

## ***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 22<sup>nd</sup> Street NE, Lake Stevens**

**Tuesday, November 27, 2018 – 7:00 p.m.**

**NOTE:**

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

<b>CALL TO ORDER:</b>	7:00 P.M.	Mayor
<b>PLEDGE OF ALLEGIANCE</b>		Council President
<b>ROLL CALL</b>		
<b>APPROVAL OF AGENDA</b>		Council President
<b>CITIZEN COMMENTS</b>		
<b>COUNCIL BUSINESS</b>		Council President
<b>MAYOR'S BUSINESS</b>		
<b>CITY DEPARTMENT REPORT</b>	Update	
<b>CONSENT AGENDA:</b>	<p>*A Approve 2018 Vouchers Barb *B Approve City Council Workshop Meeting Minutes of Kathy November 6, 2018 *C Approve City Council Regular Meeting Minutes of Kathy November 13, 2018 *D Approve Park Benches and Tables for Lundein Park Russ Under Rotary Donation *E Final Project Acceptance of Lundein Park Aaron/Eric Improvements</p>	
<b>PUBLIC HEARING:</b>	<p>*F Second and Final Reading of Ordinance 1038 Barb Adopting the 2019 Annual Budget</p>	

**Lake Stevens City Council Regular Meeting Agenda**

**November 27, 2018**

<b>ACTION ITEMS:</b>	*G Approve Supplemental Agreement No. 5 with Perteet re 20 <sup>th</sup> Street SE	Grace/Eric
	*H Approve Supplemental Agreement No. 1 to Professional Services Agreement with Lochner re 24 <sup>th</sup> SE Extension	Grace/Eric
	*I Appoint 2019 Sewer Utility Committee Representatives	Gene
<b>DISCUSSION ITEMS:</b>	*J Wheeled All Terrain Vehicles (WATV's)	John D.
	*K Fire Department Regulations and Inspection Fees	Russ
	*L Critical Areas Briefing	Russ
	*M Old Treatment Plant Site for Recreation/Park Purposes	Gene

**EXECUTIVE SESSION:**

**ADJOURN**

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

**Special Needs**

*The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 622-9400, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.*

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

BLANKET VOUCHER APPROVAL  
**2018**

Payroll Direct Deposits	<b>11/9/2018</b>	<b>\$214,129.95</b>
Payroll Checks	<b>46432</b>	<b>\$1,722.74</b>
Tax Deposit(s)	<b>11/9/2018</b>	<b>\$75,776.62</b>
Electronic Funds Transfers	<b>ACH</b>	<b>\$198,193.69</b>
Claims	<b>46543-46625</b>	<b>\$1,955,270.12</b>
Void Checks	<b>46473</b>	<b>(\$1,640.68)</b>
Total Vouchers Approved:		<b>\$2,443,452.44</b>

**This 27th day of November 2018:**

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.

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Finance Director/Auditing Officer

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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:

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Councilmember



November 27th, 2018

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**City Expenditures by Type on this voucher packet**

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Personnel Costs	\$	215,853	9%
Payroll Federal Taxes	\$	75,777	3%
Retirement Benefits - Employer	\$	51,800	2%
Medical Benefits - Employer	\$	134,940	6%
Other Employer paid Benefits	\$	4,108	0%
Employee paid benefits - By Payroll	\$	20,730	1%
Supplies	\$	30,599	1%
Professional Services	\$	233,789	10%
Intergovernmental	\$	56,602	2%
Capital *	\$	1,620,895	66%
Void Check	\$	(1,641)	-0.1%
<b>Total</b>	<b>\$</b>	<b>2,443,452</b>	<b>100%</b>

**Large Purchases**

\* North Cove Park property purchase \$1,620,000



**Checks to be Approved for Period 11/8/2018 - 11/19/2018**

Total for Period
<b>\$2,229,240.43</b>

Vendor: Ace Hardware

Check Number: 46552

Invoice No	Check Date	Account Number	Account Name	Description	Amount
60566	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Cable Tie/Tie Roll/Ropes	\$62.02
60588	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Staple/Pliers	\$23.94
60619	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Duplex Nail	\$17.41
60692	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Fasteners/Concrete Epoxy	\$40.27
60743	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Drill Bits	\$77.30
60749	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Coupler	\$7.18
60764	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Elbow SXS	\$3.04
60832	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Wetpatch Roof Cement	\$25.04
60844	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Toggle Bolts/Fasteners	\$7.64
60844	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Toggle Bolts/Fasteners	\$7.64
60844	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Toggle Bolts/Fasteners	\$7.65
60845	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Tape/Utility Knife/Nails/Hammer Frame	\$78.34
60847	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Moss Out for Roofs	\$152.23
60880	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Laser Measurer/Setscrew	\$14.48
60880	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Laser Measurer/Setscrew	\$14.48
60880	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Laser Measurer/Setscrew	\$14.48
					\$553.14

Vendor: AFLAC

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
719390	11/8/2018	001 000 284 00 00 00	Payroll Liability Other	Employee paid Insurance Prem	\$1,509.00
					\$1,509.00

Vendor: Alexander Printing

Check Number: 46553

Invoice No	Check Date	Account Number	Account Name	Description	Amount
57741	11/19/2018	001 004 514 23 31 00	FI-Office Supplies	#10 Window Security Envelopes	\$174.50
					\$174.50

Vendor: Alpine Fire and Safety Systems Inc

Check Number: 46554

Invoice No	Check Date	Account Number	Account Name	Description	Amount
50669	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	First Aid Supplies Shop	\$77.50
50669	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	First Aid Supplies Shop	\$77.50
50669	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	First Aid Supplies Shop	\$77.50
					\$232.50

Vendor: Amazon Capital Services

Check Number: 46555

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1DRG-VWQ4-F6LR	11/19/2018	001 008 521 20 31 04	LE-Donation Exp - Other	Disposable Hand Towels & Napkins	\$103.40
1FGP-DDQX-TWWQ	11/19/2018	510 006 594 18 64 00	Capital - Purch Computer Equip	Return/Credit Hook Switch Adapter	(\$278.98)
1PXT-CCVF-Y9KP	11/19/2018	001 008 521 20 31 02	LE-Minor Equipment	CyberPower Mini-Tower	\$177.66
					\$2.08

Vendor: American Forest Management Inc

Check Number: 46556

Invoice No	Check Date	Account Number	Account Name	Description	Amount
113708	11/19/2018	001 010 576 80 41 01	PK -Professional Tree Srv	Arbortist Work - 12401 10th st NE	\$425.00
					\$425.00

Vendor: Aquatechnex

Check Number: 46557

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9737	11/19/2018	410 016 531 16 48 00	SW - Alum Treatment	LS Alum Treatment	\$95,777.55
					\$95,777.55

Vendor: Assoc of Washington Cities EFT

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 283 00 00 00	Payroll Liability Medical	Medical Insurance Premium	\$132,468.55
111018	11/8/2018	001 013 518 30 20 00	GG-Benefits	Medical Insurance Premium	(\$0.88)
					\$132,467.67

Vendor: Assoc of Washington Cities TEAMSTERS EFT

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 283 00 00 00	Payroll Liability Medical	Teamster Dental Premium	\$2,471.88
111018	11/8/2018	001 013 518 30 20 00	GG-Benefits	Teamster Dental Premium	(\$0.08)
					\$2,471.80

Vendor: Business Card

Check Number: 46543

Invoice No	Check Date	Account Number	Account Name	Description	Amount
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0024 1118	11/8/2018	001 002 513 11 43 00	AD-Travel & Meetings	Meeting with City Attorney	\$53.23
0024 1118	11/8/2018	001 002 513 11 43 00	AD-Travel & Meetings	Meeting with City Attorney re Sewer Assumption	\$25.98
0024 1118	11/8/2018	001 002 513 11 43 00	AD-Travel & Meetings	Meeting with Dept of Transportation in Olympia	\$6.00
0024 1118	11/8/2018	001 002 513 11 43 00	AD-Travel & Meetings	Meeting with Dept of Transportation in Olympia	\$66.90
0024 1118	11/8/2018	001 002 513 11 43 00	AD-Travel & Meetings	Meeting with SnoCo Councilmembers for Parks/Rec Costs	\$76.18
0024 1118	11/8/2018	001 007 571 00 30 00	PL - Park & Recreation	Halloween Community Event Candy	\$49.00
0024 1118	11/8/2018	002 008 594 18 60 03	Police Dept Chapel Hill	PD Open House Snacks	\$33.86
0911 1118	11/8/2018	001 007 571 00 30 00	PL - Park & Recreation	Downtown Halloween Event Candy	\$52.97
0911 1118	11/8/2018	101 016 542 30 49 01	ST-Staff Development	Traffic Control Supervisor Class - J Evans	\$495.00
2520 1118	11/8/2018	001 008 521 20 31 02	LE-Minor Equipment	Havahard Large 2-Door Trap	\$80.58
2520 1118	11/8/2018	001 008 521 20 31 02	LE-Minor Equipment	Under Armour Hiking Boot	\$217.79
2520 1118	11/8/2018	001 008 521 20 31 02	LE-Minor Equipment	Wireless USB PowerPoint Remote Control Laser Pointer	\$13.60
2520 1118	11/8/2018	001 008 521 21 31 00	LE-Boating Minor Equipment	Automatic Inflatable PFD/Belt Extender	\$492.83
2520 1118	11/8/2018	001 008 521 40 49 04	LE-Finance Charges	Finance Charge 10/18 - R. Brooks	\$1.28
2520 1118	11/8/2018	001 008 521 40 49 04	LE-Finance Charges	Finance Charge 11/18 - R. Brooks	\$25.25
4407 1118	11/8/2018	001 003 514 20 43 00	CC-Travel & Meetings	CAEC Pro Training - K Pugh/A Crim	\$40.00
4407 1118	11/8/2018	001 003 514 20 43 00	CC-Travel & Meetings	WAPRO 2018 Conf - Hotel/Tacoma - A Crim	\$156.46
4407 1118	11/8/2018	001 003 514 20 43 00	CC-Travel & Meetings	WAPRO 2018 Conf - Hotel/Tacoma - K Pugh	\$156.46
4602 1118	11/8/2018	001 008 521 20 31 06	LE-Emergency Mgmt Supplies	Custom Circle Stickers - Emergency Mgmt	\$76.00
4602 1118	11/8/2018	001 008 521 20 31 06	LE-Emergency Mgmt Supplies	Vinyl Banners - Emergency Mgmt	\$164.81
5130 1118	11/8/2018	001 008 521 20 31 02	LE-Minor Equipment	Standard Halogen Capsule	\$48.24
5130 1118	11/8/2018	001 008 521 20 31 02	LE-Minor Equipment	T-Mobile Galaxy Smartphone	\$69.99
5130 1118	11/8/2018	001 008 521 20 43 01	LE-Business Meetings	Food for Victim in Interview	\$6.19
5294 1118	11/8/2018	001 007 558 50 41 03	PL-Advertising	LUA2017-0049 Postcard Mailers	\$42.73
5294 1118	11/8/2018	001 007 558 50 41 03	PL-Advertising	LUA2017-0149 Postcard Mailers	\$16.74
5294 1118	11/8/2018	001 007 558 50 41 03	PL-Advertising	LUA2018-0025 Postcard Mailers	\$43.94
5294 1118	11/8/2018	001 007 558 50 41 03	PL-Advertising	LUA2018-0076 Postcard Mailers	\$18.83
5294 1118	11/8/2018	001 007 558 50 41 03	PL-Advertising	LUA2018-0145 Postcard Mailers	\$103.91
5294 1118	11/8/2018	001 007 558 50 41 03	PL-Advertising	LUA2018-0156 Postcard Mailers	\$14.96
5294 1118	11/8/2018	001 007 558 50 41 03	PL-Advertising	LUA2018-0163 Postcard Mailers	\$35.50
5393 1118	11/8/2018	001 007 571 00 30 00	PL - Park & Recreation	Downtown Halloween Event Candy	\$74.95
5393 1118	11/8/2018	001 010 576 80 49 01	PK-Staff Development	WSDOT/LTAP Training - P Stevens	\$120.00
5393 1118	11/8/2018	101 016 543 30 43 00	ST-Travel & Meetings	IACC Conference Hotel/Wenatchee - E Durpos	\$106.28
5393 1118	11/8/2018	101 016 544 90 31 02	ST-Operating Cost	UPS Shipping - Amazon Return	\$2.90
5393 1118	11/8/2018	410 016 531 10 31 02	SW-Operating Costs	UPS Shipping - Amazon Return	\$2.90
5393 1118	11/8/2018	410 016 531 10 43 00	SW-Travel & Meetings	IACC Conference Hotel/Wenatchee - E Durpos	\$106.28
6323 1118	11/8/2018	001 008 521 20 31 00	LE-Office Supplies	Glass Cleaner/Soap/Paper Cups	\$28.01
6323 1118	11/8/2018	001 008 521 20 31 02	LE-Minor Equipment	Carwash/Ice Shield	\$34.13

6323 1118	11/8/2018	001 008 521 20 31 02	LE-Minor Equipment	Return Hawk Lapel Mic	(\$90.63)
6323 1118	11/8/2018	001 008 521 20 41 00	LE-Professional Services	Copy of Death Certificate for Fraud Case	\$20.00
6323 1118	11/8/2018	001 008 521 30 31 00	LE-Community Outreach Supplies	Downtown Halloween Event Candy	\$105.44
6323 1118	11/8/2018	001 008 521 30 31 00	LE-Community Outreach Supplies	Posterboard/Balloons/Tablecloths/Chalk/Pens	\$33.21
6323 1118	11/8/2018	001 008 521 40 49 01	LE-Registration Fees	Webinar-Digital Hoarding & Cleaning House - K Starkenburg	\$19.00
6323 1118	11/8/2018	001 008 521 40 49 01	LE-Registration Fees	Webinar-Digital Hoarding & Cleaning House - M LeBlanc	\$19.00
7079 1118	11/8/2018	001 001 513 10 31 00	Executive - Supplies	Coffee Carousel	\$15.47
7079 1118	11/8/2018	001 001 513 10 31 00	Executive - Supplies	Flowers - Navy Commander Reception/Joint Trans Committee Tour	\$141.85
7079 1118	11/8/2018	001 001 513 10 31 00	Executive - Supplies	Plates - Navy Commander Reception/Joint Trans Committee Tour	\$16.30
7079 1118	11/8/2018	001 001 513 10 43 00	Executive - Travel & Mtgs	Food/Plates - Joint City/Sewer Dist Meetings	\$22.96
7079 1118	11/8/2018	001 001 513 10 49 05	Executive - Board/Staff Apprec	Decor/Plates/Table Cloths - Volunteer Reception	\$37.03
7079 1118	11/8/2018	001 001 513 10 49 05	Executive - Board/Staff Apprec	Food/Drinks - Volunteer Reception	\$412.09
7079 1118	11/8/2018	001 005 517 90 41 00	HR-Wellness Program	Bags/Stickers/Pitchers/Napkins - Benefits/Wellness Fair	\$20.69
7079 1118	11/8/2018	001 005 517 90 41 00	HR-Wellness Program	Glass Beverage Dispensers	\$130.82
7815 1118	11/8/2018	001 002 513 11 31 00	AD-Office Supply	Keurig/Coffee - Business Meetings	\$134.68
7815 1118	11/8/2018	001 005 518 10 31 01	HR-Operating Cost	Book - The Empowered Manager	\$12.02
7815 1118	11/8/2018	001 005 518 10 31 01	HR-Operating Cost	Books - Leadership Series	\$14.01
7815 1118	11/8/2018	001 005 518 10 31 01	HR-Operating Cost	Books - Leadership Series	\$29.75
7815 1118	11/8/2018	001 005 518 10 31 01	HR-Operating Cost	Books - Leadership Series	\$48.69
7815 1118	11/8/2018	001 005 518 10 49 00	HR-Miscellaneous	Finance Charge 11/18 - T Smith	\$11.94
7815 1118	11/8/2018	001 010 576 80 49 01	PK-Staff Development	Webinar - How to Recruit/Keep Volunteers - J Haugen	\$49.00
7815 1118	11/8/2018	001 010 576 80 49 01	PK-Staff Development	Webinar - PW Contracting - G Kane	\$11.67
7815 1118	11/8/2018	101 016 542 30 49 01	ST-Staff Development	Webinar - PW Contracting - G Kane	\$11.67
7815 1118	11/8/2018	309 016 595 61 60 01	Safer Routes - 91st/4th St.SE	Recording Deed/Dedication for Public Right of Way	\$100.00
7815 1118	11/8/2018	410 016 531 10 49 01	SW-Staff Development	Webinar - PW Contracting - G Kane	\$11.66
8627 1118	11/8/2018	001 008 521 20 31 02	LE-Minor Equipment	Misc Fingerprint Hardware/Repair	\$544.50
8627 1118	11/8/2018	001 008 521 20 43 00	LE-Travel & Per Diem	Lunch for Accreditation Training	\$13.15
8627 1118	11/8/2018	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Hotel/Interview Class/Chehalis - A Bryant	\$313.47
8627 1118	11/8/2018	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Hotel/Interview Class/Chehalis - D Carter	\$313.47
8627 1118	11/8/2018	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Hotel/Interview Class/Chehalis - M Hingtgen	\$313.47
8627 1118	11/8/2018	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Hotel/Interview Class/Chehalis - P Bassett	\$313.47
8627 1118	11/8/2018	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Hotel/WAPRO Conf/Tacoma - M LeBlanc	\$227.37
8627 1118	11/8/2018	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Hotel/WAPRO Conf/Tacoma - M Olson	\$244.99
8627 1118	11/8/2018	001 008 521 40 49 01	LE-Registration Fees	Credit Academy Training Center	(\$450.00)
8627 1118	11/8/2018	001 008 521 40 49 04	LE-Finance Charges	Finance Charge 11/18 - J Ubert	\$19.76
9090 1118	11/8/2018	001 008 521 20 43 01	LE-Business Meetings	Good2Go - J Dyer	\$300.00

9090 1118	11/8/2018	001 008 521 30 31 00	LE-Community Outreach Supplies	Water/Hot Cocoa/Cookies - Outreach Supplies	\$17.40
9090 1118	11/8/2018	001 008 521 40 49 01	LE-Registration Fees	One Seat Armorer Course - J Anderson	\$525.00
9658 1118	11/8/2018	001 006 518 80 43 00	IT-Travel & Meetings	Hotel - ACCIS Fall Conf/Long Beach CA - T Stevens	\$360.01
9788 1118	11/8/2018	001 008 521 20 41 01	LE-Professional Serv-Fixed	Cameraid Thumbnails	\$9.99
9788 1118	11/8/2018	001 008 521 20 41 01	LE-Professional Serv-Fixed	onX Hunt Premium Annual Membership	\$25.00
					\$7,590.03

Vendor: Cadman Inc

Check Number: 46558

Invoice No	Check Date	Account Number	Account Name	Description	Amount
5564259	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Asphalt	\$192.74
					\$192.74

Vendor: Cascade Collision Center Inc

Check Number: 46559

Invoice No	Check Date	Account Number	Account Name	Description	Amount
4417	11/19/2018	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Repair Trunk/Bumper/Ctr Support/Lamp PT64	\$1,838.90
4418	11/19/2018	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Replace Horn/Frnd Bumper Cvr/Grille/Headlamp PT64	\$4,391.73
					\$6,230.63

Vendor: CHS Engineers LLC

Check Number: 46560

Invoice No	Check Date	Account Number	Account Name	Description	Amount
371816-1810	11/19/2018	001 007 558 50 41 04	Permit Related Professional Sr	LUA2018-0169 Goettler BLA	\$987.32
371817-1810	11/19/2018	001 007 558 50 41 04	Permit Related Professional Sr	LUA2018-0173 Thompson Shed BLA	\$493.66
371818-1810	11/19/2018	001 007 558 50 41 04	Permit Related Professional Sr	LUA2018-0174 Aldag BLA	\$359.74
371819-1810	11/19/2018	001 007 558 50 41 04	Permit Related Professional Sr	LUA2018-0175 Sparman BLA	\$405.69
371820-1810	11/19/2018	001 007 558 50 41 04	Permit Related Professional Sr	LUA2018-0176 Thompson Fence BLA	\$405.69
371821-1810	11/19/2018	310 016 544 40 41 00	20th St SE - Professional Srv	20th and 99th ROW Dedication	\$1,165.10
					\$3,817.20

Vendor: City of Marysville

Check Number: 46561

Invoice No	Check Date	Account Number	Account Name	Description	Amount
18-019	11/19/2018	001 013 512 50 41 00	GG-Municipal Court Fees	Marysville Court Citations Oct 2018	\$17,742.09
POLIN 18-0122	11/19/2018	001 008 523 60 51 00	LE-Jail	Prisoner Housing Yakima Sept 2018	\$5,211.19
POLIN 18-0124	11/19/2018	001 008 523 60 51 00	LE-Jail	Prisoner Housing SCORE Sept 2018	\$480.00
					\$23,433.28

Vendor: Clerk of the Court

Check Number: 46562

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111618	11/19/2018	301 016 544 40 41 00	Street Op - P&D - 20th St SE	20th St Property Acquisition - Peterson Condemnation Settlement	\$17,745.00

\$17,745.00

Vendor: Comcast

Check Number: 46563

Invoice No	Check Date	Account Number	Account Name	Description	Amount
110118	11/19/2018	001 008 521 20 42 00	LE-Communication	Internet Service - Market Place	\$116.18
110118	11/19/2018	001 008 521 20 42 00	LE-Communication	Internet Service - N Lakeshore Dr	\$96.18
110118	11/19/2018	001 013 518 90 49 03	GG-Visitor Center -SnoCo Contr	Internet Service - VIC	\$156.18
110118	11/19/2018	101 016 542 64 47 00	ST-Traffic Control -Utility	Traffic Signal Control	\$163.36
					\$531.90

Vendor: Cory De Jong and Sons Inc

Check Number: 46564

Invoice No	Check Date	Account Number	Account Name	Description	Amount
L269187	11/19/2018	001 010 576 80 31 02	PK-Eagle Ridge Pk-Ops	Top Soil	\$74.32
L269188	11/19/2018	001 010 576 80 31 02	PK-Eagle Ridge Pk-Ops	Top Soil	\$24.77
					\$99.09

Vendor: Crandall Arambula PC

Check Number: 46565

Invoice No	Check Date	Account Number	Account Name	Description	Amount
13	11/19/2018	305 010 594 76 60 00	North Cove Park Capital	North Cove Park Master Plan July-Sept 2018	\$1,040.00
29	11/19/2018	001 007 558 70 41 00	PL-Economic Devel	LS Downtown Subarea Plan Oct 2018	\$3,234.00
					\$4,274.00

Vendor: Crim

Check Number: 46566

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111418	11/19/2018	001 001 513 10 49 00	Executive - Miscellaneous	Reimbursement - Drinks/Snacks for Meet & Greet Attorneys	\$14.92

Vendor: Crystal Springs

Check Number: 46567

Invoice No	Check Date	Account Number	Account Name	Description	Amount
5249844 110118	11/19/2018	001 007 558 50 31 01	PL-Operating Costs	Bottled Water - City Hall/City Shop	\$73.44
5249844 110118	11/19/2018	001 007 559 30 31 01	PB-Operating Cost	Bottled Water - City Hall/City Shop	\$49.41
5249844 110118	11/19/2018	001 013 518 20 31 00	GG-Operating Costs	Bottled Water - City Hall/City Shop	\$49.41
5249844 110118	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Bottled Water - City Hall/City Shop	\$118.98
5249844 110118	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Bottled Water - City Hall/City Shop	\$118.98
					\$410.22

Vendor: Dell Marketing LP

Check Number: 46568

Invoice No	Check Date	Account Number	Account Name	Description	Amount
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10270416075	11/19/2018	101 016 544 90 31 01	ST-Office Supplies	Computer/Monitor - Kane/Nau	\$1,968.32
10270416075	11/19/2018	410 016 531 10 31 01	SW-Office Supplies	Computer/Monitor - Kane/Nau	\$1,968.33
					\$3,936.65

Vendor: Dept of Retirement (Deferred Comp)

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 282 00 00 00	Payroll Liability Retirement	Employee Portion-State Deferre	\$2,345.00
					\$2,345.00

Vendor: Dept of Retirement PERS LEOFF

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 282 00 00 00	Payroll Liability Retirement	PERS LEOFF Contributions	\$51,800.23
					\$51,800.23

Vendor: Dept of Revenue

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
OCT2018	11/19/2018	001 013 518 90 49 06	GG-Excise Tax	Excise Taxes Oct 2018	\$221.13
					\$221.13

Vendor: Diamante Cleaning Experts LLC

Check Number: 46569

Invoice No	Check Date	Account Number	Account Name	Description	Amount
4	11/19/2018	001 007 558 50 41 00	PL-Professional Servic	Janitorial Services Oct 2018	\$65.00
4	11/19/2018	001 007 559 30 41 00	PB-Professional Srv	Janitorial Services Oct 2018	\$65.00
4	11/19/2018	001 008 521 20 41 00	LE-Professional Services	Janitorial Services Oct 2018	\$390.00
4	11/19/2018	001 010 576 80 41 00	PK-Professional Services	Janitorial Services Oct 2018	\$65.00
4	11/19/2018	001 012 575 50 41 00	CS-Community Center - Cleaning	Janitorial Services Oct 2018	\$65.00
4	11/19/2018	001 013 518 20 41 00	GG-Professional Service	Janitorial Services Oct 2018	\$65.00
4	11/19/2018	001 013 518 20 41 00	GG-Professional Service	Janitorial Services Oct 2018	\$98.00
4	11/19/2018	101 016 542 30 41 02	ST-Professional Service	Janitorial Services Oct 2018	\$65.00
4	11/19/2018	410 016 531 10 41 01	SW-Professional Services	Janitorial Services Oct 2018	\$65.00
					\$943.00

Vendor: Dicks Towing Inc

Check Number: 46570

Invoice No	Check Date	Account Number	Account Name	Description	Amount
62059	11/19/2018	001 008 521 20 41 00	LE-Professional Services	Towing Services Police 2014 Dodge Charger	\$115.19
					\$115.19

Vendor: Dooley Enterprises

Check Number: 46571

Invoice No	Check Date	Account Number	Account Name	Description	Amount
55774	11/19/2018	001 008 521 20 31 02	LE-Minor Equipment	Ammunition	\$271.62
					\$271.62

Vendor: DTSGIS Data Transfer Solutions LLC

Check Number: 46572

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1450335	11/19/2018	001 006 518 80 41 00	IT-Professional Services	VUEWorks Training Services	\$2,650.00
					\$2,650.00

Vendor: Dunlap Industrial Hardware

Check Number: 46573

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1417660-01	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Bib-Quilt-Zip-Thigh	\$100.56
1418560-01	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Galv Plates/Bolts/Nuts	\$52.66

Vendor: Dyer

Check Number: 46574

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111218	11/19/2018	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem-Meals WASPC Conference/Chelan WA - J Dyer	\$108.00
					\$108.00

Vendor: EFTPS

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 281 00 00 00	Payroll Liability Taxes	Federal Payroll Taxes	\$75,776.62
					\$75,776.62

Vendor: Electronic Business Machines

Check Number: 46575

Invoice No	Check Date	Account Number	Account Name	Description	Amount
AR117474	11/19/2018	101 016 542 30 48 00	ST-Repair & Maintenance	Copier Repair & Maintenance	\$27.04
AR117474	11/19/2018	410 016 531 10 48 00	SW-Repairs & Maintenance	Copier Repair & Maintenance	\$27.03

Vendor: Engineering Business Systems Inc

Check Number: 46576

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111829	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Polyproline Matte for Plotter	\$202.39
					\$202.39

Vendor: Fastenal Company

Check Number: 46577

Invoice No	Check Date	Account Number	Account Name	Description	Amount
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WAARN124406	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Storm Supplies Sealant/WinterGuard/Alum Rods	\$483.33
					\$483.33

Vendor: Feldman and Lee

Check Number: 46578

Invoice No	Check Date	Account Number	Account Name	Description	Amount
103018	11/19/2018	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services Oct 2018	\$10,000.00
					\$10,000.00

Vendor: Frontier

Check Number: 46579

Invoice No	Check Date	Account Number	Account Name	Description	Amount
110118	11/19/2018	001 012 575 30 42 00	CS-Historical-Communications	Telephone Services Museum Nov 2018	\$84.48
110118	11/19/2018	001 013 518 20 31 00	GG-Operating Costs	City Hall Fax Services Nov 2018	\$27.25
110118	11/19/2018	101 016 542 64 47 00	ST-Traffic Control -Utility	Traffic Control Modem Nov 2018	\$59.81
110118	11/19/2018	101 016 543 30 42 00	ST-Communications	City Hall Fax Services Nov 2018	\$27.26
110118	11/19/2018	410 016 531 10 42 00	SW-Communications	City Hall Fax Services Nov 2018	\$27.26
					\$226.06

Vendor: Galls LLC

Check Number: 46580

Invoice No	Check Date	Account Number	Account Name	Description	Amount
011143062	11/19/2018	001 008 521 20 31 02	LE-Minor Equipment	Commendation Bar	\$18.95
					\$18.95

Vendor: Glens Welding and Machine Inc

Check Number: 46581

Invoice No	Check Date	Account Number	Account Name	Description	Amount
S11559	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Blower	\$490.05
S11663	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Handle Bar/Carabiner/Rope/Lanyard	\$153.40
S11663	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Handle Bar/Carabiner/Rope/Lanyard	\$153.41
S11700	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Valve/Nut Repair	\$18.77
S11700	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Valve/Nut Repair	\$18.78
					\$834.41

Vendor: Good

Check Number: 46582

Invoice No	Check Date	Account Number	Account Name	Description	Amount
101518	11/19/2018	001 005 517 90 41 00	HR-Wellness Program	Reimburse - Granola Bars for Benefits Fair	\$11.96
					\$11.96

Vendor: Grainger

Check Number: 46583

Invoice No	Check Date	Account Number	Account Name	Description	Amount
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9957932388	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Toggle Switch	\$12.80
					\$12.80

Vendor: Grange Supply

Check Number: 46584

Invoice No	Check Date	Account Number	Account Name	Description	Amount
617755/4	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Propane	\$40.42
					\$40.42

Vendor: Granite Construction Supply

Check Number: 46585

Invoice No	Check Date	Account Number	Account Name	Description	Amount
262_00074517	11/19/2018	101 016 517 60 31 00	ST-Safety Program	Jacket Soft Shell	\$186.49
262_00074518	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Power Jet Hand Burner	\$246.83
262_00074535	11/19/2018	101 016 542 64 31 00	ST-Traffic Control - Supply	Road Flares/Caution Tape	\$182.87
262_00074539	11/19/2018	101 016 542 64 31 00	ST-Traffic Control - Supply	Axe/Post/Bolts/Anchor/Mount/Ratchet Strap	\$1,303.82
					\$1,920.01

Vendor: Griffen

Check Number: 46586

Invoice No	Check Date	Account Number	Account Name	Description	Amount
8Z0618142	11/19/2018	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$300.00
8Z0755556	11/19/2018	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$300.00
8Z0779621	11/19/2018	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$75.00
8Z0920002	11/19/2018	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$300.00
					\$975.00

Vendor: HERC Rentals Inc

Check Number: 46587

Invoice No	Check Date	Account Number	Account Name	Description	Amount
30253608-002	11/19/2018	101 016 542 30 45 00	ST-Rentals-Leases	Scissor Lift Rental	\$397.49
					\$397.49

Vendor: Honey Bucket

Check Number: 46588

Invoice No	Check Date	Account Number	Account Name	Description	Amount
550855321	11/19/2018	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Boat Launch	\$218.00
550855322	11/19/2018	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Community Garden	\$117.50
550856872	11/19/2018	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Halloween Event	\$300.00
550863056	11/19/2018	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Event Swim Beach	\$269.65
					\$905.15

Vendor: HRA VEBA Trust YA20192

Check Number: 46544

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 283 00 00 00	Payroll Liability Medical	Employee VEBA Contributions	\$719.48
					\$719.48

Vendor: HSA Bank

Check Number: 46545

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 284 00 00 00	Payroll Liability Other	Health Savings Account Employee Contributions	\$5,847.15
					\$5,847.15

Vendor: Hunter

Check Number: 46589

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2176	11/19/2018	001 007 558 50 41 04	Permit Related Professional Sr	Hearing Examiner Activities LUA2018-0015/16	\$2,000.00
2176	11/19/2018	001 008 521 20 41 00	LE-Professional Services	Hearing Examiner Dangerous Dog Appeal 18-19033/19171	\$325.50
					\$2,325.50

Vendor: J Thayer Company Inc

Check Number: 46590

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1300629-0	11/19/2018	001 008 521 20 31 00	LE-Office Supplies	Printer	\$617.46
1301180-0	11/19/2018	001 008 521 20 31 00	LE-Office Supplies	Printer	\$435.55
1302141-0	11/19/2018	001 003 514 20 31 00	CC-Office Supply	Steno Pads	\$4.95
1302141-0	11/19/2018	001 004 514 23 31 00	FI-Office Supplies	Stapler	\$27.40
1302141-0	11/19/2018	001 007 558 50 31 00	PL-Office Supplies	Perm Markers/Labels	\$56.83
1302141-0	11/19/2018	001 007 559 30 31 00	PB-Office Supplies	Mail Labels/Perm Markers	\$20.96
1302141-0	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Wall File	\$3.62
1302141-0	11/19/2018	001 013 518 20 31 00	GG-Operating Costs	Tape/Envelopes/Paper/Pens	\$69.83
1302141-0	11/19/2018	101 016 544 90 31 01	ST-Office Supplies	Wall File	\$3.62
1302141-0	11/19/2018	410 016 531 10 31 01	SW-Office Supplies	Wall File	\$3.61
C1299533-0	11/19/2018	001 004 514 23 31 00	FI-Office Supplies	Credit/Return Stapler	(\$37.34)
C1300629-0	11/19/2018	001 008 521 20 31 00	LE-Office Supplies	Credit/Return Printer	(\$617.46)
					\$589.03

Vendor: Kim PS Inc

Check Number: 46591

Invoice No	Check Date	Account Number	Account Name	Description	Amount
6Z0814216	11/19/2018	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$172.50
8Z0465223	11/19/2018	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$300.00
					\$472.50

Vendor: Lake Stevens Fire

Check Number: 46592

Invoice No	Check Date	Account Number	Account Name	Description	Amount
Q2 2018	11/19/2018	633 000 589 30 00 02	Fire District Fee Remit	Q2 2018 Fire Fees	\$2,590.00
Q3 2018	11/19/2018	633 000 589 30 00 02	Fire District Fee Remit	Q3 2018 Fire Fees	\$7,610.00
					\$10,200.00

Vendor: Lake Stevens Police Guild

Check Number: 46546

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 284 00 00 00	Payroll Liability Other	Employee Paid Union Dues	\$1,143.50
					\$1,143.50

Vendor: Lake Stevens School District

Check Number: 46593

Invoice No	Check Date	Account Number	Account Name	Description	Amount
18190016	11/19/2018	001 007 558 50 32 00	PL-Fuel	Fuel	\$9.36
18190016	11/19/2018	001 007 559 30 32 00	PB-Fuel	Fuel	\$254.56
18190016	11/19/2018	001 008 521 20 32 00	LE-Fuel	Fuel	\$7,249.99
18190016	11/19/2018	001 010 576 80 32 00	PK-Fuel Costs	Fuel	\$44.64
18190016	11/19/2018	001 013 518 20 32 00	GG-Fuel	Fuel	\$9.36
18190016	11/19/2018	101 016 542 30 32 00	ST-Fuel	Fuel	\$2,248.11
18190016	11/19/2018	410 016 531 10 32 00	SW-Fuel	Fuel	\$1,997.60
					\$11,813.62

Vendor: Lake Stevens Sewer District

Check Number: 46594

Invoice No	Check Date	Account Number	Account Name	Description	Amount
110118	11/19/2018	001 008 521 50 47 00	LE-Facility Utilities	Sewer - N Lakeshore Dr	\$86.00
110118	11/19/2018	001 008 521 50 47 00	LE-Facility Utilities	Sewer - Police Station	\$86.00
110118	11/19/2018	001 010 576 80 47 00	PK-Utilities	Sewer - Lundeen Park	\$172.00
110118	11/19/2018	001 012 572 20 47 00	CS-Library-Utilities	Sewer - Library	\$86.00
110118	11/19/2018	001 013 518 20 47 00	GG-Utilities	Sewer - City Hall	\$172.00
110118	11/19/2018	001 013 518 20 47 00	GG-Utilities	Sewer - Family Center	\$86.00
110118	11/19/2018	001 013 518 20 47 00	GG-Utilities	Sewer - Permit Center	\$86.00
110118	11/19/2018	001 013 518 20 47 00	GG-Utilities	Sewer - Vacant Houses 20th St SE	\$86.00
110118	11/19/2018	101 016 543 50 47 00	ST-Utilities	Sewer - 99th Ave SE Property	\$86.00
					\$946.00

Vendor: Lemay Mobile Shredding

Check Number: 46595

Invoice No	Check Date	Account Number	Account Name	Description	Amount
4587823	11/19/2018	001 008 521 20 41 01	LE-Professional Serv-Fixed	Shredding Services PD Oct 2018	\$9.86
4587824	11/19/2018	001 013 518 20 41 00	GG-Professional Service	Shredding Services CH Oct 2018	\$4.93

\$14.79

Vendor: Nationwide Retirement Solution

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 282 00 00 00	Payroll Liability Retirement	Employee Portion-Nationwide	\$3,954.84
					\$3,954.84

Vendor: Nelson Petroleum

Check Number: 46596

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0677513-IN	11/19/2018	101 015 543 30 31 00	ME - Operating Costs	55 Gal Dum Motor Oil for Diesel Vehicles	\$205.42
0677513-IN	11/19/2018	410 015 531 10 31 00	ME - Operating Costs	55 Gal Dum Motor Oil for Diesel Vehicles	\$205.42

Vendor: New York Life

Check Number: 46547

Invoice No	Check Date	Account Number	Account Name	Description	Amount
022195124 111018	11/8/2018	001 000 284 00 00 00	Payroll Liability Other	Whole Life Insurance Premiums	\$496.00
					\$496.00

Vendor: New York Life EFT

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 002 513 11 20 00	AD-Benefits	Life/Disability Ins Premiums	\$64.85
111018	11/8/2018	001 003 514 20 20 00	CC-Benefits	Life/Disability Ins Premiums	\$92.33
111018	11/8/2018	001 004 514 23 20 00	FI-Benefits	Life/Disability Ins Premiums	\$134.18
111018	11/8/2018	001 005 518 10 20 00	HR-Benefits	Life/Disability Ins Premiums	\$84.35
111018	11/8/2018	001 006 518 80 20 00	IT-Benefits	Life/Disability Ins Premiums	\$83.90
111018	11/8/2018	001 007 558 50 20 00	PL-Benefits	Life/Disability Ins Premiums	\$285.17
111018	11/8/2018	001 007 559 30 20 00	PB-Benefits	Life/Disability Ins Premiums	\$144.72
111018	11/8/2018	001 008 521 20 20 00	LE-Benefits	Life/Disability Ins Premiums	\$1,408.70
111018	11/8/2018	001 010 576 80 20 00	PK-Benefits	Life/Disability Ins Premiums	\$83.60
111018	11/8/2018	001 013 518 30 20 00	GG-Benefits	Life/Disability Ins Premiums	\$40.52
111018	11/8/2018	101 016 542 30 20 00	ST-Benefits	Life/Disability Ins Premiums	\$426.14
111018	11/8/2018	401 070 535 10 20 00	SE-Benefits	Life/Disability Ins Premiums	\$6.22
111018	11/8/2018	410 016 531 10 20 00	SW-Benefits	Life/Disability Ins Premiums	\$405.84
					\$3,260.52

Vendor: Office of The State Treasurer

Check Number: 46597

Invoice No	Check Date	Account Number	Account Name	Description	Amount
103118	11/19/2018	633 000 589 30 00 03	State Building Permit Remit	Oct 2018 State Court Fees	\$702.75

103118	11/19/2018	633 000 589 30 00 04	State Court Remittance	Oct 2018 State Court Fees	\$29,336.12
					\$30,038.87

Vendor: Olson

Check Number: 46598

Invoice No	Check Date	Account Number	Account Name	Description	Amount
121018	11/19/2018	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals/Records Academy/Everett - M Olson	\$100.00
					\$100.00

Vendor: Otak Inc

Check Number: 46599

Invoice No	Check Date	Account Number	Account Name	Description	Amount
000111800121	11/19/2018	310 016 544 40 41 00	20th St SE - Professional Srv	20th Street Nursery Property	\$6,767.96
					\$6,767.96

Vendor: Outcomes by Levy LLC

Check Number: 46600

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2018-10-LS	11/19/2018	001 013 511 70 40 00	Lobbying Services	Legislative/Regulatory Consulting for Oct 2018	\$4,634.94
					\$4,634.94

Vendor: Pacific Power Batteries

Check Number: 46601

Invoice No	Check Date	Account Number	Account Name	Description	Amount
11374261	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Speed Read Bats	\$459.42
					\$459.42

Vendor: Perteet Inc

Check Number: 46602

Invoice No	Check Date	Account Number	Account Name	Description	Amount
20120176.001-41	11/19/2018	301 016 544 40 41 00	Street Op - P&D - 20th St SE	20th Street SE Phase II-Segment 1 Design	\$272.53
					\$272.53

Vendor: Puget Sound Energy

Check Number: 46603

Invoice No	Check Date	Account Number	Account Name	Description	Amount
24316495 1118	11/19/2018	001 010 576 80 47 00	PK-Utilities	Natural Gas - City Shop	\$36.08
24316495 1118	11/19/2018	101 016 543 50 47 00	ST-Utilities	Natural Gas - City Shop	\$36.09
24316495 1118	11/19/2018	410 016 531 10 47 00	SW-Utilities	Natural Gas - City Shop	\$36.09
3723810 1118	11/19/2018	001 008 521 50 47 00	LE-Facility Utilities	Natural Gas - N Lakeshore Dr	\$71.26
					\$179.52

Vendor: Pugh

Check Number: 46604

Invoice No	Check Date	Account Number	Account Name	Description	Amount

111518	11/19/2018	001 003 514 20 43 00	CC-Travel & Meetings	PerDiem - Meals WCIA Training/Tukwila Wa - K Pugh	\$196.53
					\$196.53

Vendor: Republic Services 197

Check Number: 46605

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0197-002357888	11/19/2018	001 010 576 80 45 01	PK- Dumpster Service	Dumpster Services - City Shop	\$495.25
0197-002357888	11/19/2018	101 016 542 30 45 01	ST-Dumpster Service	Dumpster Services - City Shop	\$495.25
0197-002357888	11/19/2018	410 016 531 10 45 00	SW-Dumpster Service	Dumpster Services - City Shop	\$495.26
					\$1,485.76

Check Number: 46606

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0197-002358484	11/19/2018	001 013 518 20 45 01	GG-Dumpster Service	Dumpster Services - City Hall	\$147.42
					\$147.42

Check Number: 46607

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0197-002357084	11/19/2018	410 016 531 10 45 00	SW-Dumpster Service	Dumpster Services - Hartford Rd/36th St	\$141.69
					\$141.69

Vendor: Rodgers Deutsh & Turner Account

Check Number: 46608

Invoice No	Check Date	Account Number	Account Name	Description	Amount
11618	11/19/2018	002 010 594 76 61 01	Park Acquisition	Williams Property Purchase - North Cove Park	\$620,000.00
11618	11/19/2018	302 010 594 76 60 00	PM - Park Acquisition	Williams Property Purchase - North Cove Park	\$1,000,000.00
					\$1,620,000.00

Vendor: Six Robblees Inc

Check Number: 46609

Invoice No	Check Date	Account Number	Account Name	Description	Amount
14-376601	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Hitch Pin/Tri-Ball Ball Mount	\$191.94
14-377007	11/19/2018	101 016 542 66 31 00	ST-Snow & Ice - Sply	D-Rings	\$45.74
					\$237.68

Vendor: Smarsh Inc

Check Number: 46610

Invoice No	Check Date	Account Number	Account Name	Description	Amount
INV00426105	11/19/2018	510 006 518 80 49 05	LR - Smarsh	Archiving Platform Content Usage/Web Archiving	\$654.00
					\$654.00

Vendor: Snohomish County Conservation Dist

Check Number: 46611

Invoice No	Check Date	Account Number	Account Name	Description	Amount
3589	11/19/2018	410 016 531 50 31 16	DOE - Capacity Exp 17-19	Grant Reimbursement Q3	\$3,640.02

\$3,640.02

Vendor: Snohomish County PUD

Check Number: 46612

Invoice No	Check Date	Account Number	Account Name	Description	Amount
105004085	11/19/2018	001 013 518 20 47 00	GG-Utilities	200206019 Old City Hall	\$110.06
108320861	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	200363505 Traffic Signal	\$78.84
111615284	11/19/2018	001 013 518 20 47 00	GG-Utilities	201783685 New City Hall	\$225.51
114920152	11/19/2018	001 010 576 80 47 00	PK-Utilities	221860174 Frontier Circle Park	\$45.53
114921687	11/19/2018	001 012 572 20 47 00	CS-Library-Utilities	200206977 Library	\$329.81
114921687	11/19/2018	001 013 518 20 47 00	GG-Utilities	200206977 Library Water Meter	\$98.81
118240064	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	201595113 Street Lights	\$180.37
124876830	11/19/2018	001 010 576 80 47 00	PK-Utilities	201513934 Parks	\$15.88
128160002	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	202624367 Street Lights	\$11,036.42
128160003	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	202648101 Street Lights - Soper Hill Annexation	\$1,264.08
128160004	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	202670725 Street Lights	\$1,239.49
131471510	11/19/2018	001 010 576 80 47 00	PK-Utilities	202513354 Park lighting	\$19.13
134775648	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	201973682 Street Lights	\$46.93
137984021	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	201860178 Traffic Signal	\$145.56
137984572	11/19/2018	001 013 518 20 47 00	GG-Utilities	201956075 War Memorial	\$24.43
141292942	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	204719074 Catherine Creek Bridge lights	\$22.68
141294124	11/19/2018	001 012 575 50 47 00	CS-Community Center-Utilities	200860922 Community Center	\$310.25
141295828	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	202648705 Street Lights	\$48.85
141296408	11/19/2018	001 008 521 50 47 00	LE-Facility Utilities	202766820 Police Dept Electric	\$458.90
141296409	11/19/2018	001 008 521 50 47 00	LE-Facility Utilities	203033030 Police Dept Water	\$70.58
157680976	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	205338056 SR92 Roundabout at 113th	\$56.64
157682071	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	205320781 SR92 Roundabout at 99th	\$64.22
164078225	11/19/2018	001 013 518 20 47 00	GG-Utilities	221412273 Admin Annex	\$112.44
167322166	11/19/2018	101 016 542 63 47 00	ST-Lighting - Utilities	203115522 Street Light meter	\$134.27
167322473	11/19/2018	001 012 575 30 47 00	CS-Historical-Utilities	202289237 Museum	\$31.63
167322473	11/19/2018	001 012 575 51 47 00	CS-Grimm House Utilities	202289237 Grimm House	\$31.64
167323282	11/19/2018	001 010 576 80 47 00	PK-Utilities	200748721 Parks	\$51.69
					\$16,254.64

Vendor: Snohomish County Sheriffs Office

Check Number: 46613

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2018-4712	11/19/2018	001 008 523 60 51 00	LE-Jail	Jail Services Sept 2018	\$10,032.32

Vendor: Snohomish County Treasurer

Check Number: 46614

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111318	11/19/2018	633 000 589 30 00 06	Crime Victims Compensation	Oct 2018 Crime Victims Compensation	\$459.52
					\$459.52

Vendor: Sound Publishing Inc

Check Number: 46615

Invoice No	Check Date	Account Number	Account Name	Description	Amount
EDH831337	11/19/2018	001 007 558 50 41 03	PL-Advertising	PH Updates to Muni Code 14.88 Critical Areas	\$86.24
EDH832150	11/19/2018	001 013 518 30 41 01	GG-Advertising	PH Proposed 2019 Budget	\$58.72
EDH832321	11/19/2018	001 007 558 50 41 04	Permit Related Professional Sr	LUA2018-0076 North Village Townhouses	\$105.04
EDH832495	11/19/2018	001 007 558 50 41 04	Permit Related Professional Sr	LUA2017-0049 Mattson Hill Preliminary Short Plat Advert	\$113.52
EDH833490	11/19/2018	001 007 558 50 41 04	Permit Related Professional Sr	LUA2018-0181 Pellerin Ridge ROW Vacation	\$79.24
					\$442.76

Vendor: Sound Safety Products Co Inc

Check Number: 46616

Invoice No	Check Date	Account Number	Account Name	Description	Amount
240241/1	11/19/2018	410 016 531 10 31 00	SW-Clothing	Insulated Jacket	\$127.24
241155/1	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	CL3 Vision Jacket	\$104.20
241155/1	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	CL3 Vision Jacket	\$104.21
					\$335.65

Vendor: State Auditors Office

Check Number: 46617

Invoice No	Check Date	Account Number	Account Name	Description	Amount
L127945	11/19/2018	001 004 514 23 41 00	FI-Professional Service	2017 Accountability/Financial Audit	\$4,460.55
					\$4,460.55

Vendor: Tacoma Screw Products Inc

Check Number: 46618

Invoice No	Check Date	Account Number	Account Name	Description	Amount
18220849	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Rotary Brush	\$156.37
18220849	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Rotary Brush	\$156.37
18220849	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Rotary Brush	\$156.37
18220850	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Bolts/Deck Screws/Gloves	\$79.98
18220850	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Bolts/Deck Screws/Gloves	\$79.98
18220850	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Bolts/Deck Screws/Gloves	\$79.98
18220851	11/19/2018	001 010 576 80 31 00	PK-Operating Costs	Photo Hex Extension	\$5.28
18220851	11/19/2018	101 016 544 90 31 02	ST-Operating Cost	Photo Hex Extension	\$5.29
18220851	11/19/2018	410 016 531 10 31 02	SW-Operating Costs	Photo Hex Extension	\$5.29
					\$724.91

Vendor: Teamsters Local No 763

Check Number: 46548

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 284 00 00 00	Payroll Liability Other	Union Dues	\$1,004.00
					\$1,004.00

Vendor: Technological Services Inc

Check Number: 46619

Invoice No	Check Date	Account Number	Account Name	Description	Amount
10582	11/19/2018	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Powertrain Service PT-14-58	\$276.99
					\$276.99

Vendor: The UPS Store 1877

Check Number: 46620

Invoice No	Check Date	Account Number	Account Name	Description	Amount
35272	11/19/2018	001 012 573 20 31 00	CS-Arts Commission	Copies Arts Commission Flyer	\$71.36
					\$71.36

Vendor: The Watershed Co

Check Number: 46621

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2018-1223	11/19/2018	001 007 558 50 41 04	Permit Related Professional Sr	Environmental Consulting - Peer Review Wetland Delineation	\$2,133.79
2018-1279	11/19/2018	001 007 558 50 41 00	PL-Professional Servic	Environmental Consulting - Shoreline Master Plan	\$585.00

Vendor: Vantagepoint Transfer Agents - 108991

Check Number: 46549

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 282 00 00 00	Payroll Liability Retirement	ICMA Deferred Comp - Employer Contribution	\$352.81
					\$352.81

Vendor: Vantagepoint Transfer Agents - 307428

Check Number: 46550

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 282 00 00 00	Payroll Liability Retirement	ICMA Deferred Comp - Employee Contribution	\$1,088.35
					\$1,088.35

Vendor: Washington State Criminal Justice

Check Number: 46622

Invoice No	Check Date	Account Number	Account Name	Description	Amount
201131369	11/19/2018	001 008 521 40 49 01	LE-Registration Fees	Interview Techniques - Bassett/Bryant/Carter/Hingtgen	\$300.00
					\$300.00

Vendor: Washington State Dept of Enterprise Svcs

Check Number: 46623

Invoice No	Check Date	Account Number	Account Name	Description	Amount
73181020	11/19/2018	001 008 521 20 31 00	LE-Office Supplies	Business Cards - Aukerman	\$40.84
					\$40.84

Vendor: Washington State Patrol

Check Number: 46624

Invoice No	Check Date	Account Number	Account Name	Description	Amount
I19002979	11/19/2018	633 000 589 30 00 10	Gun Permit - FBI Remittance	Weapons Permit Background Checks Oct 2018	\$180.00
					\$180.00

Vendor: Washington State Support Registry

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 284 00 00 00	Payroll Liability Other	Employee Paid Child Support	\$163.50
					\$163.50

Vendor: Weed Graafstra & Associates Inc

Check Number: 46625

Invoice No	Check Date	Account Number	Account Name	Description	Amount
181	11/19/2018	001 011 515 41 41 00	Ext Consultation - City Atty	Legal Services - General Matters	\$11,476.09
181	11/19/2018	001 011 515 41 41 01	Ext Consult - PRA	Legal Services - General Matters	\$1,077.00
181	11/19/2018	001 011 515 45 41 00	Ext Litigation - City Atty	Legal Services - General Matters	\$3,966.50
181	11/19/2018	301 016 544 40 41 00	Street Op - P&D - 20th St SE	Legal Services - 20th Street Acquisitions	\$7,354.00
					\$23,873.59

Vendor: Western Conference of Teamsters Pension Trust

Check Number: 46551

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111018	11/8/2018	001 000 282 00 00 00	Payroll Liability Retirement	Employee Contributions - Teamster Pension	\$2,954.79
					\$2,954.79



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

Tuesday, November 6, 2018

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

CALL TO ORDER: 7:00 p.m. by Mayor Pro Tem Marcus Tageant

ELECTED OFFICIALS PRESENT: Councilmembers Kim Daughtry, Kurt Hilt, Gary Petershagen, Todd Welch, Rauchel McDaniel, and Brett Gailey

ELECTED OFFICIALS ABSENT: Mayor John Spencer

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director Barb Stevens, Human Resources Director Teri Smith, City Clerk Kathy Pugh, Police Chief John Dyer, Public Works Director Eric Durpos, Community Development Director Russ Wright, IT Manager Troy Stevens, Deputy City Clerk Adri Crim, Senior Engineer Grace Kane, Planning Manager Josh Machen, Associate Planner Jill Meis

OTHERS:

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Mayor Pro Tem Tageant opened the meeting at 6:58 p.m.

Finance Director Stevens distributed a handout and provided a brief third quarter financial update.

**2019 Budget and Chamber Lease/VIC:** Director Stevens presented a PowerPoint and reviewed the proposed 2019 Budget including 2019 staffing levels, revenues and expenditures, what a 5% reduction in expenditures across all departments would look like, budget forecasts, managing budget risks, and revenue assumptions. Director Stevens reviewed funding increase to the general fund for utility taxes for electric, gas, water, and sewer; the street fund includes an increase to the garbage utility tax. She mentioned the surface water tax has been removed as requested by Council. The budget also includes revenues from the Transportation Benefit District which will not be effective until approximately six months into 2019.

Director Stevens next reviewed budgeted contributions for Snohomish Health District and the Senior Center, as well as reviewing the termination assumptions for both the Visitor Information Center Contribution Agreement and the Lundein House Chamber of Commerce Lease.

Councilmember McDaniel requested that going forward, if tenant improvements are necessary for leased premises, there be a tenant improvement agreement requiring itemized invoices to reflect any tenant improvements made.

Director Stevens said the first public hearing will be at next week's Council meeting.

Council discussion ensued on whether to continue with the Visitor Information Center Contribution Agreement and the Lundein House Chamber of Commerce Lease or if both should be terminated.

Councilmember Tageant suggested not paying the stipend and have the Chamber pay some rent until they could figure something out. He also suggested the City do their due diligence and work with the Chamber to help them find a new location.

Director Stevens said the 2019 budget is assuming the termination of the lease.

Councilmember Hilt does not see a compelling reason to terminate the lease with the Chamber. He commented the two parties have entered into a good faith agreement for that space and the Chamber is a very important partner with the City; he does not want to see the relationship between the City and the Chamber sullied by a premature termination.

Councilmember Petershagen agreed with Councilmember Hilt and added if the lease is terminated early, it would drive a wedge between the City and the Chamber. He sees value in the Visitor Information Center especially with the Lake.

Councilmember Tageant expressed concerns with some of the information that has been coming from the Visitor Information Center.

Councilmember Welch said he does not have any issues with the way the Visitor Information Center is currently being run.

Council consensus was to have further discussion on what to do with the Visitor Information Center contract and lease.

Director Stevens said the Visitor Information Center contract and lease are currently in the budget.

Councilmember Welch would like Council to consider not adding an additional \$20,000 for the Senior Center as the previous funds have not been used.

Director Stevens reminded the original intent for the money was to allow the Senior Center to hire an executive, but it was determined that that was not enough funding, so the Council decided to roll those funds forward and add an additional \$20,000.

Councilmember McDaniel asked that the budget continue to include the additional \$20,000 for the Senior Center so they can hire the executive.

Director Stevens said the budget is going to move forward as written. She mentioned there is a public hearing scheduled for the next Council meeting and it has been published in the local newspaper on October 29<sup>th</sup> and November 5<sup>th</sup>.

**Lake Safety Code Amendments:** Associate Planner Meis reviewed the suggested lake safety code amendments and responded to questions from Council.

Police Chief Dyer added that the Police Department met with staff several times to review the suggestion code amendments and offer additional recommendations.

Council discussed the amendments and expressed concerns that some of the language will restrict activities on the Lake which will lead to people not wanting to visit and utilize the lake.

Police Chief Dyer said staff will check with the Coast Guard about their regulations for the direction of traffic on a lake.

Responding to Councilmember Petershagen's question, Associate Planner Meis explained dock starts and returns will be preserved.

Councilmember McDaniel suggested the wording to be clearer that dock starts will not be allowed within 100 feet of City designated parks and public swim areas.

Councilmember McDaniel expressed concern with language designating days of the week and hours of operation for which certain activities could be allowed. She requested this be revised.

Associate Planner Meis summarized the requested changes and said staff will make changes and bring this item back to Council for approval.

**Introduction to Small Cell Towers/Franchise:** Planning Manager Machen presented a PowerPoint and explained the process for moving forward. He said the FCC has given 90 days to implement regulations for these types of facilities with an additional 90 days to adopt reasonable design guidelines.

**Food Vendor Trucks & Business Licenses:** City Administrator Brazel said he is going to pull the City of Snohomish regulations and bring those back to Council for consideration.

**NLC/AWC 2019:** City Administrator Brazel mentioned the AWC conference is being held in Olympia and Council consensus was to attend. City Administrator Brazel mentioned the NLC will be held in Washington DC around the third week in March. Council discussed attending the NLC and consensus was to attend.

**2019 Retreat:** City Administrator Brazel mentioned several locations have been discussed and requested direction from Council.

Council consensus was to hold the 2019 Council retreat at Semiahmoo and have staff look at the calendar to determine what date to hold the retreat.

There being no further business the meeting was adjourned at 9:09 p.m.

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John Spencer, Mayor

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Kathy Pugh, City Clerk



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

Tuesday, November 13, 2018

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

**CALL TO ORDER:** 7:00 p.m. by Mayor Pro Tem Marcus Tageant

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

**ELECTED OFFICIALS ABSENT:** Mayor John Spencer and Councilmember Brett Gailey

**STAFF MEMBERS PRESENT:** City Administrator Gene Brazel, Finance Director Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Police Chief John Dyer, Commander Ron Brooks, Human Resources Director Teri Smith, Human Resources/Executive Assistant Julie Good, City Clerk Kathy Pugh, Deputy City Clerk Adri Crim, City Attorney Greg Rubstello, Parks and Recreation Coordinator Jim Haugen, Senior Planner Melissa Place

**OTHERS:**

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**Pledge of Allegiance:** Mayor Pro Tem Tageant led the Pledge of Allegiance.

**Roll Call:** Moved by Councilmember Hilt, seconded by Councilmember Welch, to excuse Councilmember Gailey from the meeting. On vote the motion carried (6-0-0-1).

**Approval of Agenda:** Moved by Councilmember Welch, seconded by Councilmember Daughtry, to approve the agenda. On vote the motion carried (6-0-0-1).

**Citizen Comments:**

Sally Jo Sebring, 1023 99<sup>th</sup> Avenue SE, Lake Stevens, commented one of her neighbors was assaulted last year and she would think that all City resources would have been utilized to find out what took place.

Dakota (no last name given), Post Office Box 1415, Lake Stevens, is concerned about the City's lack of attention to handicap parking at the Library, and added that the handicap access button outside the Library building needs to be repaired.

**Council Business:**

- Councilmember Welch: Library Board meeting.
- Councilmember Hilt: Washington State Board of Heath.
- Councilmember Tageant: Sewer District meeting.

**City Department Report:** None.

**Consent Agenda:**

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Hilt, to approve (A) 2018 Vouchers [Payroll Direct Deposits of \$211,048.48, Payroll Checks 46425-46426 totaling \$2,977.85, Tax Deposits of \$77,993.66, Electronic Funds Transfers (ACH) of \$61,842.72, Claims Check Nos. 46427-46431, 46433-46542 totaling \$928,398.17, Void Check Nos. 45588, 45619, 45988, 46006, 46281 totaling \$4,161.71, Total Vouchers Approved: \$1,278,099.17], (B) City Council Regular Meeting Minutes of October 23, 2018, (C) Extension of Interlocal Agreement with Snohomish County re Road Maintenance and Service. On vote the motion carried (6-0-0-1).

**Public Hearing:**

**First Reading of Ordinance 1038 Adopting the 2019 Annual Budget:** Mayor Pro Tem Tageant opened the public hearing.

Finance Director Stevens presented the staff report and summarized the forecasted revenues and expenditures including property tax, City staffing plans, and related costs which are incorporated in the proposed 2019 budget ordinance. She invited questions from Council.

Responding to Councilmember McDaniel's question, Director Stevens said the City does not currently impose a tax on garbage services.

Mayor Pro Tem Tageant then opened the public comment portion of the public hearing.

Jerry Stumbaugh, 2514 – 85<sup>th</sup> Drive NE Unit AA-4, Lake Stevens, representing Lake Stevens Senior Center, reviewed some of the services and programs the Senior Center provides.

Lance Morehouse, 8920 123<sup>rd</sup> Avenue NE, Lake Stevens, President of Greater Lake Stevens Chamber of Commerce, said he appreciates all the work that has been done in the City over the last two years. He then shared a few changes the Chamber is making to better serve the members and community in the upcoming year.

Mayor Pro Tem Tageant closed the public comment portion of the public hearing and invited additional questions of Council, and there were none.

Mayor Pro Tem Tageant then closed the public hearing.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Hilt, to approve the First Reading of Ordinance 1038 adopting the 2019 Annual Budget. On vote the motion carried (6-0-0-1).

**Action Items:**

**Ordinance No 1039 Levying Taxes Upon All Real Property and Setting the Levy Rate:**

Director Stevens presented the staff report and summarized the process for assessing the proposed 2019 property tax levy. She explained this ordinance sets the property tax rates for 2019 and authorizes the Snohomish County Assessor to collect property taxes on behalf of the City of Lake Stevens on properties within then city limits. She then invited questions from Council and there were none.

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Hilt, to approve Ordinance 1039 Authorizing Collection of Property Tax Levy for 2019 and Setting the Property Tax Levy. On vote the motion carried (6-0-0-1).

**Ordinance 1037 re Utility Taxes:** Director Stevens presented the staff report and explained the City has been steadily increasing its levels of service to the public in all areas including public safety, parks, streets and stormwater, and the cost of providing these city services has continued to increase. These additional revenues are needed by the City to provide these and other essential services. She mentioned the City is recommending an effective date of March 1, 2019 to allow ample time for utility providers to integrate this change into their systems. She then invited questions from Council.

Councilmember McDaniel requested that sewer utility taxes be put on hold until it is known if the Sewer District is going to be increasing its rates.

Councilmember Welch said he would like to wait on imposing a sewer utility tax. Councilmember Hilt agreed.

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember McDaniel, to Adopt Ordinance 1037 Repealing Lake Stevens Municipal Code Chapter 3.08, 3.12, 3.16 and 3.20 and Reenacting Chapter 3.08 Establishing Taxes on Utility Providers, with the removal of section 3.08.030 (G) imposing sewer utility tax. On vote the motion carried (6-0-0-1).

**Resolution 2018-030 Accepting Donation from Rotary Club re Lundein Park:** Community Development Director Wright presented the staff report and summarized the process for accepting the \$9,000 donation from the Lake Stevens Rotary Club to allow the City to purchase additional portable benches and pedestal tables for Lundein Park. He then invited questions from Council.

Councilmember McDaniel said she is very appreciative of the donation from the Rotary. She requested that staff look at different types of bench designs that would deter park patrons from lounging on them. Director Wright said that other park bench designs will be reviewed and brought back to Council for approval.

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Daughtry, to Adopt Resolution 2018-030 Accepting Donation from the Lake Stevens Rotary Club to Purchase Benches and Tables for Lundein Park. On vote the motion carried (6-0-0-1).

**Final Acceptance of 2018 Pavement Overlay:** Public Works Director Durpos presented the staff report and explained the final construction cost for the 2018 Pavement Overlay project was \$239,351.87, which was \$74,180.76 below the Council approved project budget, including contingency, for paving 91<sup>st</sup> Avenue SE from Meridian to South of 8<sup>th</sup> Street SE. He then invited questions from Council and there were none.

**MOTION:** Moved by Councilmember McDaniel, seconded by Councilmember Welch, to authorize Final Acceptance of the work performed by Quilceda Paving Inc. for the 2018 Pavement Overlay. On vote the motion carried (6-0-0-1).

**Discussion Items:**

**Fence/Wall Briefing:** Senior Planner Place presented the staff report and summarized the proposed code amendments for revising regulations to fences, hedges and walls city wide. She then presented a PowerPoint illustrating the different fences, walls and hedge options, and said Staff is working to improve safety with these code updates. Planner Place said the Planning Commission was briefed on the draft code amendments; they are before Council as a first draft and only intended as a starting point for discussion. She then responded to questions from Council.

**Land Use Briefing:** Community Development Director Wright presented the staff report, noting there is a high interest at the state level and that a new buildable lands methodology is being developed that will be sent out next year to the counties. At Council's request, Staff is working on completing a high level analysis of where the City is buildable lands are since the last buildable lands report. Staff is also working with Puget Sound Regional Council (PSRC) on their Vision 2050, which is a multi-county land use tool.

Director Wright said this is a good time to look at City zoning, and how it fits with affordable housing. Using a PowerPoint presentation, he next reviewed the various residential zoning districts in the City, and summarized the interest to create an outreach program to discuss zoning requirements for High Urban Residential zoning districts and establishing a zoning district of Compact Residential for proposed annexation areas. He said Staff has received interest from eight individuals, including citizens and industry constituents, wishing to participate on the advisory committee. Director Wright then responded to questions from Council, and anticipated this project will take approximately six months to complete, at which time it will be brought back for Council consideration.

**Senior Center:** City Administrator Brazel said that following Council direction, he reached out to the Senior Center regarding the City's funding for that group. The funding that the City has allocated for hiring a director is not enough to pay for a director, and the Senior Center would like to utilize the funding to assist seniors in need. Director Brazel is working on an agreement with the Senior Center that would define how the funds would be utilized, and he requested Council input.

Councilmember Tageant suggested that possibly the City could partner with the Senior Center to man the VIC, if the Chamber lease is concluded.

Responding to Councilmember Petershagen's question, Administrator Brazel said seniors in need might include seniors needing assistance with transportation, meals, tax preparation and managing insurance, to name a few.

Councilmember Hilt supports the Senior Center, and added that accountability on how the funds are used is important. He would like the Senior Center to help the City to understand the Senior Center mission.

Councilmember Tageant summarized that Staff will work with the Senior Center to define how the City and Senior Center can partner, and then bring those recommendations back to Council.

**Adjourn:**

Moved by Councilmember Daughtry, seconded by McDaniel, to adjourn the meeting at 8:28 p.m. On vote the motion carried (6-0-0-1).

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John Spencer, Mayor

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Kathy Pugh, City Clerk

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LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda**

**Date:** November 27, 2018

**Subject:** Lake Stevens Rotary Contribution for Benches and Tables for Lundein Park

<b>Contact</b>	Jim Haugen, Special Event / Volunteer	<b>Budget Impact:</b>	\$220	to
<b>Person/Department:</b>	Coordinator			
	Russ Wright, Community Dev. Director			\$1,200

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Review bench options for Lundein Park

**SUMMARY/BACKGROUND:**

The City of Lake Stevens has authorized the acceptance of \$9,000 from the Rotary Club of Lake Stevens for the purchase of two tables and five benches for installation in Lundein Park. The Rotary Club has adopted Lundein Park through the city's Adopt-A-Community program.

At the last City Council meeting, Council requested that staff provide other bench options for consideration that would discourage potential vagrancy in the park. Staff has provided two alternatives for consideration in Exhibit A that are close to the budget allotted from the donation. The city would pay the difference in cost from its parks and recreation budget.

Staff recommends Option 1 or similar because it is powder coated ensuring easier maintenance and longevity.

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**APPLICABLE CITY POLICIES:** Chapter 3.60 LSMC Donations

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**BUDGET IMPACT:** \$220 - \$1,200

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**ATTACHMENTS:**

Exhibit A: Bench options

## Exhibit A

### Current bench

**M1821 \$613**



### Bench options:

**Option 1 - 82CSM-HS6 \$657**



**Option 2 – F1036VB \$695**





LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** 21<sup>st</sup> November 2018

**Subject:** 18003 – Lundeen Park Redevelopment Final Acceptance

<b>Contact Person/Department:</b>	<u>Aaron Halverson, Capital Projects Coordinator, Public Works</u>	<b>Budget Impact:</b>	<u>\$785,580.74</u>
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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Authorize final project acceptance of the work performed by A-1 Landscaping and Construction for the Lundeen Park Redevelopment project.

**SUMMARY/BACKGROUND:** On April 24<sup>th</sup>, 2018, the City Council awarded A-1 Landscaping and Construction the contract for the City's Lundeen Park Redevelopment Project. The authorized budget was \$767,130.80 with a management reserve of \$32,869.20 for a total project budget of \$800,000. The work, which was completed in October 2018, meets the intent of the contract. This Council action will final the project and begin the 45 day lien period requirement.

The final construction cost is \$785,580.74. This is \$14,419.26 below the Council approved project budget. The Tree Fund was utilized for the 53 trees that were planted as part of the project, offsetting \$13,257.69 of project costs from the Park Mitigation Fund.

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**APPLICABLE CITY POLICIES:**

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**BUDGET IMPACT:** \$785,580.74

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**ATTACHMENTS:**

- Attachment A: Final Quantity & Pay Estimate



## Attachment A

### Lundeen Park Redevelopment

<u>Original Contract Amount</u>	\$ 767,130.80	Date	11/21/2018
<u>Change Orders To Date</u>	\$ 18,449.94	Progress Payment Period	#3 7/15/2018 - 11/6/2018
<b>Total Contract Amount</b>	<b>\$ 785,580.74</b>	Contractor	A-1 Landscaping and Construction
<u>Amount Paid To Date</u>	\$ 785,580.74	Address	20607 SR 9 SE, Snohomish, WA 98296
<u>Amount Due This Invoice</u>	\$ -	Phone	425-402-9900
Contract Amount Remaining	\$ 0.00		
Percent Complete		100%	
<b>Retainage Type</b>		<u>Bond</u>	
<b>Change Order % of Project</b>		2.41%	
<b>Change Order Total</b>	<b>\$ 18,449.94</b>		

Work Item	Description	Project Total	% Complete	Contract Amount Remaining
1	Mobilization	56,900.00	100%	-
2	Project Closeout	4,500.00	100%	-
3	Surveying	5,600.00	100%	-
4	TESC and Temp Dust Control	15,790.00	100%	-
5	Demob/O&M	14,370.00	100%	-
6	Site Clearing	16,540.00	100%	-
7	Earthwork	78,673.00	100%	-
8	Asphalt Pavement	16,700.00	100%	-
9	Concrete	62,700.00	100%	-
10	Storm Drainage	23,899.00	100%	-
11	Irrigation	50,605.00	100%	-
12	Engineered Wood Fiber	14,390.00	100%	-
13	Playground Equipment	93,768.00	100%	-
14	Soil Mixes and Placement	67,673.00	100%	-
15	Lawns and Grasses	5,670.00	100%	-
16	Sod	49,789.00	100%	-
17	Planting	48,979.00	100%	-
18	Site Electric and Lighting	77,890.00	100%	-
19	<a href="#">Change Order 1 (Sidewalk, Asphalt)</a>	7,679.91	100%	-
20	<a href="#">Change Order 2 (Sidewalk, Drainage)</a>	3,001.92	100%	-
21	<a href="#">Change Order 3 (Hydroseed)</a>	1,025.64	100%	-
22	<a href="#">Change Order 4 (Electrical)</a>	2,553.45	100%	-
23	<a href="#">Change Order 5 (Electrical)</a>	121.97	100%	-
24	<a href="#">Change Order 6 (HOA Switch and Photocell)</a>	2,559.20	100%	-
	Subtotal	\$ 721,378.09		\$ -
	Sales Tax (8.9%)	\$ 64,202.65		\$ -
	Grand Total	\$ 785,580.74		\$ -
	Amount Paid	\$ 785,580.74		
	Balance Remaining	\$ 0.00		

Prepared By:

Aaron Halverson, Capital Projects Coordinator



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** November 27, 2018

**Subject:** Public Hearing - 2019 Budget Ordinance 1038

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

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

Approve Second & Final Reading of 2019 Budget and Adopt Ordinance No. 1038.

---

**SUMMARY/BACKGROUND**

Budgeting is an essential element of the financial planning, control, and evaluation processes of governments. The planning process involves determining the types and levels of services to be provided and allocating available resources among various departments, programs, or functions. Upon adoption, the expenditure estimates are enacted into law through the passage of an appropriations ordinance. The appropriations constitute maximum expenditure authorizations during the fiscal year and cannot legally be exceeded unless subsequently amended by the legislative body. Unexpended appropriations lapse at year end and may be brought forward as an amendment to the budget.

The City Council has been reviewing current and forecasted revenues and expenditures including property tax, City staffing plans, and related costs which are incorporated into the proposed 2019 budget ordinance.

**The revised 2019 Proposed Budget is attached and includes the following update:**

- 001 - General Fund Revenues decreased \$240,000 due to the elimination of the 2% proposed Sewer Utility tax, as discussed by City Council November 13<sup>th</sup>.
- 301 – Traffic Mitigation expenditure decreased \$145,000 due correction of a duplication error.
- 302 - Park Mitigation beginning balance increased from \$58,689 to 203,418 due to the correction of a calculation error.
- 304 – REET 2 expenditure increased \$650,000 as the required local match to the WSDOT Trestle/HOV grant was left out of the original budget.
- 510 – Computer Replacement expenditure increased by \$6,000 due to increased cost of Microsoft Enterprise Renewal based on staffing additions for 2019.

The 2019 Proposed Budget document can be downloaded at [www.lakestevenswa.gov](http://www.lakestevenswa.gov).

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**APPLICABLE CITY POLICIES:**

In accordance with the Financial Management Policies, Budget Themes and Policies, and the Revised Code of Washington, the legislative body shall adopt the budget by ordinance. Per RCW 84.55.120 the legislative body will hold public hearings on the proposed budget for the coming year.

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**BUDGET IMPACT:**

The budget ordinance will enact into law all approved appropriations for the 2019 calendar year.

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**ATTACHMENTS:**

- Ordinance 1038
- Exhibit A – Organizational Chart

CITY OF LAKE STEVENS  
LAKE STEVENS, WASHINGTON

ORDINANCE NO. **1038**

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF LAKE STEVENS,  
WASHINGTON, FOR THE CALENDAR YEAR ENDING DECEMBER 31, 2019

WHEREAS, the Mayor of the City of Lake Stevens, Washington completed and placed on file with the City Clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses including salaries and benefits of City employees, bond retirement and interest, reserve funds and expenses of government of said City for the fiscal year ending December 31, 2019, and a notice was published that the Council of said City would meet for the purpose of making a budget for said fiscal year and giving taxpayers within the limits of said City an opportunity to be heard upon said budget, and

WHEREAS, the said City Council did meet at said time and place and did then consider the matter of said proposed budget; and

WHEREAS, notices were published in the official newspaper of the City, that the Council of said City would meet on the 13th day of November and the 27th day of November, 2018, at the hour of 7:00 P.M., at the City Council Chambers in the Lake Stevens School District Educational Service Center of said City for the purpose of receiving public testimony in a public hearing as to the matter of said proposed budget; and

WHEREAS, the said City Council did meet at said dates, times, and place and did receive public testimony during a public hearing as to the matter of said proposed budget; and

WHEREAS, the said proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Lake Stevens for the purposes set forth in said budget, and the estimated expenditures set forth in said budget being all necessary to carry on the government of said City for said year and being sufficient to meet the various needs of said City during said period.

NOW, THEREFORE, the City Council of the City of Lake Stevens do ordain as follows:

Section 1. The budget for the City of Lake Stevens, Washington, for the year 2019 is hereby adopted, the content which will be set forth in the document entitled City of Lake Stevens 2019 Annual Budget, 1 copy of which will be on file in the Office of the Clerk.

Section 2. Totals for all such funds combined, for the year 2019 are set forth in summary form below, and are hereby appropriated for expenditure during the year 2019 as set forth below:

Fund #	Fund Name	Estimated Beg. Bal.	Resources	Expenditures	End. Bal.
001	General	\$9,330,551	\$14,388,397	\$15,160,786	\$8,558,161
101	Street	\$1,999,449	\$2,570,727	\$2,702,905	\$1,867,272
103	Street Reserve	\$1,574	\$24	\$0	\$1,598
111	Drug Seizure & Forfeiture	\$43,640	\$5,654	\$49,000	\$294
112	Municipal Arts Fund	\$20,687	\$310	\$20,963	\$34
210	2008 Bonds	\$0	\$344,605	\$344,605	\$0
213	2015 LTGO Bond	(\$0)	\$97,221	\$97,221	(\$0)
301	Cap. Proj.-Dev. Contrib.	\$1,132,014	\$1,221,429	\$355,300	\$1,998,143
302	Park Mitigation	\$203,418	\$1,138,821	\$9,583	\$1,332,656
303	Cap. Imp.-REET	\$3,101,683	\$885,254	\$1,101,844	\$2,885,093
304	Cap. Improvements	\$2,215,104	\$2,694,244	\$2,867,750	\$2,041,598
305	Downtown Redevelopment	\$0	\$0	\$0	\$0
309	Sidewalk Capital Project	\$986,993	\$14,784	\$200,000	\$801,777
310	20th Street SE Corridor CP	\$0	\$0	\$0	\$0
401	Sewer	\$254,071	\$1,044,098	\$1,125,335	\$172,835
410	Storm and Surface Water	\$1,032,395	\$3,573,511	\$3,145,273	\$1,460,633
501	Unemployment	\$67,838	\$1,018	\$10,000	\$58,856
510	Equipment Fund	\$53,308	\$325,502	\$294,720	\$84,089
515	Equipment Fund - Vehicles	\$20,272	\$10,303	\$0	\$30,575
520	Equipment Fund-Police	\$19,357	\$218,290	\$0	\$237,648
530	Equipment Fund-PW	\$805,095	\$414,319	\$139,857	\$1,079,557
540	Aerator Equipment Repl.	\$40	\$0	\$0	\$40
621	Refundable Deposits	\$543	\$101,000	\$101,000	\$543
<u>633</u>	<u>Treasurer's Trust</u>	<u>\$45,100</u>	<u>\$400,000</u>	<u>\$445,100</u>	<u>\$0</u>
	<b>Total</b>	<b>\$21,333,131</b>	<b>\$29,449,510</b>	<b>\$28,171,241</b>	<b>\$22,611,401</b>

**Section 3.** The City Clerk is directed to transmit a certified copy of the budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

**Section 4.** A summary of this ordinance consisting of the title shall be published in the official City newspaper. This ordinance shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LAKE STEVENS this 27<sup>th</sup> day of November, 2018.

John Spencer, Mayor

ATTEST:

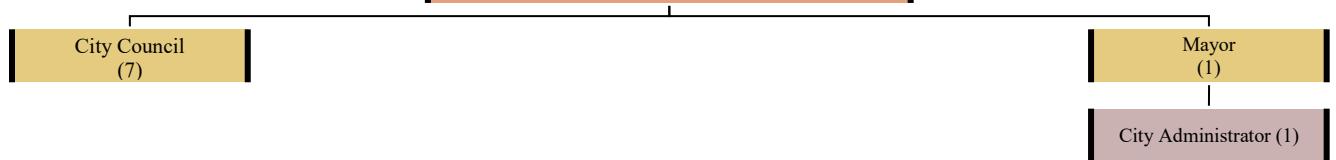
Kathy Pugh, City Clerk

APPROVED AS TO FORM:

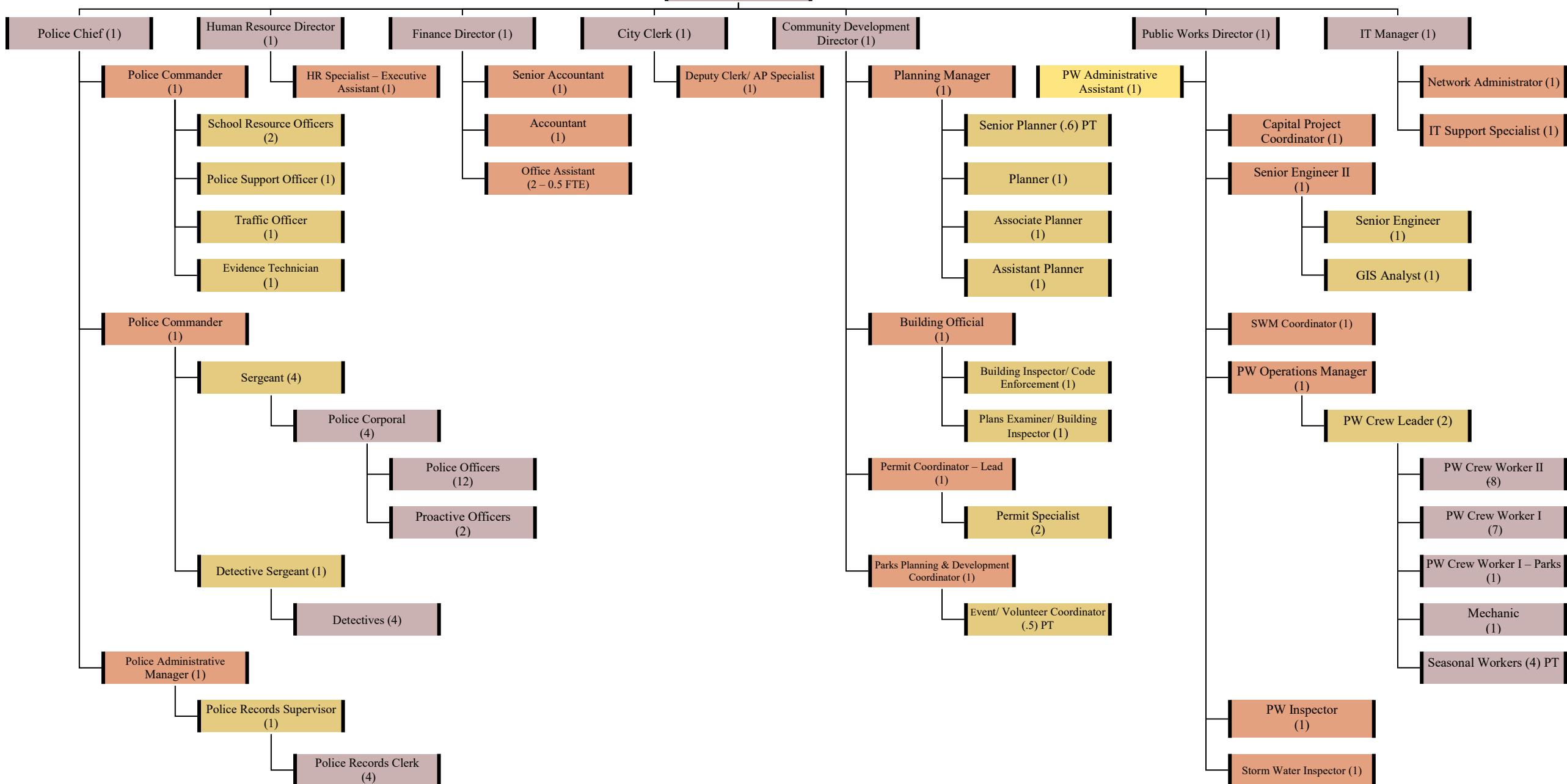
Greg Rubstello, City Attorney

First Reading: November 13, 2018  
Second Reading: November 27, 2018  
Final Reading:  
Effective:

Citizens of Lake Stevens



**City of Lake Stevens  
Organizational Chart  
2019 Annual Budget**





LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** 11 Dec 2018

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**Subject:** 20<sup>th</sup> Street SE Phase II (83<sup>rd</sup> to 91<sup>st</sup> Ave SE)  
Supplement #5 – Right of Way Acquisition

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<b>Contact</b>	<b>Budget</b>
<b>Person/Department:</b> <u>Eric Durpos/Grace Kane</u>	<b>Impact:</b> <u>\$0</u>

---

**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Authorize the Mayor to sign WSDOT Supplement agreement #5 forms (2 pages) & to execute contract extension with Perteet, Inc.

---

**SUMMARY/BACKGROUND:**

The city has been awarded a federal grant to perform design and right-of-way acquisition on Phase II of 20<sup>th</sup> Street SE (between 83<sup>rd</sup> Ave SE to 91<sup>st</sup> Ave SE). The total project funds available (Federal + City Match) is \$749,525 for PE, and \$585,400 for ROW. Three parcels remaining to complete Right of Way (“ROW”) acquisition. Professional Engineering (“PE”) is at 90% completion.

Under this scope and fee, Perteet Inc has completed its Plans and Specifications Design to 90% completion. Perteet’s subcontractor, Universal Field Services, will be responsible for ROW acquisition and ensuring that any property acquisition is compliant with Federal Standards.

Exhibit A provides the agreed upon Scope and Fee for this project. The supplement is to extend contract completion date by 31 December 2019.

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**APPLICABLE CITY POLICIES:**

Council is to review and approve all Contract Extension.

---

**BUDGET IMPACT:**

\$0 – Time extension only

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**ATTACHMENTS:**

- Exhibit A: Scope of Services



## **Washington State Department of Transportation**

<b>Supplemental Agreement Number</b> <u>5</u>		Organization and Address				
Original Agreement Number LA 8543		Perteet, Inc. 2707 Colby Avenue, Suite 900 Everett, WA 98201				
		Phone: (425) 252-7700				
Project Number STPUS-2664(003)	Execution Date March 9, 2015	Completion Date December 31, 2019				
Project Title 20th Street S.E., Phase II	New Maximum Amount Payable \$761,362.00 - No Change					
Description of Work						
Time extension						

The Local Agency of City of Lake Stevens  
desires to supplement the agreement entered into with Perfect, Inc.  
and executed on March 9, 2015 and identified as Agreement No. LA 8543

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

Section 1. SCOPE OF WORK, is hereby changed to read:

No changes

11

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: December 31, 2019

III

Section V, PAYMENT, shall be amended as follows:

### No changes

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the Appropriate spaces below and return to this office for final action.

By: Perfect, Inc. By: \_\_\_\_\_

  
George D. H. Consultant Signature

By: \_\_\_\_\_

---

Approving Authority Signature

Date



**Washington State  
Department of Transportation**

<b>Supplemental Agreement Number</b> <u>5</u>		Organization and Address  Perteet, Inc. 2707 Colby Avenue, Suite 900 Everett, WA 98201  Phone: (425) 252-7700	
Original Agreement Number  LA 8543			
Project Number  STPUS-2664(003)	Execution Date  March 9, 2015	Completion Date  December 31, 2019	
Project Title  20th Street S.E., Phase II	New Maximum Amount Payable  \$761,362.00 - No Change		
Description of Work  Time extension			

The Local Agency of City of Lake Stevens  
desires to supplement the agreement entered into with Perteet, Inc.  
and executed on March 9, 2015 and identified as Agreement No. LA 8543

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

No changes

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: December 31, 2019

III

Section V, PAYMENT, shall be amended as follows:

No changes

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.  
If you concur with this supplement and agree to the changes as stated above, please sign in the Appropriate spaces below and return to this office for final action.

By: Perteet, Inc. By: \_\_\_\_\_

Consultant Signature

Approving Authority Signature

Date



2707 COLBY AVE, STE 900, EVERETT, WA 98201  
1.800.615.9900 425.252.7700 fax: 425.339.6018 www.perteet.com

RECEIVED

FEB 12 2016

CITY OF LAKE STEVENS

February 10, 2016

Mr. Mick Monken, PE  
City of Lake Stevens  
1812 Main Street  
P.O. Box 257  
Lake Stevens, WA 98258-0257

Re: 20<sup>th</sup> Street SE Phase II  
Supplement Agreement No. 3

Dear Mick:

Enclosed please find two originals of the above-referenced agreement. Upon full execution, please return one original to us for our contract file. We look forward to our continued work with you on this project.

Sincerely,

A handwritten signature in blue ink that reads "Janice Kramer".

Janice Kramer  
Contracts Administrator

Enclosures (2)



<b>Supplemental Agreement Number</b> <u>3</u>		Organization and Address Perteet, Inc. 2707 Colby Avenue, Suite 900 Everett, WA 98201	
Original Agreement Number <u>LA 8543</u>		Phone: 425.252.7700	
Project Number <u>STPUS-2664(003)</u>		Execution Date <u>March 9, 2015</u>	Completion Date <u>December 31, 2017</u>
Project Title <u>20th Street SE Phase II</u>		New Maximum Amount Payable <u>\$ 761,362.00</u>	
Description of Work See Exhibit B			

The Local Agency of City of Lake Stevens

desires to supplement the agreement entered into with Perteet, Inc.

and executed on March 9, 2015 and identified as Agreement No. LA 8543

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

See Exhibit B

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: No Change - December 31, 2017

III

Section V, PAYMENT, shall be amended as follows:

These additional services will cause an increase to the maximum amount payable of One Hundred Ninety-Two Thousand Seven Hundred Eighty Dollars (\$192,780) for a new maximum amount payable of Seven Hundred Sixty-One Thousand Three Hundred Sixty-Two Dollars (\$761,362).

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

By: Perteet, Inc.



Consultant Signature  
Crystal L. Donner, President

By: City of Lake Stevens



Approving Authority Signature  
Date  
Feb 16, 2016

20th Street SE Phase II (83rd Avenue SE to 91st Avenue SE)

Agreement with Perteet Inc.

**EXHIBIT B**

**Scope of Services**

**City of Lake Stevens**

**20th Street SE Phase II Final Design, Environmental and Right-of-Way Phase  
(83rd Avenue SE to 91st Avenue SE)**

**INTRODUCTION**

The purpose of this supplemental scope of services is to assist the City of Lake Stevens in providing right-of-way acquisition services and documents, including legal descriptions and exhibits. Right-of-way acquisition services will be provided for the remaining parcels not completed by the County within the project limits. The previous supplement evaluated remaining right-of-way acquisition requirements, and developed right-of-way plans and a Project Funding Estimate (PFE).

The project design and right-of-way acquisition is funded partially by Federal STP funds administered through WSDOT Highways and Local Programs. Construction funding has not yet been secured.

**SCOPE OF SERVICES**

**Task 1 – Management/Coordination/Administration**

1.7 Prepare subconsultant agreement with Universal Field Services (UFS).

**Deliverables:**

- Monthly invoices and progress reports
- Subconsultant Agreement

**Task 6 – Right-of-Way Acquisition**

Federal funds are participating in the project, particularly in the Right of Way phase, therefore Universal Field Services, Inc. (UFS) will complete Right of Way services in accordance with the City of Lake Stevens' (CITY) Washington State Department of Transportation's (WSDOT) approved Right of Way Acquisition Procedures, the Federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act (URA), WSDOT Local Agency Guidelines – Section 25 (Right of Way Procedures), and the Washington Administrative Code (WAC 468-100) state Uniform Relocation Assistance and Real Property Acquisition.

**Background** – Under Supplement No. 3 of the agreement between UFS and Perteet dated March 12, 2015, UFS and its sub-consultant appraiser completed the Project Funding Estimate (PFE) for this project based on current Right of Way Plans provided by Perteet. According to the summary sheet of the completed PFE, it is assumed ten (10) larger parcels will require appraisals and eight (8) larger parcels will qualify for Administrative Offer Summary worksheets in lieu of appraisals. Consent of Easement / Permits from two (2) separate utility corridors are assumed required for construction.

Additional parcels or real property rights other than those shown in Table A will require a supplement to this scope of work and related fee estimate.

## 20th Street SE Phase II (83rd Avenue SE to 91st Avenue SE)

Agreement with Perteet Inc.

This scope of work is based on the following:

- Current ROW Plans provided by Perteet.
- Discussions with Perteet staff.
- Recent tour of the project limits.
- Review of limited public online ownership information.
- Assume there are no occupants or personal property displaced by the project.
- It is understood NEPA documentation and clearance (DNS, CE, etc.) will be obtained prior to commencing the Appraisal process and presenting offers to property owners.

### 6.1 Preparation and Administration

UFS staff will attend a kick off meeting with the CITY and Perteet to obtain further project background information and property owner contact information, and obtain additional information that will assist in the right of way process. Project Management activities will also be confirmed in terms of communications protocols, process for tracking and progress reporting, etc. UFS will also attend up to twelve (12) progress meetings either by conference call or in person, and provide up to eighteen (18) monthly progress and tracking reports when invoicing.

UFS will provide sample templates for acquisition and relocation documents for the CITY's review and approval for use. Forms and notices will comply with CITY's standards and in accordance with statutory requirements. The CITY's pre-approved documents will be used when provided. UFS will maintain acquisition records in accordance with statutory, regulatory and policy requirements. UFS anticipate legal descriptions for the real property rights to be acquired will be provided by the CITY or Perteet prior to commencing the Appraisal component below.

For each parcel impacted, prepare acquisition files to include fair offer letters, notices, recording and ancillary documents, a standard diary form indicating contacts with owner(s), and other items necessary to complete the work.

#### **Deliverables:**

- Attend Project Kickoff Meeting – CITY office.
- Attend twelve (12) Progress Meetings – CITY office.
- Provide eighteen (18) Monthly Progress Reports.
- Coordinate CITY approval of Acquisition forms for project use.
- Prepare parcel acquisition files.

### 6.2 Title - Ownership Review

UFS previously ordered and obtained title reports under a prior supplement for those parcels requiring permanent real property rights as shown on said Right of Way plans. UFS will conduct further reviews of each report to assess future complications at closing and potential conflicts from utility encumbrances, etc., that may pose obstacles or delays to the acquisition closing process. A Parcel Title Summary Memo for each parcel will be developed listing encumbrances and exceptions with recommendations to the CITY on how to resolve each.

#### **Deliverables:**

- Prepare up to nineteen (19) Parcel Title Summary Memo's.

## 20th Street SE Phase II (83rd Avenue SE to 91st Avenue SE)

Agreement with Perteet Inc.

### 6.3 Public Outreach

UFS will assist the CITY in preparation of a boilerplate "Introduction Informational Letter" for delivery to impacted property owners. The letter will describe the purpose of the project, the project schedule; identify the CITY's consultants and the purpose of each.

To promote completion of project design and as part of a "vetting process", UFS will schedule and attend early "one on one" on-site meetings (one each) with owners of the eighteen (18) larger parcels shown in Table A. Early "one on one" meetings will be coordinated with the CITY and Perteet. Information obtained from each property owner will be shared with the design team to help minimize and resolve parcel impacts. CITY or Perteet staff to attend if needed.

#### Deliverables:

- Sample "Introduction Informational Letter" for delivery by CITY to impacted property owners via regular U.S. Mail. UFS will assist with delivery if needed.
- Schedule and attend one (1) early "one on one" on-site meeting with the owner of each larger parcel – eighteen (18) each.

### 6.4 Relocation Assistance Plan

It is assumed there are no occupants or personal property displaced by the project. In the event relocation assistance services are later determined, UFS will provide in accordance with WSDOT and Federal guidelines. Relocation services will require a supplement to this scope of work and related estimate.

#### Deliverables:

- Not Applicable at this time.

### 6.5 Project Funding Estimate (PFE)

Under Supplement No. 3 of the agreement between UFS and Perteet dated March 12, 2015, UFS and its sub-consultant appraiser completed the Project Funding Estimate (PFE) for this project based on current Right of Way Plans provide by Perteet.

#### Deliverables:

- Complete – For informational purposes only

### 6.6 FHWA Funds Authorization for ROW

Shortly after the Right of Way Plans and the PFE have been submitted to WSDOT, and assuming NEPA clearance has been obtained, the CITY would typically receive a letter from FHWA through WSDOT Highways and Local Programs authorizing the use of federal funds to acquire Right of Way. This letter of authorization is required in order for the CITY to receive federal funding participation and reimbursement for costs incurred with Appraisal, Appraisal Review, and Acquisition Negotiation services.

## 20th Street SE Phase II (83rd Avenue SE to 91st Avenue SE)

Agreement with Perteet Inc.

### Deliverables:

- For informational purposes only.

## 6.7 Appraisal / Appraisal Review / Administrative Offer Summary Worksheets

According to the summary sheet of the completed PFE discussed in Task 6.5 above, it is assumed ten (10) larger parcels will require Appraisals / Appraisal Reviews and eight (8) larger parcels will qualify for Administrative Offer Summary worksheets in lieu of appraisals. Universal will coordinate with the City to determine which parcels will require AOS Worksheets, Appraisals and Appraisal Review reports. Additional Appraisals / Appraisal Reviews may be required upon property owner requests when administrative offers are made.

Upon receipt of the authorization letter discussed in Task 6.6 above, the real property valuation process will begin. AOS worksheets, Appraisal and Appraisal Review reports will be completed in accordance with the Uniform Standards of Professional Appraisal Practices, Washington State Department of Transportation (WSDOT) Local Agency Guidelines, the WSDOT Right of Way Manual (in particular, Chapters 4 and 5), and the URA. UFS will attend Appraisal inspections to ensure property owners understand the real property rights being appraised and to ascertain owner or tenant owned improvements.

Completed AOS worksheets, Appraisals, and Appraisal Reviews will be submitted to the City for review and written approval establishing the amount of Just Compensation to each property owner. The City is required to provide concurrence and written approvals of the estimated amounts of just compensation determined in each AOS worksheet and Appraisal report.

### Deliverables:

- AOS Worksheets – eight (8) each.
- Appraisal reports – ten (10) each
- Appraisal Review reports – ten (10) each.

## 6.8 Present Offers / Negotiations

Upon receipt of written approvals from the City establishing the amounts of just compensation, Universal staff will prepare up to eighteen (18) offer package(s) and promptly present offers to purchase all required real property interests and negotiate in good faith to reach a settlement with each property owner(s). Offers will be presented in person when at all possible. If negotiations reach an impasse, Universal shall provide the City with written notification. If necessary, Universal will attempt to secure Administrative Settlements or Voluntary Possession and Use Agreements with the owner(s), allowing the project to move forward while allowing the property owner additional time to negotiate. As a last resort, if the owner is unwilling to agree to a Voluntary Possession and Use Agreement, the file will be transmitted to the City's legal staff for mediation or filing of condemnation action. Universal will provide technical support for all mediation or condemnation if requested.

For offers \$10,000 or more up to \$25,000, property owners must be informed in writing if the offer is not based on an appraisal and that an appraisal will be provided if requested. This requirement could have a slight impact on the project schedule and approved Right of Way budget.

## 20th Street SE Phase II (83rd Avenue SE to 91st Avenue SE)

Agreement with Perteet Inc.

Additionally, Consent of Easement / Permits from Seattle City Light and the Bonneville Power Administration are assumed required for construction.

### **Deliverables:**

- Prepare Offer Packages – eighteen (18) each.
- Obtain two (2) Consent Agreements from SCL & BPA
- Present Offers / Conduct Negotiations.
- Completed parcel files and records of Right of Way Acquisition services.

## 6.9 Relocation Assistance

It is assumed there are no occupants or personal property displaced by the project. Therefore relocation assistance services are not required. In the event relocation assistance services are later determined, UFS will provide in accordance with WSDOT and Federal guidelines. Relocation services will require a supplement to this scope of work and related estimate.

### **Deliverables:**

- Not Applicable at this time.

## 6.10 Parcel Closing

UFS will provide advisory assistance to the City in determining the most appropriate method of closing each transaction, subject to the City's Title Clearing policies. Upon securing required acquisition agreements, UFS will notify the City and submit the necessary acquisition documents and closing instructions to the designated Title/Escrow Company. Coordinate with the Title/Escrow Company in order to obtain release documentation from the encumbrance(s) of public record that are not acceptable to the City in order to provide clear title to the property being acquired. The Escrow Company will prepare and obtain the owner(s) signature on the necessary closing documents. UFS will coordinate signatures on closing documents for submittal to the CITY and payment(s) to the owner(s); coordinate with the Escrow/Title Company in filing documents with Snohomish County.

Note: Prior to sending a settled acquisition file to the City for payment and closing, UFS will request an update on each title report from the designated Title Company to ensure title has not changed and new encumbrances have not been recorded.

### **Deliverables:**

- Completed original Acquisition parcel files to the City

## 6.11 Right of Way Certification

Since there are federal funds participating in the project, Right of Way Certification will be coordinated and completed through WSDOT Real Estate Services. Right of Way acquisition files will be prepared and completed to the satisfaction of a WSDOT Right of Way review to support federal aid participation. UFS will further coordinate right of way activities with WSDOT's Northwest Region Local Agency Coordinator, as needed throughout the project.

### **Deliverables:**

- Right of Way Certification form for WSDOT review and approval.

20th Street SE Phase II (83rd Avenue SE to 91st Avenue SE)

Agreement with Perteet Inc.

**CITY / Perteet will provide the following:**

1. Approve designation of the escrow company used for this project. The escrow company will bill the CITY directly for all escrow services provided.
2. Right of Way Plans and Drawings, Maps, Exhibits, Right of Way Staking, etc., as necessary.
3. Legal descriptions in electronic format for all real property rights to be acquired.
4. Form approval, in electronic format, of all legal conveyance documents prior to use (i.e. offer letters, purchase and sale agreements, escrow instructions, easements, deeds, payment vouchers, etc.).
5. Review and approval of all determinations of value established by the project appraisers, and provide written authorization prior to offers being made to property owners.
6. Payment of any and all compensation payments to property owners, recording fees, legal services and any incidental costs which may arise necessary to complete each transaction.
7. Send "Introduction Letters" to property owners as necessary.

**6.12 Legal Descriptions and Exhibits**

Legal descriptions and accompanying exhibit maps will be prepared to support right-of-way acquisition. As many as eighteen (18) legal description documents will be prepared. As many as eighteen (18) parcel exhibit maps will be prepared to accompany the above legal descriptions in order to graphically represent locations.

**Deliverables:**

- Up to eighteen (18) stamped and signed legal descriptions with accompanying exhibit maps.

**CITY / Perteet will provide the following:**

1. Approve designation of the escrow company used for this project. The escrow company will bill the CITY directly for all escrow services provided.
2. Right of Way Plans and Drawings, Maps, Exhibits, Right of Way Staking, etc., as necessary.
3. Legal descriptions in electronic format for all real property rights to be acquired.
4. Form approval, in electronic format, of all legal conveyance documents prior to use (i.e. offer letters, purchase and sale agreements, escrow instructions, easements, deeds, payment vouchers, etc.).
5. Review and approval of all determinations of value established by the project appraisers, and provide written authorization prior to offers being made to property owners.
6. Payment of any and all compensation payments to property owners, recording fees, legal services and any incidental costs which may arise necessary to complete each transaction.
7. Send "Introduction Letters" to property owners as necessary.

20th Street SE Phase II (83rd Avenue SE to 91st Avenue SE)

Agreement with Perteet Inc.

TABLE A

No.	Project Parcel No.	Tax Parcel No.	Taxpayer / Owner	Partial Fee Simple	Consent	Permanent Easement	Temp Const Easement	Valuation Type (See Note 1)
1	014	00431400300300	G & E Petersen Family LLC	X				AR
		004311400300301						
		00431400300400						
		00609500001000						
2	015	00609500000900	Mounsey, David & Barbara	X				AR
3	018	29052400300800	Vodegel, Hiedi	X		X		AR
4	018a	29052400300900	Ellis, Willian & Dawn	X		X		AOS
5	019	29052400301000	Torset, Michelle	X				AR
6	020	00398500000100	Lundquist, Larry & Judith	X				AOS
7	021	00398500000200	Perry, Sherman	X		X		AOS
8	022	00398500000300	Revenig, Jordan	X		X		AR
9	023	00398500000400	Perekopsky, Sergey	X		X		AR
10	027	00398000020000	Steadman, Scott (Duplex)	X				AR
11	032	00457000001802	Kouyian Jr., Gust				X	AOS
12	034	00457000001700	Nielsen, Kristopher	X		X		AOS
13	035	29052500200800	Maillett, Albeo & Bernadette				X	AOS
14	037	29052500200200	Maillett, Albeo & Betty				X	AOS
15	038	29052500200100	Lake Stevens School District 4	X		X		AR
16	039	29052600100100	Lake Stevens School District 4	X		X		AR
17	040	29052600104900	Petersen, Gary T.	X		X		AR
	040a	29052600100400		X		X		
18	002	00457000001501	Bayha, Jerome & Doris				X	AOS
19	n/a	Consent/Easement	Seattle City Light (Transmission Line)		X			n/a
20	n/a	Consent/Easement	Bonneville Power (Transmission Line)		X			n/a

Notes: 1) AR – Appraisal report; AOS – Administrative Offer Summary worksheet

## Consultant Fee Determination Summary

2707 Colby Avenue, Suite 900, Everett, WA 98201 | P 425.252.7700 | F 425.339.6018

Project: Lake Stevens 20th Street SE Phase II-Supp #3  
 Client: City of Lake Stevens

### Hourly Costs Plus Fixed Fee Estimate

<b>Classification</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Sr. Associate	60.00	63.00	\$3,780
Lead Engineer / Mgr	12.00	41.50	\$498
Professional Land Survey I	20.00	30.50	\$610
Office Technician	20.00	31.50	\$630
Survey Manager	8.00	44.50	\$356
<b>Total Direct Salary Costs</b>	<b>120.00</b>		<b>\$5,874</b>
<b>Overhead @</b>		173.67%	\$10,201
<b>Fixed Fee @</b>		32.00%	\$1,880
<b>Total Labor Costs</b>			<b>\$17,955</b>

### Reimbursables

<b>Expenses</b>		<b>Amount</b>
<b>Total Expenses</b>		\$ 0
<b>In-House Costs</b>	<b>Qty</b>	<b>Rate</b>
<b>Total In-House Costs</b>		\$ 0

### Subconsultants

<b>Subconsultants</b>	<b>Cost</b>	<b>Markup</b>	<b>Amount</b>
Universal Field Services, Inc.	\$147,150.00	1.00	\$147,150.00
<b>Total Subconsultants</b>	<b>\$147,150.00</b>		<b>\$147,150.00</b>

### Scope Re-establishment

Scope Re-establishment	\$ 27,675.00
<b>Total</b>	<b>\$ 27,675.00</b>

### **CONTRACT TOTAL** **\$192,780.00**

Rates shown reflect the typical compensation rate of employees assigned to the billing category listed. Each category may have multiple employees assigned to that billing category and each employee may have a different hourly rate of pay. Employee compensation is subject to adjustment in June of each calendar year.

Prepared By: Kurt Ahrensfeld Date: January 22, 2016

**City of Lake Stevens - 20th Street SE Phase II (83rd Ave SE to 91st Ave SE)**  
**Right of Way Acquisition Services**  
**Fee Estimate**

**DIRECT SALARY COSTS (DSC)**

	<u>Personnel</u>	<u>Hours</u>	<u>Rate</u>	<u>Cost</u>
1	Quality Assurance	66.5	X \$55.29	= 3,676.79
2	Project Manager	248.0	X \$44.00	= 10,912.00
3	Acquisition Specialist	942.0	X \$39.00	= 36,738.00
4	Relocation Specialist	0.0	X \$39.00	= 0.00
5	Sr Administrative Specialist	<u>229.0</u>	X \$30.00	= <u>6,870.00</u>
	Total Hours	1485.5		Subtotal DSC = 58,196.79
	Overhead (OH)	46.97%		of DSC = 27,335.03
	Fixed Fee (FF)	30.00%		of DSC = 17,459.04
			<b>TOTAL DSC = 102,990.85</b>	

**DIRECT NONSALARY COSTS (DNSC)**

Mileage	5580	miles @ \$ 0.540	3,013.20
B & O			458.00
Miscellaneous Expenses (see note 4 below)			<u>500.00</u>
<b>TOTAL DNSC = 3,971.20</b>			

**SUBCONSULTANTS (See Note 5)**

AOS Worksheets - 8 each	Appraisal Group of the NW	400.00
Appraisals - 10 each	Appraisal Group of the NW	30,000.00
Appraisal Reviews - 10 each	The Granger Company	9,000.00
2% Administrative Fee (B&O Taxes, etc.)		788.00
<b>TOTAL SUBCONSULTANT FEES = 40,188.00</b>		

**TOTAL ESTIMATED AMOUNT = 147,150.05**

**Notes:**

- 1.) Universal reserves the right to re-negotiate estimate total if Notice to Proceed not provided within 180 days from the date of this estimate.
- 2.) Mileage to be billed at \$0.540/mile or the approved IRS rate at the time mileage is incurred.
- 3.) See Table A in the Scope of Work for list of parcels impacted and the real property rights to be acquired from each.
- 4.) Reimbursable miscellaneous expenses, including but not limited to: ferry fees, postage, parking printing, long distance telephone, etc., at cost - no markup.
- 5.) Total number of Appraisal / Appraisal Review reports is subject to refined design and ROW plans, and at the request of property owners when AOS worksheets are the basis of offers.

January 20, 2015

## Universal Field Services, Inc.

**City of Lake Stevens - 20th Street SE Phase II (83rd Ave SE to 91st Ave SE)  
Right of Way Acquisition Services  
Fee Estimate**

Parcel Data				Rights to be Acquired				Negotiation Hours					
No.	Pjt Parcel No.	Tax Parcel No.	Owner / Taxpayer	Partial Fee Simple	Consent	Permanent Easement	Temp Const Easement	Valuation Type	QA	PM	Neg	Admin	Mileage
1	14	00431400300300 00431400300301 00431400300400 006095000001000	G & E Petersen Family LLC	X				AR	2	7	50	10	120
2	15	0060950000009000	Mounsey, David & Barbara						2	0	0	0	
3	18	29052400300800	Vodobel, Hiedi	X					2	0	0	0	
4	18a	29052400300900	Ellis, William & Dawn	X					2	7	45	10	180
5	19	29052400301000	Torsel, Michelle	X				OS	2	7	40	10	180
6	20	00398500000100	Lundquist, Larry & Judith	X				OS	2	7	45	10	180
7	21	00398500000200	Perry, Sherman	X				OS	2	7	45	10	180
8	22	00398500000300	Revenig, Jordan	X					2	7	45	10	180
9	23	00398500000400	Perekopsky, Sergey	X					2	7	50	10	180
10	27	003986000020000	Steadman, Scott (Duplex)	X					2	7	45	10	180
11	32	00457000001802	Koulyan Jr., Gust	X					2	7	45	10	180
12	34	00457000001700	Nielsen, Kristopher	X				AOS	2	4	35	8	120
13	35	29052500200800	Maillet, Albie & Bernadette					OS	2	7	50	10	180
14	37	29052500200200	Maillet, Albie & Betty	X				AOS	2	4	30	8	120
15	38	29052500200100	Lake Stevens School District 4	X				AOS	2	4	25	8	120
16	38	29052600100100	Lake Stevens School District 4	X					2	5	45	6	120
17	40	29052600104900	Peterson, Gary T.	X					2	5	35	6	120
	40a	29052600100400		X				AR	2	6	40	10	120
18	2	00457000001501	Ba ha, Jerome & Doris	X				AOS	2	6	40	10	120
19	n/a	Consent / Easement	Seattle City Light (Transmission Corridor)	X				n/a	2	4	35	8	120
20	n/a	Consent / Easement	Bonneville Power Administration (Transmission Corridor)	X				n/a	2	4	30	7	120

### **Subconsultant Fee Determination - Summary Sheet**

Project: City of Lake Stevens; 20th Street SE - Phase II (83rd Ave SE to 93rd Ave SE)  
Subconsultant: Appraisal Group of the Northwest LLP

#### **DIRECT SALARY RATES**

<u>Classification</u>	<u>Hours</u>	<u>Rate</u>	<u>Cost</u>
Senior Appraiser	14 x	\$105.00	= \$1,470
Staff Appraisers	99 x	\$70.00	= \$6,930
Trainee Appraiser	98 x	\$40.00	= \$3,920
Editor	16 x	\$18.00	= \$288
Bookkeeper	4 x	\$18.00	= \$72
		<b>Direct Salary Costs</b>	<b>= \$12,680</b>
		DSC X Overhead	110.00% = \$13,948
		DSC X Fee	28.00% = \$3,550
		<b>Subtotal</b>	<b>= \$30,178</b>

#### **REIMBURSABLES**

Mileage	\$108
Reproduction	\$107
Misc.	\$7
<b>TOTAL REIMBURSABLE COST =</b>	<b>\$ 221.70</b>

#### **CONTRACT TOTAL**

= **\$30,400**

*Prepared By:*

Date: *January 21, 2016*

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**Subconsultant Fee Determination - Summary Sheet**

Project: City of Lake Stevens; 20th Street SE - Phase II (83rd Ave SE to 93rd Ave SE)  
Subconsultant: The Granger Company

**DIRECT SALARY RATES**

<u>Classification</u>	<u>Hours</u>	<u>Rate</u>	<u>Cost</u>
Appraisal Reviewer	89	x \$41.67	= \$3,709

<b>Direct Salary Costs</b>	<b>=</b>	<b>\$3,709</b>
DSC X Overhead	= 110.00%	= \$4,079
DSC X Fee	= 28.00%	= \$1,038
<b>Subtotal</b>	<b>=</b>	<b>\$8,827</b>

**REIMBURSABLES**

Mileage	\$173
	\$0

**TOTAL REIMBURSABLE COST = \$ 173.00**

**CONTRACT TOTAL** = **\$9,000**

Prepared By: Joseph H. Granger

Date: October 19, 2015



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LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** 11 Dec 2018

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**Subject:** 24<sup>th</sup> Street SE Extension - Supplement No. 1

---

<b>Contact</b>	Eric Durpos, Public Works Director	<b>Budget</b>	
<b>Person/Department:</b>	Grace Kane, Senior Engineer	<b>Impact:</b>	\$0

---

**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Authorize the Mayor to execute Supplemental Agreement No. 1 extending the term of the original Professional Agreement and adding an additional Scope of Services, Task Order No. 12, in an amount not to exceed \$95,800.

---

**SUMMARY/BACKGROUND:**

H.W. Lochner was selected through a competitive request for qualifications process, that included consultant interviews, to provide Professional Engineering Design for the 24<sup>th</sup> St SE/91<sup>st</sup> Ave SE extension project. Extension of 91<sup>st</sup> Ave SE southward across 20<sup>th</sup> Street SE, will require placement of up to 25 feet of embankment fill over three 48-inch diameter City of Everett Water Transmission lines.

Under this time extension, W.H. Lochner Inc. will evaluate impacts and provide engineering options to minimize impacts to the City of Everett Watermain, as described in the new Task 12. Because Task Orders 10 and 11 were determined to not be necessary, there are funds remaining under the original PSA to pay for this additional task.

Exhibit A to the Supplemental Agreement provides the agreed upon Scope and Fee for this additional task. The supplement is to extend contract completion date by 31 December 2019.

---

**APPLICABLE CITY POLICIES:**

Council approves all contract extensions.

---

**BUDGET IMPACT:** \$0

---

**ATTACHMENTS:**

- Exhibit A: Supplemental Agreement No. 1 with H.W. Lochner.

**SUPPLEMENTAL AGREEMENT NO. 1  
TO PROFESSIONAL SERVICES AGREEMENT  
BETWEEN CITY OF LAKE STEVENS AND  
H. W. LOCHNER, INC. FOR 24<sup>TH</sup> STREET SE EXTENSION PROJECT**

This Supplemental Agreement No. 1 is made and entered into on the \_\_\_\_ day of November, 2018, between the City of Lake Stevens, hereinafter called the "City" and Contractor H.W. Lochner, Inc, a Wisconsin corporation authorized to do business in the State of Washington, hereinafter called the "Consultant."

WITNESSETH THAT:

WHEREAS, the parties hereto have previously entered into an Agreement for 24<sup>th</sup> Street SE Extension, hereinafter called the "Project," said Agreement being dated June 29, 2017; and

WHEREAS, the original Professional Services Agreement expired April 1, 2018, and the parties wish to extend the term of the Agreement; and

WHEREAS, there remains an available balance of \$408,666.55 previously approved under the original Agreement; and

WHEREAS, both parties desire to supplement said Agreement, by expanding the Scope of Services to provide for Task 12 as set out in the attached Exhibit B; and to amend the total amount payable for this Agreement, and

WHEREAS, there remains funds available under the previously approved Professional Services Agreement,

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

Each and every provision of the Original Agreement for Professional Services dated June 29, 2017, shall remain in full force and effect, except as modified in the following sections:

1. Article II of the Original Agreement, "SCOPE OF SERVICES", shall be supplemented to include the Scope of Services as described in Exhibit A, attached hereto and by this reference made part of this Supplemental Agreement No. 1.

2. Article IV of the Original Agreement, "OBLIGATIONS OF THE CITY", Paragraph IV.1 Payments, Section (a), the second sentence is amended to include the additional Task Order No. 12 in the amount of \$95,800 and shall read as follows: "In no event shall total payment under this agreement exceed \$846,242.00."

The Total Amount payable to the Consultant is summarized as follows:

Original Agreement	\$846,242.00
Balance Remaining on original Professional Services Agreement:	\$408,666.55

Supplemental Agreement No.1 Task Order 12: \$95,800.00

Balance Remaining After Task Order No. 12: **\$312,866.55**

3. Article III, Section III.3 of the Original Agreement, Term is amended to extend the term of the agreement to midnight, December 31, 2019.

IN WITNESS WHEREOF, the parties hereto have executed this SUPPLEMENTAL AGREEMENT NO. 1 as of the day and year first above written.

CITY OF LAKE STEVENS

H.W. LOCHNER, INC.

By: \_\_\_\_\_  
John Spencer, Mayor

By: \_\_\_\_\_  
*Printed Name & Title*

APPROVED AS TO FORM:

\_\_\_\_\_  
Greg Rubstello, City Attorney

## Exhibit A – Scope of Services

### City of Lake Stevens 24<sup>th</sup> Street SE Extension

---

**Prepared for:**

**City of Lake Stevens, Washington**



*April 5, 2017*

*Prepared by:*  
**LOCHNER**  
906 SE Everett Mall Way, Suite 130  
Everett, WA 98208

*SSC  
06.21.17*

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7.11	Opinion of Probable Construction Costs .....	20
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<b>Task 8:</b>	<b>Roadway PS&amp;E Design – Itermediate Design .....</b>	<b>20</b>
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8.8	Opinion of Probable Construction Cost .....	22
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8.10	QA/QC Intermediate Design .....	22
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## EXHIBIT A – SCOPE OF SERVICES

# City of Lake Stevens

*24th Street SE Extension*

### PROJECT DESCRIPTION

This project will construct a new street approximately 1350-feet in length across undeveloped terrain between SR-9 and 91<sup>st</sup> Avenue SE along the alignment of 24<sup>th</sup> Avenue SE. The completed roadway will generally consist of one eastbound lane and one westbound lane with a planter strip and a ten-foot wide shared used path on the north side. One roundabout is planned to reconfigure the SR 9 and the South Lake Stevens Road intersection and will be located west of the existing intersection. A regional pond located south of the future 24<sup>th</sup> St SE and 91<sup>st</sup> Ave SE intersection is also included.

In addition, survey, environmental, and design services are provided as optional services for the design and permitting of the 91<sup>st</sup> Ave SE alignment between 20<sup>th</sup> St SE and 24<sup>th</sup> St SE.

### GENERAL ASSUMPTIONS

H.W. Lochner, Inc. (CONSULTANT) will provide professional services to the City of Lake Stevens (CITY) as outlined in the tasks descriptions below. The following general provisions/assumptions have been made:

1. The CONSULTANT will maintain communication with the CITY throughout the project.
2. The expected duration for this scope of services is nine (9) months and is premised on a notice-to-proceed date in April 2017.
3. This scope of services generally includes project management, site assessment, environmental permitting, right of way acquisition support, topographic survey, geotechnical evaluation, and roadway design including a regional pond.
4. Reports and drawings developed under this contract will be provided in hardcopy and electronic (pdf) format.
5. Engineering drawings will be prepared using AutoCAD Civil 3d. Files will be provided to the CITY at project close-out.
6. The CONSULTANT will provide the CITY with preliminary plans for review at approximately the Preliminary, Interim, and Final levels of design.
7. Project Bidding and Construction Support Services are not included.
8. It is understood and agreed that tasks may be added or deleted from the scope of services by mutual agreement of the CITY and CONSULTANT. Additional fee may be required for additional tasks.



*Scope of Services*  
*City Of Lake Stevens*  
*24th Street SE Extension*

9. Original permits, approvals, agreements or other obligations will be forwarded to the CITY in hardcopy and electronic form.
10. Federal Funds are not included in the project budget for design. It is also assumed no Federal Funds will be obtained for construction.
11. This Scope of Work includes some "OPTIONAL TASKs" that may be added to the project at a later date at the city's option. Additional fee may be required for "Optional Tasks".

## **DESIGN STANDARDS**

Plans, specifications, and contract documents, to the extent feasible, will be developed in accordance with the following, as applicable:

1. Washington State Department of Transportation/American Public Works Association, "Standard Specifications for Road, Bridge, and Municipal Construction", M41-10, 2016,
2. Washington State Department of Transportation, "Standard Plans for Road and Bridge Construction", M21-01 last modified date August, 2015,
3. FHWA and Washington State Department of Transportation, "Manual on Uniform Traffic Control Devices for Streets and Highways" 2009,
4. A Policy on Geometric Design of Highways and Streets (AASHTO green book), 6th Edition, 2011,
5. Department of Ecology (Ecology) 2012 "Stormwater Management Manual for Western Washington" (SWMMWW)
6. City of Lake Stevens Municipal Code
7. City of Lake Stevens "Engineering Design and Development Standards" May 2009 or current version.
8. Snohomish County CADD standards will be used for plans development.

## **SCOPE OVERVIEW**

The goal of this scope of work is to design the corridor improvements, prepare contract plans, specification and an engineer's estimate. The scope is divided into tasks that correspond to the major milestones:

### **TASK 1: PROJECT MANAGEMENT**

#### **1.1 Team Management**

The CONSULTANT will be responsible for on-going management of the consultant team for this project in accordance with the provisions of the Agreement. On-going management will include completion of professional services in a timely manner and within the Agreement budget. The CONSULTANT will be responsible for:

- Strategic management and reporting.
- Developing and maintaining a Project Management Plan (PMP) consisting of:



- Project Description & Objectives
- Scope
- Contract & Budget
- Schedule
- Organizational Chart
- List of Contacts
- QC/QA Plan
- Conducting regular meetings with internal staff and subconsultants.
- Making assignments to project staff and subconsultants.

For the purposes of budgeting, the anticipated duration of the project will be approximately nine (9) months beginning April 2017 and ending December, 2017. The CONSULTANT will also be responsible for coordinating the activities of the subconsultants as necessary to complete the elements of the Agreement. This coordination will include preparing subconsultant agreements, obtaining monthly progress reports and invoices, timely input for meetings, incorporating work into project deliverables and obtaining answers to issues raised by the Management Team. The CONSULTANT's Project Manager will be the contact for questions and requests from the CITY's Project Manager. Discussions, correspondence, or work requested of the CONSULTANT, that impact the scope of work, budget, or products will be directed in writing to the CITY's Project Manager.

***Assumptions:***

- The Project Schedule will be prepared using Microsoft Project and will be delivered at the initial Kick-Off Meeting along with the PMP. The schedule will be updated and provided to the City monthly.

***Deliverables:***

- Project Management Plan (PMP), (Three hard copies with updated documents delivered electronically.) The PMP will be updated as necessary.

***1.2 Kick-off Meeting***

A Kick-off Meeting will be held at the beginning of the project and attended by key team members of the CITY staff, CONSULTANT and subconsultants. The goal will be to enhance commitment by developing ownership within members of the project team, to confirm assignments of project activities to be completed by each team member, and to finalize development of a definitive Project Schedule.

The meeting will also provide opportunities to establish management procedures, lines of communications, identify lines of authority for decision making, provide clear direction to team members, discuss the project schedule and get buy-in from team members, identify stakeholders and provide a general exchange of views and ideas regarding the execution and development of the project.

***Assumptions:***



*Scope of Services*  
City Of Lake Stevens  
24th Street SE Extension

- The Kick-off Meeting will be held at City Hall or at Lochner's office in Everett at the CITY's option.
- The Kick-off Meeting will be attended by key members of the project team as appropriate.

***Deliverables:***

- Meeting Agenda and Meeting Summary (1 electronic copy)

***1.3 Project Coordination/Progress Meetings***

The CONSULTANT shall meet with the CITY, and as requested other key stakeholders, at project kickoff and then every two weeks during the project to review the overall project status, schedule, budget and outstanding issues. These meetings will be in the CITY's offices and/or over the phone. For purposes of estimating time required for this sub-element, it is assumed that 18 meetings will be held during the project. In addition to the regular Project Coordination meetings, it is projected that the CONSULTANT team will use the following assumptions for staff at these meetings: The CONSULTANT Project Manager shall be responsible for:

- Maintaining regular contact with the CITY and designated project management team staff through informal office visits, telephone conversations, e-mails, and faxes.
- Maintaining open access to project information by the CITY
- The CITY's Project Manager may contact team members as needed during each phase of the project with the CONSULTANT Project Manager cc'd on emailed correspondence.

***Assumptions:***

- Project meetings with the City Project Manager are anticipated to occur every two weeks. These meetings will be attended by up to two (2) CONSULTANT staff. Other CONSULTANT staff will attend if necessary to provide technical expertise. Other CONSULTANT staff may also attend via conference call if appropriate.
- The CITY will manage public inquiries received via the point of contact and take the lead in preparing responses to questions. The CITY will share these communications, as appropriate.

***Deliverables:***

- Meeting Agendas and Meeting Summary's ( 1 electronic copy)
- Other meeting materials will include work products that convey the current level of progress.



#### **1.4 Project Reports and Invoicing**

The CONSULTANT will provide a monthly status/progress report with invoices every four weeks, itemized by task and subtask, to the City that will describe work performed by the CONSULTANT team members during the current reporting period. The progress reports will be prepared in a format approved by the City Project Manager.

#### ***Assumptions:***

- A general summary of activities performed by the CONSULTANT team including meetings held during the reporting period;
- Listing of activities by work element performed by the CONSULTANT team during the reporting period;
- A listing of problems/issues encountered during the reporting period and their resolution; and
- A listing of activities to be accomplished during the next reporting period.

#### ***Deliverables:***

- Monthly Status/Progress Reports and Monthly Invoices.

### **TASK 2: SURVEY**

The CONSULTANT will stake the alignment center line and the perimeter of the proposed regional stormwater pond to allow the geotechnical, environmental, and forestry tasks to proceed.

#### **2.1 Survey and Basemapping**

##### **2.1.1 Research and Survey Control**

Research of public records and published survey control data will be undertaken in order to identify and locate controlling monumentation for use in establishing a horizontal and vertical base for topographic surveying, specifically Washington State Plane Coordinate System (WSPCS), North Zone (NAD 83/2011) horizontal datum and North American Vertical Datum (NAVD 88). Existing survey control monumentation will be recovered and auxiliary control established as necessary in order to survey topographic features of the right-of-way corridor as well as streams, wetland locations and Ordinary High Water Mark (OHWM) as delineated by others.

Services also include staking the alignment centerline and pond perimeter.

##### **2.1.2 Topographic Field Survey and Basemap**

Topographic survey mapping will be prepared at a convenient scale with a 1 foot vertical contour interval and spot elevations in digital AutoCAD format, using standard Snohomish County CADD Standards. Final digital files are to be contiguous at a 1 to 1 scale in model space. Point data blocks will include number identifier, elevations and descriptors. Mapping is to be planimetric with digital terrain modeling. The mapping will comply with the National Map Accuracy Standards for 1" = 20' scale mapping, 1-foot contour interval. The



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CONSULTANT will have a private utility locating company mark the utility locations in the field. The above topography will be supplemented by information provided by the utility owners as requested by the CONSULTANT, which cannot be picked up with the topographic survey. The CONSULTANT will provide traffic control for a "Mobile-Work" configuration and may include a flagger, traffic control signage and cones during the duration of the field operations along the WSDOT SR-9 right-of-way. The CONSULTANT will conduct a field walk through to verify the base mapping.

***Deliverables:***

- Application for Permit to Remove or Destroy a Survey Monument and associated map if necessary.
- AutoCAD Base Map drawing files suitable for the preparation of roadway plans.
- Survey Notes.
- DTM with two-foot contours.

***2.2 Right-of-Way (ROW) Plans***

The CONSULTANT will prepare the following items:

- Coordinate with Preliminary Base Map and proposed ROW alignment and existing Right-of-Way boundary to identify potential property acquisitions.
- Prepare Preliminary Right-of-Way Plan.
- Coordinate with the CITY regarding property and ROW acquisition.
- Prepare Legal Descriptions for all revised properties and new Right-of-Way.
- Right-of Way appraisal and property acquisition services are not included.

***Deliverables:***

- Legal descriptions for revised properties, exhibits depicting existing and new ROW limits, and easements.
- Preliminary Right-of-Way Plan and related digital files in AutoCAD format.

**TASK 3: GEOTECHNICAL EVALUATION**

***Geotechnical Engineering Services***

The proposed alignment is currently wooded and sections of the alignment will cross several documented wetlands. A significant part of the project will require construction of a stormwater facility that is currently planned near the western terminus of the proposed roadway. Currently, however, up to two other storm water facilities are under consideration. The CONSULTANT will provide geotechnical assistance associated with siting and design of the proposed stormwater facilities and determination of the depth of the wetland soils within the wetland areas along the roadway. Based on this understanding, THE CONSULTANT proposed the following phased geotechnical scope of services.

Phase 1 of the geotechnical engineering services will include field work and analysis associated with siting of a proposed stormwater facility and determining the depth of wetland soils along the roadway alignment.



- **Review Available Geotechnical Information:** THE CONSULTANT will review the work completed during the conceptual phase of the project as well as available geologic maps of the alignment and proposed stormwater facility locations.
- **Conduct Site Reconnaissance and Utility Locates:** THE CONSULTANT will conduct a site reconnaissance of up to 3 proposed stormwater facility locations to evaluate the surficial soils, site topography and geotechnical constraints. The site reconnaissance will be completed by a licensed geologist and geotechnical engineer. During the site reconnaissance THE CONSULTANT's staff will mark the locations of proposed dynamic cone penetration tests within the wetland soils along the road alignment.
- **Conduct Wetland Penetration Tests:** Upon approval and completion of utility locates, THE CONSULTANT will conduct 2 days of dynamic cone penetration testing (DCP), within the wetlands along the alignment to augment the t-probe penetration data developed for the conceptual geotechnical report. The DCP tests will provide the design team with a representation of the wetland thickness along the centerline of each wetland crossing. This data will help to quantify over excavation and replacement quantities for the wetland roadway crossings.
- **Generate Dynamic Cone Penetrometer Logs and Cross Sections:** THE CONSULTANT will generate penetration logs and cross section showing the anticipated depth of wetland soils across the three wetlands that are to be crossed by the roadway.
- **Facility Sitting and Wetland Geotechnical Engineering Analysis:** We will evaluate the data derived from our site reconnaissance and DCP testing to provide storm water facility siting recommendations and wetland soil over excavation and replacement recommendations.
- **Stormwater sitting Memo:** THE CONSULTANT will provide a brief memo outlining our reconnaissance of the proposed stormwater facility locations. This memo will include a discussion of the geotechnical constraints associated with each site.

### 3.2 Geotechnical Stormwater Design Services

Once a preferred stormwater facility location is identified, THE CONSULTANT proposes the following services to provide recommendations for final design of the facility.

- **Plan Field Exploration Program:** THE CONSULTANT will plan an appropriate field exploration program to identify the subsurface soils and groundwater conditions at the preferred location of the proposed storm water facility. The exploration plan will consist of drilling a series of three geotechnical borings within the footprint of the proposed storm water facility. THE CONSULTANT will provide input to the City of Lake Stevens in support of permits required to access the locations of our proposed explorations.
- **Conduct Utility Locates:** Prior to completing any subsurface explorations, THE CONSULTANT will mark the locations of the proposed explorations and call for utility locates.



- **Conduct Subsurface Explorations:** Upon approval, THE CONSULTANT will conduct the proposed field exploration program to identify the subsoil and groundwater conditions at the location of the proposed storm water facility. The subsurface explorations will consist of drilling up to three limited access geotechnical borings to depths of 20 to 30 feet below existing ground surface within the footprint of the proposed facility. One of the geotechnical borings will be completed as a groundwater monitoring well to monitor groundwater fluctuations over time. A groundwater monitoring transducer will be placed in the monitoring well to monitor groundwater over a period of 8 months. Each geotechnical boring will be monitored and logged by a THE CONSULTANT geologist or geotechnical engineer.
- **Generate Boring Logs and Conduct Laboratory Testing:** Soil conditions observed in the field and laboratory test information will be presented on summary boring logs that will be generated upon completion of our exploration program. All the soil samples retrieved from our explorations will be sealed in plastic bags and taken to our Bothell, Washington laboratory for further examination and testing. Selected soil samples will be tested to determine relevant engineering and classification index properties for our engineering analyses.
- **Groundwater Monitoring:** THE CONSULTANT shall install a groundwater monitoring transducer in the proposed monitoring well. This transducer will be set to take groundwater elevation readings every half an hour for the duration of 8 months. A Hydrogeologist from THE CONSULTANT shall make quarterly site visits to download and process the groundwater data. This data will be used to provide geotechnical design and infiltration recommendations and also to provide prospective contractors with an accurate representation of the seasonal groundwater variations across the site.
- **Stormwater Geotechnical Engineering Analysis:** THE CONSULTANT will evaluate the data derived from our stormwater subsurface explorations program to determine the geotechnical constraints on the proposed storm water facility. This evaluation will include characterization of the native soils and assessment of local groundwater level fluctuations as they relate to site infiltration potential. If the native soils are determined to be conducive to onsite infiltration and are not glacially over consolidated, grain size data from the borings will be used to determine a design infiltration rate. If the native soils are determined to be conducive to onsite infiltration and are glacially over consolidated, supplemental Pilot Infiltration Testing (PIT) will be required to determine a design infiltration rate.

### **3.3 Geotechnical Report**

THE CONSULTANT will generate a draft and final geotechnical report based on the results of the tasks 3.1 and 3.2, field explorations and associated analysis. THE CONSULTANT will also provide geotechnical task management throughout the project.

- **Geotechnical Engineering Report:** THE CONSULTANT will generate a draft and final geotechnical engineering report that will contain the results of the geotechnical engineering investigation, including description of surface, subsurface and



groundwater conditions; a site plan showing exploration locations and other pertinent features; summary boring logs; and laboratory test results. The report will provide a narrative and geotechnical recommendations for each of the above described geotechnical aspects of the project at this phase and recommendation for earthwork and site preparation.

- **Project Coordination Meetings:** THE CONSULTANT will attend up to one project coordination meeting at with the design team at Lochner's Bellevue Office. This meeting will be held to convey the geotechnical considerations to the design team.
- **Task Management:** THE CONSULTANT will prepare monthly invoices, and progress reports if required. We will correspond with Lochner and the City in the form of emails, fax, and telephone calls, as necessary.

***Assumptions:***

- The CITY will obtain permission to access the proposed site.
- Any required street use, and other permit fees will be paid by others.
- No analytical testing will be conducted to identify potential soil contamination.
- The City will provide a cleared pathway to the proposed storm water design explorations.

***Deliverables:***

- Draft and final geotechnical report

## **TASK 4: CULTURAL RESOURCES**

### **4.1 Cultural Resources**

- Coordination with client, agency, and Tribes (as needed) regarding the project.
- Background Research and Site Files Review. This task includes a review of soils and geomorphological information, development history of the project area, the DAHP Washington Information System for Architectural and Archaeological Records Data (WISAARD) database, previously published reports, and other pertinent data.
- Field Survey and Subsurface Testing. This task includes 100% pedestrian survey of the APE and subsurface testing. Shovel probes will be placed at 40 meter intervals, as feasible.
- Historic Property Inventory. Recording of up to one historic structure (a structure more than 50 years old) is included in the current scope of work.
- Site recording. Recording of up to one archaeological site is included in the current scope of work.
- Report/Graphics Preparation. The report will include all background research, field methods, maps, photographs, and results and will meet State requirements. Tierra will coordinate with the client to submit the report to the DAHP.
- Agency Review/Comment Response. Any agency comments will be addressed and a revised report provided for final review.



**Assumptions:**

- Identification and/or recording of more than one archaeological site or more than one historic structure (50+ years old) will be considered out of scope.
- Site access and rights of entry will be provided by client in writing prior to fieldwork.
- One set of comments on the report will be received and addressed.

**TASK 5: PHASE 1 ENVIRONMENTAL SITE ASSESSMENT AND TREE SURVEY**

**5.1 Phase 1: Environmental Site Assessment**

The CONSULTANT will perform a site-specific Phase I ESA for the Property. The assessment will follow generally accepted and established practices as promulgated by the American Society for Testing Materials (ASTM), using Method E 1527-13. In addition, this assessment will also incorporate requirements of the United States Environmental Protection Agency (USEPA) *Standards and Practices for All Appropriate Inquiries; Final Rule* published in the Federal Register, Part III, 40 CFR Part 312 dated August 15, 2013. Additional services such as any inquiry with respect to asbestos-containing materials, biological agents, ecological resources, endangered species, health and safety, indoor air quality unrelated to the release of hazardous substances or petroleum products, industrial hygiene, lead-based paint, lead in drinking water, mold, radon, regulatory compliance, or wetlands are not included in this proposed scope of services. Specific tasks for this Phase I ESA include:

A. Review the history of the sites and surrounding area to identify previous activities that might have introduced hazardous materials or petroleum products to the property. Historical documents and records reviewed will cover a period of time as far back in the history of the subject property as it can be shown that the property contained structures or from the time the property was first used for residential, agricultural, commercial, industrial, or governmental purposes. This task involves discretionary review of as many of the following ASTM standard historical sources as are necessary and reasonably ascertainable to meet this objective.

Government Records	Sanborn Fire Insurance Maps
City Directories	Historical Aerial Photographs
Select Building Department Records	Other sources as available

B. Review environmental information regarding the subject property and surrounding area using the following resources. Search distances will be in accordance with ASTM E 1527-13.

- USEPA registry and compliance databases, including the following: National Priorities List (NPL); Comprehensive Environmental Response, Compensation, and Liability Index System (CERCLIS); CERCLA No Further Remedial Action Planned (CERCLA-NFRAP); Resource Conservation and Recovery Index System (RCRIS); RCRA Corrective Action (CORRACTS); Facility Index System (FINDS); and Emergency Response Notification System (ERNS).
- State of Washington, DOE compliance databases including the following: State Superfund (CERCLA), Solid Waste Disposal Facilities (SWD), Leaking



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Underground Storage Tank (LUST), and Registered Underground Storage Tank (UST).

- Other environmental databases and hard copy records available within various City and County offices, as available.

C. Interview appropriate persons concerning history of the site and/or knowledge of hazardous materials or other contaminants on the site or within the immediate vicinity. An interview with the current property owner or representative of the current property owner will be conducted.

D. Recorded environmental cleanup liens.

E. Review available physical setting sources as listed below:

US Geological Survey (USGS) 7.5 Minute Topographic Map  
Groundwater maps  
Bedrock geology maps  
Surficial geology maps  
Soil maps

F. Inspect the site to obtain information related to identifying recognized environmental conditions (as defined in the ASTM standard). Pedestrian survey techniques will be employed to the extent necessary to summarize with confidence the evidence or lack thereof of hazardous materials on the property. Current use of the site and adjoining properties will be discussed. Photographs of the site will be taken to document pertinent features. The inspection will identify the presence or absence of the following features:

<ul style="list-style-type: none"><li>• Structures on the Property</li><li>• Roads adjoining the Property</li><li>• Potable water supply</li><li>• Sewage disposal system</li><li>• Hazardous substances and petroleum products</li><li>• Storage tanks</li><li>• Unusual odors</li><li>• Drums and other containers</li><li>• Suspect PCB containing equipment</li></ul>	<ul style="list-style-type: none"><li>• Heating/Cooling system</li><li>• Stains or corrosion</li><li>• Landfills, dumping</li><li>• Floor drains or sumps</li><li>• Stained soil or pavement</li><li>• Pits, ponds, or lagoons</li><li>• Solid waste disposal</li><li>• Stressed vegetation</li><li>• Utilities, storm drains or wells</li><li>• Wastewater disposal</li><li>• Pools of liquids</li></ul>
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G. The Environmental Professional is required to report any data gaps, i.e. "a lack of or inability to obtain information required...despite good faith efforts by the environmental professional..." and comment regarding the significance of such data gaps on the Environmental Professional's ability to provide an opinion as to whether the inquiry has identified conditions indicative of releases or threatened releases on, at, in, or to the subject property. If a data gap prevents the Environmental Professional from reaching an opinion, the Environmental Professional must specifically identify the concern.

H. After completing our review of the public record and site reconnaissance, Lochner will provide a written report of our ESA findings and recommendations. The report will



reflect our evaluation of the site and will include a description of the methods, discussion of results and opinions, conclusions, and recommendations. One report will be prepared that assesses both sites comprehensively.

#### ***Phase I Environmental Site Assessment Limitations***

It should be understood that the findings and conclusions of the Phase I ESA will not be scientific certainties, but rather opinions based on our professional judgment concerning the significance of the data gathered during the course of the site assessment. Lochner will not be able to represent that the site contains no hazardous waste or materials, petroleum products, or other latent conditions beyond that detected or observed by our personnel during the site assessment.

#### ***Assumptions***

- One interview with property owner or representative.
- One pedestrian survey

#### ***Deliverables***

- One Phase I Environmental Site Assessment including our findings, conclusions, and recommendations will be provided in electronic format (PDF).

#### ***5.2 Significant Tree Inventory and Condition Assessment***

- A. Conduct an inventory and condition/risk assessment of all significant trees within Right-of-Way of Proposed 24th ST SE. (estimate of +/- 50 Trees) Identify all significant trees with a numbered aluminum tag.
- B. Conduct an inventory and condition/risk assessment of significant trees within proposed regional storm water detention pond area (estimate of +/- 250 trees)
- C. Develop a Significant Tree Summary Table to document species, diameter, height, general condition and risk rating
- D. Compile Arborist Report to discuss and summarize tree assessment data.

A significant tree as defined by the City of Lake Stevens is any evergreen species that measures 12" or more in caliper or any deciduous species that measure 8" or more in caliper. Caliper is measured at one foot above the root crown.

### **TASK 6: WETLAND MITIGATION**

#### ***6.1 Design Development***

- A. Conduct an initial site visit to evaluate road alignment and general wetland conditions in the impact areas. Complete and provide 2014 Ecology wetland rating forms and figures.
- B. We will work with the project team to assist in developing a permittable roadway plan. Agencies will require the project sufficiently demonstrate avoidance and



minimization of wetland impacts. On roadway projects this typically involves retaining walls, but may also entail stormwater pond and/or outfall changes, and possibly other minor changes.

C. Up to two project meetings regarding preliminary roadway design are included.

#### **6.2 On-site Mitigation Plan**

- A. We anticipate the design will entail temporary construction impacts to wetlands and buffers that will require a restoration plan. A landscape designer will visit conduct a site assessment for the purpose of developing a mitigation plan.
- B. Restoration plans will include an impacts plan, planting plan, plant installation details, planting notes, performance standards and a monitoring and maintenance plan. Restoration plans will be provided at 30-, 90-, and 100-percent design.
- C. Special provisions at 30-, 90-, and 100-percent design. Materials specifications will be provided on plan sheets. Special provisions pertaining to the mitigation area will be provided for incorporation into the comprehensive special provisions document by others. WSDOT format is assumed (WSDOT 2016, Amended Jan 3, 2017).
- D. Cost estimates at 30-, 90-, and 100-percent design. Line item cost estimates for the mitigation area will be provided for incorporation into a comprehensive project estimate by others.

#### **6.3 Mitigation Bank Assistance**

- A. The CONSULTANT will investigate the options for purchasing credits from a mitigation bank and report our findings in a memo. We will provide pertinent details on up to three mitigation bank options, including cost, credit availability, and timing considerations.
- B. For the selected mitigation bank, we will assist with the preparation of a bank use plan.

#### **6.4 Permitting**

- A. Based on our project understanding, the following local, state, and federal environmental permitting may be required:
  - Section 404 Permit - US Army Corps of Engineers
  - Section 401 Water Quality Certification - WA Dept of Ecology
  - Coastal Zone Management Consistency - WA Dept of Ecology
  - State Environmental Policy Act (SEPA) - City of Lake Stevens
  - Critical area review - City of Lake Stevens
- B. For the above, we will prepare the documentation needed for applications. Major documents expected to be required include the following:
  - Joint Aquatic Resource Permit Application (JARPA)
  - JARPA-format project drawings based on selected sheets of the roadway design (by others)



- Critical area report
- Biological Evaluation to demonstrate compliance with the Endangered Species Act (required for the JARPA submittal to the Corps of Engineers).

**Assumptions:**

- Since prior mapping has not identified any streams crossing the proposed roadway or detention facility, we have not included any coordination with Washington Department of Fish and Wildlife or Hydraulic Project Approval permitting assistance.
- Wetlands in the project area may be isolated and therefore not under federal jurisdiction. However, it is typically more time- and budget-efficient to concede jurisdiction than to request a formal determination, which is a separate process under a lower priority for the Corps. For time and budget efficiency, a formal jurisdictional determination from the Corps will not be requested.
- This proposal assumes access permission for the subject property will be obtained by the City.
- This proposal does not guarantee issuance of permits.
- The City will develop and process the SEPA checklist.
- Comments on permit submittals from local, state, or federal agencies related to our plans or documentation may be subjective in nature and are therefore not predictable. Revisions to permit documents are not included in this proposal and can be completed on a time and expense basis or under a separate proposal.
- This proposal does not include any permit fees; no City of Lake Stevens permit submittals are included.
- The above-described deliverables will be provided in PDF format.
- No work outside of this contract will be undertaken without prior notification to the client.
- This proposal includes general coordination with you via email and phone. In-person meetings are included only as specified above.
- Up to two meetings (total) with regulatory agencies or the City of Lake Stevens are included. Time includes meetings, preparation and debriefing.

**TASK 7: PRELIMINARY DESIGN**

Under this task, the Consultant will prepare the preliminary roadway and drainage plans based on the conceptual layout and street section developed by the City of Lake Stevens.

The Consultant will prepare preliminary design plans for the 24<sup>th</sup> Street SE alignment using the base map and DTM developed in Task 2. This work will include development of typical sections, 1" = 20' plans and profile sheets, cross sections, channelization plans, intersection layouts, driveway adjustments, utility impacts, landscaping concepts and right-of-way needs. It is anticipated that the horizontal and vertical alignment will be developed as part of this task. This task will also include a conceptual illumination plan.

**7.1 Storm Water Facility Design**

For the storm water system, the CONSULTANT will:



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- A. The CONSULTANT will collect and review available maps, reports and other data to assist in evaluating the stormwater options for the project. The Consultant will develop a conceptual level drainage system design and supporting conveyance and water quality treatment calculation summary. It is anticipated that stormwater flow-control (detention) will be provided by the regional detention pond which is also a project design element of the 24<sup>th</sup> Street SE extension project. Modeling of the regional pond was completed by Tera Tech who published a Technical Memorandum dated September 15, 2016. This memorandum will be used as the basis for the regional pond design, additional flow-control analysis is not anticipated. The Consultant will prepare a preliminary layout of the proposed drainage system showing additional right-of-way needs and/or storm drainage easements.
- B. The preliminary analysis includes development of a Technical Information Report (Hydraulic Report) to document the stormwater system water quality and conveyance design including assumptions, regulatory interpretations, calculations, and other design information in compliance with the Department of Ecology Stormwater Management Manual for Western Washington, revised 2014 (DOE Manual).
- C. Services include a feasibility study to relocate the existing WSDOT pond in SR 9 right-of-way at the northwest corner of the SR9 and South Lake Stevens intersection. The feasibility study will include analyzing up to two potential sites for a relocated stormwater detention pond within the same stormwater threshold discharge area as the existing pond. Hydraulic modeling will meet the 2016 WSDOT Highway Runoff Manual criteria and include options for stormwater conveyance from the existing pond site to the proposed sites. Property acquisition or construction cost estimates are not included in the scope.

*Deliverables:*

- Preliminary storm water plans.
- Technical Information Report
- SR 9 Pond Relocation Feasibility Report

### **7.2 TESC Design, Site Preparation Design**

The CONSULTANT will develop cut/fill lines to determine clearing limits. The TESC plans to include silt fencing, construction access BMPs, and construction limits. The CONSULTANT will develop the Site Preparation and Demolition plans and identify objects that must be removed or demolished by the contractor.

### **7.3 Roadway Stabilization Design**

The CONSULTANT will coordinate with the Geotechnical Engineer and use the Preliminary Geotechnical Report for the 24<sup>th</sup> Street SE Extension, dated January 15, 2016, prepared by HWA Geosciences Inc to design 24<sup>th</sup> St SE across the wetland areas. The CONSULTANT will implement design recommendations for roadway subgrade preparation, structural backfill, provisions for utilities, existing soils handling/disposal considerations, and worker safety provisions.



#### **7.4 Roadway Sections**

The typical roadway section consists of two 14-ft lanes, curb & gutter on both sides of the street, a 4.5-foot planter and 10-foot shared use path on the north side. The CONSULTANT will develop preliminary typical roadway design sections including walkways, landscape areas and transition areas.

#### **7.5 Roadway and Roundabout Design**

This task includes the horizontal layout for the principal roadways 24<sup>th</sup> Street SE Extension through the project site. This task also includes preliminary design of the two roundabouts.

Roundabouts will be in the range of 80 to 100-foot diameter and include splitter islands, truck aprons, and landscape center islands.

#### **7.6 Drainage Conveyance**

The CONSULTANT will develop the stormwater management drawings for conveyance and water quality treatment of runoff from the 24<sup>th</sup> Street SE Extension project. In addition, the CONSULTANT will develop design drawings for the regional pond referenced in section 6.1 and design the wetland water conveyance system of small diameter culverts to maintain hydraulic conductivity across 24<sup>th</sup> Street SE as recommended by HWA GeoSciences in their January 15, 2016 preliminary geotechnical report.

#### **7.7 Channelization and Signage Plans**

The CONSULTANT will develop the channelization drawings and produce signage call-outs and tables. Since the intersection of 24<sup>th</sup> ST SE and SR 9 is within WSDOT jurisdiction a Channelization plan for WSDOT approval is required for pavement marking revisions on SR 9. The Channelization plan will be developed and provided to WSDOT for approval prior to final PS&E plans, the scope includes two channelization plan review iterations.

#### **7.8 Illumination Design**

The CONSULTANT will calculate illumination fixture spacing requirements and confirm illumination fixture models to be used. The CONSULTANT will develop illumination plans and details based on the calculations.

#### **7.9 Planting Design**

The CONSULTANT will prepare plans and details to include street trees, general plant massing plan, irrigation products, and standard details including planting of the center roundabout islands.



### **7.10 Structural Preliminary Design – Retaining Walls**

The CONSULTANT will design the structures supporting the roadway and detention pond walls in coordination with approved geometric standards and type. Develop design and plans to advance the wall designs consistent with the geotechnical engineer's recommended gravity wall for both the roadway and pond retaining walls. A structures alternatives evaluation is not anticipated.

The CONSULTANT will develop the structural in coordination and incorporation of Roadway Design, Geotechnical and Environmental findings and parameters.

### **7.11 Opinion of Probable Construction Costs**

The CONSULTANT will develop planning level Opinion of Probable Construction Costs for the various elements based on a square yard or linear foot basis including the following elements:

- Develop a table of unit costs based on the latest, City, County or WSDOT bid tabulations.
- Develop quantities for the various bid elements.
- Prepare an opinion of probable construction cost to include all bid items.

### **7.12 QA/QC Preliminary Review**

The CONSULTANT will review documents and drawings for quality of design and engineering procedures prior to submittal to the City.

### **7.13 Prepare and Submit Preliminary Package**

The CONSULTANT will revise documents based on QC review comments and combine all discipline design documents into one PS&E submittal package.

#### ***Deliverables:***

- Preliminary Plans, and opinion of construction cost estimate.

#### ***Assumptions:***

- Traffic Analysis modeling or reports are not necessary
- Illumination foundation design will be a WSDOT standard detail, structural designs are not required.
- Construction staging or traffic control plans are not required.
- Special Provisions are not included with the Preliminary Design submittal.

## **TASK 8: ROADWAY PS&E DESIGN – INTERMEDIATE DESIGN**

This task will expand on the preliminary design efforts and will include development of interim, Plans, Specifications and Opinion of Probable Construction Cost (PS&E) package.

The CONSULTANT will prepare the interim project plans including grading, roadway, channelization, intersection, illumination, signing, driveways, construction staging, traffic



control, drainage and erosion control plans. The CONSULTANT will also develop special provisions and a cost estimate at this design level.

#### ***Roadway Plans, Profiles and Typical Sections***

The CONSULTANT will develop the project alignment and profile plans, finalize the typical sections, develop cross sections every 25 feet, and develop intersection layouts based on preliminary comments received from the City and the key project stakeholders.

#### ***8.2 Drainage Plans, Profiles and Details***

The CONSULTANT shall prepare a set of drainage plans, profiles, details and structure notes in accordance with the Hydraulics Report. The preliminary drainage design features shall be incorporated into the final PS&E unless deemed inapplicable. Appropriate temporary erosion and sediment control devices shall be designed and incorporated to effectively control project area runoff.

Stormwater facility design will be based on the design alignment and grade of the proposed roadway improvements. Design sheets will be of the same scale and limits of the roadway design plan sheets unless work is needed outside of the roadway areas. Stormwater design will include:

- Alignment, grades and slopes of pipes, catch basins, inlets and other collection and conveyance facilities.
- Location, grade and construction notes, cross sections, and details of stormwater flow-control and treatment structures.
- Regional Pond design with an approximate footprint of 470 ft. x 240 ft. with a live storage depth of 4.5 feet plus 1.0 feet of freeboard.

#### ***8.3 Channelization and Signage Plans***

The CONSULTANT will prepare channelization and signage plans which include the proposed pavement markings, permanent signing and miscellaneous details.

#### ***8.4 Structural Plans - Retaining Wall***

The CONSULTANT will prepare preliminary structural plans for the retaining wall showing location, size, profiles, and details.

#### ***8.5 Illumination Plans***

Illumination design will include pole and mast arm call-outs. CONSULTANT to include design elements in the plan as needed, i.e. underground conduit and pull boxes, luminary foundations, etc.

#### ***8.6 Utility Coordination***

The CONSULTANT will first perform utility conflict assessments of existing overhead and underground utilities against proposed improvements. The Consultant will then coordinate the relocation of existing underground and overhead utilities associated with roadway reconstruction and discuss possible utility extension plans. The Consultant will correspond



*Scope of Services*  
City Of Lake Stevens  
24th Street SE Extension

with representatives of the water, sewer, natural gas, telephone, cable, and power to coordinate the planning and design of necessary utility relocation efforts or utility extensions. The Consultant will arrange and facilitate one (1) joint meeting for the affected utilities companies to coordinate their activities.

In addition, the CONSULTANT will coordinate a proposed sanitary sewer lift station design and force main alignment to 20<sup>th</sup> Street SE with the City staff and/or agents. Design of the lift station is not included in the scope of services.

#### **8.7 Landscaping and Irrigation**

The CONSULTANT will prepare landscaping plans. Landscaping will consist of minimal tree plantings. The City will select the tree species and specify the tree locations. The CONSULTANT will include a tree planting detail, a tree schedule, specifications, and cost estimate. Landscaping will also include seeding or sod behind the sidewalks matching existing improvements which may be combined with the Roadway design drawings.

#### **8.8 Opinion of Probable Construction Cost**

The CONSULTANT will update preliminary cost opinions and consistently update quantities and estimates of construction costs using bid items.

#### **8.9 Special Provisions**

The CONSULTANT will review the WSDOT/APWA/City's Standard Construction Specifications and prepare special provisions for those items not included or those requiring modification from standard specifications. The CONSULTANT will prepare the specification package for the project.

#### **8.10 QA/QC Intermediate Design**

The CONSULTANT will conduct an in-house quality review of the plans and specifications before they are submitted to the City for its Interim design review.

#### **8.11 Review Meeting**

The CONSULTANT will attend a meeting with the City to review comments from its intermediate design reviews.

#### ***Deliverables:***

- Written responses to City review comments.
- Meeting attendance and participation.
- Exhibits for the Utility Coordination Meeting
- PDF files of the Interim Project Plans (11"x17").
- Quantities will be listed as a total unit bid item and will not include per-sheet quantities.
- PDF copy of the Special Provisions.
- Estimate of Probable Construction Cost.



## **TASK 9: ROADWAY PS&E DESIGN - FINAL**

Based on City's comments from their review of the interim plans and specifications, comments received and other improvements included in the property negotiations, the CONSULTANT will prepare the 100% project design plans including roadway, structural (retaining wall), channelization, intersection, signing, utility relocation, drainage and erosion control, and landscaping. The CONSULTANT will also develop special provisions and a cost estimate. It is assumed that there are no major design changes from the interim design submittal. The Final submittal will update prevailing wages and WSDOT amendments.

### ***Roadway and Roundabout Plans, Profiles and Typical Sections***

The CONSULTANT will finalize all roadway and intersection plans.

### ***9.2 Drainage Plans, Profiles and Details***

The CONSULTANT will finalize all roadway drainage plans, profiles and erosion control plans.

### ***9.3 Channelization and Signage Plans***

The CONSULTANT will finalize the channelization and signage plans, which will include the proposed pavement markings, permanent signing and miscellaneous details.

### ***9.4 Structural Plans (Retaining Wall)***

The CONSULTANT will finalize the structural plans for the retaining wall.

### ***9.5 Illumination Plans***

The CONSULTANT will coordinate with PSE to finalize the illumination plans. Conduits and foundation details may be combined with the signage plans.

### ***9.6 Utility Coordination***

The CONSULTANT will incorporate any public utility or private relocation plans as necessary to implement construction of proposed improvements.

### ***9.7 Landscaping and Irrigation***

The CONSULTANT will finalize the tree planting details, and schedule.

### ***9.8 Opinion of Probable Construction Cost***

The CONSULTANT will update quantity take-offs and estimates of probable construction costs.

### ***9.9 Special Provisions***

The CONSULTANT will finalize the special provisions for those items not included or that require modification from standard specifications.

### ***9.10 QA/QC Final Design***

The CONSULTANT will conduct an in-house quality review of the final plans and specifications before they are submitted to the City for final review.



### **9.11 Review Meeting**

The Consultant will meet with the City to review its comments of the final PS&E plans.

#### ***Deliverables:***

- Written responses to City review comments.
- Meeting attendance and participation.
- Set of 100% PS&E (11"x17" sheet and 8.5"x11" page format).

## **TASK 10: ROADWAY PS&E DESIGN – BID READY**

#### ***PS&E and Contract Documentation***

It is anticipated that the CONSULTANT will update standard specifications from the Final documents to develop the final, Bid-Ready PS&E set. This set will be camera-ready with the Engineer of Record's stamp affixed for the City to print and distribute to Plan Centers and Contractors. The Construction documents will be provided in electronic format for on-line bidding.

#### ***Deliverables:***

- Bid Ready PS&E with Engineer's stamp (11"x17" sheet and 8.5"x11" page format).
- Electronic (PDF) copy of all drawings, specifications and cost estimate.

## **TASK 11: OPTIONAL STUDIES AND DESIGN SERVICES**

If requested, optional services for work not included in the Project scope above will be require an amended agreement. The City has the option to select any or none of the additional services listed below:

#### ***Wetland Documentation***

Delineation of the wetlands is included as an optional service because permitting agencies consider wetland studies expired after 5 years. Please note that if redelineation is required and boundaries change (smaller or larger), then changes to all permitting documents will also need revision, included in 11.1.E, below.

- A. Conduct two site visits to the subject properties to screen and flag jurisdictional wetlands (and streams, if applicable) within the project area. For the purposes of this scope, the project area includes the footprint of the proposed roadway and detention pond (see attached figure). Areas outside the footprint and pond will not be screened or evaluated for wetlands or streams. Wetland determinations will be based on the methodology from the *Corps of Engineers Wetland Delineation Manual* (Manual) (U.S. Army Corps of Engineers [Corps] 1987), the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region Version 2.0* (Corps May 2010), and the definition of jurisdictional wetland in the Lake Stevens Municipal Code.



- B. Prepare a wetland (and stream, if applicable) delineation field sketch showing the approximate location of our delineation flagging for use by the project surveyor in mapping the features. Surveying services are not included in this scope of services.
- C. Classify identified features according to the applicable Lake Stevens regulations. Wetlands in Lake Stevens are currently classified according to the 2004 Western Washington Wetland Rating System (Ecology Publication 04-06-025). However, the City is in the process of updating its critical areas regulations. Under the draft regulations, wetlands in Lake Stevens are proposed to be classified according to the 2014 Western Washington Wetland Rating System (Ecology Publication 14-06-029). This is also the system used by state and federal permitting agencies (Ecology and Army Corps).
- D. Prepare a delineation report that summarizes our findings and details applicable local (Lake Stevens), state and federal implications of our findings.
- E. Revise Bank Use Plan, Critical Areas Report, JARPA, BE and mitigation plans for resubmittal to agencies.

### **11.2 Small Scale Pilot Infiltration Tests**

Infiltration screening analysis indicate that the soils near the base of the proposed storm water facility are suitable for onsite infiltration and are over consolidated by the glacial advance, the completion of small scale pilot infiltration testing will be required to determine the design infiltration rate. Completion of these tests will include Small Scale Pilot Infiltration tests, laboratory testing, infiltration analysis.

#### ***Assumptions:***

- The CITY will obtain permission to access the proposed PIT location.
- Any required street use, and other permit fees will be paid by others.
- No analytical testing will be conducted to identify potential soil contamination.
- The City will provide a cleared pathway to the proposed PIT location
- Water for the PIT test will be obtained from the Hydrant along S Lake Stevens Road.
- PIT testing will be completed in an undeveloped area not requiring extensive restoration upon completion of the test.

### **11.3 Wetland, Stream, Soil Boring and Ordinary High Water Mark Location Surveying**

Wetland flags within 150 feet of the right-of-way and up to 20 soil borings delineated by THE CONSULTANT will be located and surveyed for inclusion on base mapping. Stream features (if any) including thalweg, Ordinary High Water Mark and channel topo will be surveyed within 250 feet of each of two crossings.

### **11.4 Public Outreach**

The CONSULTANT shall participate in up to two Public Outreach meetings scheduled and facilitated by the City. The CONSULTANT will develop materials for use during the meeting.



***Deliverables:***

- Roll plot of the proposed improvements overlaid on an aerial photograph.
- Typical road sections on 34"x24" sheet(s).
- Meeting attendance, participation, and support to City staff.

**11.5 SEPA Environmental Checklist**

The CONSULTANT shall prepare the SEPA checklist along with necessary exhibits. It is assumed that the City of Lake Stevens is the lead agency and will issue the SEPA determination.

**11.6 91st Street SE Design**

Survey and determine the feasibility of constructing a 91<sup>st</sup> Avenue SE extension south from 20<sup>th</sup> Street SE through the steep slope and appropriate design the 91<sup>st</sup> Street SE alignment.

**A. Feasibility Study**

The Feasibility study will be limited to the northerly 350 foot segment of the potential 91<sup>st</sup> Street SE alignment from 20<sup>th</sup> Street SE, south along the steep slope section. Services will include reviewing intersection location, developing a road profile and cross sections to determine retaining wall or right-of-way needs.

**B. Preliminary Design**

Prepare preliminary design plans for the 91<sup>st</sup> Avenue SE alignment (assume same cross section as 24<sup>th</sup> ST SE) including profiles, cross sections, channelization, stormwater water quality analysis, TESC and intersection layouts, it is anticipated that MSE or gravity walls will be necessary. The Preliminary design will also include illumination and landscape designs as well as an opinion of probable construction cost estimate.

**C. Environmental**

Provide additional project details and information related to the 91st Ave SE roadway alignment from 20th ST SE to 91st Ave SE on the following permit elements:

- Section 404 Permit - US Army Corps of Engineers
- Joint Aquatic Resource Permit Application (JARPA)
- JARPA-format project drawings based on selected sheets of the roadway design (by others)
- Critical area report
- Biological Evaluation to demonstrate compliance with the Endangered Species Act (required for the JARPA submittal to the Corps of Engineers).

**D. Tree Inventory**



*Scope of Services*  
*City Of Lake Stevens*  
*24th Street SE Extension*

Conduct an inventory and condition/risk assessment of all significant trees within the proposed 91<sup>st</sup> Street SE right-of-way. Identify all significant trees and develop a significant tree summary table.

#### **E. Geotechnical**

**Plan Field Exploration Program:** the CONSULTANT will plan an appropriate field exploration program that complies with the exploration frequencies dictated in the WSDOT geotechnical design manual for the proposed improvements. We expect that this program will consist of a series of test pits and hand explorations conducted along a City provided access road.

**Conduct Utility Locates and Site Reconnaissance:** Prior to conducting our field exploration program, HWA will conduct a site reconnaissance to evaluate the surficial soils and site topography along the proposed alignment. Proposed locations of field explorations will be marked with wooden stakes, and utility locates using the one-call location service will be completed.

**Conduct Subsurface Explorations:** Upon approval, the CONSULTANT will conduct the proposed field exploration program to identify the subsoil and groundwater conditions along the proposed road alignment. Our proposed exploration activities will likely include test pits and hand borings supplemented with Dynamic Cone Penetrometer (DCP) tests. We understand, that the city intends to clear a path and perform the excavation for the test pits with a small track excavator. Hand borings and DCP tests will be conducted by the CONSULTANT. Exploration will be limited to one day in the field. All exploration activities will be monitored full time by a geotechnical engineer or geologist.

**Generate Boring Logs and Conduct Laboratory Testing:** Soil conditions observed in the field and laboratory test information will be presented on summary boring logs that will be generated upon completion of our exploration program. All of the soil samples retrieved from our explorations will be sealed in plastic bags and taken to our Bothell, Washington laboratory for further examination and testing. Selected soil samples will be tested to determine relevant engineering and classification index properties for engineering analyses.

**Evaluate Field and Laboratory Testing:** Based on the exploration data and the laboratory test results of selected samples, the CONSULTANT will generate estimates of the soil strength and other engineering properties as needed.

**Engineering Analysis:** the CONSULTANT will evaluate the data derived from our field investigations and laboratory testing to complete our engineering analysis. Engineering analysis will include preliminary recommendations for the road prism design, including retaining walls, subgrade preparation, identification of areas of anticipated over excavation and replacement and opportunities for onsite stormwater infiltration potential.

**Geotechnical Engineering Report:** the CONSULTANT will generate a draft and final geotechnical engineering report that will contain the results of the geotechnical engineering



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City Of Lake Stevens  
24th Street SE Extension

investigation, including description of surface, subsurface and groundwater conditions; a site plan showing exploration locations and other pertinent features; summary boring logs; and laboratory test results. The report will provide a narrative and geotechnical recommendations for each of the above described geotechnical aspects of the project at this phase and recommendation for earthwork and site preparation.

**Project Coordination Meetings:** The Geotechnical Engineer will attend up to one project coordination meeting at City of Lake Stevens Office. This meeting will be held to convey the geotechnical considerations of the site to the City.

**Assumptions:**

- The CITY will obtain permission to access the proposed site.
- Any required street use, and other permit fees will be paid by others.
- No analytical testing will be conducted to identify potential soil contamination.
- The City will provide a cleared pathway along the footprint of the proposed alignment of 24th Avenue NE.
- The City will perform the excavation of the test pits as directed by the geotechnical engineer or geologist, using a city provided small track-hoe or rubber tired back-hoe.

**F. Survey**

Topographic survey mapping will be prepared for the 91<sup>st</sup> Street SE alignment as detailed in sections 2.0 and 2.1 above. Survey services include staking the alignment center line to allow the geotechnical, environmental, and forestry tasks to proceed.

**G. Landscape Architecture**

The CONSULTANT will provide 30%, 90% and 100% landscape and irrigation PS&E for 91st Avenue SE per the scope and deliverables outlined above for 24th St. SE PS&E. This task assumes that the cross-section for 91st Avenue SE will match the cross-section developed for 24th St. SE.

**H. Cultural Resources**

The CONSULTANT will expand the services detailed in Task 4.1 above to include the 91<sup>st</sup> Avenue SE alignment.

**I. Interim Design**

This tasks expands the 91<sup>st</sup> Street preliminary design and includes development of interim, Plans, Specifications, and opinion of probable construction cost. The interim project design includes, grading, roadway, structural, channelization, intersection, illumination, signing drainage and erosion control plans.

**J. Final Design**



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Based on City's comments from their review of the interim plans and specifications, comments received and other improvements included in the property negotiations, the CONSULTANT will prepare the Final project design plans including roadway, structural (retaining wall), channelization, intersection, signing, drainage and erosion control, and landscaping. The CONSULTANT will also develop special provisions and a cost estimate. It is assumed that there are no major design changes from the interim design submittal.

**K. Bid Ready Design**

The Bid Ready submittal will update prevailing wages and WSDOT amendments.

**END SCOPE OF SERVICES**



*City of Lake Stevens  
Supplemental Scope of Services for  
91<sup>st</sup> Avenue Lightweight Fill  
24<sup>th</sup> Street Extension*

The City of Lake Stevens is planning to extend 91st Avenue SE southward to its intersection with the proposed extension of 24th Street SE. Extension of 91st Avenue SE requires placement of up to 25 feet of embankment fill over the three buried City of Everett water transmission lines located approximately 200 feet south of 20th Street SE. The transmission lines consist of two bar wrapped concrete pipes and one steel pipe. The bar-wrapped pipes are 48 and 52 inches in internal diameter and were installed in 1994 and 1958 respectively. The steel pipe was installed in 1927 with an internal diameter of approximately 48 inches. HWA GeoSciences evaluated the effect of the proposed additional roadway fill on the transmission mains with the findings described in the draft report "Revised Draft Supplementary Geotechnical Report, 24th Street SE Final Design, Lake Stevens, Washington" dated April 24, 2018. A critical issue from the findings of HWA's evaluation was the potential vulnerability of the 1927 steel pipe to excessive deflection due to the placement of the proposed embankment fill.

The City of Lake Stevens wishes to use lightweight embankment (geofoam) in place of soil to construct the roadway crossing of 91st Avenue SE over the COE transmission lines to reduce the load and hence its impact on the pipes.

**TASK 12: Lightweight Fill Design**

The CONSULTANT will develop preliminary, intermediate and final construction plans for a lightweight embankment and wall design that will be placed over the City of Everett water transmission mains. The design will include wall layouts, elevations, sections and details for three walls, a load distribution slab design over the lightweight embankment, a movement slab design for the west side of 91<sup>st</sup>, coordination with the roadway design engineer for utility, light pole, stormwater facilities, and street elements. The design will be based on geofoam embankment and will include geofoam layout sheets, seismic design, cost estimate and plan sheet notes or special provisions.

The CONSULTANT through its subconsultant will analyze the impact of the proposed embankment on the transmission lines, extents of the lightweight fill, estimation of differential settlement between areas with lightweight fill and those without, and methods for mitigating these differential settlements and conduct a geotechnical engineering analyses in support of the wall design. The analyses will include development of seismic design parameters, allowable bearing capacity, lateral earth pressures, global stability, and resistance to sliding. Recommendations will include subgrade preparation, construction of embankment cuts and fills, and requirements for drainage. Findings, conclusions, and recommendations will be summarized in a Geotechnical Report.



***Deliverables:***

- Bid Ready PS&E with Engineer's stamp (11"x17" sheet).
- Geotechnical Report
- Electronic (PDF) copy of all drawings, specifications, geotechnical report, and cost estimate.

***Assumptions:***

- Geofoam blocks will be used for lightweight embankment.
- The access road to the lift station from 91st Avenue depicted in previous roadway design iterations is eliminated.
- CAD design files of the 91<sup>st</sup> Avenue improvements will be provided to the CONSULTANT.

City of Lake Stevens 91st Street Extension								
Lightweight Embankment and Wall Design								
TASKS/STAFF	Project Manager	Sr. Structural Engineer	Structural Engineer	Structural Drafter	Roadway Engineer	Admin	Total Hours	Item Cost
<b>Structural Design</b>	<b>38.0</b>	<b>189.0</b>	<b>194.0</b>	<b>96.0</b>	<b>16.0</b>	<b>8.0</b>	<b>541.0</b>	<b>\$77,895</b>
Wall Layout Plans (3 walls)		6.0	8.0	4.0			18.0	
Wall Layout Elevations (3 walls)		6.0	10.0	4.0			20.0	
Wall Typical Sections		6.0	8.0	12.0			26.0	
Wall Details - Panels and Attachments		12.0	8.0	12.0			32.0	
Load Distribution Slab Plan and Reinforcement		20.0	20.0	12.0			52.0	
Moment Slab Plan and Section		20.0	20.0	12.0			52.0	
Utility, light pole, CB's details and wall openings		10.0	20.0	12.0			42.0	
Barriers and Railing		8.0	8.0	16.0			32.0	
Geofoam Layout		8.0	16.0	12.0			36.0	
Review and Comment, Geotechnical Recommendations	2.0	4.0	4.0				10.0	
Wall Design, Seismic, Attachments, LDs		36.0	36.0				72.0	
Geofoam Shear and Stress Design		25.0	20.0				45.0	
Quantity Take-offs and Cost Estimate		2.0	16.0				18.0	
Plan Sheet Notes or Special Provisions	4.0	16.0				4.0	24.0	
Coordination with Roadway, Storm and Utility Designer	8.0				16.0		24.0	
Project Management and Meetings with Cities	24.0	10.0				4.0	38.0	
<b>Total Hours</b>	<b>38.0</b>	<b>189.0</b>	<b>194.0</b>	<b>96.0</b>	<b>16.0</b>	<b>8.0</b>	<b>541.0</b>	
<b>Labor Cost</b>	<b>\$8,236.33</b>	<b>\$36,349.47</b>	<b>\$20,026.94</b>	<b>\$9,910.24</b>	<b>\$2,858.94</b>	<b>\$512.95</b>		<b>\$77,895</b>



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LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda**

**Date:** November 27, 2018

**Subject:** 2019 Sewer Utility Representatives

<b>Contact</b>		<b>Budget</b>	
<b>Person/Department:</b>	<u>Gene Brazel, City Administrator</u>	<b>Impact:</b>	<u>N/A</u>

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Select three Councilmembers for the 2019 Sewer Utility Committee

**SUMMARY/BACKGROUND:** At the first Council meeting in January each year, appointments are made by Council to serve as representatives on the various boards, commissions and committees. The City and Sewer District are actively discussing the 2005 Unification Agreement and accelerating the timeline for unification. Because this committee will have at least one meeting in January before Council makes its appointments, Staff recommends that Council appoint members as representatives to the Sewer Utility Committee for 2019 at this time.

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**APPLICABLE CITY POLICIES:** N/A

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**BUDGET IMPACT:** N/A

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**ATTACHMENTS:** None



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LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council**  
**Agenda Date:** November 27, 2018

**Subject:** Wheeled All Terrain Vehicle Code Regulations

<b>Contact</b> <b>Person/Department:</b>	<u>Gene Brazel/Chief Dyer</u>	<b>Budget</b> <b>Impact:</b>	<u>N/A</u>
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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Discussion and direction regarding potential amendments.

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**SUMMARY/BACKGROUND:**

In 2013, the State of Washington's Legislature made significant changes to the statutes relating to the use of all-terrain vehicles (ATVs), (through ESHB 1632). These changes, which took effect July 28, 2013, redefine "all-terrain vehicle" and now classify them as "wheeled all-terrain vehicles" (WATVs) that may be operated upon a public roadway.

On December 6<sup>th</sup>, 2017, Snohomish County passed Ordinance 17-032, which authorized the operation of Wheeled ATV's on public roads in unincorporated Snohomish County.

RCW 46.09.360 - Regulation by local political subdivisions or state agencies.

(1) Notwithstanding any of the provisions of this chapter, any city, town, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets, roads, or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter.

RCW 46.09.455(d)(i) gives the City the option to approve or prohibit WATV use on public roadways where the speed limit is 35 MPH or less. The speed limit is 35 MPH or less on all City streets.

Should the City choose to approve WATV use on public roadways, it is mandated that a list of authorized roadways be created, published, and posted to the City's website.

RCW 46.09.455 also addresses proper licensing of WATVs, vehicle safety equipment, owner/operator requirements, lawful and unlawful operation, liability releases, and boundaries.

This topic has been brought to staff as a matter to consider. We are looking for Council direction on this. The primary policy decision is (staff recommendation is marked in bold type):

1. Should WATV's be allowed on City streets? A decision to allow WATV's, even in a limited area, will require additional decisions regarding types of vehicles, operator requirements, safety equipment and insurance.

Option 1 – Allow WATV's on all City streets where the speed limit is 35 MPH or less. This would open WATV use throughout the City except for SR9, SR 204 and SR92 where the speed limit exceeds 35 MPH.

**Option 2 – Do not allow WATV use on City streets. This would effectively end the proposed program at this time.**

Option 3 - The City Council can restrict WATV's to specific streets within the City.

If the Council recommends Options 1 or 3, then additional policy decisions must be made. Staff recommendations are marked in bold type:

2. Types of WATV

Option 1 - All WATV's as approved by State law.

**Option 2 - Only Side-by-Side Wheeled All Terrain vehicles (SXS WATV)**

3. Who may ride WATV's.

Option 1 - Operator must have a valid driver's license and have participated in a state WATV certification course approved by the Department of Licensing.

**Option 2 - Operator must be over 18, have a valid driver's license; participated in a state WATV certification course approved by the Department of Licensing.**

4. Passengers.

Option 1 - Passengers allowed.

**Option 2 - Passengers not allowed unless the WATV is designed to carry more than one person. Passenger is required to ride on the permanent and regular seat if designed for two persons.**

Option 3 – Non-parental transport of minor passengers under 18 years of age is prohibited.

5. Safety Equipment

Option 1 - Motorcycle helmet at all times.

**Option 2 - Motorcycle helmet except if the WATV is equipped with seat belts and roll bars or enclosed passenger compartment.**

6. Insurance

Option 1 - Insurance not required but encouraged.

**Option 2 - Proof of current liability insurance with liability limits of at least the amounts provided in and in compliance with the requirements set forth in RCW 46.29. Written proof required upon request of a law enforcement officer.**

7. Prohibited Areas (except law enforcement and maintenance staff)

- Sidewalks, bike paths and trails.
- City parks, except on a designated parking lot.

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**APPLICABLE CITY POLICIES: LSMC Amendment**

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**BUDGET IMPACT:**

There is not direct budget impact associated with the proposed legislation. There may be additional effort to enforce a WATV ordinance or expense associated with damage to public or private property. However, this expense is not anticipated to be greater than the current cost to enforce existing traffic laws for other motorized vehicles.

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**ATTACHMENTS:**

- Attachment A: WATV Recommendation Interoffice Communication
- Attachment B: Draft Ordinance

## LAKE STEVENS POLICE DEPARTMENT

**TO:** Chief John D. Dyer  
**FROM:** Commander Jeffrey G. Beazizo, Support Services  
**SUBJECT:** ORV Ordinance Recommendations  
**DATE:** August 1, 2018



Lake Steven's Police Department Traffic Unit reviewed the recommended City Ordinance regarding implementation of Wheeled All Terrain Vehicle's (WATV) being driving on public roadways. Washington State enacted legislation (RCW 46.09) to allow WATVs to operate on public roadways in rural communities and to allow local cities to set limits on their use within their city limits. Snohomish County adopted an WATV Ordinance which restricts use to certain roadways in east Snohomish County because of local Department of Natural Resource (DNR) land that is used in that area for recreational use.

With the growth in the City of Lake Stevens, local roadways are heavily traveled especially on the west side of the lake. The city has no local DNR land for WATVs to travel to and from or recreational use areas in or around the city limits.

**The use of these vehicles raises some of the following safety concerns:**

- Misuse of Land Use - Off-Road, Centennial Trail (which is not allowed) causing complaints and property damage.
- Theft – WATVs are open and subject to theft
- Reckless Driving – WATVs are smaller and can elude officers through limited access roadways and trails
- Neighborhood complaints – Noise, riding around roadways
- Traffic Violations
- More Serious or fatal Collisions – vehicle safety, no helmets required
- Insurance Requirements if involved in a collision
- Ability to mix with high population – westside of lake

**Recommendations if implemented:**

- Valid Driver's License
- Drivers must be over 21 year's old
- Limited number of passengers
- Restrict which roads – Only allow riding on northeast side of lake in downtown area only
- No Riding on Centennial Trails (County Ordinance)
- Proper safety equipment
- Cage units – not open four wheel quads
- Sign Off by local police department – permit process
- No night time operations – ½ hour after sunset and ½ hour before sunrise

ORV Recommendation  
Page 2 of 2  
August 1, 2018

The purpose of the RCW implemented by Legislation was to allow WATV's in rural areas in Washington State with ability for local jurisdictions to implement. Lake Stevens is growing rapidly in population and there are already traffic concerns by citizens. The concern is mixing WATV's with vehicles would lead to increase in collisions, traffic violations and reckless driving complaints.

JGB:jgb  
cc: Commander Ron Brooks, Operations

Distribution: Officer Wayne Aukerman, Traffic Unit

CITY OF LAKE STEVENS  
LAKE STEVENS, WASHINGTON

**ORDINANCE NO. XXXX**

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING TITLE 7 LSMC BY THE ADDITION OF A NEW CHAPTER 7.30 WHEELED ALL-TERRAIN VEHICLES (WATVS) THERETO; AUTHORIZING THE OPERATION OF WATVS ON DESIGNATED CITY STREETS; ESTABLISHING LIMITATIONS, CONDITIONS, REQUIREMENTS AND ENFORCEMENT STANDARDS THEREFORE; PROVIDING FOR SEVERABILITY; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.**

WHEREAS, Chapter 46.09 RCW authorizes cities to approve the operation of wheeled all-terrain vehicles (WATVs) upon local public roadways; and

WHEREAS, the City Council desires to approve the operation of WATVs on all City streets where the speed limit is 35 miles per hour or less, subject to the limitations, conditions and requirements set forth herein.

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

Section 1. Amendment of Title 7 MMC - Adoption of New Chapter 7.30 LSMC. Title 7 of the Lake Stevens Municipal Code is hereby amended by the addition of a new Chapter 7.30, Wheeled All-Terrain Vehicles (WATVs), to provide in its entirety as follows:

**Chapter 7.30  
WHEELED ALL-TERRAIN VEHICLES (WATVS)**

Sections:

7.30.010	Definitions.
7.30.020	Use of wheeled all-terrain vehicles on city streets approved.
7.30.030	Restrictions on use of wheeled all-terrain vehicles on city streets.
7.30.040	Equipment requirements of wheeled all-terrain vehicles.
7.30.050	Registration requirements of a wheeled all-terrain vehicle.
7.30.060	Duty to obey traffic control devices and rules of the road.
7.30.070	Prohibited uses.
7.30.080	Prohibited areas.
7.30.090	Violation – Penalty.
7.30.100	Listing on city website.

**7.30.010        Definitions.**

Unless otherwise specifically provided for herein, the definitions set forth in Chapter 46.09 RCW, as existing or hereafter amended, shall govern this chapter. In addition, when used in this chapter, the following words, terms, and phrases shall have the following meanings:

1. "City" means the City of Lake Stevens, Washington, including its elected officials, employees, and agents.
2. "City street" means every way, lane, road, street, boulevard, and every way or place in the city open as a matter of right to public vehicular traffic inside the city limits.
3. "Motorcycle helmet" has the same meaning as provided in RCW 46.37.530.
4. "Rules of the road" means all the rules that apply to vehicle or pedestrian traffic as set forth in state and/or local statutes, rules or regulations.
5. "Sidewalk" means that property between the curb lines or the lateral lines of a city street and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a city street and dedicated to use by pedestrians.
6. "Wheeled all-terrain vehicle" or "WATV" means (a) any motorized non-highway vehicle with handlebars that is 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less, or (b) a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following: (i) has a minimum width of 50 inches; (ii) has a minimum weight of at least 900 pounds; or (iii) has a wheelbase of over 61 inches.

**7.30.020        Use of wheeled all-terrain vehicles on city streets approved.**

Subject to the restrictions set forth in Chapter 46.09 RCW, LSMC 7.30.030 and the other requirements set forth in this chapter, any person with a valid driver's license issued by the state of the person's residence may operate a wheeled all-terrain vehicle upon a city street having a speed limit of 35 miles per hour or less.

**7.30.030        Restrictions on use of wheeled all-terrain vehicles on city streets.**

1. Any person who operates or rides as a passenger in a wheeled all-terrain vehicle must wear a securely fastened motorcycle helmet while the WATV is in motion, unless the WATV is equipped with seat belts and roll bars or an enclosed passenger compartment;
2. A person may not operate a wheeled all-terrain vehicle upon a city street with a speed limit in excess of 35 miles per hour; however, a person may cross a city street with a speed limit in excess of 35 miles per hour at a controlled intersection if the crossing begins and ends on a city street with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees;
3. A person may operate a wheeled all-terrain vehicle upon any city street while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties;
4. A person who operates a wheeled all-terrain vehicle shall carry proof of current liability insurance in compliance with, and with coverage limits at least equivalent to the amounts set forth in, Chapter 46.29 RCW; and

5. Wheeled all-terrain vehicles, and the use thereof, are subject to the applicable regulations and requirements set forth in Chapter 46.55 RCW.

**7.30.040 Equipment requirements of wheeled all-terrain vehicles.**

Any wheeled all-terrain vehicle operated on a city street shall include the following equipment (which equipment shall be used and operated as further prescribed herein) and shall comply with the following operational requirements, as applicable:

1. Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion;
2. One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a city street; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a city street;
3. A stop lamp meeting the requirements of RCW 46.37.200;
4. Reflectors meeting the requirements of RCW 46.37.060;
5. During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200;
6. Outside of hours of darkness, the person operating the WATV must comply with RCW 46.37.200 or 46.61.310 to signal turns;
7. A mirror attached to either the right or left handlebar, which must be located to give the person operating the WATV a complete view of the city street for a distance of at least 200 feet to the rear of the WATV; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;
8. A windshield meeting the requirements of RCW 46.37.430, unless the person operating the WATV wears glasses, goggles, or a face shield while operating the WATV, of a type conforming to rules adopted by the Washington State Patrol;
9. A horn or warning device meeting the requirements of RCW 46.37.380;
10. Brakes in working order;
11. A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and
12. For utility-type vehicles, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

**7.30.050 Registration requirements of a wheeled all-terrain vehicle.**

Any wheeled all-terrain vehicle operated on a city street must comply with all applicable registration requirements of Chapter 46.09 RCW.

**7.30.060        Duty to obey traffic control devices and rules of the road.**

Unless a law enforcement officer directs otherwise, a person operating a wheeled all-terrain vehicle must obey all rules of the road that apply to vehicle or pedestrian traffic and must obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles. Without limitation of the foregoing, a person operating a wheeled all-terrain vehicle upon a city street is subject to all of the duties that Chapter 46.61 RCW et seq. imposes on an operator of a vehicle, except as to those provisions thereof which by their nature are inapplicable.

**7.30.070        Prohibited uses.**

1. No person shall operate or ride a wheeled all-terrain vehicle in a negligent or unsafe manner, but must operate it with reasonable regard for his or her own safety and for the safety of others.
2. No person shall tow any trailers, devices, equipment or persons behind the wheeled all-terrain vehicle.
3. No person shall operate a wheeled all-terrain vehicle side-by-side in a single lane of traffic.
4. No person shall carry or transport any other person or passenger on a wheeled all-terrain vehicle, nor shall any other person ride on a wheeled all-terrain vehicle, unless such wheeled all-terrain vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the wheeled all-terrain vehicle.

**7.30.080        Prohibited areas.**

1. It is unlawful to operate a wheeled all-terrain vehicle on a sidewalk.
2. It is unlawful to operate a wheeled all-terrain vehicle in a park, except in a designated parking lot.
3. It is unlawful to operate a wheeled all-terrain vehicle on any pedestrian trail, bicycle path or bridge where the operation of motorized vehicles is prohibited.
4. It is unlawful to operate a wheeled all-terrain vehicle on State Route 9, State Route 204 and State Route 92, except to cross at an approximate 90 degree angle.

**7.30.090        Violation – Penalty.**

Any person who violates a provision of this chapter is guilty of a traffic infraction and will be punished by the imposition of a monetary penalty as authorized by RCW 46.09.490, as existing or hereafter amended; provided, that conduct that constitutes a criminal traffic offense may be charged as such and is subject to the maximum penalties allowed for such offenses.

**7.30.100        Listing on city website.**

All city streets upon which wheeled all-terrain vehicles have been approved for operation pursuant to this chapter shall be listed publicly and made accessible from the main page of the city's website.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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

PASSED by the City Council of the City of Lake Stevens this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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John Spencer, Mayor

ATTEST:

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Kathy Pugh, City Clerk

APPROVED AS TO FORM:

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Grant K. Weed, City Attorney

First:\_\_\_\_\_

Second and Final Reading:\_\_\_\_\_

Date of Publication:\_\_\_\_\_

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



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda** November 27, 2018  
**Date:**

**Subject:** Fire Department Inspection and Fees

**Contact** Mike Messer, Lake Stevens Fire Marshal    **Budget Impact:** New fees  
**Person/Department:** Russ Wright, Comm. Dev. Director

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Discuss proposed revisions to the Lake Stevens Fire District's inspection protocols and fees

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**SUMMARY/BACKGROUND:**

The city of Lake Stevens contracts with the Lake Stevens Fire District for Fire Marshal services and sets fees for services on their behalf. The Fire Marshal provides plan review and inspection services for fire related matters. The Lake Stevens Fire District will be discussing proposed changes to its inspection protocols and fees. In particular, the Fire Marshal will discuss implementation of state fire codes, insurance ratings and risk along with proposed improvements to their current program. The Lake Stevens Fire District will also discuss a new proposed fee schedule for Fire Marshal services focused on plan review, distinction of businesses by size and occupancy type and market consistency.

The new fees will be brought back to Council for action at a separate meeting for action.

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**APPLICABLE CITY POLICIES:**

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**BUDGET IMPACT:**

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**ATTACHMENTS:** NA



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LAKE STEVENS CITY COUNCIL

## STAFF REPORT

**Council Agenda Date:** November 27, 2018

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

**Contact Person/Department:** Russ Wright, Comm. Dev. Director      **Budget Impact:** N/A

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

This is an informational briefing of proposed changes to the Critical Areas chapter of the Lake Stevens Municipal Code. No action is requested at this time.

### BACKGROUND/HISTORY:

The Growth Management Act of Washington requires cities and counties to review their critical area ordinances (CAO) as part of their mandatory Comprehensive Plan update under RCW 36.70A.130. Planning and Community Development started a review of the entire CAO – Chapter 14.88 LSMC (**Attachment A**) in 2016. The Planning Commission and City Council held public hearings in 2017. The City Council halted the review at the time because of its concerns over impacts to the city's buildable lands inventory when the model was untested. All changes to Chapter 14.88 LSMC are shown in edit mode.

The Washington State Department of Ecology (DOE) made significant changes to the Wetland Rating System for Western Washington, which became effective January 1, 2015. The changes to the rating system were designed to provide a more accurate characterization of wetland functions. After reviewing the model, DOE has refined its model and developed updated guidance in its July 2018 supplemental report.

As reviewed with the Planning Commission, staff has proposed minor updates to the full chapter to integrate model code elements for CAO Updates (Publication No. 16-06-001), dated June 2016 and proposed significant changes to the wetlands section based on the 2014 DOE Wetland Rating System for Western Washington and the July 2018 supplemental report (**Attachment B**).

With the revised buffer rating system in place, staff has held additional workshops and a public hearing with the Planning Commission. The Planning Commission has recommended approval of the revised Critical Areas Code subject to City Council Review and a final City Council Hearing. Staff has also provided the revised draft to DOE and other stakeholders for review. DOE has provided emails approving of the proposed changes.

Staff is requesting that City Council provide feedback on the final draft and set a date of December 18, 2018 to hold a public hearing and act on the revised critical areas regulations.

The following is a list of major changes:

1. Updated definitions added in Chapter 14.08 LSMC;
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) – section describes when stormwater facilities may be allowed in critical area buffers;

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 14.88.283 updated to emphasize integrated pest management practices and wildlife protection when using pesticides per DOE request;
7. Section 14.88.285(d) defines when fences and walls will be allowed in critical areas and buffers and materials;
8. Section 14.88.287 Fencing and Signage updated for compliance with the model ordinance;
9. 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;
10. Section 14.88.295 updated to allow alternative tree mitigation at the Planning Commission's request;
11. 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
12. Section 14.88.440 Mitigation updated to include specific requirements for innovative design;
13. Part VIII Wetlands – most of this section was updated for compliance with the model ordinance and revised DOE rating system including the July 2018 Supplement.
  - 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 and 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.

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**APPLICABLE CITY POLICIES:** Chapter 14.88 LSMC – Critical Areas

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

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**ATTACHMENTS:**

Attachment A - Proposed Code Changes to Chapter 14.88 LSMC

Attachment B - DOE July 2018 Modifications for Habitat Score Ranges

## Attachment A

### **Definitions Chapter 14.08**

Hydric Soil. Soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the ~~Washington State Wetlands Identification and Delineation Manual 1997 approved federal wetland delineation manual and applicable regional supplement~~, or as amended hereafter.

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 qualified professional for streams, wetlands or other natural habitats must have a degree in biology with professional experience related to the subject critical area, for wetlands this includes delineating wetlands using federal manuals, preparing wetland reports, conducting function assessments, and developing and implementing mitigation plans.
- 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.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, bogs, marshes, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. However, wetlands include those artificial wetlands intentionally created to mitigate conversion of wetlands. See approved federal wetland delineation manual and applicable regional supplement the Washington State Wetlands Identification and Delineation Manual.

#### 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 mechanical, 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 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.
- (5) Land disturbance is minimized to the greatest extent possible including removal of significant trees; and
- (6) Where possible, the number of trails allowed in critical area buffers shall be limited.
- (g) 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.

(gl) 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 dispersion outfalls, and bioswales and other low impact facilities, may be allowed within the outer 25 percent of the buffer, when the location of such facilities will not degrade the function or values of the wetland critical area based on the recommendation of a qualified professional for the specific critical area type.~~

(hm) 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)

(n) Development when the subject property is separated from a critical area 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 property from the critical area or impair the delivery of buffer functions.

#### **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 plot-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 of this chapter with respect to the treatment of wetlands and 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 wetlands and fish and wildlife habitat conservation areas or buffers when:
  - (1) Criteria in LSCM 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 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 and Community Development 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 using integrated pest management practices. 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. Any pesticides used within 25 ft of a wetland (100 ft if spraying) have to be listed in the MSDS as non-toxic to fish and aquatic invertebrates. 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; and
- (d) Fences and walls are exempt when the fence or wall further separate incompatible uses outside of the critical area and its associated buffer and when any temporary or permanent impacts are mitigated according to this chapter and in compliance with other provisions of Title 14 LSMC, based on the recommendation of a qualified professional for the specific critical area type.

#### **14.88.287 Fencing and Signage.**

Wetland Critical AreaPermanent 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 Ffencing so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the critical areas and associated buffer. 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, unless shown to be inert.
- (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 that segregate property 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.
  - (1) Any trees removed in an NGPA shall be replaced per LSMC 14.76.120, at a 3:1 ratio or at a 1.5:1 ratio when 4-6-foot-tall native evergreen trees are planted with the total count being rounded up to the next whole number.
  - (2) Any tree removed should only be cut to a point that it does not present a danger to adjacent properties or structures but can provide wildlife habitat.

(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 in single-family zoning districts 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 net 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 and the development ~~when the development is not using other allowed reductions or modifications to critical areas and buffers defined in Chapter 14.88 LSMC.~~
- (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](#) Table I may be reduced by five (5) feet, but in no instance may the garage setback be less than 19 feet. Setbacks of the zone as specified in Chapter [14.48](#) Table V may not be modified when using the density transfer provision.~~
  - (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 [20052012](#) 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 to~~ 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 underground stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.
- (4) Stream buffer widths may be modified by averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Stream buffer width averaging shall only be allowed when the applicant demonstrates the following:
  - (i) A site-specific evaluation and documentation of buffer adequacy is based on consideration of the best available science as described in Section [14.88.235](#); and
  - (ii) A buffer enhancement plan is proposed that would significantly improve the functions and values of the stream buffer(s); and
  - (iii) The averaging will not impair or reduce the habitat, water quality purification and enhancement, stormwater detention, groundwater recharge, shoreline protection and erosion and other functions and values of the stream and buffer.
- (5) Buffer widths may be modified if the subject property is separated from the stream channel by pre-existing, intervening, and lawfully created structures, public roads, or other substantial pre-existing intervening improvements. The intervening structures, public roads, or other substantial improvements must separate the subject upland property from the stream channel by height or width, preventing or impairing the delivery of buffer functions to the stream channel. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the stream channel.

(f) Development in the shorelines of State-wide significance is regulated under Appendix B of the City's State-approved Shoreline Master Program (SMP).

(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.

(e) 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, pursuant to state and federal requirements. 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 6 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
†	High	190	95	65
	Low	125	65	45
‡	High	190	95	65
	Low	125	65	45

III	High Low	N/A	95 65	50 35
IV	High Low	N/A	N/A	35 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		
		3-5	6-7	8-9
Category I	<b>Standard</b>	<b>75</b>	<b>110</b>	<b>225</b>
	No Mitigation	100	150	300
Category I (High Value)	<b>Standard</b>	<b>190</b>		<b>225</b>
	No Mitigation	250		300
Category II	<b>Standard</b>	<b>75</b>	<b>110</b>	<b>225</b>
	No Mitigation	100	150	300
Category III	<b>Standard</b>	<b>60</b>	<b>110</b>	<b>225</b>
	No Mitigation	80	150	300
Category IV	<b>Standard</b>	<b>40</b>		
	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 LSCM 14.88.830(b) and Table 14.88-III; otherwise, the buffer is considered to have no mitigation and 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
Lights	• Direct lights away from wetland

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

(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.

(e) (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

(23) 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 LSCMC 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, specifically the required buffer enhancement plan should improve the ability of a degraded buffer to protect the water quality and hydrologic functions even if the width of the buffer is reduced, subject to mitigation requirements of LSCM 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 or less 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"><li>Route all new untreated runoff away from wetland while ensuring that wetland is not dewatered</li><li>Establish covenants governing use of pesticides within 150 feet of wetland</li><li>Apply integrated pest management</li></ul>
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	<p>-Retrofit stormwater detention and treatment for roads and existing adjacent development</p> <p>-Prevent channelized flow from lawns that directly enters buffer</p>
<p><b>*These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.</b></p>		

(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 or Wetland Creation	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 considered possible	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.

(h) 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 a 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)

## July 2018 Modifications for Habitat Score Ranges

Attachment B

### Section XX.040 Exemptions and Allowed Uses in Wetlands

#### A.1.d

Do not score 6 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)

#### B.9.a

The wetland is classified as a Category IV or a Category III wetland with a habitat score of 3-5 points, and

### XX.050 Wetland Buffers

A. Buffer Requirements. The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high.

1. For wetlands that score 6 points or more for habitat function, the buffers in Table XX.1 can be used if both of the following criteria are met:

- A relatively undisturbed, vegetated corridor at least 100 feet wide is protected between the wetland and any other Priority Habitats as defined by the Washington State Department of Fish and Wildlife. The latest definitions of priority habitats and their locations are available on the WDFW web site at: <http://wdfw.wa.gov/hab/phshabs.htm> )

The corridor must be protected for the entire distance between the wetland and the Priority Habitat by some type of legal protection such as a conservation easement.

Presence or absence of a nearby habitat must be confirmed by a qualified biologist. If no option for providing a corridor is available, Table XX.1 may be used with the required measures in Table XX.2 alone.<sup>1</sup>

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<sup>1</sup> See discussion in the Introduction, page 12 as to whether this applies in small urban jurisdictions.

## July 2018 Modifications for Habitat Score Ranges

- All of the measures in Table XX.2 are implemented, where applicable, to minimize the impacts of the adjacent land uses.

2. For wetlands that score 3-5 habitat points, only the measures in Table XX.2 are required for the use of Table XX.1
3. If an applicant chooses **not** to apply the mitigation measures in Table XX.2, or is unable to provide a protected corridor where available, then Table XX.3 **must** be used.
4. The buffer widths in Table XX.1 and XX.3 assume that the 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 either be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

## July 2018 Modifications for Habitat Score Ranges

**Table XX.1 Wetland Buffer Requirements for Western Washington  
if Table XX.2 is Implemented and Corridor Provided**

<b>Wetland Category</b>	<b>Buffer width (in feet) based on habitat score</b>		
	<b>3-5</b>	<b>6-7</b>	<b>8-9</b>
Category I: Based on total score	75	110	225
Category I: Bogs and Wetlands of High Conservation Value		190	225
Category I: Interdunal		225 (buffer width not based on habitat scores)	
Category I: Forested	75	110	225
Category I: Estuarine and Coastal Lagoons		150 (buffer width not based on habitat scores)	
Category II: Based on score	75	110	225
Category II: Interdunal Wetlands		110 (buffer width not based on habitat scores)	
Category II: Estuarine and Coastal Lagoons		110 (buffer width not based on habitat scores)	
Category III (all)	60	110	225
Category IV (all)		40	

## July 2018 Modifications for Habitat Score Ranges

**Table XX.2 Required measures to minimize impacts to wetlands**

(All measures are required if applicable to a specific proposal)

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

**July 2018 Modifications for Habitat Score Ranges**

**Table XX.3 Wetland Buffer Requirements for Western Washington  
 if Table XX.2 is NOT Implemented or Corridor NOT provided**

<b>Wetland Category</b>	<b>Buffer width (in feet) based on habitat score</b>		
	<b>3-5</b>	<b>6-7</b>	<b>8-9</b>
Category I: Based on total score	100	150	300
Category I: Bogs and Wetlands of High Conservation Value		250	300
Category I: Interdunal		300 (buffer width not based on habitat scores)	
Category I: Forested	100	150	300
Category I: Estuarine and Coastal Lagoons		200 (buffer width not based on habitat scores)	
Category II: Based on score	100	150	300
Category II: Interdunal Wetlands		150 (buffer width not based on habitat scores)	
Category II: Estuarine and Coastal Lagoons		150 (buffer width not based on habitat scores)	
Category III (all)	80	150	300
Category IV (all)		50	



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda** November 27, 2018  
**Date:**

**Subject:** Recreational Use of the Old Treatment Plant Site

**Contact** Gene Brazel, City Administrator      **Budget Impact:** unknown  
**Person/Department:**

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Discuss Council's interest in pursuing recreational uses at the Old Sewer Treatment Plan

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**SUMMARY/BACKGROUND:**

The Lake Stevens Sewer District is proposing to surplus the Old Treatment Plant Site. City staff has had informal conversations about the potential of using portions of the site for recreational purposes, specifically the upper portion of the site. Other uses could include habitat enhancements in partnership with other agencies. Staff is looking for direction from Council if it would like staff to pursue this site as an option for future recreation. First steps would be negotiating with the Sewer District and initiating a site reconnaissance to identify useable areas. A rough concept is attached as Exhibit A.

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**APPLICABLE CITY POLICIES:**

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**BUDGET IMPACT:**

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**ATTACHMENTS:**

Exhibit A: Concept Plan

## Attachment A

