engineering, Project/Construction Management, Business Analyst, Safety Culture Facilitator, Trainer, Mentor

ORGANIZED AFFILIATIONS: IEEE, Northwest Energy Systems, NW Wireless Association Group, Utility Analytics

WHY ARE YOU SEEKING APPOINTMENT? Community involvement, leadership/volunteer opportunities, being a positive role-model for my children.

WHAT QUALITIES DO YOU POSSESS THAT WOULD ENABLE YOU TO FULFILL THE POSITION? System Design, Project/ Operations Management, Smart Grid Initiatives, Process Improvement, Renewable Energy, Standards, Customer Service, Leadership.

mrlauer@snopud.com

Digitally signed by mrlauer@snopud.com
DN: cn=mrlauer@snopud.com
Date: 2016.03.28 10:30:30 -0700

Signature

Please return completed application to:

City of Lake Stevens

Attn: Deputy City Clerk

1812 Main Street, P.O. Box 257

Lake Stevens, WA 98258

OR: deputycityclerk@lakestevenswa.gov

425.334.1012

Michael Lauer

Senior Designer
Transmission Engineering Services
Snohomish County PUD
mrlauer@snopud.com
(425) 239-0858

QUALIFICATIONS

Transmission & Distribution Design & Engineering, Program & Project Management, Construction & Customer Service Contract Management, Customer Relationship & Asset Management, Change Management, Continuous Safety Improvement, Cost Estimates, Permitting/Inspections, Quality Control, SAP, PLS-CADD, MicroStation, GIS, MS Office (including Project & Visio), Digital Photography and Surveying/Engineering tools.

Leads by example, demonstrates a strong work ethic, communicates effectively, presents in a professional manor, and gathers all facts before coming to a confident conclusion.

EMPLOYMENT

2008-Present Snohomish County PUD

Transmission Engineering Services – Senior Designer & Change Champion

Using program management and leadership skills, directs the Joint Use Engineering pole attachment permitting program.

Using project management and engineering skills, designs all NESC make ready work and transmission/distribution utility pole relocations/replacements required for communication attachment permits, including cost estimates, local agency construction permitting, and joint pole notifications.

Using construction management and organizational skills, coordinates wireless cell site installations and modifications on transmission and distribution utility poles.

Using contract management and engineering skills, designs SCADA system smart grid fiber optic cable installations, upgrades, and repairs.

Using knowledge of existing procedure and policy, manages public work contracts over \$300,000, small work roster projects up to \$300,000 and small public work contracts up to \$25,000.

Using communication and leadership skills, represents department/division as safety chair and Kaizen Safety Continuous Improvement Team member.

Special Project – ONE Program Change Champion

Using mentoring and training skills, effectively communicate and educate co-workers on upcoming system and process changes.

Responsibilities include One Program Change Champion, SAP Subject Matter Expert, SAP SuperUser and Business Process Analyst

Michael R. Lauer

Snohomish County PUD
Transmission Engineering Dept
mrlauer@snopud.com
(360) 421-3092

Special Project - CRIS – Change Management / Training Team

Using presentation and mentoring skills, successfully delivered multiple CRIS courses to current PUD Management, Engineering, Customer Service, and Office Support Specialists, while identifying business processes that facilitated system change.

Special Project – Fiber Optic Build-Out /Field Design Team

Using technical problem solving and organizational skills, designed and coordinated electrical communication system upgrades and additions using approved Standards & Procedures, while proactively identifying and improving process efficiency. Duties included field engineering, data analysis, special permitting, joint-pole notifications, traffic control, and material requests.

Everett Customer Engineering – Assistant Designer

Using technical problem solving and organizational skills, designed and coordinated line extensions, depreciated pole replacements, and site inspections using PUD approved Standards & Procedures.

2006-2008 System Technician, Wave Broadband

Using technical problem solving skills, corrected and proactively identified broadband system issues ranging from customer computers and broadband devices to fiber optic nodes, including trunk and feeder cables, power supplies, amplifiers, taps, and customer local area networks. Primary customer service contact for accounts while escalated system issues corrected.

2005-2006 Service Technician, Bresnan Communications

Designed and installed residential and business broadband networks while solving problems within accounts and local area networks ranging from computer and broadband devices to tap, including aerial and underground cable drops.

2001-2005 Mutual Fund Specialist, Columbia Funds,

Provided detailed and complex financial information to investors and brokers in simple terms while presenting and teaching technical and marketing information to coworkers in order to quickly and accurately communicate mutual fund financial information and investment strategies.

REFERENCES

Chris Lee	Transmission Manager	Snohomish PUD	425-783-4310
John Gregory	Everett Manager	Snohomish PUD	425-783-8391
Steve Stangvik	Project Engineer	Snohomish PUD	425-783-5551
Maureen Nave	Joint Use Administrator	Snohomish PUD	425-783-5681

EDUCATION

2010-2012:	University of Washington /WSU	Smart Grid Program	Seattle, WA
1996-1993:	Case Western Reserve University	Operations Management	Cleveland, OH
1993-1989:	R.B. Chamberlin High School	College Preparatory	Twinsburg, OH

APPLICATION FOR MEMBERSHIP:

(Fillable Form OR Print Form and Hand Print Responses – Attach Resume if Desired)

Planning Commission



City of Lake Stevens
City Council Regular Meeting 2/28/2017
Page 130

4:00 p.m.
confirmed by
telephone
2/13/17

NAME: Sharon (Sammie) Thurber

DATE: 01/23/2017

ADDRESS: 8430 15th Pl. SE #62

HOME PHONE: 425-334-8901

CITY/ZIP: Lake Stevens, WA 98258

WORK PHONE:

EMAIL ADDRESS:

CELL PHONE: 509-945-7067

Are you a City resident? Yes

If yes, how long? 8 1/2 Yrs

Are you a registered voter? Yes

For Civil Service Commission **ONLY**: Political Affiliation:

(Required per LSMC §2.68.020 C: At the time of appointment, not more than two civil service commissioners shall be adherents of the same party.)

NAME/ADDRESS OF EMPLOYER (and type of business): Cardinal Estates 55+ Mfd. Home Community

EDUCATIONAL BACKGROUND (including year graduated and degrees): 1987 BA in Accounting and Finance

PROFESSIONAL EXPERIENCE: Auditor for several governmental agencies. Business mgr for Education co-op dealing with Federal and State Funding.

ORGANIZED AFFILIATIONS: Certified Internal Auditor, former member of Federal Fraud Examiners Ass'n.

WHY ARE YOU SEEKING APPOINTMENT? I had to give up my former appointment to the Planning Commission due to family responsibilities in TX. Sadly she has passed away.

WHAT QUALITIES DO YOU POSSESS THAT WOULD ENABLE YOU TO FULFILL THE POSITION? I am a cubby hole person that reads everything and asks a lot of questions. Was told I was a good planning commissioner before, and think I would be again.

Please return completed application to:

City of Lake Stevens

Attn: Deputy City Clerk

1812 Main Street, P.O. Box 257

Lake Stevens, WA 98258

OR: deputycityclerk@lakestevenswa.gov

425.334.1012

Signature
Sharon (Sammie) Thurber



LAKE STEVENS CITY COUNCIL

STAFF REPORT

Council Agenda Date: February 28, 2017

Subject: Final Plat – Eagle Glen (S&G) Subdivision (LUA2017-0007)

Contact Person/Department: Stacie Pratschner / Planning Department **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. **ACTION:** Hold a public meeting pursuant to LSMC 14.18.035(a); and
2. **MOTION:** Accept the Eagle Glen (S&G) subdivision and associated right-of-way dedication (LUA2017-0007) by motion.

SUMMARY: Public meeting and City Council acceptance of the final plat and associated right-of-way dedication for the Eagle Glen Subdivision – a proposed 68-lot residential subdivision.

BACKGROUND: Final Plats are Type V Quasi-Judicial decisions per Table 14.16A-I. City Council accepts final plats, following a public meeting and dedication of right-of-way, when the subdivision's proponent has met municipal requirements for preliminary plats (Chapter 14.18 LSMC), completed applicable conditions of approval and met the requirements of Chapter 58.17 RCW.

The city determined the proposal qualifies as a Planned Action and additional SEPA review is not required. The city issued a Planned Action Certificate on October 2, 2013. The Design Review Board recommended approval of the project on October 29, 2013. The Hearing Examiner approved the preliminary plat on December 3, 2013. The city approved an early fill and grade permit on May 28, 2014 and issued an addendum to the permit on June 30, 2014. Construction plans for the project were approved on May 5, 2016. The city approved a fill and grade permit on June 9, 2016 to construct the off-site sewer alignment from 20th Street SE to the project site (**Exhibit 1**). The city received a pre-application for early review of the final plat on October 12, 2016 at which time staff, partner agencies and the city's surveying consultant reviewed and commented on the final project drawings and reports. The final plat has addressed pre-application review comments.

CONCLUSIONS: Planning and Community Development have prepared a final subdivision recommendation for City Council's review and consideration along with the final plat map (**Exhibits 1 through 5**). Staff concludes the final subdivision meets the requirements of the Lake Stevens Municipal Code, conditions of approval and the requirements of Chapter 58.17 RCW (Subdivisions-Dedications).

1. The city has confirmed that all required improvements for subdivision approval have been installed, are pending installation or are financially secured as approved by the Public Works Director and the Community Development Director or designees.
2. The proposed subdivision documents submitted to the city of Lake Stevens meet all requirements of the preliminary plat approval (LUA2013-0106) and the city's standards for final plat approval (LUA2017-0007).

3. The subdivision, as proposed, is consistent with all applicable requirements, permit processing procedures and other applicable codes.

RECOMMENDATION & CONDITIONS

The Planning and Community Development Department recommends **APPROVAL**, of the Final Plat for the Eagle Glen Subdivision along with dedication of right-of-way as shown in **Exhibit 3**, subject to the listed conditions:

1. The proponent or successor shall record the approved subdivision (final plat) as depicted in **Exhibit 2** within 12 months of this approval – all recording fees shall be the obligation of the subdivision proponent.
2. The proponent or successor shall provide conformed copies of the approved final plat to the city of Lake Stevens after recording with Snohomish County.
3. The proponent or successor must complete all remaining items under the terms of the accepted financial securities in place including final paving, frontage improvements and maintenance obligations.
4. The city will release custody of the signed plat documents for recording upon completion of the sewer alignment from 20th Street SE to the project site and the entire sewer system improvements have been completed, inspected and approved (**Exhibit 1**).
5. The proponent or successor must comply with any federal, state, or local statutes, ordinances, or regulations applicable to this project. Failure to meet or maintain strict compliance with these regulations and conditions shall be grounds for revocation of this permit.

APPLICABLE CITY POLICIES: Chapter 14.18 LSMC - Subdivisions, Boundary Line Adjustments and Binding Site Plans and Chapter 14.16B LSMC

BUDGET IMPACT: None at the time of subdivision; however, the city will collect impact fees for schools, parks, and traffic when building permits are issued.

EXHIBIT LIST:

1. Strootman Sewer Alignment
2. Eagle Glen Subdivision application, received January 18, 2017
3. Eagle Glen final plat map
4. Affidavit of Notice
5. Notice of Application and Public Meeting

STROOTMAN OFF-SITE SEWER

SECTION 19, TOWNSHIP 29N, RANGE 6E, W.M.

Exhibit 1

General Notes:

- All work and materials shall be in accordance with current City of Lake Stevens Engineering Design and Development Standards; the current edition of the Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction; and the current adopted edition of the Washington State Department of Ecology Stormwater Management Manual for Western Washington.
- All work within the plat and City right-of-way shall be subject to the inspection of the Public Works Director, designee, or designated representative.
- Prior to any site construction, including clearing/logging or grading, the site clearing limits shall be located and field identified by the project surveyor (or project engineer) as required by these plans. The project surveyor's name and phone number is _____.
- The developer, contractor and project engineer are responsible for water quality as determined by the monitoring program established by the project engineer. The project engineer's name and phone number is _____.
- Prior to any site work, the contractor shall contact the Department of Public Works at 425-377-3222 to schedule a preconstruction conference. Engineered as-built drawings in accordance with the current adopted International Building Code shall be required prior to site approval.
- The contractor shall be responsible for obtaining all permits for utility, road, and right-of-way construction, and stormwater. The contractor for this project is _____. Contact person is _____, Phone _____, Mobile phone _____, emergency phone _____.
- The Construction Stormwater Pollution Prevention (SWPP) facilities shall be constructed in accordance with the approved SWPPP prior to any grading or extensive land clearing. These facilities must be satisfactorily maintained until construction and landscaping is completed and the potential for on-site erosion has passed. Sediment laden waters shall not enter the natural drainage system.
- Non compliance with the requirements for; erosion controls, water quality and clearing limits may result in revocation of project permits, plan approval and bond foreclosures.
- Trench backfill of new utilities and storm drainage facilities shall be compacted to 95% maximum density (modified proctor) under roadways and 90% maximum density (modified proctor) off roadways. Compaction shall be performed in accordance with Sections 7-08.3(3) 1-12 and 2-03.3(14)C - Method B as defined in the current edition of the WSDOT Standard Specifications for Road, Bridge, and Municipal Construction.
- The owner and contractor shall be responsible for locating and protecting all existing utilities prior to beginning construction. Location of utilities shown on construction plans are based on best records available and are subject to variation. For assistance in utility location, call 1-800-424-5555.
- Prior to construction, the owner and/or contractor shall notify the project engineer and the Public Works Director or designee when conflicts exist between the plans and field conditions. Conflicts shall be resolved (including plan and profile revisions) and resubmitted for approval prior to proceeding with construction.
- The contractor shall keep two sets of plans on site at all times for recording as-built information; one set shall be submitted to the project engineer, and one set shall be submitted to the Public Works Director or designee at completion of construction and prior to final acceptance of work.
- A grading permit issued pursuant to the current adopted International Building Code, and approval of the temporary erosion and sedimentation control plan shall be obtained from the Planning and Land Use Department prior to any on-site grading work not expressly exempt by the current adopted International Building Code.
- Prior to commencement of framing, final drainage inspection and approval of the roof leader and positive footing systems shall be completed by the Building Department. Call 425-377-3223 to schedule the inspection.

SITE GRADING AND SWPPP NOTES:

- Noncompliance with the erosion control requirements, water quality requirements, LSMC 14.44, 14.64, and clearing limits violations may result in revocation of project permits and plan approval and bond foreclosures.
- Prior to any site construction, including clearing, logging or grading, the site clearing limits shall be located and field identified by the project surveyor (or project engineer) as required by these plans. The project surveyor's name and phone number is Crane Land Development Specialist 425.512.5437.
- Developer (or project engineer) is responsible for water quality as determined by the monitoring program established by the project engineer. The project engineer's name and phone number is Omega Engineering, Inc. 425.387.3820.
- The Construction Stormwater Pollution Prevention facilities shall be constructed in accordance with the approved SWPPP prior to any grading or extensive land clearing. An inspection by the 5-45 City of these facilities shall be arranged for by the contractor prior to any grading. These facilities must be satisfactorily maintained until construction and landscaping is completed and the potential for on-site erosion has passed.
- All site work must be performed in accordance with the current City adopted International Building Code.
- All earth work shall be performed in accordance with City Standards. Preconstruction soils investigation may be required to evaluate soils stability.
- If cut and fill slopes exceed a maximum of two feet horizontal to one foot vertical, a rock or concrete retaining wall may be required. All rock retaining walls greater than four (4) feet in height are to be designed and certified by a professional engineer experienced in soil mechanics.
- Stockpiles are to be located in safe areas and adequately protected by temporary seeding and mulching. Hydroseeding is preferred.
- All structural fills shall be compacted to a minimum of 95% maximum density in the upper 4 feet & 90% maximum density below 4 feet as determined by modified proctor.
- Prior to any site work pertaining to drainage, the contractor shall contact the Construction Inspection Division of Public Works Department at 360-377-3222 to schedule a preconstruction conference.
- Construction Stormwater Pollution Prevention measures shall be installed prior to any site work. (See attached detailed drainage plan).
- The surface of all slopes shall be compacted. This may be accomplished by over-building the slopes, then cutting back to final grades; or by compacting each lift as the slope is being constructed. All slopes shall be compacted by the end of each working day.
- Upon completion of work, final reports must be submitted to the City in conformance with the current City adopted International Building Code.

PROJECT SWPPP NOTES:

- Mark Clearing Limits
The first step in the "Construction Sequence" included on the clearing and grading plan sheets is for a surveyor to stake the limits of clearing and to have construction or silt fencing placed along the limits prior to any other construction activity.
- Establish Construction Access
The SWPPP calls for the proposed construction entrance to be installed as the second step after the staking of clearing limits. Since this site already has a paved access from the west this feature will be available immediately for this project. In addition, a note has been added for the contractor to establish an access once the first 100-feet of main has been installed on the east.
- Control Flow Rates
This project will retain as much existing vegetation as possible. Runoff from this site will not be concentrated by design, therefore the necessary vegetative buffers will be in place to provide the required flow control during construction.
- Install Sediment Controls
This site and SWPPP proposes to construct a construction entrance and perimeter protection to collect and contain the sediment on this site. These features are intended to minimize the opportunity for sediment to leave the site via stormwater or on vehicles. The construction of these features is one of the first items required in the "Construction Sequence". Mulch or gravel surfacing will also be used on the exposed soil as necessary to limit erosion.
- Stabilize Soils
The "Construction Sequence" calls for the stabilization of soils that remain unworked for certain lengths of time based on the time of year. Stabilization techniques may include but not limited to mulching, plastic sheeting or hydroseeding, notes have been added to the plan regarding protection for the stock pile areas when necessary.
- Protect Slopes
All slopes on site during construction are required to be protected with mulch or other means as specified in the construction sequence.
- Protect Drain Inlets
No inlets affected.
- Stabilize Channels and Outlets
No new pipes or channels proposed.
- Control Pollutants
No outside chemicals are expected to be necessary for the construction of this project. Concrete truck chutes, pumps, internals and hand tools shall be washed out only into formed areas awaiting installation of concrete or asphalt. Unused concrete remaining in the truck and pump shall be returned to the originating batch plant for recycling. When no formed areas are available, washwater and leftover product shall be contained in a lined container and disposed of in a manner that does not violate water quality standards. All vehicles working on and around the site would need to meet the State requirements for emissions. A drip pan or other appropriate temporary containment device shall be placed at locations where leaks or spills may occur during the fueling or maintenance of machinery.
- Control DeWatering
DeWatering is not expected for this project.
- Maintain BMPs
The construction supervisor will be responsible for maintaining all BMPs during construction and working with the City to relocate or add BMPs as necessary as site conditions change.
- Manage the Project
It will be the responsibility of the Contractor and Developer to manage this project and coordinate with the City Inspector and Engineer.

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE NOTES:

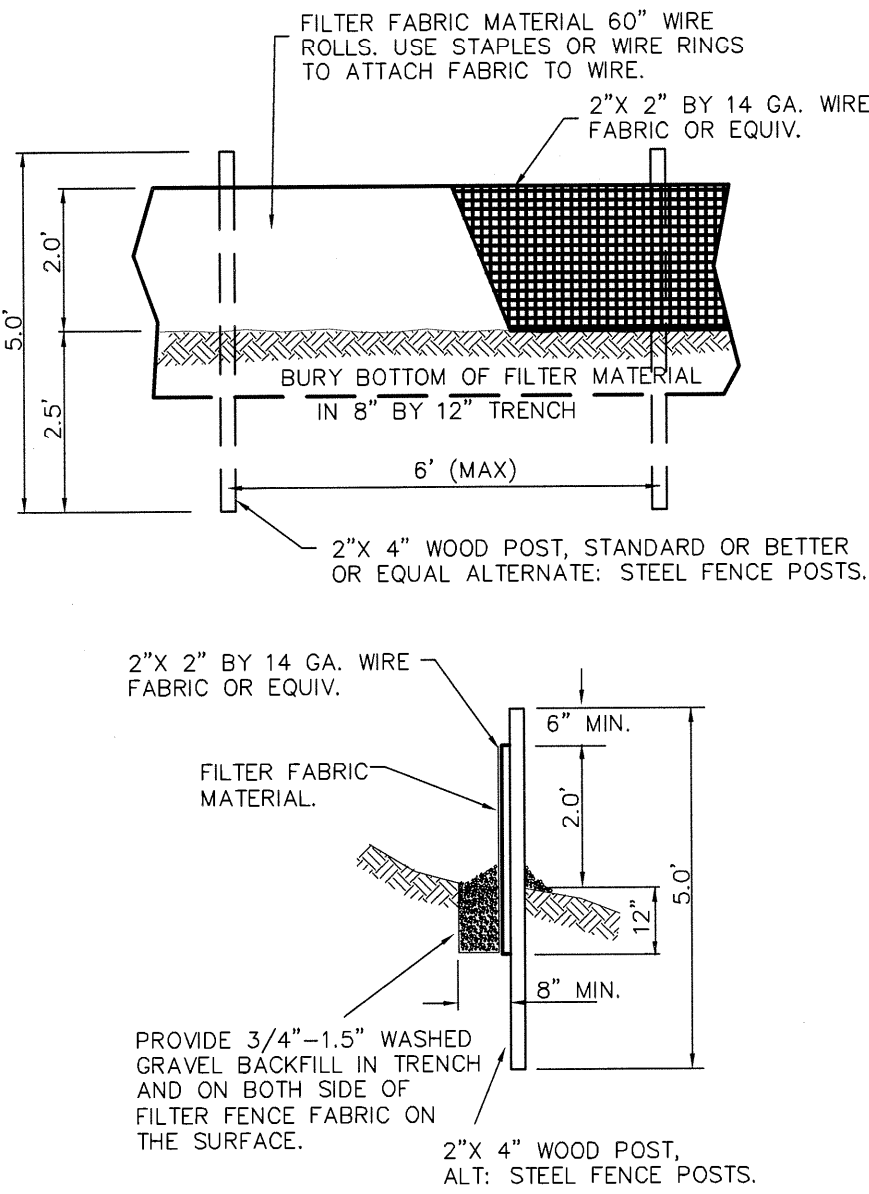
- The temporary construction entrance should be cleared of all vegetation, roots, and other objectionable material. Any drainage facilities required because of washing should be constructed according to specifications in the plan. If wash racks are used, they should be installed according to manufacturers specifications. 5-46
- Gravel shall be crushed ballast rock, 8" to 12" in depth and installed to the specified dimensions at the entrance.
- The gravel ballast rock shall be 4" to 8" in diameter and placed across the full width of the vehicular ingress and egress area. The length of entrance shall be a minimum of 100 feet or as specified by the City Construction Inspector or designee.
- If conditions on the site are such that most of the mud is not removed from vehicle tires by contact with the gravel, then the tires must be washed before vehicles enter onto a public road. Wash water must be carried away from entrance to a settling area to remove sediment. A wash rack may also be used to make washing more convenient and effective.
- The entrance shall be maintained in a condition which will prevent tracking or flow of mud onto public rights-of-way. This may require periodic top dressing with 2" stone, as conditions demand, and repair and/or clean out any structures used to trap sediment. All materials spilled, dropped, washed or tracked from vehicles onto roadway or into storm drains must be removed immediately.

hydroseeding general notes:

- construction acceptance will be subject to a well established ground cover that fulfills the requirements of the approved construction plans and city of lake stevens standards.
- all disturbed areas such as retention facilities, roadway backslopes, etc., shall be seeded with a perennial ground cover grass to minimize erosion. grass seeding will be done using an approved hydroseeder or as otherwise approved by the city of lake stevens.
- preparation of surface: all areas to be seeded shall be cultivated to the satisfaction of the city inspector. this may be accomplished by disking, raking, harrowing, or other acceptable means.
- immediately following finish grading permanent vegetation shall be applied consistent with the design and maintenance standards for temporary and permanent seeding in the city adopted department of ecology stormwater management manual for western washington.
- all hydroseeding firms shall have a printout of the application rate for each job readily available for inspection by the public works department.
- the city of lake stevens public works department shall be notified of potential hydroseeding prior to the commencement of same to ensure compliance of these specifications.

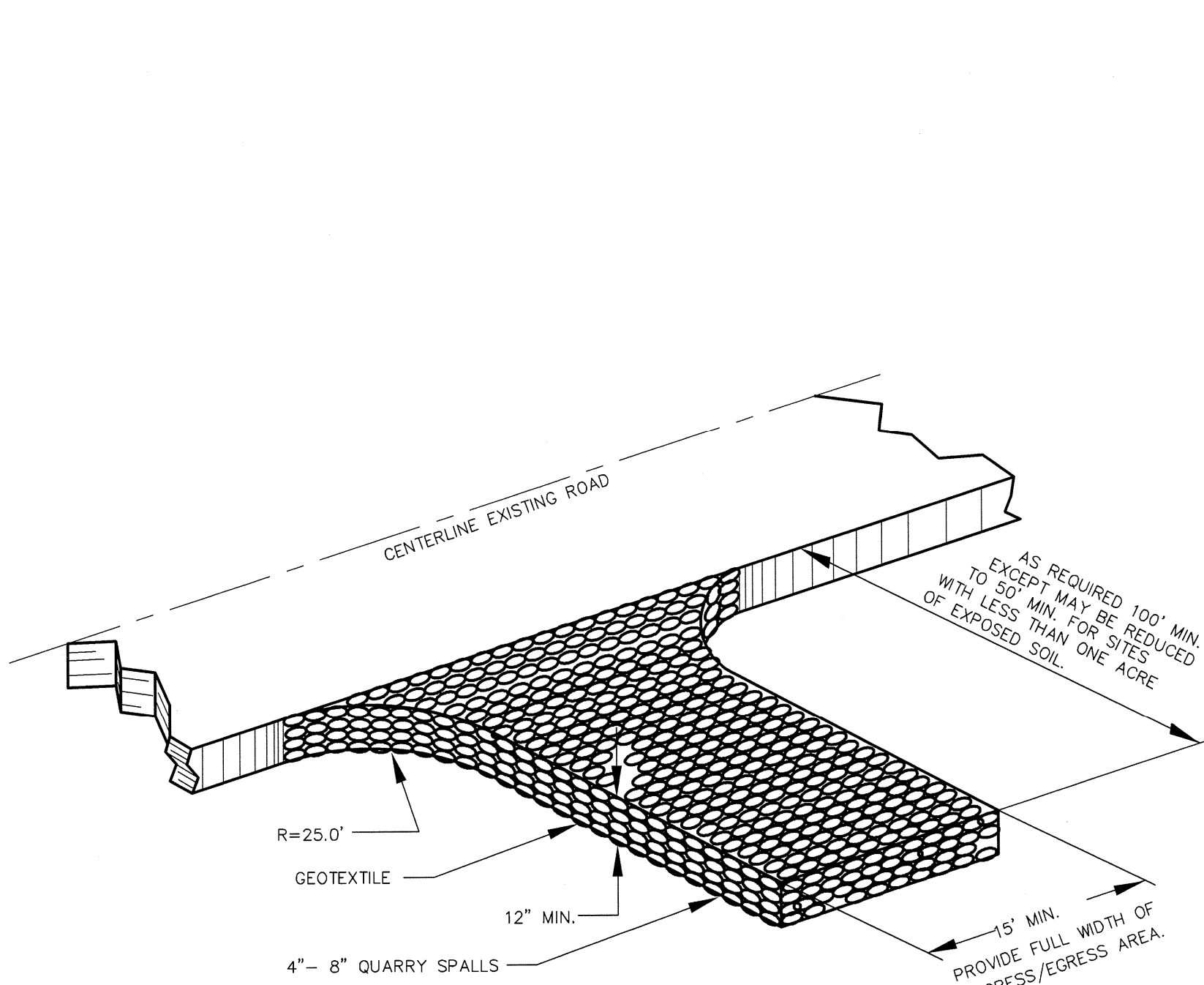
MAINTENANCE OF SILTATION BARRIERS NOTES:

Siltation barriers shall be inspected immediately after each rainfall and at least daily during prolonged rainfall. Close attention shall be paid to the repair of damaged bales, end runs and undercutting beneath bales. Necessary repairs to barriers or replacement bales shall be accomplished promptly. Sediment deposits shall be removed after each rainfall. Sediment deposits must be removed when sediment level reaches approximately one-half the siltation barrier height. Any sediment deposits remaining in place after the straw bale barrier is no longer required shall be dressed to conform to the existing grade, prepared and seeded.



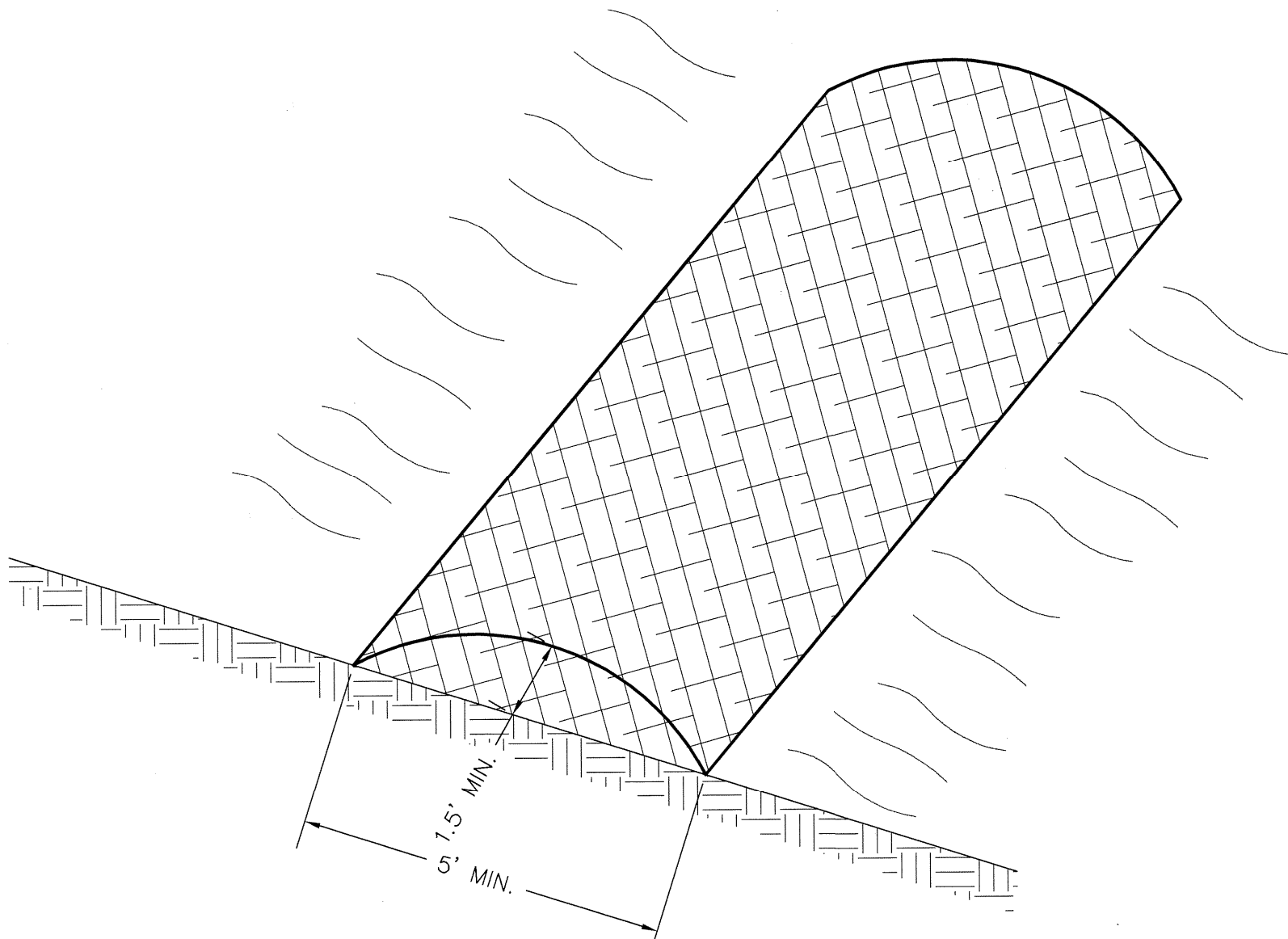
SILT FENCE DETAIL

N.T.S.



GRAVEL CONSTRUCTION ENTRANCE

N.T.S.



- NOTES:
- INSTALL BARRIER ALONG THE EXISTING CONTOURS.
 - INCREASE WIDTH IF EROSION OR CONCENTRATED RUNOFF OCCURS UNDER OR AROUND THE BARRIER.
 - 6" MAXIMUM DIAMETER OF DEBRIS, TOPSOIL STRIPINGS MAY ALSO BE USED.
 - FILTER FABRIC MAY BE ANCHORED OVER BRUSH TO ENHANCE FILTRATION ABILITY IF NECESSARY. ANCHOR IN 4"x4" TRENCH UPSLOPE OF BARRIER WITH COMPACTED BACKFILL. ANCHOR DOWNHILL EDGE WITH STAKES. 10-OUNCE BURLAP WITH WOOD STAKES MAY BE USED IN THE PLACE OF FILTER FABRIC FOR A FULLY BIODEGRADABLE INSTALLATION.

BRUSH BARRIER DETAIL

N.T.S.

BY	DESCRIPTION	DATE	R#

GRADING & SWPPP
DETAILS &
NOTES

2707 WETMORE AVE.
EVERETT, WA 98201
t 425.387.3820
f 425.259.1958

OMEGA
ENGINEERING, INC.

STROOTMAN OFF-SITE
SEWER

Lake Stevens, Washington
PORTION OF SECTION 19, TOWNSHIP
29 NORTH, RANGE 6 EAST, W.M.
BRYAN STROOTMAN

PROJ. NO.	15-1002	DSN. BY:	JMS
DATE:	1/27/16		
SCALE:	N.T.S.		
DRAWING NO.	2	OF	2



Exhibit 2

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

To Be Completed By Staff

Date of Application: _____

Staff Initials: _____

Permit Number: _____

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

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

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

Property Information	Site Address: 1525-99th Avenue SE, Lake Stevens, WA 98258			
	Assessor Parcel No: 00493401800400	Area of property	Square Feet: 437, 322	Acres: 10.04
	Land Use Designation: High Density Residential		Zoning: High Urban Residential (HUR)	
	Number of Buildings on Site/: 0		Number to be Retained: 0	
	Existing Impervious Surface Area: 0		Proposed Impervious Surface Area: 78,910 sf	
Applicant	Name/Company: Matt Recknagle / Lennar Northwest, Inc.			
	Address: 33455 6th Ave S, Unit 1-B		City/State/Zip: Federal Way, WA 98003	
	Phone: (253) 590-2219		Applicants relationship to owner: same	
	Fax: (253) 405-8695		Email: matthew.recknagle@lennar.com	
Primary Contact	Name/Company: H. George Newman AICP / Barghausen Consulting Engineers, Inc.			
	Address: 18215 72nd Ave S		City/State/Zip: Kent, WA 98032	
	Phone: (425) 251-6222		Email: gnewman@barghausen.com	
	Fax: (425) 251-8782			

Property Owner	Name/Company: William Sacriste, Director of Forward Planning / Lennar Northwest, Inc.				
	Address: 33455 6th Ave S, Unit 1-B		City/State/Zip: Federal Way, WA 98003		
	Phone: (253) 590-2204		Email: William.Sacriste@lennar.com		
	Fax: (253) 405-8695				
Project Description	Grading Quantities		Cut: 28,800		Fill: 31,600
	Eagle Glen (formerly known as S & G Subdivision) is an approved preliminary plat of 10.04 acres into 68 lots, 3 common tracts and new public road intersecting with 99th Avenue S.E. The horizontal control plan used for the construction plan preparation matches the preliminary plat approved by the Hearing Examiner in the decision issued December 3, 2013. The applicant is also requesting an early grading approval to remove stumps and to do preliminary earthwork prior to issuance of the grading permit.				
Building Information	Gross Floor Area of Existing and Proposed Buildings: N/A				
	Bldg 1:	Bldg: 2	Bldg 3:	Bldg 4:	Bldg 5:
	Gross Floor Area by Use of Buildings (please describe use as well as floor area):				
	Use 1:				
	Use 2:				
	Use3:				
	Use4:				

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

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

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

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


Signature of Property Owner/Agent

1/17/2017
Date of Application

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



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

To be completed by staff

Date of Application: _____

Staff Initials: _____

Permit Number: _____

STATEMENT OF OWNERSHIP/APPLICANT AUTHORITY

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

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

Applicant

Signature: _____

Name: William Sacriste

Address: 33455 6th Ave S, Unit 1-B
Federal Way, WA 98003

Phone: (253) 590-2204

Email address: William.Sacriste@lennar.com

Property Owner(s)

Signature: _____

Name: William Sacriste

Address: 33455 6th Ave S, Unit 1-B
Federal Way, WA 98003

Phone: (253) 590-2204

Email address: William.Sacriste@lennar.com

Signature: _____

Name: _____

Address: _____

Phone: _____

Email address: _____

NOTE ON ENTERING PROPERTY

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

LEGAL DESCRIPTION

[illegible]

EAGLE GLEN

PORTION OF THE NW1/4 OF THE SW1/4, SECTION 19, T29N-R6E, W.M., CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON

LEGAL DESCRIPTION

LOT 4, BLOCK 18, THE REPLAT OF LAKE STEVENS SUMMER HOME TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 9 OF PLATS, PAGE 66, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

DEDICATION

KNOW ALL MEN (PERSONS) BY THESE PRESENTS THAT LENNAR NORTHWEST, INC. A DELAWARE CORPORATION, THE UNDERSIGNED OWNER, IN FEE SIMPLE OF THE LAND HEREBY PLATTED, HEREBY DECLARE THIS PLAT AND DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, AVENUES, PLACES AND SEWER EASEMENTS OR WHATEVER PUBLIC PROPERTY THERE IS SHOWN ON THE PLAT AND THE USE FOR ANY AND ALL PUBLIC PURPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC HIGHWAY PURPOSES. ALSO, THE RIGHT TO MAKE ALL NECESSARY SLOPES FOR CUTS AND FILLS UPON LOTS, BLOCKS, TRACTS, ETC. SHOWN ON THIS PLAT IN THE REASONABLE ORIGINAL GRADING OF ALL THE STREETS, AVENUES, PLACES, ETC. SHOWN HEREON, ALSO, THE RIGHT TO DRAIN ALL STREETS OVER AND ACROSS ANY LOT OR LOTS WHERE WATER MIGHT TAKE A NATURAL COURSE AFTER THE STREET OR STREETS ARE GRADED. ALSO, ALL CLAIMS FOR DAMAGE AGAINST ANY GOVERNMENTAL AUTHORITY ARE WAIVED WHICH MAY BE OCCASIONED TO THE ADJACENT LAND BY THE ESTABLISHED CONSTRUCTION, DRAINAGE, AND MAINTENANCE OF SAID ROADS.

FOLLOWING ORIGINAL REASONABLE GRADING OF ROADS AND WAYS HEREON, NO DRAINAGE WATERS ON ANY LOT OR LOTS SHALL BE DIVERTED OR BLOCKED FROM THEIR NATURAL COURSE SO AS TO DISCHARGE UPON ANY PUBLIC ROAD RIGHTS-OF-WAY TO HAMPER PROPER ROAD DRAINAGE. THE OWNER OF ANY LOT OR LOTS, PRIOR TO MAKING ANY ALTERATION IN THE DRAINAGE SYSTEM AFTER THE RECORDING OF THE PLAT, MUST MAKE APPLICATION TO AND RECEIVE APPROVAL FROM THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS FOR SAID ALTERATION. ANY ENCLOSING OF DRAINAGE WATERS IN CULVERTS OR DRAINS OR REROUTING THEREOF ACROSS ANY LOT AS MAY BE UNDERTAKEN BY OR FOR THE OWNER OF ANY LOT SHALL BE DONE BY AND AT THE EXPENSE OF SUCH OWNER.

TRACTS 996, 997, 998 AND 999 ARE HEREBY GRANTED AND CONVEYED TO THE EAGLE GLEN HOMEOWNERS ASSOCIATION (HOA) UPON RECORDING OF THIS PLAT SUBJECT TO AN EMERGENCY MAINTENANCE EASEMENT GRANTED AND CONVEYED TO THE CITY OF LAKE STEVENS. OWNERSHIP AND MAINTENANCE OF SAID TRACTS CONSISTENT WITH CITY CODE SHALL BE THE RESPONSIBILITY OF THE HOA UNLESS AND UNTIL TRACT OWNERSHIP BY ALL LOTS WITHIN THIS SUBDIVISION IS AUTHORIZED PURSUANT TO A FINAL PLAT ALTERATION. USE OF SAID TRACTS IS RESTRICTED TO THAT SPECIFIED IN THE APPROVED FINAL PLAT. THE HOA AND THE OWNERS OF ALL LOTS WITHIN THIS SUBDIVISION SHALL COMPLY WITH THOSE CITY REGULATIONS AND CONDITIONS OF FINAL SUBDIVISION APPROVAL SPECIFIED ON THE PLAT. THE HOA SHALL REMAIN IN EXISTENCE UNLESS AND UNTIL ALL LOTS WITHIN THE SUBDIVISION HAVE ASSUMED COMMON OWNERSHIP OF SAID TRACTS. IN THE EVENT THAT THE HOA SHOULD BE DISSOLVED, THEN EACH LOT SHALL HAVE AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN THE TRACTS PREVIOUSLY OWNED BY THE HOA AS WELL AS RESPONSIBILITY FOR MAINTAINING THE TRACTS. MEMBERSHIP IN THE HOA AND PAYMENT OF DUES OR OTHER ASSESSMENTS FOR MAINTENANCE PURPOSES SHALL BE A REQUIREMENT OF LOT OWNERSHIP, AND SHALL REMAIN AN APPURTENANCE TO AND INSEPARABLE FROM EACH LOT. THIS COVENANT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HOA, THE OWNERS OF ALL LOTS WITHIN THE SUBDIVISION AND ALL OTHERS HAVING ANY INTEREST IN THE TRACTS OR LOTS.

PUBLIC DRAINAGE EASEMENTS DESIGNATED ON THE PLAT ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF LAKE STEVENS, EXCEPT THOSE DESIGNATED ON THE PLAT AS PRIVATE DRAINAGE EASEMENTS, FOR THE RIGHT OF INGRESS AND EGRESS AND THE RIGHT TO EXCAVATE, CONSTRUCT, OPERATE, MAINTAIN, REPAIR AND/OR REBUILD AN ENCLOSED OR OPEN CHANNEL STORMWATER CONVEYANCE SYSTEM AND/OR OTHER DRAINAGE FACILITIES, UNDER UPON OR THROUGH THE DRAINAGE EASEMENT.

IN WITNESS WHEREOF, WE SET OUR HANDS AND SEALS THIS _____ DAY OF _____, 2016.

LENNAR NORTHWEST, INC.
A DELAWARE CORPORATION

BY: WILLIAM SACRISTE
ITS: VICE PRESIDENT

ACKNOWLEDGMENT

STATE OF WASHINGTON
COUNTY OF KING

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT WILLIAM SACRISTE IS THE PERSON WHO APPEARED BEFORE ME, AND SAID PERSON ACKNOWLEDGED THAT HE SIGNED THIS INSTRUMENT, ON OATH STATED HE WAS AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT AS THE VICE PRESIDENT OF LENNAR NORTHWEST, INC., A DELAWARE CORPORATION, TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED THIS _____ DAY OF _____, 2016.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

PRINTED NAME _____

RESIDING AT _____

MY APPOINTMENT EXPIRES _____

RESTRICTIONS/COVENANTS

1. TRACTS 997 AND 998 ARE NATIVE GROWTH PROTECTION AREAS (NGPA) AND SHALL BE PERMANENTLY PROTECTED PER LSMC 14.88.295.

2. THE TEMPORARY TURNAROUND AT THE SOUTHERN TERMINUS OF ROAD "B" SHALL REMAIN IN PLACE UNTIL SUCH TIME THAT THE ROAD IS EXTENDED TO THE SOUTH.

3. THE EAGLE GLEN HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE PLANTER AREAS WITHIN ALL RIGHTS-OF-WAY.

4. ALL LOTS CREATED BY THIS SUBDIVISION ARE REQUIRED TO COMPLY WITH THE SHADE TREE REQUIREMENTS OF LSMC 14.76.124.

5. MITIGATION FEES FOR DIRECT IMPACTS TO PARKS, SCHOOLS AND TRAFFIC ARE DUE AND SHALL BE PAID FOR ALL LOTS PRIOR TO BUILDING PERMIT ISSUANCE. AMOUNT OF FEES SHALL BE THOSE IN EFFECT AS SET BY RESOLUTION AT THE TIME OF PAYMENT. CREDIT SHALL BE GRANTED TO LOT 1 FOR THE EXISTING SINGLE-FAMILY RESIDENCE TO BE REMOVED.

10 FOOT FRONTAGE UTILITY EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO ALL UTILITIES SERVING THE SUBJECT PLAT AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, AND ALL LOT OWNERS OF THE PLAT, UNDER AND UPON THE EXTERIOR TEN (10) FEET PARALLEL WITH AND ADJOINING THE STREET FRONTAGE OF ALL LOTS, TRACT AND COMMON AREAS IN WHICH TO INSTALL, LAY, CONSTRUCT, RENEW, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLES, PIPES AND WIRES WITH NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSE OF SERVING THIS SUBDIVISION AND OTHER PROPERTY WITH PRIVATE STORM DRAINAGE, ELECTRICITY, TELEPHONE, GAS, TELEVISION CABLE, AND OTHER UTILITY SERVICES, TOGETHER WITH THE RIGHT TO ENTER UPON THE LOTS, TRACTS AND COMMON AREAS AT ALL TIMES FOR THE PURPOSE HEREIN STATED.

EASEMENTS

1. THE PUBLIC SANITARY SEWER EASEMENT WITHIN LOT 35 AND TRACT 999 IS HEREBY GRANTED AND CONVEYED TO THE CITY OF LAKE STEVENS FOR MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THE SANITARY SEWER FACILITIES WHICH LIE WITHIN THE EASEMENT AREA.

2. THE PUBLIC WATERLINE EASEMENT WITHIN LOT 35 AND TRACT 999 IS HEREBY GRANTED AND CONVEYED TO SNOHOMISH COUNTY PUD NO. 1 FOR MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THE WATERLINE FACILITIES WHICH LIE WITHIN THE EASEMENT AREA.

3. THE PRIVATE INGRESS/EGRESS AND UTILITY EASEMENTS (I/E&UE) SHOWN HEREON ARE HEREBY GRANTED AND CONVEYED TO THE LOT OWNERS WHO BENEFIT FROM THEIR USE.
THE 20' I/E&UE WITHIN LOTS 10 & 11 IS FOR THE BENEFIT OF LOTS 10 & 11.
THE 20' I/E&UE WITHIN LOTS 16 & 17 IS FOR THE BENEFIT OF LOTS 16 & 17.
THE 20' I/E&UE WITHIN LOTS 28 & 29 IS FOR THE BENEFIT OF LOTS 28 & 29.
THE 20' I/E&UE WITHIN LOTS 41 & 42 IS FOR THE BENEFIT OF LOTS 41 & 42.
THE 20' I/E&UE WITHIN LOTS 50 & 51 IS FOR THE BENEFIT OF LOTS 50 & 51.
THE 20' I/E&UE WITHIN LOTS 56 & 57 IS FOR THE BENEFIT OF LOTS 56 & 57.
THE OWNERS OF SAID BENEFITED LOTS SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE ROADWAY SURFACE AND PRIVATE UTILITIES THAT THEY HAVE THE BENEFIT OF USE. EXCEPT THAT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED ROADWAY SURFACE AND PRIVATE UTILITIES LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE OWNER.

4. THE PRIVATE STORM DRAINAGE EASEMENTS (PSDE) SHOWN HEREON ARE HEREBY GRANTED AND CONVEYED TO THE LOT OWNERS WHO BENEFIT FROM THEIR USE.
THE 20' PSDE WITHIN LOTS 10 & 11 AND THE 10' PSDE WITHIN LOTS 7, 8 & 9 ARE FOR THE BENEFIT OF LOT 5 AND LOTS 7, 8 & 9.
THE 20' PSDE WITHIN LOTS 16 & 17 AND THE 10' PSDE WITHIN LOTS 13, 14 & 15 ARE FOR THE BENEFIT OF LOTS 11 THROUGH 15.
THE 20' PSDE WITHIN LOTS 28 & 29 AND THE 10' PSDE WITHIN LOTS 25, 26 & 27 ARE FOR THE BENEFIT OF LOT 23 AND LOTS 25 THROUGH 28.
THE 20' PSDE WITHIN LOTS 41 & 42 AND THE 10' PSDE WITHIN LOTS 43, 44 & 46 ARE FOR THE BENEFIT OF LOTS 46 & 47.
THE 10' PSDE WITHIN LOTS 48 & 50 AND THE 5' PSDE WITHIN LOTS 48, 50 & 51 ARE FOR THE BENEFIT OF LOTS 48, 50 & 51.
THE 20' PSDE WITHIN LOTS 50 & 51 AND THE 10' PSDE WITHIN LOTS 52, 53 & 54 ARE FOR THE BENEFIT OF LOTS 51 THROUGH 55.
THE 20' PSDE WITHIN LOTS 56 & 57 AND THE 10' PSDE WITHIN LOTS 58, 59 & 61 ARE FOR THE BENEFIT OF LOTS 57, 58, 59, 61 & 62.

THE OWNERS OF SAID BENEFITED LOTS SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE PRIVATE STORM DRAINAGE SYSTEM THAT THEY HAVE THE BENEFIT OF USE. EXCEPT THAT NO OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND/OR RECONSTRUCTION OF THAT PORTION OF THE COMMONLY USED PRIVATE STORM DRAINAGE SYSTEM LOCATED UPSTREAM FROM THE POINT OF CONNECTION OF THAT RESPECTIVE OWNER.

TITLE NOTES

(PER CHICAGO TITLE COMPANY OF WASHINGTON SUBDIVISION GUARANTEE, ORDER NO. 500030634 DATED JANUARY 6, 2017 AT 8:00AM)

1. NOT APPLICABLE TO BE SHOWN ON SURVEY.
2. EAGLE GLEN (FORMERLY MARION DALE ESTATES) DEVELOPER EXTENSION AGREEMENT INCLUDING THE TERMS, COVENANTS AND PROVISIONS THEREOF

RECORDING DATE: APRIL 11, 2013 RECORDING NO.: 201304110532 (NOT PLOTTABLE)
AN ADDENDUM TO SAID AGREEMENT HAS BEEN FILED UNDER RECORDING NO. 201603240216.

3. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: JM1 HOLDINGS, LLC, A WASHINGTON LIMITED LIABILITY COMPANY
PURPOSE: DRAINAGE AND TEMPORARY CONSTRUCTION

RECORDING DATE: NOVEMBER 20, 2015 RECORDING NO.: 201511200349 (NOT PLOTTABLE)
4. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT: GRANTED TO: PUGET SOUND ENERGY, INC.

PURPOSE" GAS DISTRIBUTION SYSTEM
RECORDING DATE: OCTOBER 10, 2016 RECORDING NO.: 201610100234 (10 FOOT STRIP ACROSS FACILITIES AS CONSTRUCTED)

5. NOT APPLICABLE TO BE SHOWN ON SURVEY.

SURVEY INFORMATION

HORIZONTAL DATUM:
HORIZONTAL DATUM FOR THIS SURVEY IS NAD 83/11 PER WSDOT. WSDOT CONTROL POINT DESIGNATION NO. GP31009-18 WAS HELD FOR POSITION, AND A LINE BETWEEN SAID POINT DESIGNATION NO. GP31009-18 AND CONTROL POINT DESIGNATION NO. GP31009-48 WAS HELD FOR ROTATION, BEING NORTH 02°59'51" WEST.

PROCEDURE/NARRATIVE:

A FIELD TRAVERSE USING A "TRIMBLE 5600" ROBOTIC TOTAL STATION AND TOPCON GR3 GPS WITH A "IDS RANGER" DATA COLLECTOR SUPPLEMENTED WITH FIELD NOTES WAS PERFORMED, ESTABLISHING THE ANGULAR, DISTANCE, AND VERTICAL RELATIONSHIPS BETWEEN THE MONUMENTS, PROPERTY LINES, AND TOPOGRAPHIC FEATURES AS SHOWN HEREON. THE RESULTING DATA MEETS OR EXCEEDS THE STANDARDS FOR LAND BOUNDARY SURVEYS AS SET FORTH IN WAC 332-130-090.

DRAINAGE FACILITY MAINTENANCE COVENANT

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

GRANTOR BY EXECUTION OF THIS COVENANT ACKNOWLEDGES THAT THE BENEFITS OF THIS COVENANT INURE TO GRANTOR, DOWNSTREAM PROPERTY OWNERS, AND THE GENERAL PUBLIC, AND THAT THE CITY OF LAKE STEVENS (CITY) AS THIRD-PARTY BENEFICIARY OF THIS COVENANT HAS THE RIGHT, BUT NOT THE OBLIGATION, TO ENFORCE THIS COVENANT ON BEHALF OF DOWNSTREAM PROPERTY OWNERS AND THE GENERAL PUBLIC. CITY REQUIRES THIS COVENANT TO PROTECT PRIVATE AND PUBLIC PROPERTY, PRIVATE AND PUBLIC DRAINAGE INFRASTRUCTURE, AND NATURAL RESOURCES OF DOWNSTREAM PROPERTY OWNERS AND THE GENERAL PUBLIC.

GRANTOR, IN CONSIDERATION OF THE APPROVAL OF THIS SUBDIVISION, HEREBY COVENANTS TO PERFORM REGULAR MAINTENANCE UPON THE DRAINAGE FACILITIES INSTALLED, OR TO BE INSTALLED, UPON GRANTOR'S PROPERTY. REGULAR MAINTENANCE SHALL INCLUDE, AT A MINIMUM, ANNUAL INSPECTION OF THE STORMWATER DRAINAGE SYSTEM. AS APPLICABLE, THE SYSTEM SHALL INCLUDE THE STORMWATER CONVEYANCE SYSTEM PIPES, DITCHES, SWALES, AND CATCH BASINS; STORMWATER FLOW REGULATION SYSTEM DETENTION PONDS, VAULTS, PIPES, RETENTION PONDS, FLOW REGULATION AND CONTROL STRUCTURES, INFILTRATION SYSTEMS AND WATER QUALITY CONTROL SYSTEM.

THE SCOPE OF THIS COVENANT AND RIGHT OF ENTRY SHALL BE ADEQUATE TO PROVIDE FOR THE ACCESS, INSPECTION, AND MAINTENANCE OF THE STORMWATER DRAINAGE SYSTEM, AND SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. CITY SHALL HAVE THE PERPETUAL RIGHT OF ENTRY ACROSS ADJACENT LANDS OF THE GRANTOR FOR PURPOSES OF INSPECTING, AUDITING, OR CONDUCTING REQUIRED MAINTENANCE OF THE DRAINAGE FACILITY.

2. IF CITY INSPECTION DETERMINES THAT MAINTENANCE IS NOT BEING PERFORMED, CITY SHALL ENDEAVOR TO PROVIDE GRANTOR REASONABLE ADVANCE NOTIFICATION OF THE NEED TO PERFORM THE MAINTENANCE AND A REASONABLE OPPORTUNITY FOR GRANTOR TO PERFORM IT. IN THE EVENT THAT GRANTOR FAILS TO COMPLETE THE REQUIRED MAINTENANCE WITHIN A REASONABLE TIME PERIOD, CITY SHALL HAVE THE RIGHT TO PERFORM OR CONTRACT WITH OTHERS TO PERFORM IT AT THE SOLE EXPENSE OF THE GRANTOR. IF CITY IN ITS SOLE DISCRETION DETERMINES THAT AN IMMINENT OR PRESENT DANGER EXISTS, REQUIRED MAINTENANCE AND/OR REPAIR MAY BEGIN IMMEDIATELY AT GRANTOR'S EXPENSE WITHOUT PRIOR NOTICE TO GRANTOR. IN SUCH EVENT, CITY SHALL PROVIDE GRANTOR WITH A WRITTEN STATEMENT AND ACCOUNTING OF ALL WORK PERFORMED AND THE FEES, CHARGES, AND EXPENSES INCURRED IN MAKING SUCH REPAIRS. GRANTOR SHALL AGREE TO REIMBURSE CITY OR PAY CITY'S VENDORS DIRECTLY FOR ALL REASONABLE FEES, CHARGES, AND EXPENSES IDENTIFIED IN CITY'S STATEMENT.

3. IF CITY IS REQUIRED TO ACT AS A RESULT OF GRANTOR'S FAILURE TO COMPLY WITH THIS COVENANT, CITY MAY REMOVE ANY OBSTRUCTIONS AND/OR INTERFERENCES THAT IN THE SOLE OPINION OF CITY IMPAIR THE OPERATION OF THE DRAINAGE FACILITY OR THE MAINTENANCE THEREOF. GRANTOR AGREES TO HOLD CITY, ITS OFFICERS, EMPLOYEES, AND AGENTS HARMLESS FROM ANY AND ALL CLAIMS, ACTIONS, SUITS, LIABILITY, LOSS, EXPENSES, DAMAGES AND JUDGMENTS OF ANY NATURE WHATSOEVER, INCLUDING COSTS AND ATTORNEY'S FEES, INCURRED BY THE REMOVAL OF VEGETATION OR PHYSICAL INTERFERENCE FROM THE DRAINAGE FACILITY.

4. WHEN EXERCISING THE MAINTENANCE PROVISIONS OF THE COVENANT, IN THE EVENT OF NONPAYMENT, CITY MAY BRING SUIT TO RECOVER SUCH COSTS, INCLUDING ATTORNEY'S FEES, AND UPON OBTAINING A JUDGMENT, SUCH AMOUNT SHALL BECOME A LIEN AGAINST THE PROPERTY OF GRANTOR AS PROVIDED IN RCW 4.56.190.

5. GRANTOR COVENANTS THAT ALL OF THE OWNERS, CONTRACT PURCHASERS AND LIEN HOLDERS OF THE PROPERTY DESCRIBED HEREIN HAVE SIGNED THE DEDICATION AND/OR DECLARATION OF THIS SUBDIVISION, THAT THEY HAVE THE RIGHT TO GRANT THIS COVENANT ON THE PROPERTY, AND THAT THE TITLE TO THE PROPERTY IS FREE AND CLEAR OF ANY ENCUMBRANCES WHICH WOULD INTERFERE WITH THE ABILITY TO GRANT THIS COVENANT.

APPROVALS

SNOHOMISH COUNTY TREASURER CERTIFICATE

I HEREBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREIN, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID AND DISCHARGED, INCLUDING _____ TAXES.

TREASURER, SNOHOMISH COUNTY
BY: DEPUTY COUNTY TREASURER

CERTIFICATE OF CITY TREASURER

I HEREBY CERTIFY THAT ALL MONIES AND DEBTS PERTAINING TO THIS DIVISION WERE PAID TO THE CITY OF LAKE STEVENS BY THE _____ DAY OF _____, 2016.

FINANCE DIRECTOR
DATE

APPROVAL OF PUBLIC IMPROVEMENTS

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2016.

LAKE STEVENS PUBLIC WORKS DIRECTOR

PLANNING AND COMMUNITY DEVELOPMENT SUBDIVISION APPROVAL

EXAMINED AND APPROVED THIS _____ DAY OF _____, 2016.

LAKE STEVENS PLANNING & COMMUNITY DEVELOPMENT DIRECTOR

CITY COUNCIL APPROVAL

EXAMINED, FOUND TO BE IN CONFORMITY WITH APPLICABLE ZONING AND OTHER LAND USE CONTROLS, AND APPROVED THIS _____ DAY OF _____, 2016.

LAKE STEVENS MAYOR

LUA2013-0106

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF BRIAN D. GILLOOLY, THIS _____ DAY OF _____, 2016, AT _____ MINUTES PAST _____ M, AND RECORDED IN VOLUME _____ OF PLATS, PAGE _____, AUDITOR'S FILE NO. _____, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

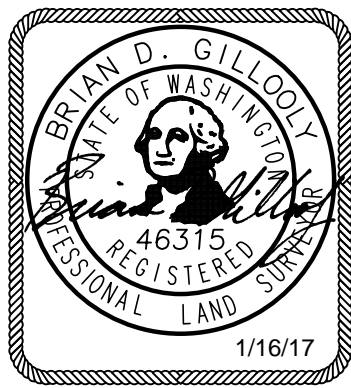
AUDITOR, SNOHOMISH COUNTY
BY: DEPUTY COUNTY AUDITOR

LAND SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF LENNAR NORTHWEST, INC.

I HEREBY CERTIFY THAT THE PLAT OF EAGLE GLEN IS BASED UPON AN ACTUAL SURVEY AND SUBDIVISION OF SECTION 19, TOWNSHIP 29 NORTH, RANGE 6 EAST, W.M. AS REQUIRED BY THE STATE STATUTES; THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN THEREON CORRECTLY; THAT THE MONUMENTS SHALL BE SET AND LOT AND BLOCK CORNERS SHALL BE STAKED CORRECTLY ON THE GROUND, THAT I FULLY COMPLIED WITH THE PROVISIONS OF THE STATE AND LOCAL STATUTES AND REGULATIONS GOVERNING PLATTING.

BRIAN D. GILLOOLY, PLS #6315
1/16/17
DATE



18215 72ND AVENUE S.
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX

CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES

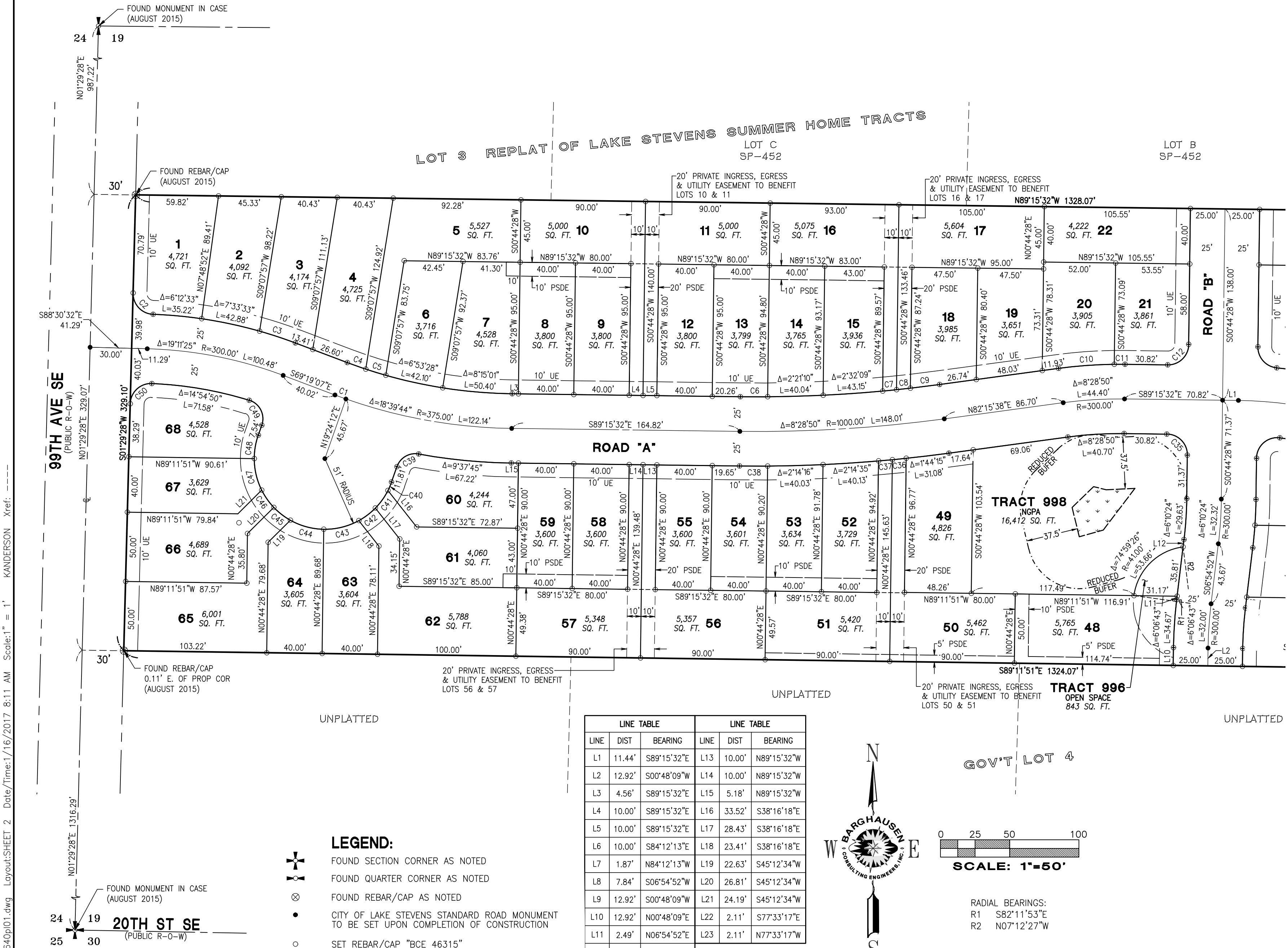
PORTION OF THE NW1/4 OF THE SW1/4, SECTION 19, T29N-R6E, W.M.,
CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON

LENNAR NORTHWEST, INC.
33455 6TH AVENUE S., UNIT 1B
FEDERAL WAY, WA 98003

DWN. BY	KMA	DATE	7/27/16	JOB NO.	17640
CHKD. BY	B DG	SCALE	N/A	SHEET	1 OF 3

EAGLE GLEN

PORTION OF THE NW1/4 OF THE SW1/4, SECTION 19, T29N-R6E, W.M., CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON

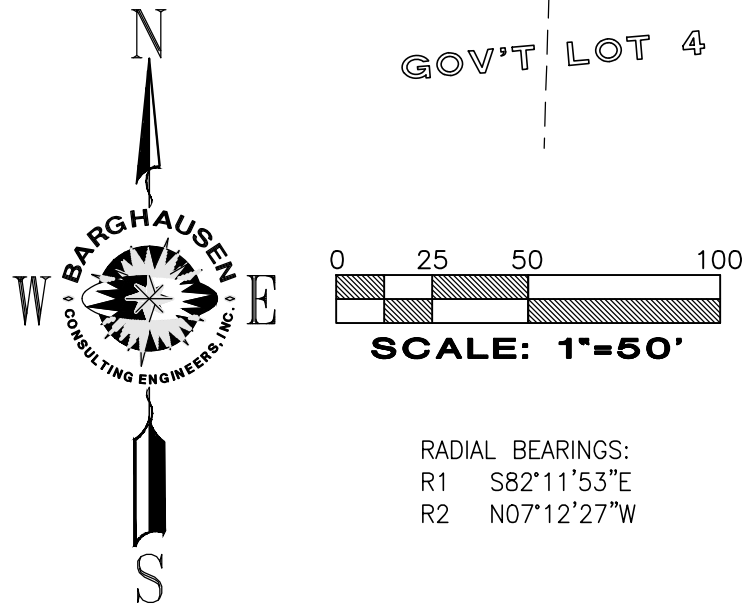


SEE SHEET 3

LEGEND:

- FOUND SECTION CORNER AS NOTED
- FOUND QUARTER CORNER AS NOTED
- FOUND REBAR/CAP AS NOTED
- CITY OF LAKE STEVENS STANDARD ROAD MONUMENT TO BE SET UPON COMPLETION OF CONSTRUCTION
- SET REBAR/CAP "BCE 46315"
- UTILITY EASEMENT - SEE "10 FOOT FRONTAGE UTILITY EASEMENT" NOTE ON SHEET 1
- WLE WATERLINE EASEMENT SEE "EASEMENTS" NOTE 2 ON SHEET 1
- SSE SANITARY SEWER EASEMENT SEE "EASEMENTS" NOTE 1 ON SHEET 1
- I/E&UE PRIVATE INGRESS, EGRESS & UTILITY EASEMENT SEE "EASEMENTS" NOTE 3 ON SHEET 1
- PSDE PRIVATE STORM DRAINAGE EASEMENT SEE "EASEMENTS" NOTE 4 ON SHEET 1

LINE TABLE			LINE TABLE		
LINE	DIST	BEARING	LINE	DIST	BEARING
L1	11.44'	S89°15'32"E	L13	10.00'	N89°15'32"W
L2	12.92'	S00°48'09"W	L14	10.00'	N89°15'32"W
L3	4.56'	S89°15'32"E	L15	5.18'	N89°15'32"W
L4	10.00'	S89°15'32"E	L16	33.52'	S38°16'18"E
L5	10.00'	S89°15'32"E	L17	28.43'	S38°16'18"E
L6	10.00'	S84°12'13"E	L18	23.41'	S38°16'18"E
L7	1.87'	N84°12'13"W	L19	22.63'	S45°12'34"W
L8	7.84'	S06°54'52"W	L20	26.81'	S45°12'34"W
L9	12.92'	S00°48'09"W	L21	24.19'	S45°12'34"W
L10	12.92'	N00°48'09"E	L22	2.11'	S77°33'17"E
L11	2.49'	N06°54'52"E	L23	2.11'	N77°33'17"W
L12	5.38'	N06°54'52"E			



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
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C8	0°35'31"	975.00'	10.07'
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C18	30°57'32"	25.00'	13.51'
C19	37°56'02"	50.00'	33.10'
C20	31°00'00"	50.00'	27.05'
C21	29°10'16"	50.00'	25.46'
C22	32°40'09"	50.00'	28.51'
C23	45°13'05"	50.00'	39.46'
C24	27°34'46"	50.00'	24.07'
C25	48°06'28"	50.00'	41.98'
C26	24°41'59"	50.00'	21.55'
C27	48°11'23"	25.00'	21.03'
C28	0°23'42"	350.00'	2.41'
C29	0°26'02"	1025.00'	7.76'
C30	0°33'33"	1025.00'	10.00'
C31	0°33'33"	1025.00'	10.00'
C32	96°18'27"	15.00'	25.21'
C33	3°16'37"	325.00'	18.59'
C34	2°53'47"	325.00'	16.43'
C35	90°00'00"	15.00'	23.56'
C36	0°33'45"	1025.00'	10.06'
C37	0°33'43"	1025.00'	10.05'
C38	1°08'16"	1025.00'	20.36'
C39	80°58'01"	14.00'	19.78'
C40	7°23'29"	51.00'	6.58'
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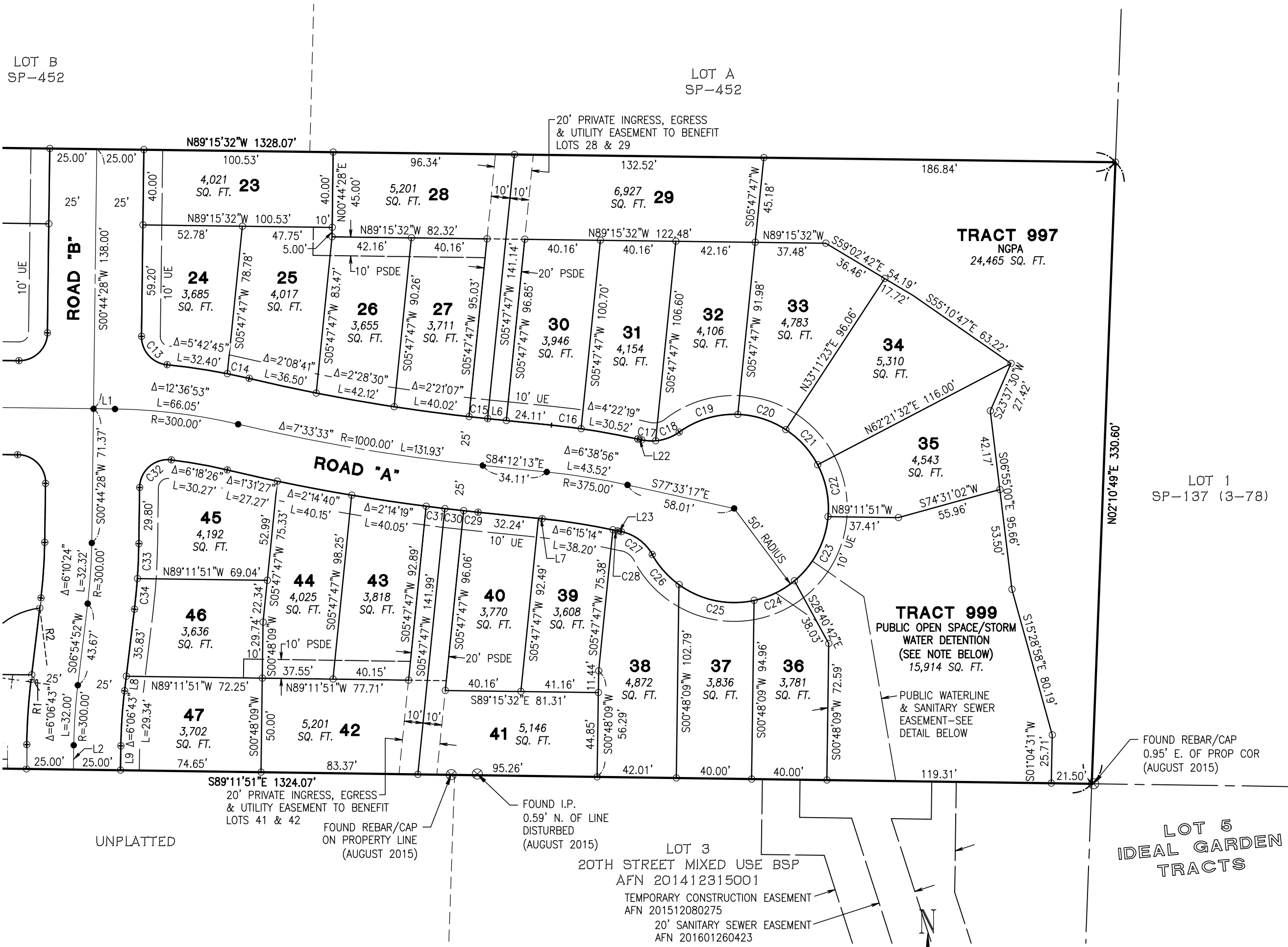
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EAGLE GLEN

PORTION OF THE NW1/4 OF THE SW1/4, SECTION 19, T29N-R6E, W.M., CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON

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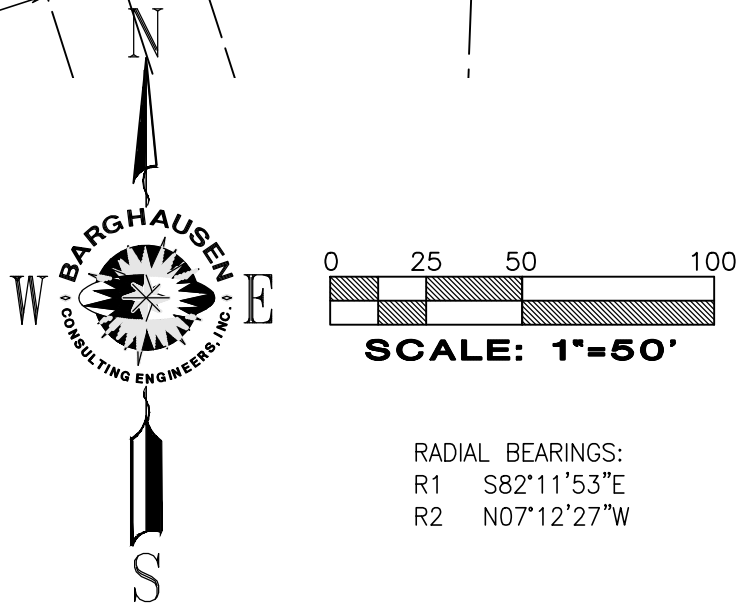
SEE SHEET 2



LEGEND:

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NOTE:
TRACT 999 IS PERMANENTLY RESERVED
FOR OPEN SPACE AND RECREATIONAL
PURPOSES.



CURVE TABLE			
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C31	0°33'33"	1025.00'	10.00'
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C33	3°16'37"	325.00'	18.59'
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LUA2013-0106

PORTION OF THE NW1/4 OF THE SW1/4, SECTION 19, T29N-R6E, W.M.,
CITY OF LAKE STEVENS, SNOHOMISH COUNTY, WASHINGTON

LENNAR NORTHWEST, INC.
33455 6TH AVENUE S., UNIT 1B
FEDERAL WAY, WA 98003

DWN. BY	KMA	DATE	7/27/16	JOB NO.	17640
CHKD. BY	BDG	SCALE	N/A	SHEET	3 OF 3

18215 72ND AVENUE S.
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX

CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES



AFFIDAVIT OF NOTICE

Project Name: EAGLE GLEN FINK PLAT - Notice of App & Public mtg
Project Number: LWA 2017-0007

<u>Place Posted</u>	<u>Date Posted</u>	<u>Signature</u>
1. Property	<u>2.10.17</u>	<u>[Signature]</u>
2. City Hall	<u>2/9/17</u>	<u>CH</u>
3. Planning	<u>2/9/17</u>	<u>CH</u>
4. Everett Herald	<u>2/10/17 / 2/14/17</u>	<u>SP</u>
5. Mailings	<u>2/10/17</u>	<u>CH</u>
6. Website	<u>2/9/17</u>	<u>CH</u>

PROJECT NAME/ FILE NUMBER: Eagle Glen Final Plat / LUA2017-0007
APPLICANT: Lennar Northwest, Inc.
PROJECT LOCATION: 1525 99th Avenue SE, Lake Stevens, WA 98258
DATE OF APPLICATION: January 18, 2017
**NOTICE OF APPLICATION
& PUBLIC MEETING ISSUED:** February 10 and February 14, 2017
END OF COMMENT PERIOD: February 28, 2017
PUBLIC MEETING DATE / TIME: **February 28, 2017 / 7:00 pm**
LOCATION: Lake Stevens School District Administrative Building;
12309 22nd St NE, Lake Stevens

PROPOSED PROJECT DESCRIPTION:

Final Plat for a 68 lot single family home development including road and utility improvements. Access to the new subdivision will be from 99th Ave SE with planned future connections to the north and south as well. A Planned Action Certification has been issued in compliance with SEPA and the Design Review Board recommended approval of the subdivision on October 17, 2013. Preliminary plat approval was granted on December 3, 2013. All improvements have been installed and / or will be bonded prior to final plat acceptance.

Final Plats are a Type V permit requiring a public meeting and City Council approval.

PUBLIC REVIEW AND COMMENT:

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

The project file, including the staff report, site map and recommendations is available for review at the Permit Center, located behind City Hall, Monday-Thursday 9 am - 4 pm and Friday 8 am to noon. Limited materials are available at: <http://www.ci.lake-stevens.wa.us/index.aspx?nid=380>.

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

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



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: February 28, 2017

Subject: 2017 Budget Amendment #1

Contact Person/Department: Barb Stevens/ Finance

Budget Impact: Yes

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

ADOPT: Ordinance No. 988 Amending Budget Ordinance No. 975 and including changes to Organizational Chart.

SUMMARY/BACKGROUND:

Expenditures increased an additional \$71,600 since presented to Council on February 13th, 2017. The amended items include the following:

- Phone System Replacement \$50,200 placeholder – partial roll forward (Discussed at Council 2/13/17)
- Pedestrian Crosswalk – Flashing Beacons \$17,000 – roll forward (Discussed at Council 2/13/17)
- Bullet Proof Vest purchases \$4,400 – roll forward

The following table summarizes the effect of the complete budget amendment:

Budget Action	Budgeted Beginning Balance	Budgeted Resources	Budgeted Expenditures	Budgeted Ending Balance
2017 Original Budget	\$ 27,098,583	\$ 26,078,798	\$ 32,522,873	\$ 20,654,508
Budget Amendment #1	\$ 863,674	\$ 3,316,451	\$ 4,763,261	\$ (583,136)
Totals	\$ 27,962,257	\$ 29,395,249	\$ 37,286,134	\$ 20,071,371

Beginning Fund Balances

Due to revenue receipts and expenditure costs outside of the expected values during the 2017 budget process, the 2016 ending fund balances are different from what was adopted in the 2017 budget as beginning balances. The amendments made to beginning fund balances reflect the actual 2016 ending fund balances.

In addition to the beginning balances, amendments are being proposed in revenue and expenditure line items throughout the funds. Proposed amendments are based changes in estimates (based on prior year actuals and current year actuals to date), prior year budgeted items not completed during the year (need reauthorization), new requests, or other obligations and are summarized by type as follows:

Revenues

- Grant Revenues \$1,034,668
- Information Technology ILA Revenue Reductions (\$85,217)
- Interfund Transfers (zero net effect on cash) \$2,367,000

Expenditures

- Staffing Changes** (salaries/benefits) \$147,051
- Operating Expenditures (supplies, consultants, repairs) \$472,356
- Project Related Costs \$1,737,550
- Fiduciary Funds (Treasurer's Trust, retainage held) \$39,305
- Interfund Transfers Out (zero net effect on cash) \$2,367,000

**Includes the full year budget change. The attached amended organizational chart includes the changes in positions. These positions changes include:

- Convert (2) Police Lieutenant positions to Police Commander
- Convert (4) Police Officer positions to Police Corporal
- Convert (1) Engineering Technician I position to City Engineer

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, revenues and expenditures in the funds set forth in the ordinance as well as amend the staffing positions as set forth in the organizational chart.

ATTACHMENTS:

- ▶ Exhibit A: Ordinance No. 988
- ▶ Exhibit A - Attachment: Amended Organizational Chart

**CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON
ORDINANCE NO. 988**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING THE 2017 BUDGET AS SET FORTH IN ORDINANCE NO. 975 CONCERNING FUND BALANCES, REVENUES AND EXPENDITURES FOR VARIOUS FUND BALANCES FOR THE YEAR 2017.

WHEREAS, the City of Lake Stevens adopted the 2017 budget pursuant to Ordinance No. 975; and

WHEREAS, the City of Lake Stevens will receipt revenues and incur expenditures in categories and amounts other than anticipated in the adopted 2017 budget; and

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

SECTION 1. The 2017 budget, as adopted in Ordinance No. 975, 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	Beginning Fund Balance	\$8,024,514	\$8,870,034	\$845,520	BegBal.
001 - General	Revenues	\$15,017,571	\$15,225,649	\$208,078	Rev.
001 - General	Expenditures	\$16,766,100	\$18,362,168	\$1,596,068	Exp.
001 - General	Ending Fund Balance	\$6,275,985	\$5,733,515	(\$542,470)	EndBal.
002 - General Reserve	Beginning Fund Balance	\$1,760,154	\$1,758,362	(\$1,792)	BegBal.
002 - General Reserve	Ending Fund Balance	\$2,559,704	\$2,557,912	(\$1,792)	EndBal.
101 - Street	Beginning Fund Balance	\$3,066,028	\$3,343,147	\$277,119	BegBal.
101 - Street	Expenditures	\$3,010,225	\$3,241,744	\$231,519	Exp.
101 - Street	Ending Fund Balance	\$2,218,475	\$2,264,076	\$45,601	EndBal.
103 - Street Reserve	Beginning Fund Balance	\$1,531	\$1,533	\$2	BegBal.
103 - Street Reserve	Ending Fund Balance	\$1,536	\$1,538	\$2	EndBal.
111 - Drug Seizure & Forfeiture	Beginning Fund Balance	\$47,079	\$45,997	(\$1,082)	BegBal.
111 - Drug Seizure & Forfeiture	Revenues	\$10,120	\$9,120	(\$1,000)	Rev.
111 - Drug Seizure & Forfeiture	Expenditures	\$41,000	\$40,000	(\$1,000)	Exp.
111 - Drug Seizure & Forfeiture	Ending Fund Balance	\$16,199	\$15,117	(\$1,082)	EndBal.
112 - Municipal Arts	Beginning Fund Balance	\$11,385	\$11,398	\$13	BegBal.
112 - Municipal Arts	Ending Fund Balance	\$11,405	\$11,418	\$13	EndBal.
301 - Cap. Proj - Dev. Contrib.	Beginning Fund Balance	\$5,584,440	\$5,559,009	(\$25,431)	BegBal.
301 - Cap. Proj - Dev. Contrib.	Revenues	\$1,616,580	\$1,111,580	(\$505,000)	Rev.
301 - Cap. Proj - Dev. Contrib.	Expenditures	\$2,733,500	\$4,357,000	\$1,623,500	Exp.
301 - Cap. Proj - Dev. Contrib.	Ending Fund Balance	\$4,467,520	\$2,313,589	(\$2,153,931)	EndBal.
302 - Park Mitigation	Revenues	\$0	\$2,872,000	\$2,872,000	Rev.
302 - Park Mitigation	Expenditures	\$0	\$771,000	\$771,000	Exp.

302 - Park Mitigation	Ending Fund Balance	\$0	\$2,101,000	\$2,101,000	EndBal.
303 - Cap. Imp. - REET I	Beginning Fund Balance	\$1,718,073	\$1,669,143	(\$48,930)	BegBal.
303 - Cap. Imp. - REET I	Ending Fund Balance	\$1,183,676	\$1,134,746	(\$48,930)	EndBal.
304 - Cap. Imp. - REET II	Beginning Fund Balance	\$2,751,717	\$2,727,136	(\$24,581)	BegBal.
304 - Cap. Imp. - REET II	Revenues	\$607,000	\$1,265,700	\$658,700	Rev.
304 - Cap. Imp. - REET II	Expenditures	\$2,681,415	\$3,397,915	\$716,500	Exp.
304 - Cap. Imp. - REET II	Ending Fund Balance	\$677,302	\$594,921	(\$82,381)	EndBal.
309 - Sidewalk Capital Projects	Beginning Fund Balance	\$1,009,888	\$798,179	(\$211,709)	BegBal.
309 - Sidewalk Capital Projects	Revenues	\$251,500	\$317,190	\$65,690	Rev.
309 - Sidewalk Capital Projects	Expenditures	\$350,000	\$19,750	(\$330,250)	Exp.
309 - Sidewalk Capital Projects	Ending Fund Balance	\$911,388	\$1,095,619	\$184,231	EndBal.
401 - Sewer	Beginning Fund Balance	\$288,138	\$278,072	(\$10,066)	BegBal.
401 - Sewer	Ending Fund Balance	\$289,625	\$279,560	(\$10,066)	EndBal.
410 - Storm & Surface Water	Beginning Fund Balance	\$1,789,449	\$1,746,837	(\$42,612)	BegBal.
410 - Storm & Surface Water	Revenues	\$1,514,820	\$1,533,820	\$19,000	Rev.
410 - Storm & Surface Water	Expenditures	\$2,176,424	\$2,241,543	\$65,119	Exp.
410 - Storm & Surface Water	Ending Fund Balance	\$1,127,845	\$1,039,114	(\$88,731)	EndBal.
501 - Unemployment Fund	Beginning Fund Balance	\$96,915	\$95,919	(\$996)	BegBal.
501 - Unemployment Fund	Ending Fund Balance	\$67,215	\$66,219	(\$996)	EndBal.
510 - Equip Fund - Computer	Beginning Fund Balance	\$272,252	\$295,258	\$23,006	BegBal.
510 - Equip Fund - Computer	Revenues	\$152,817	\$150,600	(\$2,217)	Rev.
510 - Equip Fund - Computer	Expenditures	\$267,000	\$317,200	\$50,200	Exp.
510 - Equip Fund - Computer	Ending Fund Balance	\$158,069	\$128,658	(\$29,411)	EndBal.
520 - Equip Fund - Police	Beginning Fund Balance	\$283,135	\$311,211	\$28,076	BegBal.
520 - Equip Fund - Police	Expenditures	\$266,000	\$266,100	\$100	Exp.
520 - Equip Fund - Police	Ending Fund Balance	\$213,835	\$241,811	\$27,976	EndBal.
530 - Equip Fund - PW	Beginning Fund Balance	\$264,014	\$281,826	\$17,812	BegBal.
530 - Equip Fund - PW	Ending Fund Balance	\$464,714	\$482,526	\$17,812	EndBal.
540 - Aerator Replacement	Beginning Fund Balance	\$129,871	\$129,890	\$19	BegBal.
540 - Aerator Replacement	Ending Fund Balance	\$14	\$33	\$19	EndBal.
621 - Refundable Deposits	Beginning Fund Balance	\$0	\$24,591	\$24,591	BegBal.
621 - Refundable Deposits	Expenditures	\$61,000	\$85,591	\$24,591	Exp.
633 - Treasurer's Trust	Beginning Fund Balance	\$0	\$14,714	\$14,714	BegBal.
633 - Treasurer's Trust	Revenues	\$200,000	\$201,200	\$1,200	Rev.
633 - Treasurer's Trust	Expenditures	\$200,000	\$215,914	\$15,914	Exp.

SECTION 2. Except as set forth above, all other provisions of Ordinance 975 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 28th day of February, 2017.

John Spencer, Mayor

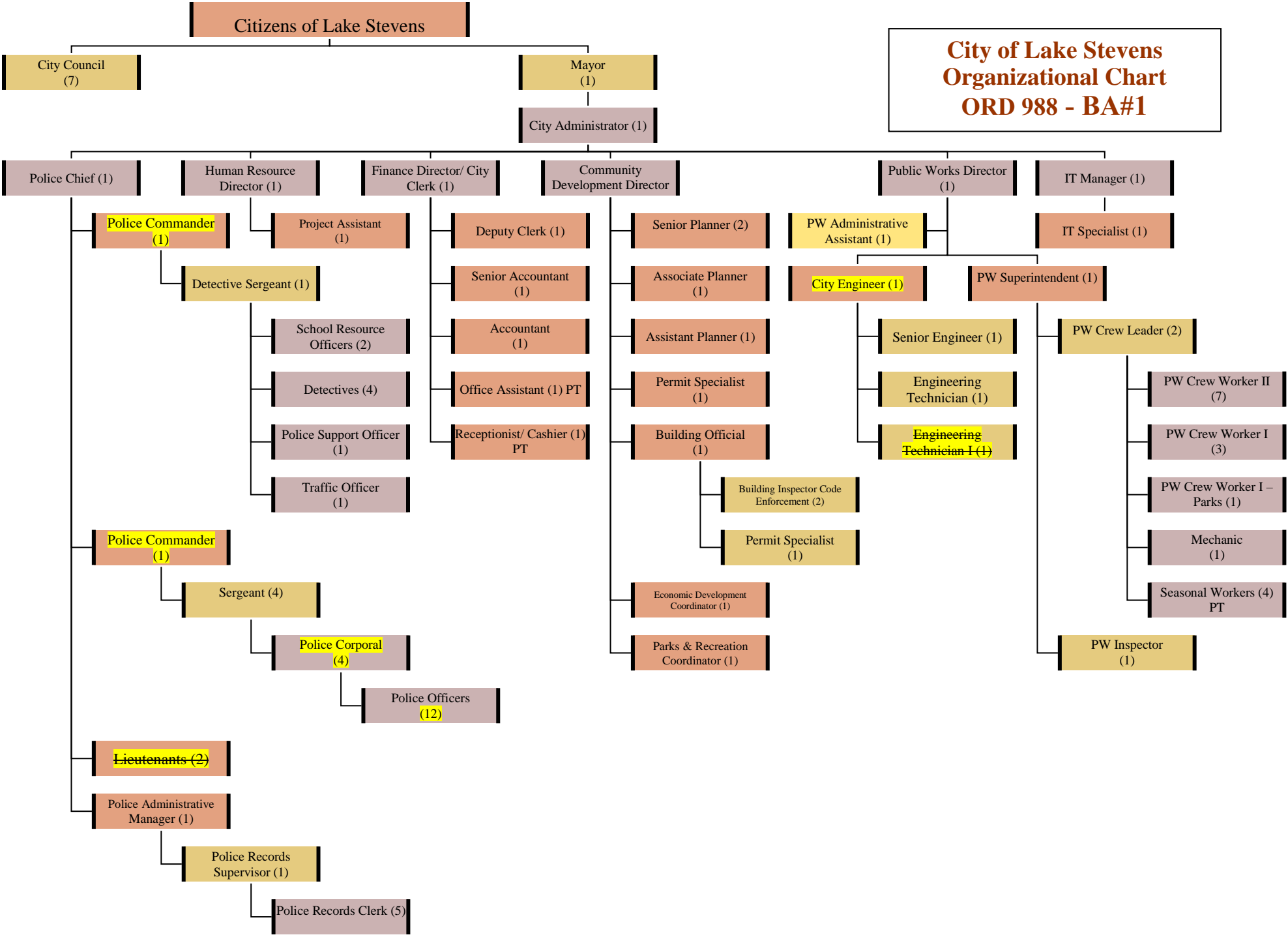
ATTEST/AUTHENTICATION:

Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant Weed, City Attorney

Presented: February 13, 2017
Final Reading: February 28, 2017
Published:
Effective:





Staff Report City of Lake Stevens Planning Commission

Planning Commission Briefing

Date: **March 1, 2017**

Subject: **Permit Extensions for Subdivisions**

Contact Person/Department: **Stacie Pratschner**, Senior Planner / **Russ Wright**, Community Development Director

SUMMARY:

Proposed amendments to the city of Lake Stevens Municipal Code (LSMC) to review the city's permit extension sections LSMC 14.16A.245 and .250.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action is requested at this time.

BACKGROUND / DISCUSSION:

The purpose of this briefing is to present additional research to the Planning Commission for revising the city's permit extension regulations found in LSMC 14.16A.245 and .250 and considering an additional two (2) year extension for subdivision applications. Staff is bringing this project forward, which is included in the 2017 work plan, at the request of the City Council.

Staff presented an initial briefing to Planning Commission on February 15, 2017 and discussed the proposed scope of amendments and a draft work program. Per the direction provided by the Planning Commission, staff has completed the following table on page two of this report comparing permit extension codes in Marysville, Snohomish County and Lake Stevens. The city of Marysville and Snohomish County require project proponents to monitor their individual subdivision application timelines and approach the city to request a permit extension. Snohomish County is providing up to 12 years for subdivisions to receive final approval. Staff additionally reviewed the timelines for subdivision extensions in the cities of Snohomish and Arlington; both cities permit up to 8 years for subdivisions to receive final approval.

Staff is considering using the Snohomish County model as it clearly provides the time limits for land use approvals (**Exhibit 1**). Staff is also considering simplifying the city's procedural requirements for extensions. Specifically, the current code provides different paths for first, second and third extensions of land use approvals with different times for city and developer actions. Finally, staff is considering adding language that may allow for a two-year subdivision approval beyond state RCW requirements or allowing for an administrative extension for defined hardships.

Code Comparisons	Marysville (MMC)	Snohomish County (SCC)	Lake Stevens City Council City Council Regular Meeting 2/28/2017 Page 150
Expiration of Application	<u>22G.010.205</u> <ul style="list-style-type: none"> • 180 days from determination of completeness OR last request for information; • A single, 180-day extension; and • No application shall be pending for more than 360 days. 	<u>30.70.140(1)</u> <ul style="list-style-type: none"> • 12 months to 48 months from submittal; and • A single, 12-month extension is permitted. 	<u>14.16A.245</u> <ul style="list-style-type: none"> • 180 days from last request for information; • A single, 90-day extension: section (1)(i-iii); and • Discretion to extend permits per section (4).
Construction Plan Approval	<u>22G.010.210ⁱ</u> <ul style="list-style-type: none"> • Plans are approved for 60 months; and • A single extension of 12 months may be permitted. 	<u>30.70.140(1)</u> <p>5 years is allowed to commence construction.</p>	<u>14.16A.250(g)</u> <ul style="list-style-type: none"> • Plans are approved for 60 months; and • A single extension of 12 months may be permitted per section (g)(2).
Preliminary and Final Subdivision Approval	<u>22.090.170ⁱⁱ</u> <ul style="list-style-type: none"> • Preliminary approvals on or after 1/1/2015: 5 years to final; • Preliminary approvals on or before 12/13/2014: 7 years to final; • Preliminary approvals on or before 12/31/2007 AND not in shoreline jurisdiction: 10 years to final. 	<u>30.70.140(1)ⁱⁱⁱ</u> <ul style="list-style-type: none"> • Preliminary approvals on or after 1/1/2008: 4 years to final; • Preliminary approvals on or before 12/31/2007: 12 years to final. 	<u>14.16A.250(e)</u> <ul style="list-style-type: none"> • Preliminary approval expires in 5 years, unless a 1 year extension is requested per section (2)(i-iii); • An additional year may be granted if another extension is requested per section (f)(1)(i-iv); • Extension shall not exceed a total of 7 years, EXCEPT: <p>Preliminary approval on or before 12/31/2007 may be approved for an additional 5 years for a total of 10 years to final per sections (2) and (3).</p>

Staff has reviewed the current preliminary plat applications in process and determined that Seneca Lane, an 18-lot residential subdivision, and Stevens Ridge Estates, a 12-lot residential subdivision, would be eligible for the additional two (2)-year extension for a total of 12 years before expiring.

Other needed changes may be revealed as staff completes the initial research and review process for the code amendments. Staff is proposing a three to four month process to review the code and draft revisions for the Planning Commission and the City Council to consider. Other tasks included in the scope of the project include SEPA notification and actions, various staff reports and briefings to the Planning Commission and City Council, WA Department of Commerce 60-day review, public notification and public hearings as needed.

Exhibits

1. Snohomish County Table

ⁱ Marysville and Lake Stevens have almost the exact language for construction plan approvals.

ⁱⁱ It is not clear if these dates apply to both formal and short subdivisions.

ⁱⁱⁱ Snohomish County and Lake Stevens codes applies to both formal and short subdivisions.

Exhibit 1

SCC Table 30.70.140(1)

Approval Type	Expiration of application	Expiration of approval or permit
Administrative Conditional Use Permit	36 months	5 years to commence construction or use
Administrative Conditional Use Permit – Temporary Dwelling During Construction	12 months	As determined in decision
Administrative Conditional Use Permit - Temporary Dwelling For Relative	12 months	Shall be subject to annual renewal
Administrative Conditional Use Permit - Other Temporary Uses	12 months	As determined in decision
Administrative Site Plan (pursuant to chapter 30.23A SCC)	36 months	5 years to commence construction or use
Binding Site Plan	36 months	6 months to record
Boundary Line Adjustment	12 months	12 months to record. The department may grant up to one 12-month extension .

SCC Table 30.70.140(1)

Approval Type	Expiration of application	Expiration of approval or permit
Building Permit	Per subtitle 30.5 SCC	Per subtitle 30.5 SCC
Conditional Use Permit	36 months	5 years to commence construction or use
Flood Hazard Permit & Flood Hazard Variance	18 months	18 months from the date of issuance. Start of construction, as defined in SCC 30.91S.570 , must commence within 180 days.
Forest Practices (Class IV-General)	18 months	36 months
Land Disturbing Activity	18 months	36 months
Official Site Plan and Site Plans (pursuant to chapters 30.31A and 30.31B SCC)	36 months	5 years to commence construction or use
Planned Residential Development	36 months	5 years to commence construction or use
Pre-application Concurrency Determination	6 months	Per SCC 30.66B.155

SCC Table 30.70.140(1)

Approval Type	Expiration of application	Expiration of approval or permit
Rezones	36 months	Not applicable
Shoreline Conditional Use Permit	36 months	Per chapter 30.44 SCC
Shoreline Substantial Development Permit	36 months	Per chapter 30.44 SCC
Single Family Detached Units	36 months	5 years to commence construction or use
Special Use Permit (pursuant to chapter 30.42F SCC)	36 months	5 years to commence construction or use
Subdivisions	48 months	Per RCW 58.17.140 , except that:
		<ul style="list-style-type: none"> For preliminary subdivisions that were approved on or after January 1, 2008, one or more extensions not to exceed a total extension time of two years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.100.

SCC Table 30.70.140(1)

Approval Type	Expiration of application	Expiration of approval or permit
		<ul style="list-style-type: none">For preliminary subdivisions that were approved on or before December 31, 2007, one or more extensions up to a total term of 12 years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.100.
Short Subdivisions	48 months	60 months, except that:
		<ul style="list-style-type: none">For preliminary short subdivisions that were approved on or after January 1, 2008, one or more extensions not to exceed a total extension time of two years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary short subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.110.
		<ul style="list-style-type: none">For preliminary short subdivisions that were approved on or before December 31, 2007, one or more extensions up to a total term of 12 years may be granted by the department. Such request must be received by the director at least 30 days prior to the expiration of the preliminary short subdivision approval or prior extension. The applicant shall pay a fee for each extension pursuant to SCC 30.86.110.

SCC Table 30.70.140(1)

Approval Type	Expiration of application	Expiration of approval or permit
Urban Center Development	36 months	5 years to commence construction or use
Variance	36 months	Not applicable

(Added Amended Ord. [02-064](#), December 9, 2002, Eff date February 1, 2003; Amended by Amended Ord. [16-004](#), Mar. 16, 2016, Eff date Apr. 1, 2016)

30.70.300 Vesting of applications.

The purpose of this section is to implement local vesting regulations that are best suited to the needs of the county and consistent with state law. This section is intended to provide property owners, permit applicants, and the general public assurance that the regulations for project development will remain consistent during the life of an application.

(1) Except for rezones, an application for a permit or approval type set forth in SCC Table [30.70.140\(1\)](#) shall be considered under the development regulations in effect on the date a complete application is filed, pursuant to SCC [30.70.040](#). Provided, that projects under the authority of the director of the department of public works or the county engineer pursuant to SCC [30.63B.100](#) shall vest as of the date the county engineer approves a design report or memorandum for the project.

(2) Building permit or land disturbing activity permit applications that are subsequent and related to the development identified in an application listed in SCC [30.70.300\(2\)\(a\)-\(m\)](#), shall vest to the development regulations in effect at the time a complete application listed in SCC [30.70.300\(2\)\(a\)-\(m\)](#) is filed pursuant to SCC [30.70.040](#).

(a) Administrative conditional use permit;



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: February 23, 2017

Subject: Marijuana Updates

Contact Person/Department: Russ Wright, *Community Development Director*

Budget Impact: none

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Update on status of marijuana facilities and regulations

SUMMARY:

City Council requested that staff provide an update on current marijuana facilities and regulations. There is interest from a citizen to change the city's marijuana regulations to allow an additional retail location.

Background

The City Council adopted Ordinance 958 on May 10, 2016, which modified the city's marijuana regulations for retail and production facilities. The primary changes in this ordinance included:

1. Removing the co-location prohibition;
2. Revising the square footage allocation of existing producers / processors to allow 70,000 square feet of production citywide;
3. Modifying the definitions as proposed;
4. Authorizing the sale of medical marijuana at licensed retail locations with endorsements; and
5. Limiting retail locations to one store (to be revisited in two years).

The city has 9 licensed marijuana facilities, which includes one retail location, six Tier 2 producer / processors, one Tier 2 producer/processor in review, one dedicated processor and one Tier 1 producer/processor. The combined square footage dedicated to producers / processors equals approximately 52,300 square feet from reconciled permit information. If they expanded to full tier limits, the total would be approximately 75,000 square feet.

- There are several **retail** locations within neighboring communities south of Lake Stevens near 32nd Street SE, east of Lake Stevens near Granite Falls off Highway 92 and north of Lake Stevens near Arlington and Smokey Point. Additional locations are located in Everett and in Snohomish County.
- There are nine **production / processing** facilities north and east of the city in Snohomish County and an additional nine facilities in Arlington.

Retail sales are allowed in the Light Industrial and General Industrial and Commercial zoning districts. Production and processing is allowed in the Light Industrial and General Industrial zoning districts. A map showing allowed marijuana zoning and protected areas is included as **Attachment 1**.

No action is requested at this time.

APPLICABLE CITY POLICIES: Chapters 14.44 of the Lake Stevens Municipal Code

BUDGET IMPACT: There is not a budget impact.

EXHIBITS (attached): Attachment 1 – Map



CITY OF
LAKE STEVENS
DRAFT MARIJUANA OVERLAY MAP

Features

- City of Lake Stevens
- Unincorporated UGA
- Protected Entities*
- 1000-Buffer

Subarea Zones

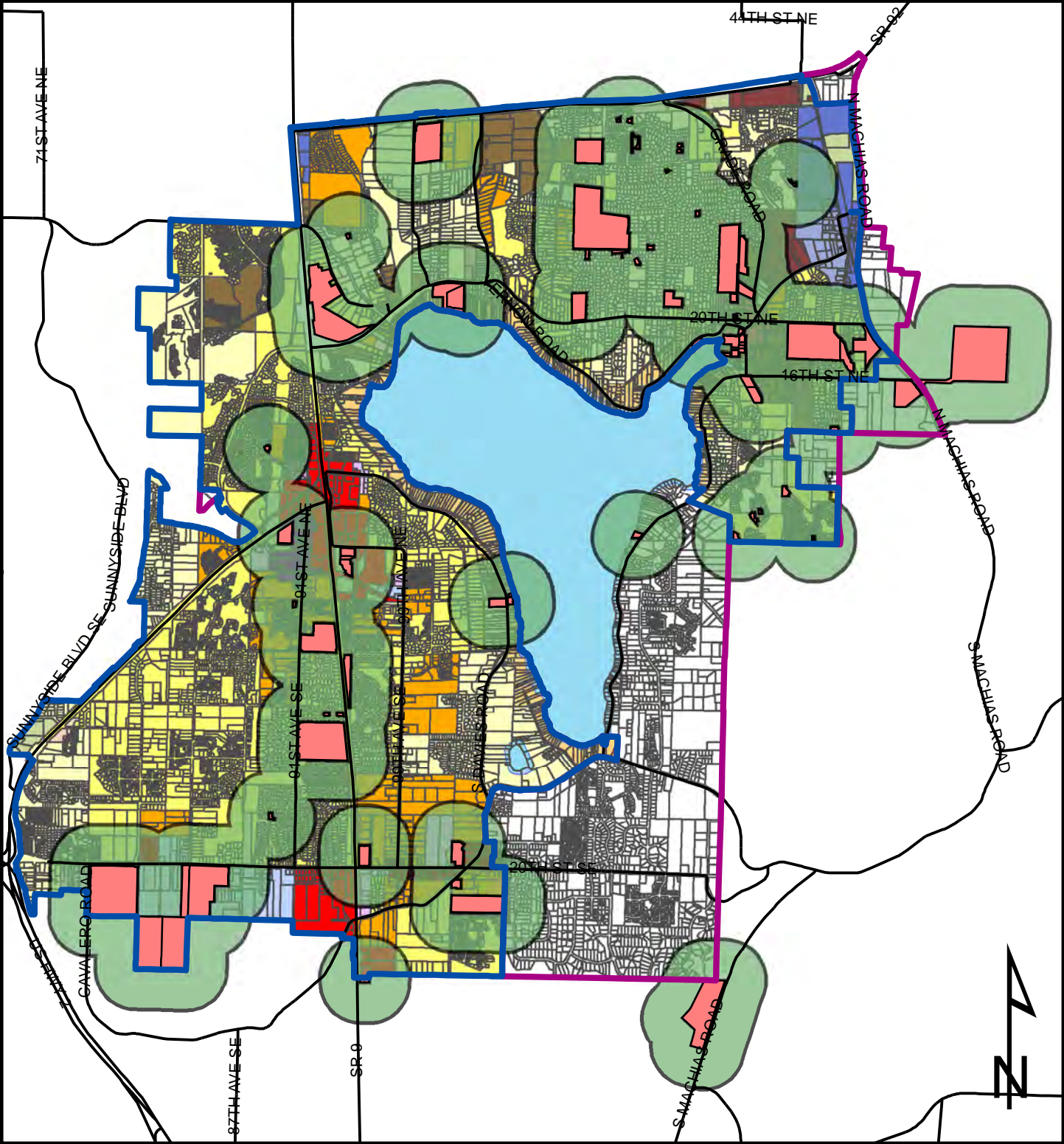
- Urban Residential (UR)
- High Urban Residential (HUR)
- Mixed-Use Neighborhood (MUN)
- Main Street (MS)
- Commercial District (CD)
- Neighborhood Business (NB)
- Business District (BD)
- Public / Semi-Public (P/SP)

City Zones

- Suburban Residential (SR)
- Urban Residential (UR)
- High Urban Residential (HUR)
- Waterfront Residential (WR)
- Multi-Family Residential (MFR)
- MF Development Agreement (MFDA)
- Local Business (LB)
- Mixed Use (MU)
- Central Business District (CBD)
- Planned Business District (PBD)
- Light Industrial (LI)
- General Industrial (GI)
- GI Development Agreement (GIDA)
- Public / Semi-Public (P/SP)

DRAFT 12-31-13

*Protected entities are those entities described in WAC 314-55-050 (10) and are subject to a 1,000 foot separation from marijuana facilities.





CITY OF
LAKE STEVENS
DRAFT MARIJUANA OVERLAY MAP - NE

Features

- City of Lake Stevens
- Unincorporated UGA
- Protected Entities*
- 1000-Buffer

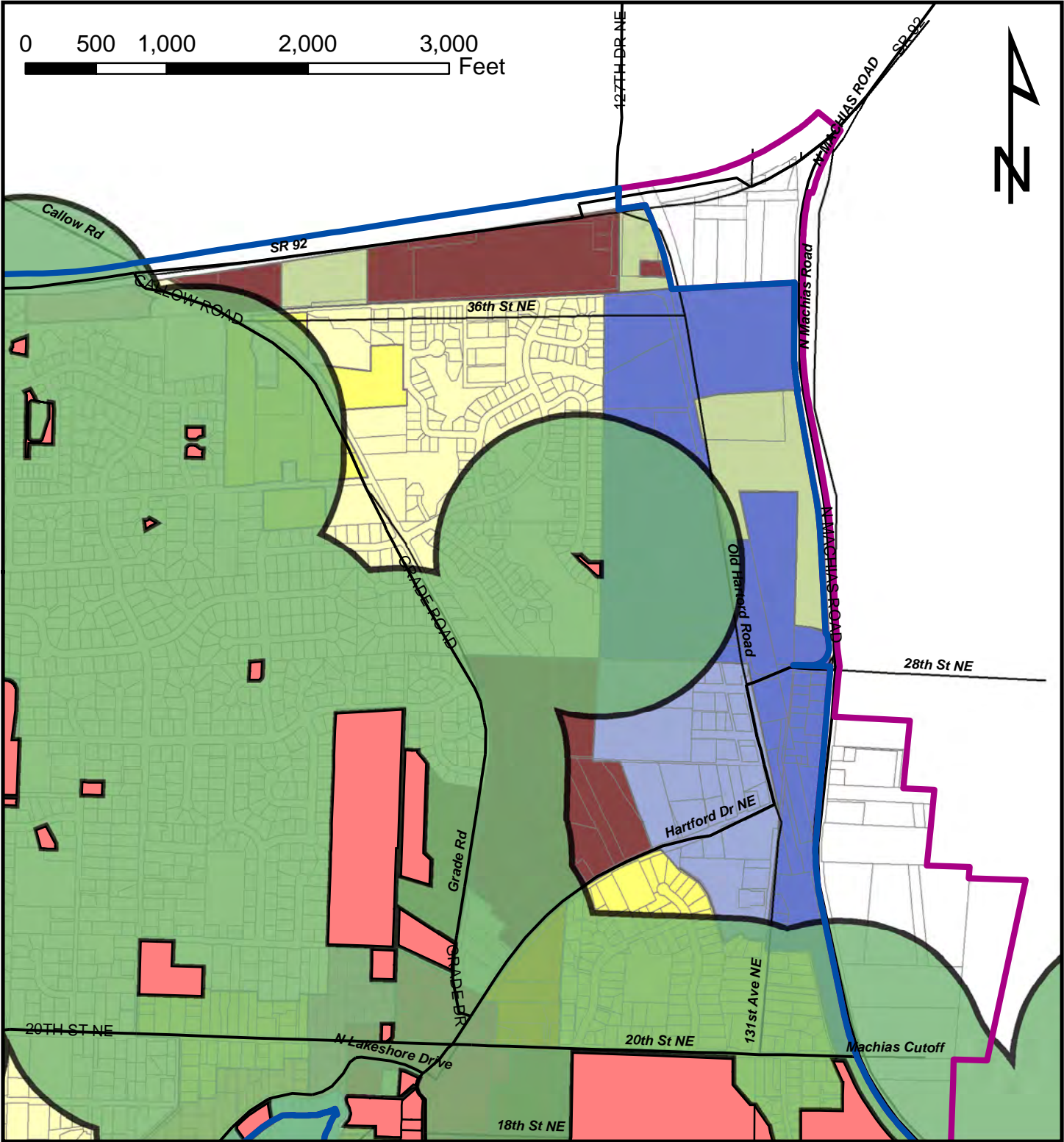
City Zones

- Suburban Residential (SR)
- Urban Residential (UR)
- High Urban Residential (HUR)
- Waterfront Residential (WR)
- Multi-Family Residential (MFR)
- MF Development Agreement (MFDA)
- Local Business (LB)
- Mixed Use (MU)
- Central Business District (CBD)
- Planned Business District (PBD)
- Light Industrial (LI)
- General Industrial (GI)
- GI Development Agreement (GIDA)
- Public / Semi-Public (P/SP)

*Protected entities are those entities described in WAC 314-55-050 (10) and are subject to a 1,000 foot separation from marijuana facilities.

Properties outside the protective buffer with appropriate zoning may have marijuana uses subject to review & approval

DRAFT 12-31-13





CITY OF

LAKE STEVENS

DRAFT MARIJUANA OVERLAY MAP - LSC

Features

- City of Lake Stevens
- Unincorporated UGA
- Protected Entities*
- 1000-Buffer

Subarea Zones

- Urban Residential (UR)
- High Urban Residential (HUR)
- Mixed-Use Neighborhood (MUN)
- Main Street (MS)
- Commercial District (CD)
- Neighborhood Business (NB)
- Business District (BD)
- Public / Semi-Public (P/SP)

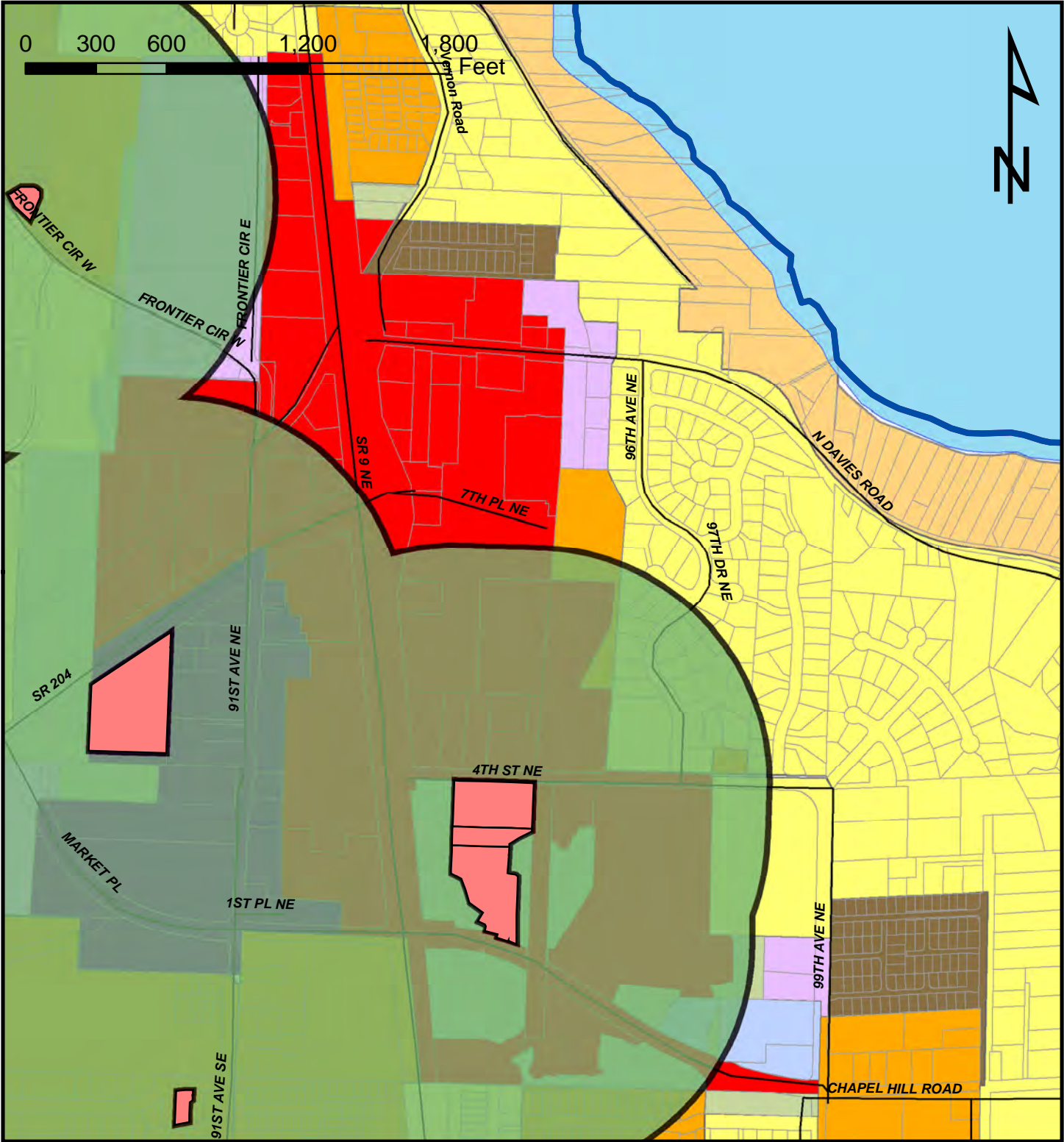
City Zones

- Suburban Residential (SR)
- Urban Residential (UR)
- High Urban Residential (HUR)
- Waterfront Residential (WR)
- Multi-Family Residential (MFR)
- MF Development Agreement (MFDA)
- Local Business (LB)
- Mixed Use (MU)
- Central Business District (CBD)
- Planned Business District (PBD)
- Light Industrial (LI)
- General Industrial (GI)
- GI Development Agreement (GIDA)
- Public / Semi-Public (P/SP)

DRAFT 12-31-13

*Protected entities are those entities described in WAC 314-55-050 (10) and are subject to a 1,000 foot separation from marijuana facilities.

Properties outside the protective buffer with appropriate zoning may have marijuana uses subject to review & approval





CITY OF
LAKE STEVENS
DRAFT MARIJUANA OVERLAY MAP - South

Features

- City of Lake Stevens
- Unincorporated UGA
- Protected Entities*
- 1000-Buffer

Subarea Zones

- Urban Residential (UR)
- High Urban Residential (HUR)
- Mixed-Use Neighborhood (MUN)
- Main Street (MS)
- Commercial District (CD)
- Neighborhood Business (NB)
- Business District (BD)
- Public / Semi-Public (P/SP)

City Zones

- Suburban Residential (SR)
- Urban Residential (UR)
- High Urban Residential (HUR)
- Waterfront Residential (WR)
- Multi-Family Residential (MFR)
- MF Development Agreement (MFDA)
- Local Business (LB)
- Mixed Use (MU)
- Central Business District (CBD)
- Planned Business District (PBD)
- Light Industrial (LI)
- General Industrial (GI)
- GI Development Agreement (GIDA)
- Public / Semi-Public (P/SP)

DRAFT 12-20-13

*Protected entities are those entities described in WAC 314-55-050 (10) and are subject to a 1,000 foot separation from marijuana facilities.

Properties outside the protective buffer with appropriate zoning may have marijuana uses subject to review & approval

