



## ***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.*

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### **CITY COUNCIL REGULAR MEETING AGENDA**

**Lake Stevens School District Educational Service Center (Admin. Bldg.)**  
**12309 – 22<sup>nd</sup> Street NE, Lake Stevens**

**Tuesday, June 25, 2019 – 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>		Mayor
<b>ROLL CALL</b>		
<b>APPROVAL OF AGENDA</b>		Council President
<b>NEW EMPLOYEE INTRODUCTIONS</b>	Cia, Police Canine James Douglas, Crew Worker II Steven Peterson, Crew Worker I Jason Thomsen, Crew Worker I	John D. Eric
<b>RECOGNITION</b>	Police Explorers	John D.
<b>GUEST BUSINESS</b>	Fire Chief Kevin O'Brien	
<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>	*A 2019 Vouchers *B City Council Regular Meeting Minutes of June 11, 2019 *C City Council Workshop Meeting Minutes of June 18, 2019 *D Interlocal Agreement with Marysville re Soper Hill re Intersection & Frontage Improvements	Barb Kathy Kathy Gene

**Lake Stevens City Council Regular Meeting Agenda**

**June 25, 2019**

	*E	Amendment No. 1 to Small Public Works Contract with All Phase re Tree Removal	Eric
	*F	Amendment No. 1 to Professional Services Agreement with Land Development Consulting	Eric
<b>PUBLIC HEARING:</b>	*G	Ordinance 1060 re Streets, Sidewalks and Right-of-Way	Dillon
	*H	Ordinance 984 re Critical Areas	Russ
<b>ACTION ITEMS:</b>	#I	Interlocal Agreement with Marysville re Soper Hill re Trails	Gene
	*J	Ordinance 1059 re Condemnation of Portions of Kimmons Property and 79 <sup>th</sup> Avenue SE	Eric
	*K	Professional Services Agreement with Berk Consulting re Economic and Market Evaluation of Lake Stevens Center and 20 <sup>th</sup> Street SE Corridors Subarea Plans	Russ

**DISCUSSION ITEMS:**

**EXECUTIVE SESSION:** Real Property Purchase and Sale

**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.***



## Public Works

### Capital Projects Update

#### Introduction

This report is intended to provide a status update to the Community, City Council, Mayor and Administration on a selection of the projects. Several capital projects in Lake Stevens are in various phases of design or construction. Thank you to the Public Works team for preparing this report. If you have questions regarding this report or a project, please contact City Hall at 425-622.9400. **The last page of this report includes a project summary with cost estimates and status updates.**

#### Parks

##### **20th Street SE Playfield**

**Cost Estimate:** \$80,000

**Funding Source:** Park Mitigation

**Schedule:** Open for Public Use

**Current Status:** Partially Complete

**Scope:** In 2018, the site was graded and turf was been reestablished. A 2-inch diameter water meter has been added for a future irrigation. The following improvements will be made in 2019:

- Paved Parking Area with Rain Garden Treatment
- Fencing along 20th St. SE
- Landscaping Plants
- Park Benches/Garbage Receptacles



20th Street SE - March 2019



Frontier Heights - Design Complete

##### **Frontier Heights Park**

**Cost Estimate:** \$340,000

**Funding Source:** Park Mitigation

**Schedule:** 2019-20 Construction

**Current Status:** Design is complete. A portion of the funding has been deferred to North Cove Park Plaza and Pavilion.

**Scope:** Project includes 1/2 mile of paved paths, turf restoration, basketball court restoration, regrading, hydroseeding, ADA parking and parallel parking on Frontier Circle. With additional funding, future phases include a playground, sensory garden, picnic areas and additional paved parking.



## Parks



North Cove Park—June 19, 2019

### North Cove Park Improvements

**Cost Estimate:** \$5,573,046

**Funding Source:** Real Estate Excise Tax (REET), Development Mitigation Fees, Grants

**Schedule:** Construction will begin July 1, 2019.

Construction will pause for Aquafest beginning on July 23 through July 30. The contract allows for 120 working days project completion is estimated for mid-December 2019.

**Scope:** Substantial grading effort to provide view from Main Street to the lake, construction of a new pavilion building, plaza and war memorial, installation of a new lawn, stage and beach, and reconstruction of the dock.

**Current Status:** Grading, irrigation, wall, and walkways in the park are complete. Plaza and Pavilion contract awarded to Colacurcio Brothers, Inc.

### Cavalero Park

**Cost Estimate:** \$3,180,000 total; City contributions include \$250,000 for the park, a \$485,000 state grant and \$1.1 million for the street improvements.

**Funding Source:** Mitigation Fees

**Schedule:** Construction Summer 2019

**Current Status:** Construction Underway, Groundbreaking event on June 17, 2019.

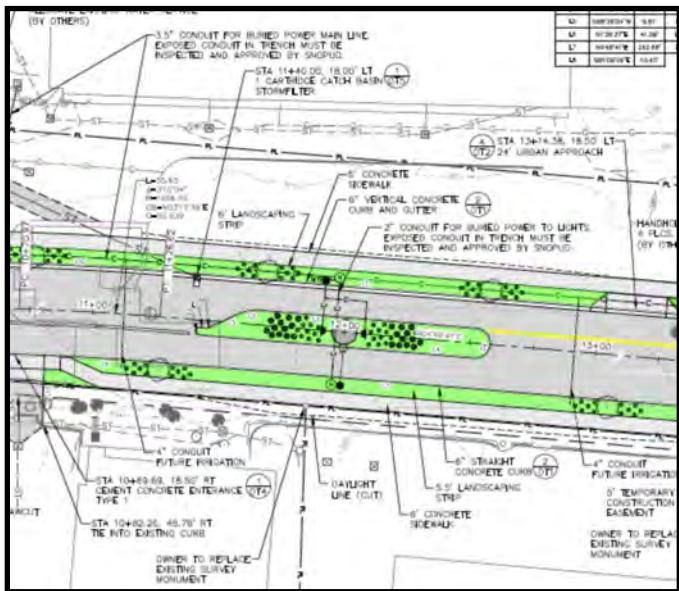
**Scope:** This project is led by Snohomish County and includes construction of a new park access road, skatepark, walkways, landscaping, shaded seating areas, basketball court and parking area.



Cavalero Park Groundbreaking—June 17, 2019



## Transportation



Frontier Village Access Road—90% Design

### Frontier Village Access Road

**Cost Estimate:** \$92,500 Design, \$750,000 Construction

**Funding Source:** WSDOT Grant (\$422,000), Impact Fees

**Schedule:** Construction 2019

**Current Status:** Design is complete. Easement acquisition is in progress. The state legislature reallocated \$422,000 in their 2019-20 budget.

**Scope:** Design and construction of 340 feet of roadway including curbs, gutters, sidewalk and drainage improvements to provide access from 4th St. NE into Village Way

### South Lake Stevens Path

**Cost Estimate:** \$260,000 Design; \$3,000,000 Construction

**Funding Source:** WSDOT Grant (\$1.3 million), REET, Impact Fees, Develop Fee In-Lieu, TIB Complete Streets Grant (\$200,000)

**Schedule:** Construction in 2019

**Current Status:** Design is complete. Construction will begin in July 2019.

**Scope:** Design and construction of a separated 3,700 linear foot asphalt path on South Lake Stevens Road from South Davies Road to East Lake Shore Drive, at the southern end of Lake Stevens. The path will provide multi-modal access and landscape/safety improvements that are consistent with the City's beautification plan.

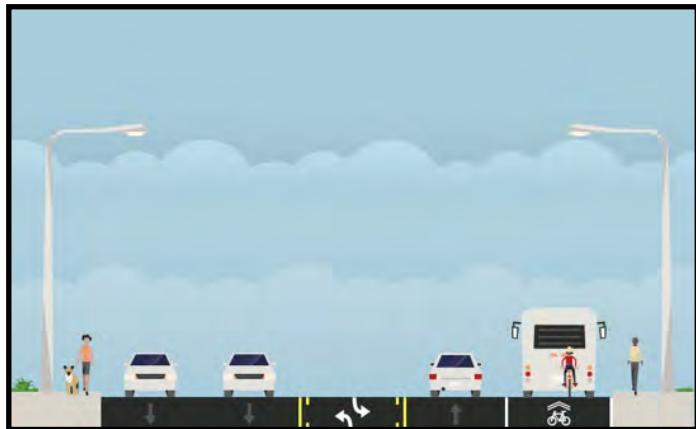


South Lake Stevens Road—Existing Shoulder



## Transportation

### 20th Street SE—Phase II, Segment I



Conceptual drawing

**Cost Estimate:** \$6,804,000

**Funding Source:** PSRC, TIB, City Funds

**Schedule:** Bid late 2019, Construction 2020

**Current Status:** Final ROW acquisition is underway

**Scope:** Segment I of a the multimodal corridor project along 20th Street SE will include sidewalks along both sides of roadway, bike accommodations, 4 through travel lanes with left turn pockets, storm drainage, water quality facilities, surface water detention, and street lighting from 91st to 83rd.

### Trestle/BAT Lane—20th Street SE

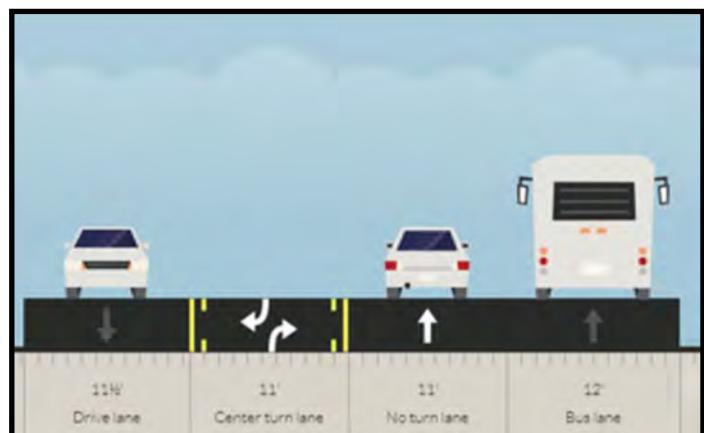
**Cost Estimate:** \$2,622,475

**Funding Source:** Regional Mobility Grant (\$1.8 million), City Funds (\$850,000)

**Schedule:** Design 2019, Construction 2020

**Current Status:** Preliminary Engineering

**Scope:** Construct a dedicated westbound HOV/Transit lane that will allow vehicles to bypass the congestion merge point onto the Trestle during peak traffic from 91st Ave.



Conceptual drawing



## Public Works Shop

**Cost Estimate:** \$750,000

**Funding Source:** Surface Water Utility Fund, Street Fund,

**Schedule:** Project design on hold until City resources are available to manage project.

**Current Status:** Design contract awarded to MJ Neal

**Scope:** Redevelop City Public Works shop to consolidate offices, staff space, maintenance operations, and storage for public works into a single location, improving efficiency of staff and equipment.



Public Works Shop conceptual



Kirkland decant facility designed by PACE Engineers

## Decant Facility

**Cost Estimate:** \$2,240,300

**Funding Source:** Design and property acquisition with City funds. Construction will be funded 75% by Ecology Grant.

**Schedule:** Design and property acquisition in 2019, construction in 2020.

**Current Status:** Design contract with PACE approved in March 2019. Design is underway.

**Scope:** The City will construct a 5 bay decant facility at the newly purchased property on Grade Road, Snohomish County PUD has expressed an interest in using the facility via interlocal agreement.



## Police Station

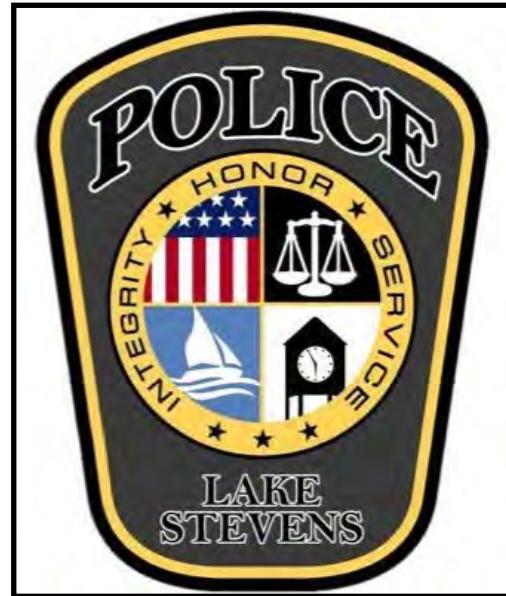
**Cost Estimate:** \$9,500,000. Estimate includes property acquisition, tenant improvements and construction of a new evidence facility.

**Funding Source:** Bond

**Schedule:** Design is underway and will be completed in August 2019. Construction will begin in October 2019.

**Current Status:** Design is underway.

**Scope:** Purchase the Fire Administration Building on S. Lake Stevens Road, develop design and security enhancements to convert buildings to police station and evidence facility.



## Other Projects

- Public Works Fuel Station
- Surface Water Drainage Improvements
- Sidewalk Projects
- 79th Ave SE Access Road
- 24th Street and 91st Ave Extensions
- Annual Overlays and Lane Striping
- Crack Sealing
- Williams Property Demo and Cleanup



North Cove Park—Stage Pour—May 31, 2019



**Active Capital Projects Summary**

**Cost Summary**

Project Name	Total Cost Estimate	City Funds	Grants/Non-Local Funding
20th St. SE Playfield	\$ 80,000	\$ 80,000	\$ -
Frontier Heights Park	\$ 340,000	\$ 340,000	\$ -
North Cove Park Improvements	\$ 5,573,046	\$ 2,523,046	\$ 3,050,000
Cavalero Park Improvements	\$ 3,180,000	\$ 1,350,000	\$ 1,830,000
Frontier Village Access Road	\$ 842,500	\$ 420,500	\$ 422,000
South Lake Stevens Path	\$ 3,260,000	\$ 1,505,000	\$ 1,755,000
20th St. SE, Phase II, Segment 1	\$ 6,804,000	\$ 1,701,000	\$ 5,103,000
Trestle/BAT Lane 20th St. SE	\$ 2,622,475	\$ 800,475	\$ 1,822,000
Public Works Shop Remodel	\$ 750,000	\$ 750,000	\$ -
Decant Facility	\$ 2,240,300	\$ 665,300	\$ 1,575,000
Police Station	\$ 9,500,000	\$ 9,500,000	\$ -
<b>Total</b>	<b>\$ 35,192,321</b>	<b>\$ 19,635,321</b>	<b>\$ 15,557,000</b>

**Status**

Project Name	Design Schedule/Status	Construction Schedule	Progress Update
20th St. SE Playfield	Complete	May 2018 - August 2019	2" Water Meter Installed for Irrigation
Frontier Heights Park	Complete	July 2019 - September 2019	Design Complete
North Cove Park Improvements	Complete	July 2019 - December 2019	Construction Contract Awarded, Phase II Grant Awarded (\$1 million)
Cavalero Park Improvements	Complete	June 2019 - February 2020	Construction is Underway
Frontier Village Access Road	Complete	August 2019 - November 2019	Ongoing Grant Agency Coordination and Easement Acquisition
South Lake Stevens Path	Complete	July 2019 - October 2019	Ongoing Grant Agency Coordination, Wetland Credits to Purchase
20th St. SE, Phase II, Segment 1	Complete	April 2020 - September 2020	PSRC Funding Schedule is Pending
Trestle/BAT Lane 20th St. SE	July 2019 - October 2019	May 2020 - September 2020	Design Will Begin in July
Public Works Shop Remodel	March 2019 - December 2019	June 2020 - September 2020	Design On Hold For Police Station Design
Decant Facility	May 2019 - August 2019	July 2020 - October 2020	Design Underway - Grant Application Due August 2019
Police Station	May 2019 - September 2019	November 2019 - May 2020	Design Underway

# Lake Stevens Police Department

City of Lake Stevens  
City Council Regular Meeting 6-25-2019  
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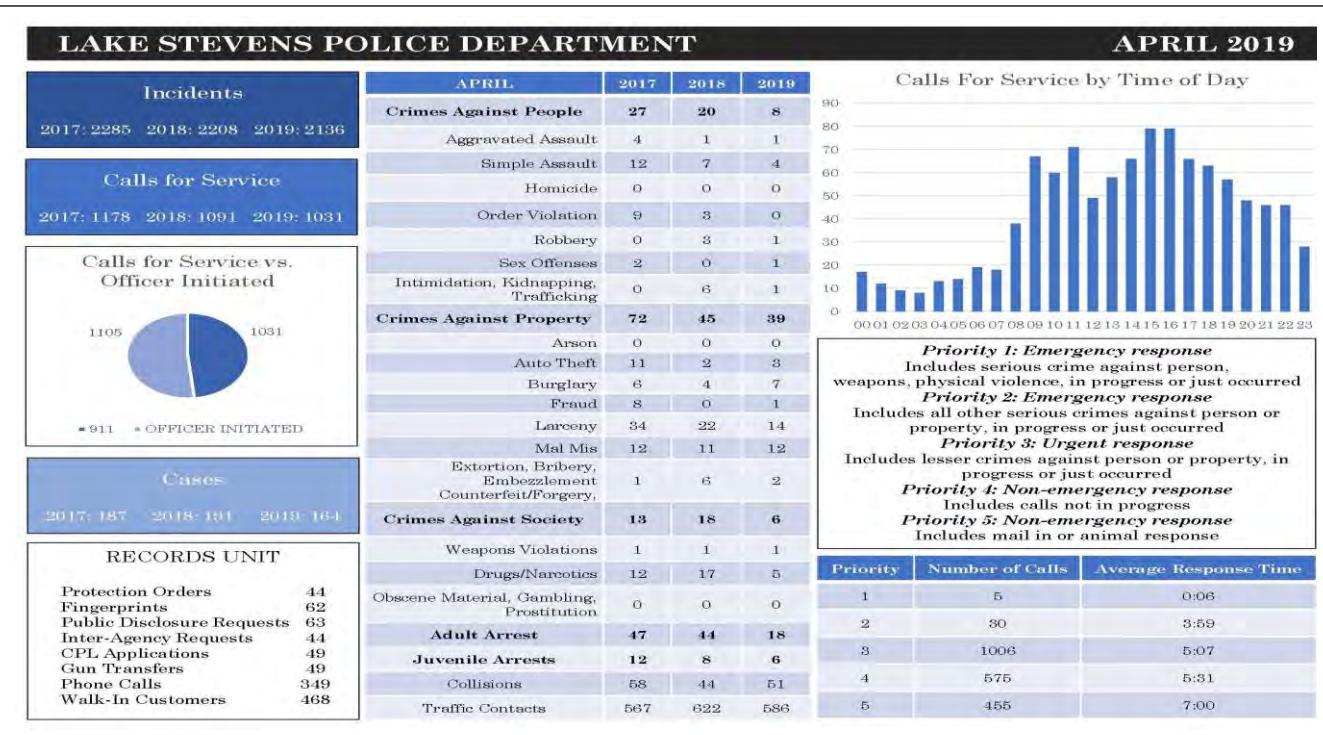
Chief John D. Dyer  
Lake Stevens Police Department

June 2019,



The Lake Stevens PD employees continue to work in service to the Lake Stevens community. As can be seen from our April reporting, Lake Stevens enjoyed a lower crime rate from April of last year in the three categories of crime against people, crimes against property, and crimes against society. Our calls for service (when a citizen call the dispatch center, or walks into our lobby, looking for police services) also went down from the past two years. I attribute this to numerous factors:

- I believe our men and women are well trained, motivated, and focused, which results in better law enforcement services.
- We have an engaged and family-oriented community, which often provides the supports needed to keep people from engaging in crime, and then a reliable partner if it does happen.
- Our location, off the I-5 corridor, is also a plus.



We have great employees out every day, doing great things on behalf of the community. Some examples are:

- I heard about Officers who were eating lunch at the Ram. Two high school aged students were eating next to them, and it was obvious they were celebrating one of their birthdays. When the students went to pay, they discovered the Officers had already paid for their meal.
- A burglary was recently solved because of some great work by a couple of Patrol Officers doing rock solid police work.
- An Officer who went on a call of a man and his daughter, asking for food near a supermarket, and proceeded to bring them in the store and buy groceries for them.
- One of our detectives wound up in a complicated sex offense case against a child. After two days on the stand at trial, we got convictions on all counts. A big win.
- Records is gearing up for what we know will be an increase in request for records checks for gun transfers, due to changes in state gun laws.

As always, we appreciate the support of the city, as we go about our everyday jobs.

John Dyer

BLANKET VOUCHER APPROVAL  
**2019**

Payroll Direct Deposits	<b>6/10/2019</b>	<b>\$225,383.42</b>
Payroll Checks	<b>48015</b>	<b>\$1,827.67</b>
Electronic Funds Transfers	<b>ACH</b>	<b>\$289,587.93</b>
Claims	<b>48016-48134</b>	<b>\$462,911.08</b>
Void Checks	<b>47760, 48016</b>	<b>(\$9,220.80)</b>
Total Vouchers Approved:		<b>\$970,489.30</b>

**This 25th day of June 2019**

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



June 25th, 2019

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

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Personnel Costs	\$	227,211	23%
Payroll Federal Taxes	\$	81,185	8%
Retirement Benefits - Employer	\$	54,707	6%
Medical Benefits - Employer	\$	141,614	15%
Other Employer paid Benefits	\$	6,085	1%
Employee paid benefits - By Payroll	\$	16,005	2%
Supplies	\$	48,730	5%
Professional Services *	\$	245,271	25%
Capital **	\$	149,681	15%
Debt Payments	\$	9,221	1%
Void Check	\$	(9,221)	-1.0%
<b>Total</b>	<b>\$</b>	<b>970,489</b>	<b>100%</b>

**Large Purchases**

\* ILA Billing - Surface Water Mgmt - \$42,979

\* Dispatch Services - \$28,214

\*\* North Cove Dock - \$32,170

\*\* North Cove Park Plaza Design - \$33,086



Vendor: Ace Hardware  
Check Number: 48025

Invoice No	Check Date	Account Number	Account Name	Description	Amount
62861	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Flag Markers/Measuring Wheel/Fuses	\$154.46
62862	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Hook Rope	\$19.00
62869	6/19/2019	410 016 531 10 35 00	SW-Small Tools	Diamond Blade/Key Rack/Keys/Wrench Set	\$357.42
62895	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Rotor Sprinkler Popups	\$14.16
62908	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Valve Box/Rotor Sprinkler Popup	\$20.69
62942	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Poly Film/Staples/Staple Hammer	\$150.67
62943	6/19/2019	410 016 531 10 35 00	SW-Small Tools	Bucket/Tool Bag/Rule Tape/Hammer/Chalk/Level/Plier	\$309.15
62944	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Anitfreeze/Seal Cooling System/Vent Clip	\$22.86
62998	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Brush Coarse Crimp Cup/Castr Hood	\$17.75
63006	6/19/2019	001 013 518 20 48 00	GG-Repair & Maintenance	Steel Stik	\$8.71
63037	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Powerwinder Tape/PP Exterior	\$146.04
63045	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Rotor Sprinkler Popups	\$98.03
63049	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Axe Campers/Machete/Folding Saw	\$98.07
63069	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Fasteners/Clamp	\$20.88
63071	6/19/2019	410 016 531 10 35 00	SW-Small Tools	Drill Bit Set/Hole Saws	\$41.39
63079	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Pipe Water Funny/Tee Coupler	\$43.99
63094	6/19/2019	001 013 518 20 48 00	GG-Repair & Maintenance	Extension Cord/Valve Flap Kit	\$55.57
63114	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Gloves/Concrete Groover/Edger	\$70.31
63119	6/19/2019	001 013 518 20 48 00	GG-Repair & Maintenance	Door Reinforce/Roller Frame	\$43.57
63121	6/19/2019	001 013 518 20 48 00	GG-Repair & Maintenance	Hemlock Finish	\$34.86
63130	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Garden Sprayer/Deck Brush/Acid Muriatic/Steel Handle	\$122.17
63152	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Lock	\$261.47
63156	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Diamond Blade	\$16.34
63212	6/19/2019	001 006 518 80 31 00	IT-Office Supplies	Extension Cord	\$10.89
63229	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Crimping Tool/Battery/Wire/Studs/Armorall/Glass Cleaner	\$54.35
63229	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Crimping Tool/Battery/Wire/Studs/Armorall/Glass Cleaner	\$54.36
63264	6/19/2019	001 007 571 00 30 00	PL-Park & Recreation	Foldup Tables for Events	\$130.78
					\$2,377.94

Vendor: Active Excavator Rentals Inc  
Check Number: 48026

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9728	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Excavator Rental - North Cove	\$8,301.74
9811	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Roller Rental Notc Cove	\$3,194.55
					\$11,496.29

Vendor: AFLAC  
Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 284 00 00 00	Payroll Liability Other	Employee paid Insurance Prem	\$1,446.60
					\$1,446.60

<b>Total for Period</b>
\$752,499.01

Checks to be Approved for period 06/06/2019 - 06/19/2019

Vendor: Amazon Capital Services

Check Number: 48027

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1CC0-6JLW-W9KT	6/19/2019	001 008 521 40 49 01	LE-Registration Fees	Sports Skill Instruction for Coaches	\$35.34
1JL4-VQ3F-41GM	6/19/2019	001 008 521 20 31 02	LE-Minor Equipment	Hand Sanitizer	\$46.62
1N47-4DKO-FWRR	6/19/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	BIC Shaver	\$9.80
1PX9-CKOV-37R7	6/19/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Two Way Radio Earpiece and Headsets	\$43.50
1Q7H-43NT-FLK1	6/19/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Credit Tactical Dog Harness	(\$32.86)
1R7C-76PL-NFHV	6/19/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Tactical Dog Harness	\$40.30
1WW6-DLP6-3X6F	6/19/2019	001 008 521 20 31 02	LE-Minor Equipment	Hard Drive/Hard Drive Box Storage Case Cover	\$314.94
					\$457.64

Vendor: Amazon Capital Services

Check Number: 48028

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1NGN-6KR4-1D9X	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Animal Trap/Caster Oil/Trap Tags/Basket/Gloves	\$242.40
1R73-LLFK-TWNC	6/19/2019	001 006 518 80 48 00	IT-Repair & Maintenance	NanoStation Wireless Bridge	\$56.35
1VTH-TKRT-3J16	6/19/2019	001 007 558 50 31 02	PL-Permit Related Op. Costs	Mailing Tubs with Caps	\$53.15
1WW6-DLP6-6WDW	6/19/2019	410 016 531 10 31 01	SW-Office Supplies	Business Card Holder Leather Book	\$20.69
					\$372.59

Vendor: Assoc of Washington Cities EFT

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 283 00 00 00	Payroll Liability Medical	Medical Insurance Premium	\$138,809.56
061019	6/17/2019	001 013 518 30 20 00	GG-Benefits	Medical Insurance Premium	(\$1.25)
061019T	6/17/2019	001 000 283 00 00 00	Payroll Liability Medical	Teamster Dental Premium	\$2,804.49
061019T	6/17/2019	001 013 518 30 20 00	GG-Benefits	Teamster Dental Premium	(\$0.09)
					\$141,612.71

Vendor: Barnes

Check Number: 48029

Invoice No	Check Date	Account Number	Account Name	Description	Amount
070819 BARNES	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals LE Exec LODD Union - Barnes	\$110.00

Vendor: Batista

Check Number: 48030

Invoice No	Check Date	Account Number	Account Name	Description	Amount
070219 BATISTA	6/19/2019	001 007 571 00 30 00	PL-Park & Recreation	Music by the Lake 07/02/2019	\$1,000.00

Vendor: Beazizo

Check Number: 48031

Invoice No	Check Date	Account Number	Account Name	Description	Amount
070819 BEAZIZO	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals LE Exec LODD Union - Beazizo	\$110.00

Vendor: BMI

Check Number: 48032

Invoice No	Check Date	Account Number	Account Name	Description	Amount
35077496	6/19/2019	001 013 518 20 49 00	GG-Miscellaneous	2019-2020 Music Fees	\$358.00

Vendor: Builders Exchange of Washington Inc

Check Number: 48033

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1062639	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	North Cove Plaza/Pavilion Publication Builders Exchange	\$380.50
					\$380.50

Vendor: Business Card

Check Number: 48034

Invoice No	Check Date	Account Number	Account Name	Description	Amount
BARNES 0619	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Credit - Hotel Little Creek Casino Resort	(\$152.90)
BARNES 0619	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Hotel - Rifle Instructor Recert Wenatchee - Irwin	\$212.56
BEAZIZO 0619	6/19/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Firearms	\$283.18
BEAZIZO 0619	6/19/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	Thumbnails/Camermaid	\$9.99
BEAZIZO 0619	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Hotel - WASPC Conf Spokane - Beazizo	\$481.44
BEAZIZO 0619	6/19/2019	001 008 521 40 49 01	LE-Registration Fees	Training Registration - Aukerman	\$295.00
BRAZEL 0619	6/19/2019	001 002 513 11 43 00	AD-Travel & Meetings	Fuel City Managers Mtg Hood River Oregon - Brazel	\$35.86
BRAZEL 0619	6/19/2019	001 002 513 11 43 00	AD-Travel & Meetings	Hotel City Managers Mtg Hood River Oregon - Brazel	\$707.32
BRAZEL 0619	6/19/2019	001 002 513 11 43 00	AD-Travel & Meetings	Meal - MAG Meeting Snohomish - Brazel	\$12.77
BRAZEL 0619	6/19/2019	001 002 513 11 43 00	AD-Travel & Meetings	Rental Car City Managers Mtg Hood River Oregon - Brazel	\$308.80
BROOKS 0519	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	NAMA Membership Renewal	\$125.00
BROOKS 0619	6/19/2019	001 008 521 20 31 02	LE-Minor Equipment	Tactical Bike Patrol Pants	\$112.25
BROOKS 0619	6/19/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Airport Parking Canine Pickup - Miner/Michael	\$16.00
BROOKS 0619	6/19/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Airport Parking Canine Pickup - Miner/Michael	\$60.00
BROOKS 0619	6/19/2019	001 008 521 20 31 07	LE - Donation Canine Unit	CIA - Animal Health Exam	\$89.00
BROOKS 0619	6/19/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Flight/Rental Car Canine Pickup - Miner/Michael	\$1,276.48
BROOKS 0619	6/19/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Fuel Canine Pickup - Miner/Michael	\$22.51
BROOKS 0619	6/19/2019	001 008 521 40 49 04	LE-Finance Charges	Credit Card Finance Charge - Brooks	\$25.64
DURPOS 0619	6/19/2019	101 016 542 61 31 00	ST-Sidewalk Repair Supply	HD Supply Concrete Supplies	\$1,112.87
DURPOS 0619	6/19/2019	101 016 542 61 31 00	ST-Sidewalk Repair Supply	HD Supply Concrete Supplies	\$1,579.73
DURPOS 0619	6/19/2019	101 016 542 61 31 00	ST-Sidewalk Repair Supply	Ralphs Concrete Plumbing Concrete Supplies	\$1,688.50
DURPOS 0619	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Builders Exchange Standard PW Agency Set Up Fee	\$250.00
DURPOS 0619	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	PS Clean Air Permit - 12202 N Lakeshore Dr	\$65.00
DURPOS 0619	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	PS Clean Air Permit - 12207 Lakeshore Dr	\$65.00
DURPOS 0619	6/19/2019	410 016 531 10 49 01	SW-Staff Development	Seasonal Flagger Certification	\$85.00
DYER 0619	6/19/2019	001 008 521 20 32 00	LE-Fuel	Fuel	\$43.09
DYER 0619	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Hotel - WASPC Conf Spokane - Dyer	\$481.44
ESHLEMAN 0619	6/19/2019	001 010 576 80 32 00	PK-Fuel Costs	Ethanol Fuel	\$62.08
ESHLEMAN 0619	6/19/2019	101 016 542 61 31 00	ST-Sidewalk Repair Supply	Push-N-Pull Placer Rake	\$34.03
ESHLEMAN 0619	6/19/2019	101 016 542 61 31 00	ST-Sidewalk Repair Supply	Sidewalk Repair Supplies - Trowels/Knee Boards/Tools/etc	\$2,222.70
ESHLEMAN 0619	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Fuel PW52 Boat	\$124.12
ESHLEMAN 0619	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	TV Mount	\$130.79
ESHLEMAN 0619	6/19/2019	410 016 531 10 32 00	SW-Fuel	Ethanol Fuel	\$32.13
ESHLEMAN 0619	6/19/2019	410 016 531 10 32 00	SW-Fuel	Ethanol Fuel	\$100.00
GOOD 0619	6/19/2019	001 001 511 60 43 00	Legislative - Travel & Mtgs	Hotel - NRPA Annual Conf - Gailey	\$195.20
GOOD 0619	6/19/2019	001 001 511 60 43 00	Legislative - Travel & Mtgs	Meal - LS Chamber of Commerce Mtg - Welch	\$15.00
GOOD 0619	6/19/2019	001 001 511 60 49 01	Legislative - Prof. Developmen	Economic Alliance SnoCo Annual Meeting - Petershagen	\$65.00
GOOD 0619	6/19/2019	001 001 511 60 49 01	Legislative - Prof. Developmen	Registration - NRPA Annual Conf - Gailey	\$965.00
GOOD 0619	6/19/2019	001 001 511 60 49 01	Legislative - Prof. Developmen	SCC Membership Mtg - Daughtry	\$45.00
GOOD 0619	6/19/2019	001 001 511 60 49 01	Legislative - Prof. Developmen	SCC Membership Mtg - Welch	\$45.00

GOOD 0619	6/19/2019	001 001 513 10 43 00	Executive - Travel & Mtgs	Catering - Hosting East Conty Mayors Mtg	\$100.01
GOOD 0619	6/19/2019	001 001 513 10 43 00	Executive - Travel & Mtgs	Meal - LS Chamber of Commerce Mtg - Spencer	\$15.00
GOOD 0619	6/19/2019	001 001 513 10 43 00	Executive - Travel & Mtgs	Snacks - Hosting East Conty Mayors Mtg	\$8.99
GOOD 0619	6/19/2019	001 005 518 10 43 00	HR-Travel & Meetings	Hotel - WCIA Board Mtg/AWC LRI - Good	\$319.59
GOOD 0619	6/19/2019	001 005 518 10 43 00	HR-Travel & Meetings	Hotel - WCIA Board Mtg/AWC LRI - Smith	\$319.59
GOOD 0619	6/19/2019	101 016 542 30 32 00	ST-Fuel	Fuel PW49	\$24.07
MINER 0619	6/19/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	AR- Stoner Supplies - Force Response	\$47.50
MINER 0619	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Ferry Ride - Investigations Training - Miner	\$38.30
MINER 0619	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Ferry Ride - Investigations Training - Miner	\$55.30
PUGH 0619	6/19/2019	001 003 514 20 49 02	CC-Staff Development	Registration - 2019 PNW Clerk Institute - Crim	\$1,150.00
SMITH 0619	6/19/2019	001 003 514 20 49 02	CC-Staff Development	Registration - Advanced Excel Workshop	\$49.80
SMITH 0619	6/19/2019	001 003 514 20 49 02	CC-Staff Development	Registration - Proofread with Perfection Workshop	\$28.15
SMITH 0619	6/19/2019	001 003 514 20 49 02	CC-Staff Development	Registration CD - Proofread with Perfection Workshop	\$12.50
SMITH 0619	6/19/2019	001 005 518 10 41 00	HR-Professional Services	Membership National Public Employer Labor Relations Assoc	\$225.00
SMITH 0619	6/19/2019	001 005 518 10 49 01	HR-Staff Development	Registration - Advanced Excel Workshop	\$49.80
SMITH 0619	6/19/2019	001 005 518 10 49 01	HR-Staff Development	Registration - Proofread with Perfection Workshop	\$28.15
SMITH 0619	6/19/2019	001 005 518 10 49 01	HR-Staff Development	Registration CD - Proofread with Perfection Workshop	\$12.50
SMITH 0619	6/19/2019	001 006 518 80 49 01	IT-Staff Development	Registration - Proofread with Perfection Workshop	\$28.14
SMITH 0619	6/19/2019	001 006 518 80 49 01	IT-Staff Development	Registration CD - Proofread with Perfection Workshop	\$12.50
SMITH 0619	6/19/2019	001 007 558 50 49 01	PL-Staff Development	Registration - Advanced Excel Workshop	\$49.80
SMITH 0619	6/19/2019	001 007 558 50 49 01	PL-Staff Development	Registration - Proofread with Perfection Workshop	\$28.14
SMITH 0619	6/19/2019	001 007 558 50 49 01	PL-Staff Development	Registration CD - Proofread with Perfection Workshop	\$12.50
SMITH 0619	6/19/2019	001 008 521 40 49 01	LE-Registration Fees	Registration - Advanced Excel Workshop	\$49.80
SMITH 0619	6/19/2019	001 008 521 40 49 01	LE-Registration Fees	Registration - Proofread with Perfection Workshop	\$28.14
SMITH 0619	6/19/2019	001 008 521 40 49 01	LE-Registration Fees	Registration CD - Proofread with Perfection Workshop	\$12.50
SMITH 0619	6/19/2019	001 010 576 80 49 01	PK-Staff Development	Registration CD - Proofread with Perfection Workshop	\$12.50
SMITH 0619	6/19/2019	101 016 542 30 49 01	ST-Staff Development	Registration - Proofread with Perfection Workshop	\$28.14
SMITH 0619	6/19/2019	101 016 542 30 49 01	ST-Staff Development	Registration CD - Proofread with Perfection Workshop	\$12.50
SMITH 0619	6/19/2019	410 016 531 10 49 01	SW-Staff Development	Registration - Advanced Excel Workshop	\$49.80
SMITH 0619	6/19/2019	410 016 531 10 49 01	SW-Staff Development	Registration - Proofread with Perfection Workshop	\$28.14
SMITH 0619	6/19/2019	410 016 531 10 49 01	SW-Staff Development	Registration CD - Proofread with Perfection Workshop	\$12.50
STEVENS B 0619	6/19/2019	001 004 514 23 49 01	FI-Staff Development	Registration - WFOA Training - Roundy	\$110.00
STEVENS B 0619	6/19/2019	001 004 514 23 49 01	FI-Staff Development	Registration - WFOA Training - Stevens B	\$110.00
STEVENS B 0619	6/19/2019	001 008 521 20 31 04	LE-Donation Exp - Other	Nationwide Pet Insurance - Cia	\$1,065.74
STEVENS B 0619	6/19/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Refund - Nationwide Pet Insurance - Haro	(\$799.41)
SUMMERS 0619	6/19/2019	001 008 521 20 31 02	LE-Minor Equipment	Lasting Impressions Screen Printing - Summers	\$550.87
UBERT 0619	6/19/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	LexisNexis April 2019	\$54.50
UBERT 0619	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Hotel - WHIA Conf Suquamish - Bernhard	\$310.20
VALVICK 0619	6/19/2019	001 008 521 20 43 01	LE-Business Meetings	Refreshments for Stop the Bleed Training	\$26.60
WRIGHT 0619	6/19/2019	001 007 558 50 41 03	PL-Advertising	Postcard Mailers UGA Boundaries	\$321.24
WRIGHT 0619	6/19/2019	001 007 558 50 41 03	PL-Advertising	Postcard Mailers UGA Boundaries	\$955.73
WRIGHT 0619	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	Postcard Mailers LUA2017-0179	\$30.91
WRIGHT 0619	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	Postcard Mailers LUA2019-0055 / Kane	\$88.61
WRIGHT 0619	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	Postcard Mailers LUA2019-0072 SEPA DNS	\$15.61

WRIGHT 0619	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	Postcard Mailers LUA2019-0074	\$17.46
WRIGHT 0619	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	Postcard Mailers Vine Maple E	\$17.46
WRIGHT 0619	6/19/2019	001 007 558 50 43 00	PL-Travel & Mtgs	Hotel - Planning Assoc of WA - Gassaway	\$253.54
WRIGHT 0619	6/19/2019	001 007 558 50 43 00	PL-Travel & Mtgs	Hotel - Planning Assoc of WA - Roth	\$253.54
WRIGHT 0619	6/19/2019	001 007 558 50 43 00	PL-Travel & Mtgs	Parking County Meetings	\$7.00
WRIGHT 0619	6/19/2019	001 007 571 00 30 00	PL-Park & Recreation	Survey Monkey Monthly Plan	\$40.34
					\$19,606.87

Vendor: Cadman Inc

Check Number: 48035

Invoice No	Check Date	Account Number	Account Name	Description	Amount
5609558	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Street Sweeping Disposal	\$5,066.07
					\$5,066.07

Vendor: Carlson

Check Number: 48036

Invoice No	Check Date	Account Number	Account Name	Description	Amount
060419 ALLPHAS1	6/19/2019	001 010 576 80 41 01	PK -Professional Tree Srv	Tree Removal 431 S Davis	\$5,227.20
060419 ALLPHAS2	6/19/2019	001 010 576 80 41 01	PK -Professional Tree Srv	Trees Cut Lopp Scatter 9209 15th Pl SE	\$1,089.00
					\$6,316.20

Vendor: CDW Government Inc

Check Number: 48037

Invoice No	Check Date	Account Number	Account Name	Description	Amount
SMC7272	6/19/2019	001 008 521 20 31 02	LE-Minor Equipment	Surface Pro/Pen/Cover/Monitor/Dock	\$2,170.20
SMW0838	6/19/2019	001 008 521 20 31 02	LE-Minor Equipment	Surface Pro Warranty Comp	\$268.59
SMZ2209	6/19/2019	001 008 521 20 31 02	LE-Minor Equipment	Logi Wireless Wave Combo	\$56.77
					\$2,495.56

Vendor: Cedar Grove Composting Inc

Check Number: 48038

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0000455382	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Topsoil North Cove	\$3,052.00
0000455430	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Topsoil North Cove	\$1,526.00
					\$4,578.00

Vendor: Central Welding Supply

Check Number: 48039

Invoice No	Check Date	Account Number	Account Name	Description	Amount
RN05191009	6/19/2019	101 015 543 30 31 00	ME - Operating Costs	Argon Gas	\$18.06
					\$18.06

Vendor: City of Everett

Check Number: 48040

Invoice No	Check Date	Account Number	Account Name	Description	Amount
I19001970	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Fecal Coliform Analysis	\$120.00
					\$120.00

Vendor: City of Marysville

Check Number: 48041

Invoice No	Check Date	Account Number	Account Name	Description	Amount
19-009	6/19/2019	001 008 523 60 41 00	LE - Jail	Marysville Court Citations May 2019	\$18,157.98
					\$18,157.98

Vendor: Comcast

Check Number: 48042

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0519 COMCAST	6/19/2019	001 008 521 20 42 00	LE-Communication	Internet Services - Market Place	\$108.69
0519 COMCAST	6/19/2019	001 008 521 20 42 00	LE-Communication	Internet Services - N Lakeshore Dr	\$88.69
0519 COMCAST	6/19/2019	001 010 576 80 42 00	PK-Communication	Internet Services - Parks/Rec Office	\$138.69
0519 COMCAST	6/19/2019	101 016 542 64 47 00	ST-Traffic Control -Utility	Traffic Signal Control	\$155.87
					\$491.94

Vendor: Comdata Inc

Check Number: 48043

Invoice No	Check Date	Account Number	Account Name	Description	Amount
20315052	6/19/2019	001 008 521 20 32 00	LE-Fuel	PD Fuel - May 2019	\$351.47
					\$351.47

Vendor: Cory De Jong and Sons Inc

Check Number: 48044

Invoice No	Check Date	Account Number	Account Name	Description	Amount
S300897	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	DJ Soil Garden	\$56.14
					\$56.14

Vendor: Crystal Springs

Check Number: 48045

Invoice No	Check Date	Account Number	Account Name	Description	Amount
16015194 052519	6/19/2019	001 008 521 50 30 00	LE-Facilities Supplies	Bottled Water - Police Department	\$243.13
5249844 060119	6/19/2019	001 007 558 50 31 01	PL-Operating Costs	Bottled Water - City Hall/City Shop	\$94.09
5249844 060119	6/19/2019	001 007 559 30 31 01	PB-Operating Cost	Bottled Water - City Hall/City Shop	\$62.30
5249844 060119	6/19/2019	001 013 518 20 31 00	GG-Operating Costs	Bottled Water - City Hall/City Shop	\$62.30
5249844 060119	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Bottled Water - City Hall/City Shop	\$155.03
5249844 060119	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Bottled Water - City Hall/City Shop	\$155.03
					\$771.88

Vendor: Cuz Concrete Products Inc

Check Number: 48046

Invoice No	Check Date	Account Number	Account Name	Description	Amount
261114	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Straping Aluminum	\$85.18
					\$85.18

Vendor: Dataquest LLC

Check Number: 48047

Invoice No	Check Date	Account Number	Account Name	Description	Amount
8981	6/19/2019	001 007 558 50 41 00	PL-Professional Servic	Background Checks - New Employees	\$38.50
8981	6/19/2019	001 010 576 80 41 00	PK-Professional Services	Background Checks - New Employees	\$18.00
8981	6/19/2019	101 016 542 30 41 02	ST-Professional Service	Background Checks - New Employees	\$18.00
8981	6/19/2019	410 016 531 10 41 01	SW-Professional Services	Background Checks - New Employees	\$18.00
					\$92.50

Vendor: Dept of Retirement (Deferred Comp)

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 282 00 00 00	Payroll Liability Retirement	Employee Portion-State Deferre	\$2,770.00
					\$2,770.00

Vendor: Dept of Retirement PERS LEOFF

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 282 00 00 00	Payroll Liability Retirement	PERS LEOFF Contributions	\$54,707.46
					\$54,707.46

Vendor: Dept of Revenue EFT

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061919 DOR	6/19/2019	001 008 521 30 31 00	LE-Community Outreach Supplies	Excise Taxes May 2019	\$31.95
061919 DOR	6/19/2019	001 013 518 90 49 06	GG-Excise Tax	Excise Taxes May 2019	\$46.96
					\$78.91

Vendor: Diamante Cleaning Experts LLC

Check Number: 48048

Invoice No	Check Date	Account Number	Account Name	Description	Amount
11	6/19/2019	001 007 558 50 41 00	PL-Professional Services	Janitorial Services - City Hall	\$65.00
11	6/19/2019	001 007 559 30 41 00	PB-Professional Srv	Janitorial Services - City Hall	\$65.00
11	6/19/2019	001 008 521 20 41 00	LE-Professional Services	Janitorial Services - Police Department	\$390.00
11	6/19/2019	001 010 576 80 41 00	PK-Professional Services	Janitorial Services - City Hall	\$65.00
11	6/19/2019	001 013 518 20 41 00	GG-Professional Service	Janitorial Services - City Hall	\$65.00
11	6/19/2019	001 013 518 20 41 00	GG-Professional Service	Janitorial Services - VIC	\$98.00
11	6/19/2019	101 016 542 30 41 02	ST-Professional Service	Janitorial Services - City Hall	\$65.00
11	6/19/2019	410 016 531 10 41 01	SW-Professional Services	Janitorial Services - City Hall	\$65.00
					\$878.00

Vendor: Dicks Towing Inc

Check Number: 48049

Invoice No	Check Date	Account Number	Account Name	Description	Amount
184516	6/19/2019	001 008 521 20 41 00	LE-Professional Services	Evidence Towing	\$126.27
60947	6/19/2019	001 008 521 20 41 00	LE-Professional Services	Evidence Towing 2019-09538	\$126.27
683351	6/19/2019	001 008 521 20 31 02	LE-Minor Equipment	Evidence Towing 2019-11329	\$126.27
					\$378.81

Vendor: Duckys Office Furniture

Check Number: 48050

Invoice No	Check Date	Account Number	Account Name	Description	Amount
00012131	6/19/2019	001 007 558 50 31 02	PL-Permit Related Op. Costs	Monitor Arm for New Workstation	\$359.70
					\$359.70

Vendor: Dunlap Industrial Hardware

Check Number: 48051

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1429613-01	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Brinder Kit/Pocket Spot Light	\$427.96
1430217-01	6/19/2019	410 016 531 10 31 00	SW-Clothing	Rubber Boots/Steel Toe Boots/T-Shirts	\$391.22
					\$819.18

Vendor: E&E Lumber Inc

Check Number: 48052

Invoice No	Check Date	Account Number	Account Name	Description	Amount
151658	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Screws/Saw Blade/Lumber North Cove	\$164.74
151790	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Lumber/Fasteners/Screws North Cove Dock	\$32,169.89

151844	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	LP Smartsid Sidewalk Supply	\$97.88
151861	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Composite Shims North Cove Dock	\$9.83
					\$32,442.34

Vendor: EFTPS

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 281 00 00 00	Payroll Liability Taxes	Federal Payroll Taxes	\$81,184.74
					\$81,184.74

Vendor: Eggerling

Check Number: 48053

Invoice No	Check Date	Account Number	Account Name	Description	Amount
070219EGGERLING	6/19/2019	001 007 571 00 30 00	PL-Park & Recreation	Music by the Lake 07/02/2019	\$1,100.00
					\$1,100.00

Vendor: Electronic Business Machines

Check Number: 48054

Invoice No	Check Date	Account Number	Account Name	Description	Amount
AR136491	6/19/2019	101 016 542 30 48 00	ST-Repair & Maintenance	Copier Repair & Maintenance - PW	\$16.84
AR136491	6/19/2019	410 016 531 10 48 00	SW-Repairs & Maintenance	Copier Repair & Maintenance - PW	\$16.83
					\$33.67

Vendor: Engineering Business Systems Inc

Check Number: 48055

Invoice No	Check Date	Account Number	Account Name	Description	Amount
116151	6/19/2019	001 007 558 50 31 00	PL-Office Supplies	Polyproline Matte for Plotter	\$222.29
					\$222.29

Vendor: Feldman and Lee

Check Number: 48056

Invoice No	Check Date	Account Number	Account Name	Description	Amount
050119 FELDMAN	6/19/2019	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services May 2019	\$10,000.00
					\$10,000.00

Vendor: Frontier

Check Number: 48057

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0619 FRONTIER	6/19/2019	001 012 575 30 42 00	CS-Historical-Communications	Telephone Services Museum	\$211.02
0619 FRONTIER	6/19/2019	001 013 518 20 42 00	GG-Communication	Fax Services City Hall	\$28.63
0619 FRONTIER	6/19/2019	101 016 542 64 47 00	ST-Traffic Control -Utility	Traffic Control Modem	\$61.69
0619 FRONTIER	6/19/2019	101 016 543 30 42 00	ST-Communications	Fax Services City Hall	\$28.63
0619 FRONTIER	6/19/2019	410 016 531 10 42 00	SW-Communications	Fax Services City Hall	\$28.63
					\$358.60

Vendor: Gassaway

Check Number: 48058

Invoice No	Check Date	Account Number	Account Name	Description	Amount
060619 GASSAWAY	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	Reimburse for Recording ROW Dedication/Devel Permit	\$207.00
					\$207.00

Vendor: Glens Welding and Machine Inc

Check Number: 48059

Invoice No	Check Date	Account Number	Account Name	Description	Amount
S12360	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Fix Throttle Lock	\$21.80
S12417	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Carburetor/Air Filter/Fuel Filter/Fuel Connector/Fuel Cap	\$111.13

S12445	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Carburetor/Filters/Line Head/Spark Plug	\$172.15
S12446	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Handle/Carabiner/Ear Plugs/Hedge Trimmer	\$185.46
					\$490.54

Vendor: Grainger

Check Number: 48060

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9188881180	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Credit Gloves	(\$30.08)
9189536403	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Gloves	\$86.12
9196405501	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Plastic Clipboards	\$14.65
9196929146	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Disinfect Cleaner	\$536.75
9203493532	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Wheel Chock	\$160.08
					\$767.52

Vendor: Granite Construction Supply

Check Number: 48061

Invoice No	Check Date	Account Number	Account Name	Description	Amount
262_00076508	6/19/2019	101 016 542 30 26 00	ST-Boot - Clothing Allowance	Gloves/Tee Shirts/Beanies/Jacket/Hoodie/Hard Hats	\$698.14
262_00076545	6/19/2019	410 016 531 10 31 00	SW-Clothing	Short Sleeve Tee Shirts	\$105.68
262_00076546	6/19/2019	101 016 542 30 26 00	ST-Boot - Clothing Allowance	Gloves	\$148.23
					\$952.05

Vendor: Green Dot Concrete LLC

Check Number: 48062

Invoice No	Check Date	Account Number	Account Name	Description	Amount
3025	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Concrete	\$196.38
3032	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Concrete	\$265.93
					\$462.31

Vendor: Greenshields Industrial Supply Inc

Check Number: 48063

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1-79943	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Lo-Side Box PW60	\$1,283.12
					\$1,283.12

Vendor: Griffen

Check Number: 48064

Invoice No	Check Date	Account Number	Account Name	Description	Amount
8Z0339772	6/19/2019	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$225.00
8Z0803079	6/19/2019	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$300.00
8Z0851083	6/19/2019	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$225.00
9Z0386060	6/19/2019	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$225.00
					\$975.00

Vendor: Halverson

Check Number: 48065

Invoice No	Check Date	Account Number	Account Name	Description	Amount
053019HALVERSON	6/19/2019	101 016 542 30 49 01	ST-Staff Development	Project Mgmt Certificate Program 50% Reimburse - Halverson	\$1,362.50
					\$1,362.50

Vendor: Harbor Freight Tools

Check Number: 48066

Invoice No	Check Date	Account Number	Account Name	Description	Amount
885865	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Full Size Truck Racks PW60	\$316.96

885865	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Full Size Truck Racks PW3	\$316.96
885865	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Full Size Truck Racks PW5	\$316.96
					\$950.88

Vendor: HD Supply Construction Supply LTD

Check Number: 48067

Invoice No	Check Date	Account Number	Account Name	Description	Amount
10010621817	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Trowel Handle/Bucket/Tape Measure/Tilt Wall Patch Ardex	\$431.95
50010473714	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Single Screened Hook Cast Iron for Round Stakes	\$65.42

Vendor: Heritage Bank

Check Number: 48016

Invoice No	Check Date	Account Number	Account Name	Description	Amount
100635410 0419	6/6/2019	213 008 592 21 83 00	2015 LTGO Interest Pymt PD	2015 LTGO Bond Interest	\$4,610.40
					\$4,610.40

Vendor: Heritage Bank

Check Number: 48068

Invoice No	Check Date	Account Number	Account Name	Description	Amount
100635410 0419	6/19/2019	213 008 592 21 83 00	2015 LTGO Interest Pymt PD	2015 LTGO Bond Interest	\$4,610.40
					\$4,610.40

Vendor: Honey Bucket

Check Number: 48069

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0551095418	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Fencing for North Cove Park Project	\$359.70
					\$359.70

Vendor: Horizon Distributors Inc

Check Number: 48070

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2M083674	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Spiral Birb Tee/Swing Pipe/Outlet/Grate/Catch Basin	\$131.88
2M083909	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Round Grates/Opening Basin/PVC Plug/Drain Pipe Snap	\$125.03
2M084094	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Lawn Roller	\$203.23
					\$460.14

Vendor: Hough Beck & Baird Inc

Check Number: 48071

Invoice No	Check Date	Account Number	Account Name	Description	Amount
12667	6/19/2019	302 010 594 76 61 00	PM - Frontier Heights Capital	Frontier Heights Park Design May 2019	\$10,329.05
					\$10,329.05

Vendor: HRA VEBA Trust YA20192

Check Number: 48017

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 283 00 00 00	Payroll Liability Medical	Employee VEBA Contributions	\$743.24
					\$743.24

Vendor: HSA Bank

Check Number: 48018

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 284 00 00 00	Payroll Liability Other	Health Savings Account Employee Contributions	\$660.99
					\$660.99

Vendor: Hydrology Stand Up Paddle

Check Number: 48072

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061719 HSUP	6/19/2019	001 000 589 10 00 00	Refund of Deposits	Reimbursement 2018 Cleaning Deposit	\$300.00
					\$300.00

Vendor: International Code Council

Check Number: 48073

Invoice No	Check Date	Account Number	Account Name	Description	Amount
3232466	6/19/2019	001 007 559 30 49 01	PB-Staff Development	International Code Council Membership Dues	\$135.00
					\$135.00

Vendor: Iron Mountain Quarry LLC

Check Number: 48074

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0289311	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Rock	\$373.56
0289411	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Rock	\$494.89
0289730	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Rock	\$22.66
0289730	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Rock	\$22.66
					\$913.77

Vendor: Irwin

Check Number: 48075

Invoice No	Check Date	Account Number	Account Name	Description	Amount
071019 IRWIN	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meal BAC-SFST Burlington - Irwin	\$16.00
					\$16.00

Vendor: J Gardner & Associates

Check Number: 48076

Invoice No	Check Date	Account Number	Account Name	Description	Amount
10024	6/19/2019	001 008 521 30 31 00	LE-Community Outreach Supplies	Jr Police Stick on Badges	\$355.00
					\$355.00

Vendor: J Thayer Company Inc

Check Number: 48077

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1361840-0	6/19/2019	001 005 518 10 31 00	HR-Office Supplies	Index Dividers	\$8.80
1361840-0	6/19/2019	001 007 558 50 31 00	PL-Office Supplies	Colored Paper	\$37.53
1361840-0	6/19/2019	001 007 559 30 31 00	PB-Office Supplies	Folders/Colored Paper	\$130.71
1361840-0	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Magnetic Board/Erasers/Markers	\$48.24
1361840-0	6/19/2019	001 013 518 20 31 00	GG-Operating Costs	Paper Towels	\$22.88
1361840-0	6/19/2019	101 016 544 90 31 01	ST-Office Supplies	Magnetic Board/Erasers/Markers	\$48.24
1361840-0	6/19/2019	410 016 531 10 31 01	SW-Office Supplies	Magnetic Board/Erasers/Markers	\$48.24
1362416-0	6/19/2019	001 013 518 20 31 00	GG-Operating Costs	Toilet Paper	\$112.90
1362880-0	6/19/2019	001 013 518 20 31 00	GG-Operating Costs	Toilet Paper	\$65.39
1362995-0	6/19/2019	001 008 521 20 31 00	LE-Office Supplies	Markers/Duster/Eraser	\$50.52
C1362416-0	6/19/2019	001 013 518 20 31 00	GG-Operating Costs	Credit Toilet Paper	(\$112.90)
					\$460.55

Vendor: Jorgensen

Check Number: 48078

Invoice No	Check Date	Account Number	Account Name	Description	Amount
895	6/19/2019	510 006 518 80 49 32	LR - Permit Trax	Annual Maintenance PermitTrax	\$5,450.00
					\$5,450.00

Vendor: Lake Stevens Mini Mart

Check Number: 48079

Invoice No	Check Date	Account Number	Account Name	Description	Amount
060819 LSMM	6/19/2019	001 008 521 21 32 00	LE-Boating-Fuel	Boating Fuel	\$79.75
					\$79.75

Vendor: Lake Stevens Police Guild

Check Number: 48019

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 284 00 00 00	Payroll Liability Other	Employee Paid Union Dues	\$1,155.00
					\$1,155.00

Vendor: Lake Stevens Sewer District

Check Number: 48080

Invoice No	Check Date	Account Number	Account Name	Description	Amount
060119 LSSD	6/19/2019	001 008 521 50 47 00	LE-Facility Utilities	Sewer - N Lakeshore Dr	\$86.00
060119 LSSD	6/19/2019	001 008 521 50 47 00	LE-Facility Utilities	Sewer - Police Station	\$86.00
060119 LSSD	6/19/2019	001 010 576 80 47 00	PK-Utilities	Sewer - Boat Launch Restrooms	\$87.00
060119 LSSD	6/19/2019	001 010 576 80 47 00	PK-Utilities	Sewer - Lundeen Park	\$172.00
060119 LSSD	6/19/2019	001 012 572 20 47 00	CS-Library-Utilities	Sewer - Library	\$86.00
060119 LSSD	6/19/2019	001 013 518 20 47 00	GG-Utilities	Sewer - Permit Center	\$86.00
060119 LSSD	6/19/2019	001 013 518 20 47 00	GG-Utilities	Sewer - Vacant Houses 20th St SE	\$86.00
060119 LSSD	6/19/2019	001 013 518 20 47 02	GG - Utilities for Rentals	Sewer - 12202 Vernon Rd	\$860.00
060119 LSSD	6/19/2019	001 013 518 20 47 02	GG - Utilities for Rentals	Sewer - 12207 North Lane NE	\$86.00
					\$1,635.00

Vendor: Land Development Consultants Inc

Check Number: 48081

Invoice No	Check Date	Account Number	Account Name	Description	Amount
18666	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	North Cove Park Plaza Design	\$33,085.70
18687	6/19/2019	301 016 595 61 64 02	TIZ3 - S. Lake Stevens Rd	S Lake Stevens Rd Multi Use Path	\$5,429.44
					\$38,515.14

Vendor: Layton

Check Number: 48082

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1962	6/19/2019	001 010 576 80 41 00	PK-Professional Services	Arborist Services May 2019	\$2,120.16
					\$2,120.16

Vendor: LeBlanc

Check Number: 48083

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061819 LEBLANC	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meal Local Govt PRA Lynnwood - LeBlanc	\$20.00
					\$20.00

Vendor: Lemay Mobile Shredding

Check Number: 48084

Invoice No	Check Date	Account Number	Account Name	Description	Amount
4615067	6/19/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	Shredding Services PD May 2019	\$45.56
4615068	6/19/2019	001 013 518 20 41 00	GG-Professional Service	Shredding Services CH May 2019	\$4.93
4615234	6/19/2019	001 003 514 20 41 00	CC-Professional Services	Shredding File Rooms Reorganization/Destruction	\$71.40
					\$121.89

Vendor: LN Curtis & Sons

Check Number: 48085

Invoice No	Check Date	Account Number	Account Name	Description	Amount
INV285301	6/19/2019	001 008 521 20 31 02	LE-Minor Equipment	Long Sleeve/Short Sleeve Shirts - Anderson/Ubert	\$258.11
INV287118	6/19/2019	001 008 521 20 31 02	LE-Minor Equipment	Name Patch - Miner	\$37.50

Vendor: Miles Sand & Gravel

Check Number: 48086

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1715817	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Concrete	\$2,725.00
1716954	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Concrete	\$2,732.64
1717891	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Concrete	\$9,097.39
1719164	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Concrete	\$970.10

\$15,525.13

Vendor: MJ Neal Associates Architects PLLC

Check Number: 48087

Invoice No	Check Date	Account Number	Account Name	Description	Amount
060619 MN NEAL	6/19/2019	002 008 594 18 60 03	Police Dept Chapel Hill	LS Police Department Architectural/Engineering Services	\$14,635.00

\$14,635.00

Vendor: Monroe Correctional Complex

Check Number: 48088

Invoice No	Check Date	Account Number	Account Name	Description	Amount
MCC1905.1024	6/19/2019	101 016 542 30 48 00	ST-Repair & Maintenance	DOC Work Crew - May 2019	\$653.54
MCC1905.1024	6/19/2019	410 016 531 10 48 00	SW-Repairs & Maintenance	DOC Work Crew - May 2019	\$84.05

\$737.59

Vendor: Nationwide Retirement Solution

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 282 00 00 00	Payroll Liability Retirement	Employee Portion-Nationwide	\$3,986.67

\$3,986.67

Vendor: New York Life

Check Number: 48020

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	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
061019	6/17/2019	001 002 513 11 20 00	AD-Benefits	Life/Disability Ins Premiums	\$52.99
061019	6/17/2019	001 003 514 20 20 00	CC-Benefits	Life/Disability Ins Premiums	\$51.35
061019	6/17/2019	001 004 514 23 20 00	FI-Benefits	Life/Disability Ins Premiums	\$172.85
061019	6/17/2019	001 005 518 10 20 00	HR-Benefits	Life/Disability Ins Premiums	\$84.68
061019	6/17/2019	001 006 518 80 20 00	IT-Benefits	Life/Disability Ins Premiums	\$83.90
061019	6/17/2019	001 007 558 50 20 00	PL-Benefits	Life/Disability Ins Premiums	\$318.03
061019	6/17/2019	001 007 559 30 20 00	PB-Benefits	Life/Disability Ins Premiums	\$79.25
061019	6/17/2019	001 008 521 20 20 00	LE-Benefits	Life/Disability Ins Premiums	\$1,477.61
061019	6/17/2019	001 010 576 80 20 00	PK-Benefits	Life/Disability Ins Premiums	\$202.15
061019	6/17/2019	001 013 518 30 20 00	GG-Benefits	Life/Disability Ins Premiums	\$153.48

061019	6/17/2019	101 016 542 30 20 00	ST-Benefits	Life/Disability Ins Premiums	\$478.33
061019	6/17/2019	410 016 531 10 20 00	SW-Benefits	Life/Disability Ins Premiums	\$482.72
\$3,637.34					

Vendor: North River Concrete Pumping LLC

Check Number: 48089

Invoice No	Check Date	Account Number	Account Name	Description	Amount
7015	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Concrete	\$1,363.15
7064	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Concrete	\$734.01
\$2,097.16					

Vendor: O Reilly Auto Parts

Check Number: 48090

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2960-105618	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Credit Manifold Set/TBI Gasket PW5	(\$61.89)
2960-108778	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Elect Tape Shop Supply	\$11.06
2960-108805	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Oil Filter PW49	\$17.09
2960-112669	6/19/2019	001 008 521 50 30 02	LE-Fleet Minor Equipment	Tire Sh PD Fleet	\$7.62
2960-114791	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Floor Mats	\$25.06
2960-115860	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Work Lights PW1	\$68.34
2960-116121	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Breaker Bar	\$50.12
2960-117055	6/19/2019	001 008 521 50 30 02	LE-Fleet Minor Equipment	Mini Lamp Radar Trailer	\$2.65
2960-117533	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Wiper Fluid	\$9.98
2960-117533	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Wiper Fluid	\$9.98
2960-117533	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Wiper Fluid	\$9.99
\$150.00					

Vendor: Outcomes by Levy LLC

Check Number: 48091

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2019-05-LS	6/19/2019	001 013 511 70 40 00	Lobbying Services	Legislative/Regulatory Consulting May 2019	\$4,654.79
\$4,654.79					

Vendor: Pacific Rim Code Services Inc

Check Number: 48092

Invoice No	Check Date	Account Number	Account Name	Description	Amount
05-2019	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	Plan Review - Dental Clinic/Festival Pavilion	\$7,458.00
\$7,458.00					

Vendor: Pacific Rim Environmental Inc

Check Number: 48093

Invoice No	Check Date	Account Number	Account Name	Description	Amount
44734	6/19/2019	001 013 518 20 48 00	GG-Repair & Maintenance	Asbestos Testing 1806 Main	\$760.00
\$760.00					

Vendor: Perteet Inc

Check Number: 48094

Invoice No	Check Date	Account Number	Account Name	Description	Amount
20120176.001-48	6/19/2019	301 016 544 40 41 00	Street Op - P&D - 20th St SE	20th Street SE Phase II Segment 1 Design	\$3,584.80
20180104.002-1	6/19/2019	410 016 531 10 41 01	SW-Professional Services	Callow Road Drainage/Permitting Engineering Services	\$540.00
\$4,124.80					

Vendor: Petty Cash Account

Check Number: 48095

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061819 PETTY	6/19/2019	001 004 514 23 31 00	FI-Office Supplies	Purchase Check Stock	\$22.00
061819 PETTY	6/19/2019	001 004 514 23 43 00	FI-Travel & Meetings	SCCFOA - Training	\$20.00
061819 PETTY	6/19/2019	001 010 576 80 31 10	PK - Boat Launch Expenses	Boat Launch Parking Reimbursement	\$110.00
					\$152.00

Vendor: Pilchuck Equipment Rental and Sales

Check Number: 48096

Invoice No	Check Date	Account Number	Account Name	Description	Amount
82356	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Roller Rental Returned North Cove	\$1,601.68
82431	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Concrete Power Trowel Returned	\$76.51
					\$1,678.19

Vendor: Puget Sound Energy

Check Number: 48097

Invoice No	Check Date	Account Number	Account Name	Description	Amount
24316495 0619	6/19/2019	001 010 576 80 47 00	PK-Utilities	Natural Gas - City Shop	\$15.13
24316495 0619	6/19/2019	101 016 543 50 47 00	ST-Utilities	Natural Gas - City Shop	\$15.12
24316495 0619	6/19/2019	410 016 531 10 47 00	SW-Utilities	Natural Gas - City Shop	\$15.13
3723810 0619	6/19/2019	001 008 521 50 47 00	LE-Facility Utilities	Natural Gas - N Lakeshore Dr	\$73.96
					\$119.34

Vendor: Republic Services 197

Check Number: 48098

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0197-002452623	6/19/2019	001 013 518 20 47 02	GG - Utilities for Rentals	Dumpster Services 12202 N Lakeshore Dr	\$310.26
0197-002455669	6/19/2019	001 010 576 80 45 01	PK- Dumpster Service	Dumpster Services City Shop	\$449.91
0197-002455669	6/19/2019	101 016 542 30 45 01	ST-Dumpster Service	Dumpster Services City Shop	\$449.91
0197-002455669	6/19/2019	410 016 531 10 45 00	SW-Dumpster Service	Dumpster Services City Shop	\$449.91
0197-002457295	6/19/2019	001 013 518 20 45 01	GG-Dumpster Service	Dumpster Services City Hall	\$435.31
					\$2,095.30

Vendor: Rexel USA Inc

Check Number: 48099

Invoice No	Check Date	Account Number	Account Name	Description	Amount
V239219	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	PVC	\$51.24
V333052	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Electronic Ballast/Lampholder/Plug/GFI	\$180.92
V335497	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	GFCI	\$78.54
					\$310.70

Vendor: Robles

Check Number: 48100

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061819 ROBLES	6/19/2019	111 008 518 61 40 00	Drug Seizure - Settlement Agmt	Credit Drug Seizure Settlement Agreement Case 2018-13464	(\$100.00)
061819 ROBLES	6/19/2019	111 008 518 61 40 00	Drug Seizure - Settlement Agmt	Drug Seizure Settlement Agreement Case 2018-13464	\$18,098.00
					\$17,998.00

Vendor: San Diego Police Equipment Co Inc

Check Number: 48101

Invoice No	Check Date	Account Number	Account Name	Description	Amount
637746	6/19/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Ammo	\$10,621.05
					\$10,621.05

Vendor: Sherwin-Williams Co  
Check Number: 48102

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1624-7	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Spray Paint	\$157.70
					\$157.70

Vendor: Six Robblees Inc  
Check Number: 48103

Invoice No	Check Date	Account Number	Account Name	Description	Amount
14-385347	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Ratchet Tie Downs/Worklamp/Boot/Plugs/Socket	\$436.04
					\$436.04

Vendor: Smarsh Inc  
Check Number: 48104

Invoice No	Check Date	Account Number	Account Name	Description	Amount
INV00512168	6/19/2019	510 006 518 80 49 05	LR - Smarsh	Archiving Platform	\$654.00
					\$654.00

Vendor: Snohomish County 911  
Check Number: 48105

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1534	6/19/2019	001 008 528 00 41 00	LE - Snopac Dispatch	Dispatch Services	\$28,214.30
					\$28,214.30

Vendor: Snohomish County PUD  
Check Number: 48106

Invoice No	Check Date	Account Number	Account Name	Description	Amount
100390735	6/19/2019	001 010 576 80 47 00	PK-Utilities	222191314 20th St Ballfield Water	\$68.18
105135015	6/19/2019	001 010 576 80 47 00	PK-Utilities	200206019 Parks Electric	\$30.74
105135015	6/19/2019	001 010 576 80 47 00	PK-Utilities	200206019 Parks Water	\$66.33
105135015	6/19/2019	001 012 572 20 47 00	CS-Library-Utilities	200206019 Library Electric	\$327.00
105135015	6/19/2019	001 013 518 20 47 00	GG-Utilities	200206019 City Hall Admin Electric	\$102.70
105135015	6/19/2019	001 013 518 20 47 00	GG-Utilities	200206019 City Hall Electric	\$203.41
105135015	6/19/2019	001 013 518 20 47 00	GG-Utilities	200206019 City Hall Water	\$163.92
105135015	6/19/2019	001 013 518 20 47 00	GG-Utilities	200206019 Library Water	\$89.86
105135015	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	200206019 Street Lights	\$93.22
108447297	6/19/2019	001 012 575 50 47 00	CS-Community Center-Utilities	200860922 Community Center	\$58.18
115043087	6/19/2019	001 008 521 50 47 00	LE-Facility Utilities	200558690 Police N Lakeshore Dr Electric	\$81.77
115043087	6/19/2019	001 008 521 50 47 00	LE-Facility Utilities	200558690 Police N Lakeshore Dr Water	\$20.37
115043087	6/19/2019	001 013 518 20 47 02	GG - Utilities for Rentals	200558690 12202 N Lakeshore Dr Apt 3 Electric	\$13.48
115043087	6/19/2019	001 013 518 20 47 02	GG - Utilities for Rentals	200558690 12202 N Lakeshore Dr Apt 8 Electric	\$13.48
115043087	6/19/2019	001 013 518 20 47 02	GG - Utilities for Rentals	200558690 12202 N Lakeshore Dr Water/Electric	\$280.56
115044845	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	201595113 Street Lights	\$147.40
115047871	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	200363505 Traffic Signal	\$66.76
118365796	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	201973682 Street Lights	\$47.38
121677779	6/19/2019	001 010 576 80 47 00	PK-Utilities	201487055 2424 Soper Hill Rd Mobile Electric	\$24.07
121677779	6/19/2019	001 010 576 80 47 00	PK-Utilities	201487055 2424 Soper Hill Rd Mobile Water	\$39.24
124995638	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202988481 Street Lights	\$166.19
124998077	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202624367 Street Lights	\$12,170.85
124998078	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202648101 Street Lights Soper Hill Annex	\$1,440.83
124998488	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	201860178 Traffic Signal 9101 Market Pl	\$128.98
131589053	6/19/2019	001 010 576 80 47 00	PK-Utilities	222205049 Nourse Park Electric	\$19.49

134892043	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	204719074 Catherine Creek Bridge Lights	\$22.90
134893556	6/19/2019	001 012 575 30 47 00	CS-Historical-Utilities	202289237 Museum	\$43.58
134893556	6/19/2019	001 012 575 51 47 00	CS-Grimm House Utilities	202289237 Grimm House	\$43.59
138102668	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202670725 Street Lights	\$1,217.97
138105106	6/19/2019	001 010 576 80 47 00	PK-Utilities	222191298 North Cove Park Water	\$57.55
141414458	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202648705 Street Lights	\$45.22
151337857	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203731153 Traffic Signals	\$133.99
160972737	6/19/2019	001 010 576 80 47 00	PK-Utilities	221860174 Frontier Circle Park Electric	\$27.59
167428840	6/19/2019	101 016 542 63 47 00	ST-Lighting - Utilities	205338056 SR92 Roundabout at113th	\$41.38
					\$17,498.16

Vendor: Snohomish County PW S

Check Number: 48107

Invoice No	Check Date	Account Number	Account Name	Description	Amount
I000499996	6/19/2019	410 016 531 10 41 07	SW - Billing Fees	ILA Billing - Surface Water Mgmt	\$42,979.20
					\$42,979.20

Vendor: Snohomish County Sheriffs Office

Check Number: 48108

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2019-5125	6/19/2019	001 008 523 60 41 00	LE - Jail	Jail Services April 2019	\$32,337.80
2019-5143	6/19/2019	001 008 523 60 41 00	LE - Jail	Jail Services Medical April 2019	\$415.12
					\$32,752.92

Vendor: Sound Publishing Inc

Check Number: 48109

Invoice No	Check Date	Account Number	Account Name	Description	Amount
EDH857809	6/19/2019	001 007 558 50 41 03	PL-Advertising	PH Fence/Retaining Walls/Hedge Regulations	\$97.26
EDH857895	6/19/2019	001 007 558 50 41 03	PL-Advertising	LUA2018-0151 Street & Sidewalk Regulations	\$90.02
EDH857973	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	LUA2019-0092 Woodlands Crossing	\$84.83
EDH858268	6/19/2019	001 013 518 30 41 01	GG-Advertising	CC Meeting Change	\$39.58
EDH858401	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	LUA2019-0085 Appl & SEPA Comment Period	\$115.60
EDH859195	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	LUA2018-0179 Geottler Preliminary Short Plat	\$104.74
EDH859507	6/19/2019	001 013 518 30 41 01	GG-Advertising	CC Special Meeting	\$35.96
EDH859766	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	LUA2019-0080/0081/0082 Costco	\$165.15
EDH859771	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	LUA2019-0084 Toll Estates Preliminary Plat Application	\$88.45
EDH859773	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	LUA2019-0090 Pediatric Dental Clinic Design Review	\$88.45
EDH860011	6/19/2019	001 007 558 50 41 04	Permit Related Professional Sr	Notice of Planned Action Costco	\$110.17
					\$1,020.21

Vendor: Sound Publishing Inc

Check Number: 48110

Invoice No	Check Date	Account Number	Account Name	Description	Amount
7900689	6/19/2019	101 016 542 30 41 01	ST-Advertising	Crew Worker Job Advertisment	\$473.00
7918910	6/19/2019	001 006 518 80 49 00	IT-Miscellaneous	IT Support Specialist Job Advertisment	\$493.00
					\$966.00

Vendor: Sound Security Inc

Check Number: 48111

Invoice No	Check Date	Account Number	Account Name	Description	Amount
932267	6/19/2019	001 013 518 20 41 00	GG-Professional Service	Fire & Security Monitoring CH June 2019	\$571.04
					\$571.04

Vendor: Springbrook Nursery  
Check Number: 48112

Invoice No	Check Date	Account Number	Account Name	Description	Amount
277208	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	Topsoil	\$17.78
					\$17.78

Vendor: Starkenburg  
Check Number: 48113

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061819 STARKENB	6/19/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meal Local Govt PRA Lynnwood - Starkenburg	\$20.00
					\$20.00

Vendor: Stellar Event Rentals  
Check Number: 48114

Invoice No	Check Date	Account Number	Account Name	Description	Amount
4737-4	6/19/2019	001 007 571 00 30 00	PL-Park & Recreation	Tent Rental for Music by the Lake	\$1,114.48
					\$1,114.48

Vendor: Stericycle Inc  
Check Number: 48115

Invoice No	Check Date	Account Number	Account Name	Description	Amount
3004708169	6/19/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	Hazardous Waste Disposal	\$10.36
					\$10.36

Vendor: Stevens  
Check Number: 48116

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061219 STEVENS B	6/19/2019	001 004 514 23 43 00	FI-Travel & Meetings	Travel/Lodging Springbrook Conf Portland - Stevens B	\$429.30
					\$429.30

Vendor: Strom Holdings LLC  
Check Number: 48117

Invoice No	Check Date	Account Number	Account Name	Description	Amount
070219 STROM	6/19/2019	001 007 571 00 30 00	PL-Park & Recreation	Music by the Lake 07/02/2019 - Sound Engineer	\$1,000.00
					\$1,000.00

Vendor: Tacoma Screw Products Inc  
Check Number: 48118

Invoice No	Check Date	Account Number	Account Name	Description	Amount
18242077	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	Cable Ties/Cap Screws/Washers/Cooler/Hitch Pins	\$116.08
18242077	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Cable Ties/Cap Screws/Washers/Cooler/Hitch Pins	\$116.08
18242078	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Cycle Engine Oil Pack	\$166.41
18242079	6/19/2019	101 016 544 90 31 02	ST-Operating Cost	United Rotary Brush Box	\$299.25
18242079	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	United Rotary Brush Box	\$299.25
18242765	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Gatorline Spool	\$120.85
					\$1,117.92

Vendor: Teamsters Local No 763  
Check Number: 48021

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 284 00 00 00	Payroll Liability Other	Union Dues	\$1,004.00
					\$1,004.00

Vendor: Technological Services Inc

Check Number: 48119

Invoice No	Check Date	Account Number	Account Name	Description	Amount
12783	6/19/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Express Lub/Brake Inspect/Door Inspect PT-16-65	\$2,038.12
12912	6/19/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Express Lube/Oil/Filter/Tire Rotation I-17-73	\$87.73
13005	6/19/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Tire Repair/Balance Service PT-16-60	\$38.38
					\$2,164.23

Vendor: The Riley Group Inc

Check Number: 48120

Invoice No	Check Date	Account Number	Account Name	Description	Amount
17624	6/19/2019	002 008 594 18 60 03	Police Dept Chapel Hill	2019-093 Police Station Phase I ESA	\$2,250.00
					\$2,250.00

Vendor: The S Morris Co

Check Number: 48121

Invoice No	Check Date	Account Number	Account Name	Description	Amount
WA70314-I-0006	6/19/2019	001 008 521 20 41 00	LE-Professional Services	Animal Cremation Services May 2019	\$77.33
					\$77.33

Vendor: Thomco Aggregate LLC

Check Number: 48122

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1882	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Sidewalk Removal	\$26.95
2001	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Sidewalk Removal	\$766.03
					\$792.98

Vendor: ULINE

Check Number: 48123

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1109023673	6/19/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Drawstring Bags	\$178.29
					\$178.29

Vendor: UPS

Check Number: 48124

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0000074Y42229	6/19/2019	001 008 521 20 42 00	LE-Communication	Evidence Shipping	\$25.52
					\$25.52

Vendor: Upstate Engineering

Check Number: 48125

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1021-2	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Festival/Pavillion Engineering North Cove	\$1,995.00
1021-3	6/19/2019	305 010 594 76 60 00	North Cove Park Cap-Local	Festival/Pavillion Engineering North Cove	\$7,490.00
					\$9,485.00

Vendor: Vantagepoint Transfer Agents - 108991

Check Number: 48022

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 282 00 00 00	Payroll Liability Retirement	ICMA Deferred Comp - Employer Contribution	\$363.39
					\$363.39

Vendor: Vantagepoint Transfer Agents - 307428

Check Number: 48023

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 282 00 00 00	Payroll Liability Retirement	ICMA Deferred Comp - Employee Contribution	\$1,880.02
					\$1,880.02

Vendor: Verizon Northwest

Check Number: 48126

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9830738019	6/19/2019	001 008 521 20 42 00	LE-Communication	Wireless Phone Service PD	\$2,719.81
9831227696	6/19/2019	001 001 511 60 42 00	Legislative - Communication	Wireless Phone Service Council	\$329.35
9831227696	6/19/2019	001 001 513 10 42 00	Executive - Communication	Wireless Phone Service Executive	\$44.64
9831227696	6/19/2019	001 002 513 11 42 00	AD-Communications	Wireless Phone Service Admin	\$44.64
9831227696	6/19/2019	001 004 514 23 42 00	FI-Communications	Wireless Phone Service Finance	\$44.64
9831227696	6/19/2019	001 005 518 10 42 00	HR-Communications	Wireless Phone Service HR	\$89.28
9831227696	6/19/2019	001 006 518 80 42 00	IT-Communications	Wireless Phone Service IT	\$94.28
9831227696	6/19/2019	001 007 558 50 42 00	PL-Communication	Wireless Phone Service Planning	\$33.92
9831227696	6/19/2019	001 007 559 30 42 00	PB-Communication	Wireless Phone Service Building	\$149.32
9831227696	6/19/2019	001 010 576 80 42 00	PK-Communication	Wireless Phone Service PW	\$382.56
9831227696	6/19/2019	101 016 543 30 42 00	ST-Communications	Wireless Phone Service PW	\$382.57
9831227696	6/19/2019	410 016 531 10 42 00	SW-Communications	Wireless Phone Service PW	\$382.57
					\$4,697.58

Vendor: WABO

Check Number: 48127

Invoice No	Check Date	Account Number	Account Name	Description	Amount
37645	6/19/2019	001 007 559 30 41 01	PB-Advertising	Building Official Job Advertisment	\$50.00
					\$50.00

Vendor: Washington Assoc of Sheriffs and Police Chiefs

Check Number: 48128

Invoice No	Check Date	Account Number	Account Name	Description	Amount
DUES 2019-00483	6/19/2019	001 008 521 20 49 00	LE-Dues & Memberships	2019 WASPC Associate Dues - Ubert	\$75.00
INV028912	6/19/2019	001 008 521 40 49 01	LE-Registration Fees	Registration WASPC Spring Expo - Dyer/Brooks/Beazizo	\$1,000.00
					\$1,075.00

Vendor: Washington State Criminal Justice

Check Number: 48129

Invoice No	Check Date	Account Number	Account Name	Description	Amount
201132674	6/19/2019	001 008 521 40 49 01	LE-Registration Fees	Registration - DT Mater Instructor Recert - Holland	\$250.00
201132718	6/19/2019	001 008 521 40 49 01	LE-Registration Fees	Registration - Interviewing Techniques - Jewell/Rutherford	\$150.00
					\$400.00

Vendor: Washington State Dept of Enterprise Svcs

Check Number: 48130

Invoice No	Check Date	Account Number	Account Name	Description	Amount
73188686	6/19/2019	001 008 521 20 31 00	LE-Office Supplies	Business Cards - LeBlanc/Wells/McGuinn/Anderson J	\$163.50
					\$163.50

Vendor: Washington State Patrol

Check Number: 48131

Invoice No	Check Date	Account Number	Account Name	Description	Amount
119008176	6/19/2019	633 000 589 30 00 10	Gun Permit - WSP Remittance	Weapons Permit Background Checks May 2019	\$530.00
					\$530.00

Vendor: Washington State Support Registry

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 284 00 00 00	Payroll Liability Other	Employee Paid Child Support	\$163.50
					\$163.50

Vendor: Washington Tractor Inc

Check Number: 48132

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1829648	6/19/2019	309 016 595 61 63 01	Sidewalk Construction	Generator for Concrete Truck	\$3,385.04
1853841	6/19/2019	001 010 576 80 31 00	PK-Operating Costs	PW Gas	\$1,400.82
1856660	6/19/2019	410 016 531 10 31 02	SW-Operating Costs	Belts/Blades/Switches/Mulch Blade	\$448.60
					\$5,234.46

Vendor: Weed Graafstra & Associates Inc

Check Number: 48133

Invoice No	Check Date	Account Number	Account Name	Description	Amount
060319 WGA	6/19/2019	001 011 515 41 41 00	Ext Consultation - City Atty	Legal Services - General Matters	\$3,315.00
060319 WGA	6/19/2019	001 011 515 45 41 00	Ext Litigation - City Atty	Legal Services - General Matters	\$10,686.25
060319 WGA	6/19/2019	301 016 544 40 41 00	Street Op - P&D - 20th St SE	Legal Services - 20th Street Acquisitions	\$75.00
					\$14,076.25

Vendor: Western Conference of Teamsters Pension Trust

Check Number: 48024

Invoice No	Check Date	Account Number	Account Name	Description	Amount
061019	6/17/2019	001 000 282 00 00 00	Payroll Liability Retirement	Employee Contributions - Teamster Pension	\$2,938.02
					\$2,938.02

Vendor: Wynne and Sons Inc

Check Number: 48134

Invoice No	Check Date	Account Number	Account Name	Description	Amount
60423	6/19/2019	001 007 571 00 30 00	PL-Park & Recreation	Laminated Yoga by the Lake Posters	\$194.57
					\$194.57



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

Tuesday, June 11, 2019

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 Petershagen

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

**ELECTED OFFICIALS ABSENT:** Mayor John Spencer, Councilmembers Brett Gailey and Marcus Tageant

**STAFF MEMBERS PRESENT:** City Administrator Gene Brazel, Finance Director Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Capital Projects Coordinator Aaron Halverson, Police Chief John Dyer, Human Resources Director Teri Smith, Human Resources/Executive Assistant Julie Good, Deputy City Clerk Adri Crim, City Attorney Greg Rubstello

**OTHERS:** None

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**Pledge of Allegiance:** Mayor Pro Tem Petershagen led the pledge of allegiance.

**Roll Call:** Moved by Councilmember Hilt, seconded by Councilmember McDaniel, to excuse Councilmembers Gailey and Tageant from the meeting. On vote the motion carried (5-0-0-2).

Mayor Pro Tem Petershagen noted the Mayor is also absent as he is out of town.

**Approval of Agenda:** Mayor Pro Tem Petershagen removed the New Employee Introductions for the Public Works Crew Leaders and stated they will be introduced at the June 25<sup>th</sup> Council Meeting.

**MOTION:** Moved by Councilmember Hilt, seconded by Councilmember Welch, to approve the agenda with the noted change. On vote the motion carried (5-0-0-2).

**Citizen Comments:** None.

**New Employee Introductions:** Police Chief Dyer said the new Canine officer, Cia, will be introduced at the June 25, 2019 Council Meeting.

**Council Business:**

- Councilmember Daughtry: Community Transit Board; Halloween planning meeting, Aquafest
- Councilmember Hilt: Veterans Commission; Community Day for Veterans
- Councilmember Welch: Health and Safety Fair; Torch Run Special Olympics

- Councilmember Petershagen updated that concerns related to the Marysville ILA regarding Soper Hill are being addressed and requested Council consensus to add this ILA to the Agenda for June 25, 2019. There was consensus to add the Marysville ILA to the June 25, 2019 agenda.

**City Department Report:**

- City Administrator Gene Brazel: UTV Ride has been postponed. Need volunteers to be on the interview panel for the Arts and Veterans Commissions interviews; Councilmember Welch volunteered with Councilmembers Hilt and Daughtry as alternates.
- Community Development Director Russ Wright: Proposals for Marketing; Trail Master Plan
- Public Works Director Eric Durpos: Thermal Plastic update, WSDOT Funding
- Police Chief John Dyer: Health and Safety Fair; Special Olympics; Interviews for new Police Administrative Assistant; armed robbery over the weekend; update on new Police Department building design.
- Finance Director Barb Stevens: Updating budget, budget amendment.

**Consent Agenda:**

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember McDaniel, to approve (A) 2019 Vouchers [Payroll Direct Deposits of \$219,214.94, Payroll Check Nos. 47889-47892 totaling \$3,727.17, Electronic Funds Transfers (ACH) of \$143,406.13, Claims Check Nos. 47893-48014 totaling \$1,325,011.79, Total Vouchers Approved: \$1,691,360.03], (B) City Council Regular Meeting Minutes of May 14, 2019, (C) City Council Special Meeting Minutes of May 21, 2019, (D) City Council Workshop Meeting Minutes of June 4, 2019 (E) City Council Special Meeting Minutes of June 4, 2019, (F) Civil Service Commission: Reappointment of Ray Mitchell, (G) Ordinance 1058 Amending LSCM 9 to Add a New Section 9.80 Camping, (H) Real Estate Purchase and Sale Agreement re Powerline Property. On vote the motion carried (5-0-0-2).

**Action Items:**

**Ordinance No 1057 Approving Amendments to the Shoreline Master Program:** Community Development Director Wright presented the staff report and explained there were joint meetings with the Department of Ecology to review the draft Shoreline Master Program (SMP) amendments for initial adequacy. He then explained some of the changes that were made to the document. He mentioned staff reviewed the dock restrictions and created some flexibilities within them to make it a little easier when remodeling a dock and bringing it up to standards. He said based on the Planning Commission's recommendations and public support, staff is recommending passing Ordinance 1057 adopting the 2019 Shoreline Master Program. He then responded to questions from Council.

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Hilt, to adopt Ordinance No 1057 Adopting the 2019 Shoreline Master Program Periodic Review Update Amendments. On vote the motion carried (5-0-0-2).

**2019 Pavement Overlay Bid Award and Contract:** Public Works Director Durpos presented the staff report, noting this year's overlay project includes a grind and overlay of 91<sup>st</sup> Avenue SE from north of 15<sup>th</sup> Place SE to just south of 8<sup>th</sup> Street SE, near Lake Stevens Middle School and Skyline Elementary School. The lowest bidder was Lakeside Industries, Inc. from Monroe at

\$172,393.40. The engineer's estimate for this project was \$233,000. He explained to reduce the impacts to local traffic, the contracting schedule is to occur during the summer months when school is out. Work is expected to be completed by the end of August. Director Durpos then responded to Councilmembers' questions.

**MOTION:** Moved by Councilmember Welch, seconded by Councilmember Hilt, to award the 2019 Pavement Overlay Project to Lakeside Industries, Inc. in the amount of \$172,393.40 with an authorized administrative contingency of \$50,000 for a total amount of \$222,393.40. On vote the motion carried (5-0-0-2).

**Resolution 2019-11 Declaring Portions of Real Property Commonly Known as the**

**Ridgeline Property Surplus:** Director Wright presented the staff report and reviewed the city acquired the Ridgeline property through a property trade in May 2017 and that it contains two parcels totaling approximately 13.33 acres (580,655 sq. feet). Under Resolution 2019-11 the city would surplus portions of these properties for commercial uses, minus the areas retained for right-of-way purposes for the construction of 91<sup>st</sup> Avenue and 24<sup>th</sup> Street SE and critical areas protection. Director Wright then responded to questions from Council.

**MOTION:** Moved by Councilmember Hilt, seconded by Councilmember Daughtry, to approve Resolution 2019-11 authorizing the City Council to surplus portions of real property along the 20<sup>th</sup> Street SE Corridor commonly known as the Ridgeline Property and Authorizing the Mayor or Designee to convey or sell real property pursuant to Chapter 2.98 LSMC. On vote the motion carried (5-0-0-2).

**North Cove Park Pavilion/Main Street Bid Award:** Administrator Brazel, Director Wright, Director Durpos, and Capital Projects Coordinator Aaron Halverson presented the staff report. Director Wright reviewed the history and scope of this project, and Director Durpos said that bids reviewed last week. Staff was able to work together to bring a proposal forward for Council approval after reviewing the various elements of the bid proposals. Coordinator Halverson commented this is a huge project and reminded that the conceptual design was first presented to Council at their last retreat. He referenced the updated staff report that was just handed out and reviewed the elements of the project and their associated costs. He then reviewed where the funding will come from for each project element, including ending fund balances. Director Durpos highlighted the expenditures to date are reflected in the total project cost. He added some of the work at Frontier Park will be delayed until next year in order to move forward with this project.

Coordinator Halverson reviewed the components of the project including consists of construction of a 5,500 square foot public building which includes a meeting room, and about 25,000 square feet of paved plaza. He commented it is a very robust design and facility. Staff then responded to Councilmembers' questions.

Councilmember McDaniels said this is big project that costs a lot of money and she wants to ensure there are precautions in place to avoid cost overruns. Administrator Brazel said there are controls in place and the City is going to stick to the specifications as closely as possible. He added staff will keep Council updated on the progress of the project throughout.

Coordinator Halverson and Directors Wright and Durpos responded to Councilmember Petershagen's questions on the details of the North Plaza and the Main Street improvements, and if there are limitations placed on how the \$3 million grant from the State is utilized. Director

Wright said staff will bring back specific estimates on the cost of furnishing the building and for the audio/visual equipment later this year.

**MOTION:** Moved by Councilmember Daughtry, seconded by Councilmember Hilt, to authorize the Mayor to execute a public works contract with Colacurcio Brothers, Inc. of Blaine, WA in the amount of \$4,140,168.50 to construct the North Cove Park Plaza and Pavilion Project. On vote the motion carried (5-0-0-2).

**Adjourn:**

Moved by Councilmember Hilt, seconded by Welch, to adjourn the meeting at 7:45 p.m. On vote the motion carried (5-0-0-2).

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John Spencer, Mayor

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Kathy Pugh, City Clerk

DRAFT

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

Tuesday, June 18, 2019  
Lake Stevens Fire Station 82 Conference Room  
9811 Chapel Hill Road, Lake Stevens

**CALL TO ORDER:** 7:00 p.m. by Council President Gary Petershagen

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

**ELECTED OFFICIALS ABSENT:** Mayor John Spencer, Councilmembers Kurt Hilt and Brett Gailey

**STAFF MEMBERS PRESENT:** City Administrator Gene Brazel, Finance Director Barb Stevens, Community Development Director Russ Wright, Human Resources Director Teri Smith, City Clerk Kathy Pugh

**OTHERS:**

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Council President Petershagen called the meeting to order at 7:00 p.m.

**Fence Code Update:** Community Development Director Wright reviewed the Planning Commission recommendations following a public hearing. He commented there are a lot of code compliance issues with fences due to how long the current regulations have been in place. Some of the goals in amending the code are to ensure privacy and security while at the same time protecting pedestrian safety, simplifying the regulations and locating the fence regulations in one place. Director Wright reviewed the various identified concerns of property owners and the Planning Commission's recommended changes including fence heights and fence design. Proposed fences over seven feet would require a permit. Director Wright then responded to Councilmembers' questions.

Turning to tall walls being created as part of new development and impacting lot size, Director Wright reviewed the Planning Commission recommendations for walls in setbacks, side yards and on back property lines. The recommendations include that there should be no impairment to the sight view for safety purposes. Director Wright reviewed some of the recommendations for walls including terracing, landscaping and height. Director Wright responded to Councilmembers' questions and discussion ensued regarding wall height and how the impact of walls can be softened. Following discussion there was consensus to remove the height limit and provide that walls over twelve feet in height will meet engineering standards.

**SE Island Annexation Referendum Petition:** Director Wright updated that a referendum petition was received following approval of the SE Island Annexation. The petition was validated by Snohomish County Elections. Director Wright reviewed the process and requested direction as to how Council wishes to proceed. There was consensus to take the necessary steps to place the SE Island Annexation on the November 12<sup>th</sup> ballot.

**Critical Areas and Buildable Lands:** Director Wright reminded of the previous critical areas briefings and reviewed the buildable lands status including both commercial and residential

capacities. Director Wright noted the city is meeting its growth targets and may exceed those targets. He commented the Buildable Lands report does show a deficit for jobs, based on the consultant's methodology; this will change as the city moves into the formal buildable lands study being conducted by Snohomish County. He next reviewed how the new critical areas regulations are impacted by the buildable lands. Discussion ensued regarding buildable lands, critical areas and capacity for growth, and Director Wright then reviewed the next steps for moving forward.

**Joint Federal Lobbying Services with Monroe:** City Administrator Brazel reminded this was previously discussed and added there has been a lot of discussion with Monroe, Sultan and Gold Bar to jointly lobby for federal funding to improve U.S. 2 from the Trestle all the way to the end of Gold Bar; Monroe is interested in teaming with Lake Stevens. Administrator Brazel said the city's lobbyist, Doug Levy, assisted in lobbying for federal funds last year and is interested in assisting again this year; this is a cost-efficient approach, versus retaining a federal lobbyist as was done previously. As far as a joint lobbying effort with Monroe and other cities Mr. Levy does not want to commit to that unless it is very similar to what he did for Lake Stevens last year. Administrator Brazel said that if the Council wants to join with Monroe and other cities, this would provide a substantial group providing one voice supporting improvements to the U.S. 2 corridor. Discussion ensued and Council supported inviting additional cities to join with Lake Stevens and utilize Mr. Levy's services to guide the lobbying efforts in Washington, D.C.

There being no further business the meeting was adjourned at 7:50 p.m.

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John Spencer, Mayor

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Kathy Pugh, City Clerk



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** June 25, 2019

**Subject:** Soper Hill Road ILA

<b>Contact</b>	Gene Brazel, City Administrator	<b>Budget Impact:</b> N/A
<b>Person/Department:</b>	Russ Wright, Community Dev. Director	

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Approve the Interlocal Agreement between the City of Marysville and the City of Lake Stevens Regarding Improvements to Soper Hill Road and Authorize the Mayor to Approve Nonsubstantive Administrative Changes as Appropriate.

**SUMMARY/BACKGROUND:** The cities of Lake Stevens and Marysville have been coordinating an Interlocal Agreement (ILA) (Attachment 1) that would allow Marysville to improve two intersections (83<sup>rd</sup> Ave NE and 87 Ave NE) onto Soper Hill Road. The project has resulted from new and future development projects in Marysville seeking access to Soper Hill Road in Lake Stevens and adjacent development in Lake Stevens east of SR-9. The ILA addresses several main points:

1. Basic requirements of the ILA that would establish parameters and designees;
2. Effective date, which would follow execution by each Council;
3. Description of projects at 83rd Ave NE and 87 Ave NE along with frontage and capacity improvements along Soper Hill Road;
4. Responsibilities of each jurisdiction and private developers;
5. Design, construction, maintenance and access; and
6. Indemnification, insurance requirement, dispute resolution, duration, etc.

The ILA addresses the final concerns noted by the Lake Stevens City Council. The Mayors and City Administrators and both cities' attorneys have reviewed and approve the proposed agreement.

Staff is requesting that Council authorize the Mayor to sign the ILA.

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**APPLICABLE CITY POLICIES:**

**Lake Stevens Engineering, Design and Development Standards**

**Interlocal Cooperation Act, Chapter 39.34 RCW**

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**BUDGET IMPACT:** No immediate budget impacts have been addressed, however Improvements will be paid by development fees collected by Marysville and Marysville and Lake Stevens will pursue grant opportunities.

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**ATTACHMENTS:**

- Exhibit A: Interlocal Agreement

## **INTERLOCAL AGREEMENT BETWEEN THE CITY OF MARYSVILLE AND THE CITY OF LAKE STEVENS REGARDING IMPROVEMENTS TO SOPER HILL ROAD**

This Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, and is entered into by and between the City of Marysville, a municipal corporation under the laws of the state of Washington, (“Marysville”) and the City of Lake Stevens, a municipal corporation under the laws of the state of Washington (“Lake Stevens”), collectively referred to as the “parties.”

Whereas, the jurisdictional boundaries of Marysville and Lake Stevens meet along the northern boundary of the Soper Hill Road right-of-way, with the whole of Soper Hill Road, from the 8000 block east to State Route 9, being located within the jurisdictional boundaries of Lake Stevens; and

Whereas, future development in the Soper Hill Road area, largely within Marysville, and resulting traffic impacts may cause several Soper Hill Road intersections to fall below adequate levels of service for the cities of Marysville and Lake Stevens; and

Whereas, Marysville and Lake Stevens agree that future growth within Marysville will necessitate traffic control improvements at specific intersections and associated frontage improvements within Lake Stevens to maintain adequate levels of service and wish to define general standards for the Soper Hill Road corridor and the manner in which those improvements will be designed and constructed; and

Whereas, Marysville and Lake Stevens have the authority to enter into this Agreement pursuant to and in accordance with the State Interlocal Cooperation Act, Chapter 39.34 RCW;

Now, therefore, in consideration of the mutual promises herein, the parties agree that:

### **1. Requirements of the Interlocal Cooperation Act.**

- a. Purpose of Agreement. This Agreement is authorized by and entered into pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW. The purpose and intent of this Agreement is for Marysville and Lake Stevens to work together effectively and efficiently to accomplish the “Soper Hill Projects,” as defined in Section 3 of this Agreement. This Agreement establishes the responsibilities of Marysville and Lake Stevens for the planning, design, and construction of the Soper Hill Projects, which includes intersection and frontage improvements. Lake Stevens will cooperate with Marysville and Marysville will cooperate with Lake Stevens to the extent reasonably necessary to accomplish the Soper Hill Projects.

- b. No Separate Entity. The parties agree that no separate legal or administrative entities are necessary to carry out this Agreement.
- c. Ownership of Property. Except as expressly provided to the contrary in this Agreement, any real or personal property used or acquired by either party in connection with its performance under this Agreement will remain the sole property of such party and the other party shall have no interest therein.
- d. Administrators. Each party to this Agreement shall designate an individual (an "Administrator"), who may be designated by title or position, to oversee and administer such party's participation in this Agreement. The parties' initial Administrators shall be the following individuals:

Marysville's Initial Administrator:

Chief Administrative Officer  
Gloria Hirashima  
1049 State Avenue  
Marysville, WA 98270

Lake Steven's Initial Administrator

City Administrator  
Gene Brazel  
1812 Main St.  
P.O. Box 257  
Lake Stevens, WA 98258

Either party may change its Administrator at any time by delivering written notice of such party's new Administrator to the other party.

- 2. **Effective Date**. This Agreement shall take effect upon being authorized for execution by the City Council of each party, fully executed by the mayor for each party, and being (a) filed with the Snohomish County Auditor or (b) being posted on either Marysville's or Lake Stevens' city website.
- 3. **Soper Hill Projects**. Soper Hill Road is an important east-west minor arterial forming a portion of the jurisdictional boundary between Marysville and Lake Stevens. Continued development in the area will necessitate improvements to the Soper Hill Road corridor.
  - a. Road Segments. The parties agree to the following conceptual layouts for the identified road segments, all as represented in the attached Exhibit A:
    - i. Soper Hill Road Between 83rd Avenue NE and 87th Avenue NE – Phase 1. Two eleven-foot wide travel lanes and a twelve-foot wide center turn lane, twelve-foot shared used path north side and a road buffer accommodating variable width planters. The meandering pedestrian path on the southern frontage is to be maintained and integrated into the new road section.

- ii. Soper Hill Road Between 87th Avenue NE and Highway 9. Five eleven-foot travel lanes (two westbound and three eastbound) at Highway 9 tapering to three eleven-foot travel lanes (two westbound and one eastbound) at 87th Avenue NE. On the north side, a twelve-foot shared use path and variable width planters. The meandering pedestrian path on the southern frontage is to be maintained and integrated into the new road section.
- iii. Soper Hill Road West of 83rd Avenue NE to City Limits. Two eleven-foot wide travel lanes, five-foot wide bike lanes, five-foot wide planters, and five-foot wide sidewalks along both frontages.

b. Traffic Control at 83rd Avenue NE and 87th Avenue NE. Two roadway traffic control improvement projects including the installation of two mini-roundabouts and associated improvements including curb and gutter, sidewalks, and drainage improvements at the intersections of 83rd Avenue NE and Soper Hill Road (the “83rd Project”) and 87th Avenue NE and Soper Hill Road (along with frontage improvements between 87<sup>th</sup> Avenue NE and SR-9 that will be triggered and constructed by a developer as contemplated by this Agreement) (the “87th Project”).

- i. Collectively, the 83rd Project and 87th Project constitute the “Soper Hill Projects.” As more fully detailed below and as shown in Exhibit A, the parties intend that the Soper Hill Projects will be substantially similar in their design and that Marysville will design and construct the 83rd Project and that a developer will design and construct the 87th Project, with Marysville having the option at its discretion to instead design and/or construct the 87<sup>th</sup> Project in lieu of a developer.
- ii. Lake Stevens will be the permitting agency and the lead agency for SEPA purposes on the Soper Hill Projects, within Lake Stevens’ jurisdictional boundaries. Notwithstanding anything written herein, the City of Lake Stevens permitting and SEPA authority over Soper Road shall not be diminished or impaired by this Agreement.

c. Marysville’s Responsibilities for the 83rd Project. With regard to the 83rd Project, Marysville, by and through its officials, officers, employees, and agents, agrees to:

- i. Obtain Permits. Marysville is responsible for obtaining all required permits from Lake Stevens, including but not limited to construction plan approval, grading permit approval, environmental review, including issuance of a SEPA threshold determination, and right-of-way permit approval. The 83rd Project will be designed consistent with Lake Stevens’ ordinances and Engineering Design and Development Standards and to the greatest extent practicable the small roundabout design treatments contained on page 18 of Lake Stevens’ Beautification Plan (attached

hereto as Exhibit B), and consistent with the design and construction of the 87th Project. Marysville will comply with all applicable laws, rules, and regulations associated with said application and issuance of required permits and defense of all permitting decisions and any appeal thereof.

- ii. Grant of Access. Marysville will obtain permission and written right-of-entry on, over, under, above, and through private property if, in the reasonable judgment of Marysville's Engineer, access is necessary for designing or constructing the 83rd Project. Lake Stevens will reasonably assist Marysville to obtain permission and right-of-entry on, over, under, above, and through private property located within the jurisdictional boundaries of Lake Stevens as may be necessary from time to time. Any right-of-way, right of entry, or other real property interest that may need to be acquired by fee or easement will be the responsibility of Marysville and any private real property rights acquired by Marysville for the projects will be conveyed to Lake Stevens for properties located within Lake Stevens' boundaries.
- iii. Project Design. All aspects of the 83rd Project will be designed in compliance with federal law and regulations and pursuant to Lake Stevens' ordinances and Engineering Design and Development Standards. Final design will be subject to Lake Stevens' written approval or permit approval, which shall not be unreasonably withheld.
- iv. Sub-Contracting. Marysville may, in its sole discretion, hire one or more consultants, sub-consultants, contractors, and/or sub-contractors to perform some or all of the design or construction of the 83rd Project.
- v. Timeline. Marysville will complete design, permitting, and construction of the 83rd Project within two years of the effective date of this Agreement.
- vi. Conveyance. Within ninety (90) days following the later of (1) completion of construction of the 83rd Project, (2) final acceptance of the 83rd Project, or (3) resolution of all claims against retainage for the 83rd Project, Marysville will convey the 83rd Project, and any and all acquired interests in real property and improvements associated therewith and located within Lake Stevens, to Lake Stevens by bill of sale. The 83rd Project will be free of all liens and encumbrances at the time of conveyance.
- vii. Appropriation. Marysville currently has available funding for 83<sup>rd</sup> segment of the Soper Hill projects. To the extent such funding is not expended on the 83<sup>rd</sup> Project, the remaining funds shall be committed by Marysville to the funding of the 87<sup>th</sup> Project and frontage improvements in the project area.

- d. Lake Stevens' Responsibilities for the 83rd Project. With regard to the 83rd Project, Lake Stevens, by and through its officials, officers, employees, and agents, agrees to:
  - i. Lead Agency. Pursuant to WAC 197-11-926(1), Lake Stevens will serve as the lead agency on the 83rd Project for purposes of SEPA.
  - ii. Permit Authority. Lake Stevens will act as the permitting authority related to the 83rd Project and associated improvements within the Soper Hill Road right of way, including but not limited to construction plan approval, grading permit approval, environmental review, issuance of a SEPA threshold determination, and right-of-way permit approval.
  - iii. Cooperation. Lake Stevens agrees to cooperate with Marysville as may be necessary from time to time in designing and constructing the 83rd Project.
  - iv. Grant of Access. Lake Stevens grants Marysville, its officials, officers, employees, and agents, for the purposes of designing and constructing the 83rd Project pursuant to this Agreement, permission and right-of-entry on, over, under, above, and through those Lake Stevens rights-of-way that are necessary in the design or construction of the 83rd Project. The terms and conditions of such access shall be pursuant to a right-of-way permit issued by Lake Stevens.
- e. Marysville and Lake Stevens Responsibilities for Developer Construction of the 87th Project. With regard to the 87th Project, Marysville and Lake Stevens, by and through their officials, officers, employees, and agents, agree:
  - i. Developer Construction. Marysville anticipates that a development will locate within Marysville, near 87th Avenue NE and Soper Hill Road, and that such a development will trigger the need for the 87th Project. Any proposed development in Marysville for which traffic from the development will cause the intersection to be reduced to Service Level E shall trigger the need for the 87<sup>th</sup> Project.
  - ii. Analysis of Development. Upon receiving a complete application for a development in the vicinity of 87th Avenue NE and Soper Hill Road Marysville will provide Lake Stevens a notice of application and a timely opportunity for review, comment, staff consultation, and where applicable, participation in Marysville's development review and approval process. Marysville, in consultation with Lake Stevens, may either independently study the traffic impacts of a proposed development or may rely on a traffic impact study submitted by the applicant. Marysville may require the applicant to prepare a traffic impact study and may request such supplemental information and analysis as Marysville determines is necessary.

- iii. Conditioning of Development. If Marysville after consultation with Lake Stevens determines in the exercise of its land use authority that the development will trigger the need for the 87th Project, Marysville will condition the development upon construction of the 87th Project and conveyance of the 87th Project to Lake Stevens by a bill of sale.
- iv. Permits. The developer will be required to obtain the necessary permits and approvals from Lake Stevens pursuant to the Lake Stevens Municipal Code. Lake Stevens will act as the permitting authority for the 87th Project and, pursuant to WAC 197-11-926(1), will serve as the lead agency for purposes of SEPA on the 87th Project.
- v. Development Standards. Marysville and Lake Stevens agree that the 87th Project will be designed and constructed consistent with Lake Stevens' ordinances and Engineering Design and Development Standards and to the greatest extent practicable the small roundabout design treatments contained on page 18 of Lake Stevens' Beautification Plan (attached hereto as Exhibit B), and consistent with the design and construction of the 83rd Project.
- vi. Cooperation. To the extent necessary, Marysville and Lake Stevens will coordinate to assure that the 87th Project is designed, permitted, and constructed in a form substantially similar to the 83rd Project.
- vii. Conveyance. Following the developer's construction of the 87th Project, portions of the project shall be conveyed by the developer to Lake Stevens in accordance with the Lake Stevens Municipal Code and the Lake Stevens Engineering Design and Development Standards.
- viii. Marysville Public Improvement Project. In its sole discretion, Marysville will have the option to design, permit and potentially construct the 87<sup>th</sup> Project in lieu of a developer as a public improvement occurring in advance of a private development triggering said improvements. In the event Marysville exercises this option, then the terms of Section 3.c and 3.d will apply to the 87<sup>th</sup> Project (as though those Sections substituted "87th Project" in place of "83rd Project") except for Section 3.c.v, which will be modified so that the 87th Project will be completed prior to any development occupancy that trigger the improvements consistent with Section 3.e.iii.

#### **4. Maintenance of the Soper Hill Projects.**

- a. 83rd Project. During construction of the 83rd Project, and until such time as this Agreement expires or is terminated, Marysville will be responsible for the maintenance and repair of all improvements of the 83rd Project including the roadway, curb, gutter,

sidewalks, and storm water drainage improvements, but excluding pavement overlays and channelization.

- b. 87th Project.
  - i. Prior to conveyance to Lake Stevens, and in accordance with the Lake Stevens Municipal Code and the Lake Stevens Engineering Design and Development Standards, the developer shall be responsible for maintenance of the 87th Project.
  - ii. In accordance with the Lake Stevens Municipal Code and the Lake Stevens Engineering Design and Development Standards, Lake Stevens shall assure that any necessary maintenance or repair of the 87th Project is completed by the developer, or by Marysville with resort to available bonds, prior to conveyance of the improvements to Lake Stevens.
  - iii. Upon conveyance of all or any portion of the 87th Project improvements to Lake Stevens, Marysville will, within ninety (90) days, provide written notice to Lake Stevens of the conveyance. The written notice must identify the specific improvements conveyed to Lake Stevens (the “Noticed Improvements”). Thereafter, and until such time as this Agreement expires or is terminated, Marysville will be responsible for the maintenance and repair of the Noticed Improvements, excluding pavement overlays.
  - iv. In the event Marysville exercises its option to construct the 87th project pursuant to Section 3.e.viii, then during construction of the 87th Project, and until such time as this Agreement expires or is terminated, Marysville will be responsible for the maintenance and repair of all improvements of the 87th Project including the roadway, curb, gutter, sidewalks, and storm water drainage improvements, but excluding pavement overlays and channelization.

## 5. Access to Soper Hill Road.

- a. Marysville and Lake Stevens shall retain all permitting authority with regard to right-of-way use permits allowing access onto Soper Hill Road within their respective jurisdictions.
- b. The parties agree that one right-in or right-in-right-out access point onto Soper Hill Road may be located between State Route 9 and 87th Avenue NE and at least one access point onto Soper Hill Road may be located between 87th Avenue NE and 83rd Avenue NE, generally aligning with 85th Drive NE. An additional access point for emergency access only, as required by the Fire District, may also be located between 87th Avenue NE and 83rd Avenue NE for the subdivision known as Belle Haven.

- c. The access points in Marysville will be designed, constructed, and approved in compliance with Marysville ordinances and Marysville's Engineering Design and Development Standards. This includes the location and spacing of the access points relative to existing intersections and other access points and the nature of the access point (right-in-right-out, full access, etc.). Marysville will consult with Lake Stevens regarding the design and location of the Soper Hill Road access points and to the greatest extent practicable will incorporate Lake Stevens' design standards and aesthetic elements defined in Lake Stevens' Beautification Plan in its permitting decision.
- 6. **Coordination of Future Growth.** Marysville is committed to assuring that future growth in the area of the Soper Hill Projects does not unduly burden Lake Stevens.
  - a. Density. Lake Stevens desires to have future development within Marysville, in the area of the Soper Hill Projects, occur at densities similar to those found in Lake Stevens' Campus Park development, which is located adjacent to the Soper Hill Projects. Existing Marysville zoning allows slightly higher density. To the extent Marysville seeks to modify underlying zoning within the East Sunnyside/Whiskey Ridge Subarea in a manner that further increases density, Marysville will provide Lake Stevens notice of the possible modifications and reasonably attempt to address concerns raised by Lake Stevens.
  - b. Traffic. Marysville will continue to consider the traffic impacts of potential development within Marysville and condition such developments upon mitigation of traffic impacts as provided in the Marysville Municipal Code.
  - c. Parks. An interlocal agreement titled "Interlocal Agreement between the City of Marysville and City of Lake Stevens regarding improvements to Powerline Trail" provides for coordination of future recreation improvements between the cities will be executed by the parties no later than six months following approval of this Agreement. Marysville and Lake Stevens agree to good faith negotiation of an agreement mitigating the impact of future development in the Soper Hill area of Marysville on access to and usage of Lake Stevens park and recreation facilities.
  - d. Schools. Both Marysville and Lake Stevens are committed to supporting quality school facilities. Marysville regularly adopts the Lake Stevens School District's Capital Facilities Plan as a sub-element of the Public Facilities and Services Element of the Marysville Comprehensive Plan. This allows Marysville to collect impact fees to fund the Lake Stevens School District's necessary capital facility improvements and assure that future developments in the area of the Soper Hill Projects bear the cost of facilities necessitated by that future development. Marysville will continue to coordinate with the Lake Stevens School District to address the District's needs for capital facilities improvements.

- e. Coordination of Traffic Impacts on SR9. Marysville and Lake Stevens agree to coordinate with each other and the Washington State Department of Transportation (“WSDOT”) on future development impacts at the intersection of Soper Hill Road and SR9, as well as the intersection of SR92 and SR9, to ensure that new developments construct improvements necessary to mitigate safety and transportation impacts. Marysville will be responsible for coordinating (through its development review and approvals) intersection improvements and realignment of the intersection of Soper Hill Road and SR 9 on the west side of SR 9. Lake Stevens will be responsible for coordinating (through its development review and approvals) intersection improvements and realignment of the intersection of Soper Hill Road and SR9 on the east side of SR9. Each party’s responsibilities for the Soper Hill/SR9 intersection improvements and realignment will include addressing WSDOT specifications, and if one party’s improvements on their geographic side of the intersection (as described in this Section 6.e) trigger WSDOT specifications in the other party’s geographic side, the other party will be responsible for addressing those specifications on their geographic side of the intersection.
- f. Grant Application. Marysville agrees to cooperate (e.g. letters of support) with Lake Stevens in making application for state and federal grants to provide safe walkways from the Soper Hill area of Marysville to Lake Stevens Schools and Parks.

## 7. **Indemnification/Hold Harmless.**

- a. Marysville’s Indemnification of Lake Stevens. Marysville shall protect, hold harmless, indemnify, and defend, at its own expense, Lake Stevens, its elected and appointed officials, officers, employees, and agents, from any loss or claim for damages of any nature whatsoever arising out of Marysville’s performance of this Agreement, including claims by Marysville’s own employees or third parties, except for (1) those damages caused solely by the negligence or misconduct of Lake Stevens, its elected and appointed officials, officers, employees, or agents or (2) those damages caused by any breach by Lake Stevens under this Agreement.
- b. Lake Stevens’ Indemnification of Marysville. Lake Stevens shall protect, hold harmless, indemnify, and defend, at its own expense, Marysville, its elected and appointed officials, officers, employees, and agents, from any loss or claim for damages of any nature whatsoever arising out of Lake Stevens’ performance of this Agreement, including claims by Lake Stevens’ own employees or third parties, except for (1) those damages caused solely by the negligence or misconduct of Marysville, its elected and appointed officials, officers, employees, or agents or (2) those damages caused by any breach by Marysville under this Agreement.

- c. **Waiver of Immunity Under Industrial Insurance Act.** The indemnification provisions of Section 7.a. and Section 7.b. above are specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Title 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them.
- d. **Survival.** The provisions of this Section 7 shall survive the expiration or earlier termination of this Agreement.

**8. Insurance.** Each party shall maintain its own insurance and/or self-insurance (including membership in a self-insured pool) for its liabilities from damages to property and or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof of insurance and/or self-insurance (including membership in a self-insured pool) shall not limit either party's indemnification obligations under Section 7.

**9. Duration.** This Agreement shall continue in force and effect until the earliest occurrence of:

- a. Marysville has constructed the 83rd Project and conveyed it to Lake Stevens and a developer (or Marysville pursuant to Section 3.e.viii) has constructed the 87th Project and conveyed it to Lake Stevens and thereafter Lake Stevens provides Marysville written notice that Lake Stevens no longer wishes for Marysville to provide maintenance of the Soper Hill Projects as provided in this Agreement.
- b. Fifteen (15) years from the date this Agreement is effective.

**10. Compliance with Laws.** Each party, in performing its obligations under this Agreement, shall comply with all applicable federal, state, and local laws, regulations, and rules.

**11. Dispute Resolution.**

- a. **Informal Discussions; Mediation.** The parties agree that any dispute, claim, or controversy arising out of or relating to this Agreement will first be discussed between the parties' Administrators. Thereafter and except as herein provided, no civil action with respect to any dispute, claim, or controversy arising out of or relating to this Agreement may be commenced until the dispute, claim, or controversy has been submitted to a mutually agreed upon mediator. The parties agree that they will participate in the mediation in good faith, and that they will share equally in its costs. Each party shall be responsible for the costs of its own legal representation. Either party may seek equitable

relief prior to the mediation process, but only to preserve the status quo pending the completion of that process.

- b. Civil Action. In the event the dispute, claim, or controversy is not resolved within 45 days of the commencement of mediation as described in Section 11.a, either party exercise any and all rights and remedies available to it in law or equity to resolve said dispute, claim, or controversy. The prevailing party shall be entitled to recover reasonable attorney's fees together with costs.

**12. Relationship to Existing Laws and Statutes.** This Agreement in no way modifies or supersedes existing state laws and statutes. In meeting the commitments encompassed in this Agreement, all parties will comply with all applicable state or local laws. Marysville and Lake Stevens will retain the ultimate authority for land use and development decisions within their respective jurisdictions. By executing this Agreement, Marysville and Lake Stevens do not intend to abrogate the decision-making responsibility or police powers vested in them by law.

**13. Notices.** All notices required to be given by any party to the other party under this Agreement shall be in writing and shall be delivered either in person, by United States mail, or by electronic mail (email) to the applicable Administrator. Notice delivered in person shall be deemed given when accepted by the recipient. Notice by United States mail shall be deemed given three days from the date the same is deposited in the United States mail, postage prepaid, and addressed to the Administrator, or their designee, at the addresses set forth in Section 1.d. of this Agreement. Notice delivered by email shall be deemed given as of the date and time received by the recipient.

**14. Miscellaneous.**

- a. Entire Agreement; Amendment. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and supersedes any and all prior oral or written agreements between the parties regarding the subject matter contained herein. This Agreement may not be modified or amended in any manner except by a written document approved by the city council of each party and signed by the mayor of both parties.
- b. Governing Law and Venue. This Agreement shall be governed by and enforced in accordance with the laws of the State of Washington. The venue of any action arising out of this Agreement shall be the Superior Court of the State of Washington, in and for Snohomish County.
- c. Interpretation. This Agreement and each of the terms and provisions of it are deemed to have been explicitly negotiated by the parties and the language in all parts of this

Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either of the parties hereto. The captions and headings in this Agreement are used only for convenience and are not intended to affect the interpretation of the provisions of this Agreement. This Agreement shall be construed so that wherever applicable the use of the singular number shall include the plural number, and vice versa, and the use of any gender shall be applicable to all genders.

- d. Severability. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be found invalid or unenforceable, the remainder of this Agreement and the application of that provision to other persons or circumstances shall not be affected thereby, but shall instead continue in full force and effect, to the extent permitted by law.
- e. No Waiver. A party's forbearance or delay in exercising any right or remedy with respect to a default by the other party under this Agreement shall not constitute a waiver of the default at issue. Nor shall a waiver by either party of any particular default constitute a waiver of any other default or any similar future default.
- f. No Assignment. This Agreement shall not be assigned, either in whole or in part, by either party without the express written consent of the other party, which may be granted or withheld in such party's sole discretion. Any attempt to assign this Agreement in violation of the preceding sentence shall be null and void and shall constitute a default under this Agreement.
- g. Warranty of Authority. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign this Agreement.
- h. No Joint Venture. Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture, or other joint enterprise between the parties.
- i. No Third Party Beneficiaries. This Agreement and each and every provision thereof are for the sole benefit of Marysville and Lake Stevens. No other persons or parties shall be deemed to have any rights in, under, or to this Agreement.
- j. Execution in Counterparts. This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which shall constitute one and the same Agreement.

In witness whereof, the parties have executed this Agreement as of the last date written below.

CITY OF MARYSVILLE

By: \_\_\_\_\_  
Jon Nehring, Mayor

Attested/Authenticated:

\_\_\_\_\_  
Tina Brock, Deputy City Clerk

Approved as to form:

\_\_\_\_\_  
Jon Walker, City Attorney

CITY OF LAKE STEVENS

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

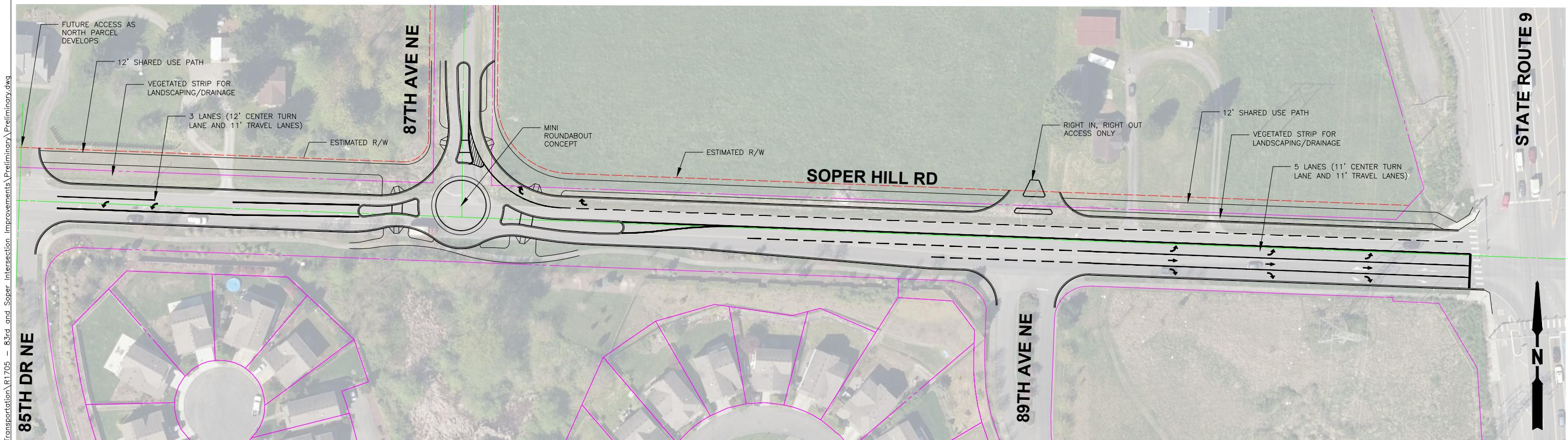
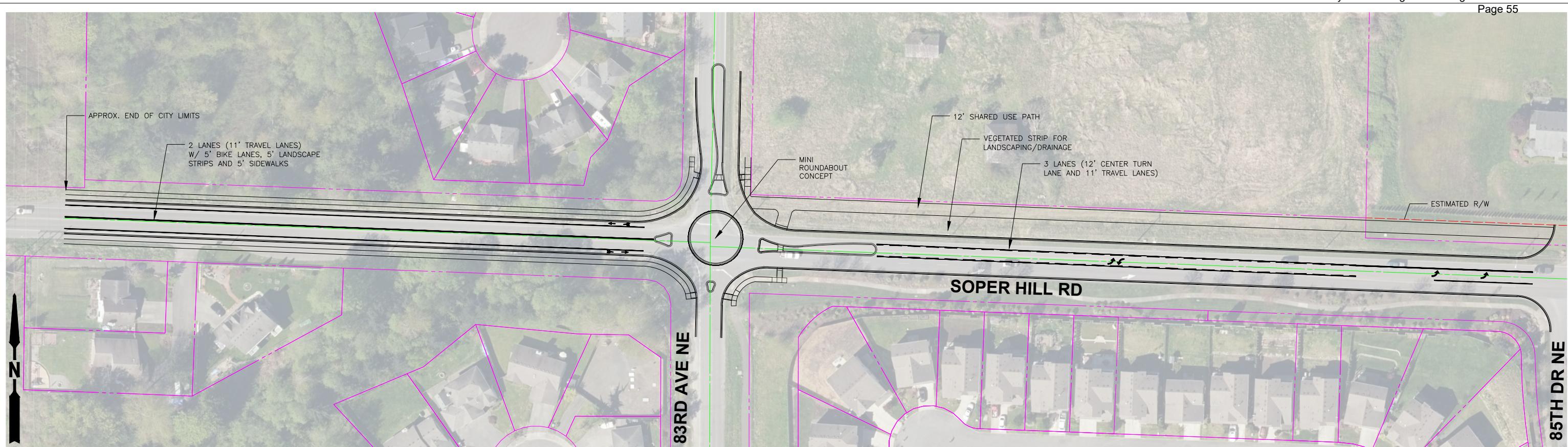
Attested/Authenticated:

\_\_\_\_\_  
Kathy Pugh, City Clerk

Approved as to form:

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

# Exhibit A



## Small Roundabout Design Treatments

Design treatments for small roundabouts consists of rockscapes that evoke the “Pacific Northwest” theme, with durable mountable decorative pavement finishes that can withstand heavy turning truckloads and low maintenance landscape plantings.

ROCKSCAPE



STACKED STONE WALL

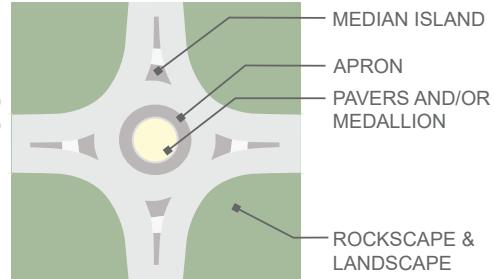


DECOMPOSED GRANITE



GRANITE STONE COLUMNS AT  
BULBOUT APPROACHES

AYOUT KEY



MEDIAN ISLAND  
APRON  
PAVERS AND/OR  
MEDALLION

ROCKSCAPE &  
LANDSCAPE

LANDSCAPE



### POTENTIAL EXISTING UPDATED LOCATIONS:

- Lake Drive & School Road

### POTENTIAL NEW IMPROVEMENT LOCATIONS:

- Soper Hill Road & 83rd Avenue NE
- Soper Hill Road & 87th Avenue NE

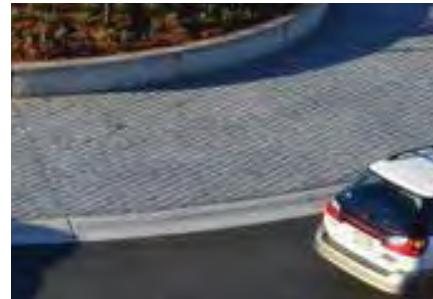
HARDSCAPE



STAMPED MODULAR STONE  
CONCRETE PATTERN



STAMPED MODULAR STONE  
CONCRETE IN MEDIAN ISLANDS



STAMPED MODULAR STONE CONCRETE  
IN ROUNDABOUT APRON



MOUNTABLE VEHICLE GRADE PAVERS (APPROX. 6"X6" CREAM/GRAY COLOR  
TONES) SET IN GEOMETRIC PATTERN WITH CENTER ART MEDALLION



LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** 25 June 2019

**Subject:** Amendment No. 1 to Small Public Works Contract with All Phase Brush & Land Clearing for On-Call Tree Removal Services

**Contact**

**Person/Department:** Eric Durpos, Public Works      **Budget Impact:** \$100,000.00

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** **Authorize the Mayor to sign Amendment No. 1 to Small Public Works Contract with All Phase Brush & Land Clearing for on-call tree removal services for an additional amount not to exceed \$100,000, for a total contract amount of \$325,000 through 31 December 2019.**

**SUMMARY/BACKGROUND:** There are thousands of trees under the jurisdiction of the City and throughout each year the City needs tree removal services to address danger trees, blow downs, and damaged trees. The City staff performs some of the tree removals for the smaller trees and those within a contained area where risk to the public and private property is very minimal. In cases where the risk is high, the City uses outsourced services. In 2017 the City entered into a Small Public Works Contract with All Phase for on-call tree removal services of danger trees in an amount not to exceed \$225,000. That contract expires December 31, 2019. Currently there is \$7,094.38 remaining on the original contract amount and staff anticipates additional on-call tree removal services will be necessary through the end of 2019. Staff recommends amending the original contract to increase the amount of the contract \$100,000 to an amount not to exceed \$325,000. This allows for staff to call on these services as the need arises through the end of 2019. Public Works intends to go out for bid for on-call tree services again in 2020.

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**BUDGET IMPACT:** **Not to exceed \$325,000 through 2019**

**ATTACHMENTS:**

- Exhibit A: Amendment No. 1 to Small Public Works Contract

**AMENDMENT NO. 1 TO SMALL PUBLIC WORKS CONTRACT BETWEEN  
CITY OF LAKE STEVENS AND ALL PHASE BRUSH & LAND CLEARING  
FOR ON-CALL TREE REMOVAL SERVICES**

This Supplemental Agreement No.1 is made and entered into on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, between the City of Lake Stevens, hereinafter called the "City" and All Phase Brush and Land Clearing, hereinafter called the "Consultant."

WHEREAS, the parties hereto have previously entered into a Small Public Works Contract for On-Call Tree Removal Services, hereinafter called the "Project," said Agreement being dated February 1, 2017; and

WHEREAS, both parties desire to amend said contract, as set forth below,

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:

1. Article II of the original Small Public Works Contract, "SCOPE OF WORK is amended and replaced by the Scope of Work set forth in Exhibit A, attached hereto and by this reference incorporated herein.

2. Article 5 of the original Small Public Works Contract, "Payment for Project", Paragraph A Total Contract Sum for Project in the amount of \$225,000 is amended to include the additional Contract Sum of \$100,000.00 and shall read as follows: "In no event shall total payment under this agreement exceed \$325,000.00."

3. Paragraph 6 of the original Small Public Works Contract, Term of Contract is amended to add that the parties agree to extend the term of the contract from December 31, 2019 to midnight June 30, 2020.

Except as amended herein, each and every provision of the original Small Public Works Contract dated February 1, 2017, shall remain in full force and effect.

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

ALL PHASE BRUSH & LAND CLEARING

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

By: \_\_\_\_\_  
Rick Carlson, Owner

ATTEST/AUTHENTICATED

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Kathy Pugh, City Clerk

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

EXHIBIT A

- Tree Felling
- Tree Topping
- Removal of felled tree debris
- Sail thinning
- Mulching
- Salvaging of trees ad directed by the City
- Site cleanup and repairs, as necessary
- Consultation on tree removal methods and selection

**"All Phase Brush & Land Clearing"  
2019 Rate Sheet**

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	<u>HOURLY</u>
★ Excavator with Thumb with Mower	@ \$85.00 @ \$115.00
★ John Deere 329 w/Tracks with Mower	@ \$105.00 @ \$125.00
★ Dump Truck Solo with 4 Axle Pump	@ \$105.00 @ \$125.00
★ Tracked Slope Mower	@ \$125.00
★ Ex Mark 52" Mower	@ \$65.00
★ Climber with Gear & Riging Ground Man	@ \$75.00 @ \$35.00
★ Chipper 8" Ground Man	@ \$85.00 @ \$35.00



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LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** 25<sup>th</sup> June 2019

**Subject:** North Cove Park – Northern Walkway, Survey, Water Feature Design

<b>Contact</b>	Aaron Halverson, Capital Projects
<b>Person/Department:</b>	Coordinator, Public Works
	<b>Budget Impact:</b> <u>\$19,950</u>

---

**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Authorize the Mayor to execute Amendment No. 1 to Professional Services Agreement with Land Development Consultants, Inc. (LDC) for work to design areas of North Cove Park including the northern walkway and the water feature, including survey and staking.

**SUMMARY/BACKGROUND:** LDC, Inc. was hired by the City to design the North Cove Park improvements. The original contract was executed by the City in accordance with the delegated authority given in the City's adopted Comprehensive Procurement Policy. As design of the project proceeded the City added design of the northern plaza area and water feature. This additional design effort had a cost of \$19,950; bringing the total contract amount to \$118,950. This exceeds the threshold for delegated authority for the administration to execute contracts without City Council review.

The purpose of this agenda item is to allow the City Council to review the supplemental agreement for design of the water feature and northern plaza area.

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**APPLICABLE CITY POLICIES:** n/a

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**BUDGET IMPACT:** \$19,950

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**ATTACHMENTS:**

- Exhibit A: Amendment No. 1 Professional Services Agreement

**AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT  
BETWEEN CITY OF LAKE STEVENS AND LAND DEVELOPMENT  
CONSULTANTS FOR NORTH COVE PARK WATER FEATURE**

This Amendment No. 1 to Professional Services Agreement is made and entered into on the \_\_\_\_\_ of June 2019, between the City of Lake Stevens, hereinafter called the "City" and Land Development Consultants, Inc. (LDC), hereinafter called the "Consultant."

WHEREAS, the parties hereto have previously entered into an Agreement for design of North Cove Park Plaza, hereinafter called the "Project," said Agreement being dated February 5, 2019; and

WHEREAS, both parties desire to supplement said Agreement, by expanding the Scope of Services to provide for North Cove Park water feature and to amend the total amount payable for this 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:

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 Consultant fee of \$19,950.00 and shall read as follows: "In no event shall total payment under this agreement exceed \$118,950.00."

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

Original Professional Services Agreement:	\$99,000.00
Amendment No. 1 to Professional Services Agreement	<u>\$19,950.00</u>
Grand Total:	\$118,950.00

3. Each and every provision of the original Professional Services Agreement dated February 5, 2019, shall remain in full force and effect, except as amended herein.:

CITY OF LAKE STEVENS

LAND DEVELOPMENT CONSULTANTS, LLC

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

By: \_\_\_\_\_  
Mark Villwock, Vice President

ATTEST:

\_\_\_\_\_  
Kathy Pugh, City Clerk

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

APPROVED AS TO FORM:

## EXHIBIT A

City of Lake Stevens has requested LDC, Inc. to add the following services to the North Cove Park Plaza Design Contract:

- Design Northern walkway and associated landscaping and illumination. Supplement Task 03, \$4,250.
- Provide additional survey and staking of basic site features during design phase. Supplement Task 01, \$3,700
- Prepare conceptual water feature/splash pad conceptual design and contract performance specifications. The splash pad will be non-circulating. Add new Task 09 - Splash Pad Conceptual Design, \$12,000.

Total supplement request is \$19,950, for a new contract total of \$118,950.



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LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** June 20, 2019

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**Subject:** Code Amendment to Streets and Sidewalk regulations, Chapter 14.56 (LUA2018-0151)

<b>Contact</b>	Dillon Roth, AICP / Planning	<b>Budget</b>	None
<b>Person/Department:</b>		<b>Impact:</b>	

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

Conduct a public hearing taking public comment and reviewing the proposed code amendments and approve Ordinance 1060 or recommend changes to the proposed regulations and postpone adoption to July 9, 2019.

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**SUMMARY/BACKGROUND:**

The city initiated a code amendment to update regulations governing Streets and Sidewalks, Chapter 14.56 LSMC. This chapter addresses how the city's street network should be built out, what types of developments are required to build sidewalks, and how deviations from the Engineering Design and Development Standards (EDDS) are granted (See attachment 1 for draft regulations).

The purpose of the code update is to clarify existing language, create a distinction between the city's EDDS and the city's municipal code, and add new regulations that provide parking and pedestrian facilities. Specifically, the major changes are:

- Removing dimensional standards from the code when those standards are already included in the EDDS;
- Adding a new requirement that parking spaces be provided in on-street parking lanes in new subdivisions (see Attachment 2 for how this requirement would have affected select existing subdivisions);
- Clarifying that access tracts shall be constructed as half-street improvements if the adjacent land has development capacity to subdivide and build the other half of the street (see Attachment 3 for an example of this);
- Adding a new requirement to include a delineated pedestrian lane on private access tracts.

The Planning Commission was briefed on September 19, 2018 and April 3, 2019 and a public hearing was held on June 5, 2019. The Planning Commission recommended approval of the code amendment subject to minor changes (See Attachment 1 for Planning Commission recommendation letter).

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**FINDINGS AND CONCLUSIONS:**

**1. Compliance with elements of the Comprehensive Plan**

- Transportation Element Policy 8.2.2 – Provide a safe, convenient and efficient transportation system.

- Transportation Element Goal 8.4 – Provide a transportation system that supports existing land uses and accommodates anticipated growth.
- Transportation Element Goal 8.15 – Allow for alternative design standards and/or materials for street and parking areas.
- Transportation Element Goal 8.16 – Support neighborhood efforts to implement appropriate traffic calming devices and strategies.

**Conclusions** – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to housing and land use.

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

- A DNS was issued on May 21, 2019 (Attachment 4).
- No comments or appeals from agencies or the public were received regarding the SEPA determination.

**Conclusions** – The proposed code amendment has met local and state SEPA requirements.

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

- The city requested expedited review from the Department of Commerce on May 17, 2019.
- The Department of Commerce sent granted approval on May 20, 2019 (Attachment 5).
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

**Conclusions** – The proposed code amendment has met Growth Management Act requirements.

**4. Public Notice and Comments**

- The city published a joint notice of SEPA determination on May 21, 2019.
- The city published a notice of public hearing before Planning Commission in the Everett Herald on May 22 and May 29, 2019. The notice was also posted at City Hall and on the city's website.
- The city published a notice of public hearing before City Council in the Everett Herald on June 11 and June 18, 2019. The notice was also posted at City Hall and on the city's website.
- Two written public comments were received as of this writing. The public testimony at the Planning Commission public hearing is summarized in the attached Planning Commission recommendation letter. The written public comments are provided as Attachments 6-7.

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

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**BUDGET IMPACT:** None

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**ATTACHMENTS:**

1. Ordinance 1060 with Planning Commission recommendation letter and proposed code changes as attachments
2. Visual of parking requirement
3. Visual of half-street improvement
4. SEPA DNS
5. Department of Commerce confirmation
6. Public Comment on draft code from March, MBA
7. Public Comment on draft code from May, MBA

Attachment 1

CITY OF LAKE STEVENS  
LAKE STEVENS, WASHINGTON

**ORDINANCE NO. 1060**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING LAKE STEVENS MUNICIPAL CODE SECTIONS 14.08.010 AND CHAPTER 14.56, PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the city's Transportation Element in the Comprehensive Plan encourages a safe, convenient and efficient transportation system that supports existing land uses and accommodates anticipated growth; and

WHEREAS, on May 21, 2019, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a SEPA Determination of Non-Significance, complying with SEPA's procedural requirements; and

WHEREAS, on May 17, 2019, the proposed amendments contained herein were transmitted to the State Department of Commerce as required by law and on May 20, 2019, the Department of Commerce granted expedited review of the proposed code amendments;

WHEREAS, on June 5, 2019, following notice as required by law, the Planning Commission held a public hearing to receive staff and citizen input concerning the proposed code amendments and all persons who wished to be heard on the matter were heard; and

WHEREAS, the Planning Commission adopted Findings, Conclusion and a Recommendation to the City Council which is attached hereto (**Exhibit A**) and incorporated by this reference; and

WHEREAS, following notice as required by law, the City Council held a public hearing on June 25, 2019 to receive staff and citizen input and to consider the recommendation of the Planning Commission and all persons who wished to be heard on the matter were heard; and

WHEREAS, the City Council has determined that it is in the public interest to adopt the proposed Streets and Sidewalk regulations, as set forth below and in the attached **Exhibit B**.

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

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

- A. This ordinance amending the City's municipal code changing regulations governing Streets and Sidewalks, was sent to the Washington State Department of Commerce for expedited review on May 17, 2019 as required by the Growth Management Act and received approval on May 20, 2019.
- B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.

- C. As required by LSMC 14.16C.075(f), the adoption and amendment of codes in ordinance sections in the attached **Exhibit B** are consistent with the Comprehensive Plan, comply with the Growth Management Act and serve to advance the public health, safety and welfare.
- D. The Findings of Fact, Conclusions and Recommendation of the Planning Commission attached hereto is hereby approved and adopted by the City Council as its own (**Exhibit A**).

**SECTION 2.** LSMC sections 14.08.010 and Chapter 14.56 are hereby amended/created as set forth in **Exhibit B which is incorporated herein by this reference**. All other provisions set forth in Chapters 14.08 and 14.56 LSMC, shall remain in full force and effect, unchanged.

**SECTION 3.** **Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**SECTION 4.** **Effective Date and Publication.** The summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five (5) days after the date of publication and shall apply to all final plat applications submitted after the effective date. Any final plat application submitted prior to the effective date shall follow the regulations that were in place at the time of submittal.

PASSED by the City Council of the City of Lake Stevens this 25<sup>th</sup> day of June 2019.

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John Spencer, Mayor

ATTEST/AUTHENTICATION:

By: \_\_\_\_\_  
Kathy Pugh, City Clerk

APPROVED AS TO FORM:

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Greg Rubstello, City Attorney

First and Final Reading June 25, 2019:  
Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_



**Planning & Community Development**

1812 Main Street

P.O. Box 257

Lake Stevens, WA 98258

June 20, 2019

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

**Subject: Planning Commission Recommendation – Streets and Sidewalks Code Amendment –  
LUA2018-0151**

Dear Council Members:

The Lake Stevens Planning Commission held two briefings on September 19, 2018 and April 3, 2019, to consider a code amendment to update the city's Streets and Sidewalk regulations. A public hearing was held on June 5, 2019 where the Planning Commission forwarded a recommendation to City Council to approve the code amendment.

**Commissioners Present:** Janice Huxford, Vicki Oslund, Tracy Trout, John Cronin, Steve Ewing, Linda Hoult

**Commissioners Absent:** Jennifer Davis

**PLANNING COMMISSION PUBLIC HEARING (June 5, 2019)**

City staff gave a brief presentation on the proposed code amendment, summarized the code amendment process and milestones reached and answered the Commission's questions related to the proposal.

One member of the Master Builders Association provided testimony during the hearing. The testimony acknowledged previous coordination with city staff and suggested additional minor edits to the draft regulations. No other testimony was received.

The Planning Commission discussion included adding a requirement to add lighting to the mid-block pedestrian path, referenced in LSMC 14.56.090(c) of the draft code. It was the majority opinion of the Commission that a lighting requirement was not needed. Discussion items also included scrutiny of the on-street parking requirements proposed in LSMC 14.56.165 of the draft code. The proposed new regulation would require that on-street parking spaces are provided in new subdivisions at a ratio of one space to five new homes. The ratio was proposed by staff as a balance to requiring more parking than current regulations call for and not burdening new development to the point of making some projects infeasible. It was the majority opinion of the Commission to keep the proposed ratio at 1:5.

**FINDINGS AND CONCLUSIONS:**

The Planning Commission hereby adopts staff's findings and conclusions as outlined in this letter and as described in the staff reports dated September 19, 2018, April 3 and June 5, 2019 and concludes that the proposed amendments comply with the following:

**1. Compliance with elements of the Comprehensive Plan**

- Transportation Element Policy 8.2.2 – Provide a safe, convenient and efficient transportation system.
- Transportation Element Goal 8.4 – Provide a transportation system that supports existing land uses and accommodates anticipated growth.
- Transportation Element Goal 8.15 – Allow for alternative design standards and/or materials for street and parking areas.
- Transportation Element Goal 8.16 – Support neighborhood efforts to implement appropriate traffic calming devices and strategies.

**Conclusions** – The proposed code amendments are consistent with Comprehensive Plan goals as they relate to streets and sidewalks.

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

- A DNS was issued on May 21, 2019.
- No comments or appeals from agencies or the public were received regarding the SEPA determination.

**Conclusions** – The proposed code amendment has met local and state SEPA requirements.

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

- The city requested expedited review from the Department of Commerce on May 17, 2019.
- The Department of Commerce sent granted approval on May 20, 2019.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

**Conclusions** – The proposed code amendment has met Growth Management Act requirements.

**4. Public Notice and Comments**

- The city published a notice of SEPA determination on May 21, 2019.
- The city published a notice of public hearing in the Everett Herald on May 22 and May 29, 2019. The notice was also posted at City Hall and on the city's website.
- Two comments have been received from the Master Builders Association (Attachment 5 and 6). If additional comments are received prior to the hearing, the comments will be distributed on the night of the hearing.

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

**PLANNING COMMISSION RECOMMENDATION**

**Streets and Sidewalks Code Amendment:** Commissioner Hoult made a motion to approve the recommendation to Council. Commissioner Ewing seconded the motion. Motion passed 4-2-0-1.

Respectfully submitted,

Lake Stevens Planning Commission

Signed Letter On File

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Janice Huxford, Chair

## Chapter 14.56 STREETS AND SIDEWALKS

Sections:

Part I. Requirements

- [14.56.010 Street Classification](#)
- [14.56.020 Costs of Right-of-Way Installation and Improvements Borne by Applicant](#)
- [14.56.025 Abutting Property Owner's Duty to Maintain](#)
- [14.56.030 Access to Lots](#)
- [14.56.040 Access to Arterial Streets](#)
- [14.56.050 Entrances to Streets](#)
- [14.56.060 Coordination with Surrounding Streets](#)
- [14.56.070 Relationship of Streets to Topography](#)
- [14.56.080 Street Width, Sidewalk, and Drainage Requirements in SubdivisionsCoordination with the Comprehensive Plan](#)
- [14.56.090 General Layout of Streets](#)
- [14.56.100 Dead End Streets/Cul-de-Sacs](#)
- [14.56.110 Temporary Half-Streets](#)
- [14.56.120 Street Intersections](#)
- [14.56.130 Construction Standards and Specifications](#)
- [14.56.135 Deviations to Construction Standards and Specifications](#)
- [14.56.140 Construction Drawings Required Prior to Construction](#)
- [14.56.150 Inspection of Public Improvements Required Prior to Issuance of Final Permits](#)
- [14.56.160 Residential Public Streets and Private Roads](#)
- [14.56.165 On-Street Parking Required](#)
- [14.56.170 Right-of-Way Dedication and Frontage Improvements](#)
- [14.56.180 Road and Sidewalk Requirements in Unsubdivided Developments](#)
- [14.56.190 Off-Site Traffic Mitigation](#)
- [14.56.192 Collection of Pre-Annexation Traffic Mitigation Fees](#)
- [14.56.200 Attention to Disabled Persons in Street and Sidewalk Construction](#)
- [14.56.210 Street Names and House Numbers](#)
- [14.56.220 Bridges](#)
- [14.56.230 Utilities](#)
- [14.56.240 Vacations of Public Rights-of-Way](#)
- [14.56.250 Right-of-Way Permit Required](#)

[14.56.260 Implementation of Traffic Calming Techniques](#)

[14.56.270 Private Landscape Usage of Public Right-of-Way](#)

[14.56.280 Complete Streets](#)

Part II. Street Assessment Reimbursement Agreements

[14.56.300 Purpose](#)

[14.56.310 Authorization](#)

[14.56.320 Applications](#)

[14.56.340 Assessment Methods](#)

[14.56.350 Notice to Property Owners](#)

[14.56.360 City Council Action](#)

[14.56.370 Contract Execution and Recording](#)

Part I. Requirements

[14.56.010 Street Classification.](#)



(a) In all new subdivisions, streets ~~shall be dedicated to public use~~, and shall be classified as provided ~~in~~ [per the City's currently adopted Engineering Design and Development Standards \(EDDS\)](#) subsection (b) ~~of this section~~.

- (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
- (2) The number of dwelling units to be served by the street may be used as an indicator of the number of trips but is not conclusive;
- (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(b) The classification of streets, [including freeway/expressway, major arterial, minor arterial, collector, local access, access tract, alley and cul-de-sac](#) generally shall be consistent with the Washington State Department of Transportation Design Manual, [as defined in Chapter 14.08 LSCM](#) and ~~shall be~~ described [as follows](#) [in the City's currently adopted EDDS](#).

(1) "Freeway/Expressway" is an inter-regional divided or undivided highway connecting major centers. Typically, freeways have two or more lanes for traffic in each direction. Access is limited to interchanges designed for higher speed merging/diverging traffic.

(2) "Major Arterial" is an inter-community roadway connecting community centers or major facilities. Major arterials are generally intended to serve predominantly through traffic. Direct access to abutting property will be discouraged. Spacing between parallel major arterials is generally two miles or greater.

(3) "Minor Arterial" is an intra-community roadway for areas bounded by the major arterial system. Minor arterials serve trips of moderate length. Direct access to abutting property will be discouraged. Spacing of minor arterials is typically less than two miles.

(4) "Collector" is a roadway designed for movement within a community, including connecting neighborhoods with smaller community centers. Collectors also provide connections to minor and major arterials. Property access is generally a higher priority for collectors with a lower priority for through traffic movements. Spacing of collectors is generally one mile or less.

(5) "Local Access" is a roadway designed for connections to arterial and collector systems for individual neighborhoods and provides circulation within and/or between neighborhoods. Spacing of neighborhood collectors is typically one half mile or less.

(6) "Access Tract" is a privately-owned tract of land used primarily for ingress/egress for one or more lots.

(7) "Alley" is a right-of-way providing access to the rear boundary of two or more residential or commercial properties and is not intended for general traffic circulation.

(8) "Cul-de-sac" is a street which terminates in a vehicular turnaround. (Ord. 796, Sec. 10, 2009)

#### **14.56.020 Costs of Right-of-Way Installation and Improvements Borne by Applicant.**



When rights-of-way improvements are required in conjunction with permit approval, all costs and expenses incident to the installation of rights-of-way to be dedicated to the public shall be borne by the applicant.

#### **14.56.025 Abutting Property Owner's Duty to Maintain.**

Whenever any right-of-way in the city has been improved by the construction of a landscape strip and/or sidewalk, the duty, burden, and expense of the routine maintenance of such improvement shall be the responsibility of the property owner, or HOA if one is active, directly abutting on that side of such street along which such improvements have been constructed. Routine maintenance includes landscaping maintenance and removal of leaves and snow from sidewalks.

**14.56.030 Access to Lots.**  

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

**14.56.040 Access to Arterial Streets.**  

Whenever a major subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this street unless no other access is possible.

**14.56.050 Entrances to Streets.**  

(a) All driveway entrances and other openings onto streets within the City's planning jurisdiction shall be constructed so that:

- (1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets; and
- (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(b) Driveway cuts shall be limited to the following widths:

**Single-Family Residential**

10 feet minimum

20 feet maximum

**Multifamily Residential**

20 feet minimum

30 feet maximum

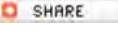
**Commercial and Industrial**

30 feet minimum

40 feet maximum

(b) Specifications for driveway entrances and driveway cuts are set forth in the currently adopted version of the Engineering Design and Development StandardsEDDS for the City of Lake Stevens. If driveway entrances and other openings onto streets are constructed in accordance with the foregoing EDDS specifications and requirements, this shall be deemed *prima facie* evidence of compliance with the standard set forth in subsection (a) of this section.

(cd) For purposes of this section, the term "prima facie evidence" means that the permit-issuing authority may (but is not required to) conclude from this evidence alone that the proposed development complies with subsection (a) of this section. (Ord. 796, Sec. 11, 2009)

**14.56.060 Coordination with Surrounding Streets.** 

- (a) The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract property that is being divided into lots (hereinafter, "surrounding streets") as provided in this section.
- (b) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.
- (c) Local access residential streets shall connect with surrounding streets, including existing temporary dead-ends, where necessary to permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
- (d) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract property) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. The responsibility of restoring a temporary turnaround to its permanent condition shall be borne by the party connecting to the temporary turnaround. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000~~750~~ feet may be created unless no other practicable alternative is available.

(ed) Whenever convenient access from a subdivision to adjacent schools, parks or other public facilities is not provided through the dedication and improvement of streets pursuant to this chapter, the developer, through coordination with the applicable agency, may be required to include an unobstructed easement of at least 10 feet in width and construct a pathway to provide such access. (Ord. 796, Sec. 12, 2009)

**14.56.070 Relationship of Streets to Topography.** 

- (a) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Chapter 14.64, and street grades shall conform as closely as practicable to the original topography.

(b) The maximum grade at any point on a street shall be in compliance with EDDS Section 2-103 (Road Standards for Arterial and Non-Arterial Roads), not exceed 15 percent unless no other practicable alternative is available. However, in no case may streets be constructed with grades that, in the professional opinion of the Public Works Director or designee, create a substantial danger to the public safety. (Ord. 468, 1995)

**14.56.080 Coordination with the Comprehensive Plan Street Width, Sidewalk, and Drainage**

**Requirements in Subdivisions**



(a) Streets are intended to serve several functions. These functions vary depending on the classification of the street: (1) to carry motor vehicle traffic, provide on-street parking; (2) to provide for safe and convenient pedestrian and nonmotorized travel; and (3) to aid in managing stormwater. The requirements outlined in this chapter are intended to ensure these objectives are met.

(b) All existing and planned streets which the City deems necessary for the completion of the City's transportation system are shown and classified in the City's Transportation Element of the Comprehensive Plan. However, the list of planned streets is nonexhaustive and other streets may be proposed by a permit applicant or department director.

(c) Any permit application shall be reviewed for conformance with the Transportation Plan. If a planned street is shown to run through or adjacent to a property proposed for development, the proposal must include roadway dedication and improvements which are generally in conformance to the plan, and meet the development standards identified in this chapter.

(d) ~~Whenever convenient access from a subdivision to adjacent schools, parks or other public facilities is not provided through the dedication and improvement of streets pursuant to this chapter, the developer may be required to include an unobstructed easement of at least 10 feet in width and construct a pathway to provide such access.~~

**Table 14.56-1: Street and Right-of-Way Improvement Requirements<sup>+</sup>**

Classification	ROW Width (ft)	Pavement Width (ft)	Standard Plan
Freeway/Expressway	*	*	-
Major Arterial	*	*	-
Minor Arterial	70	48	2-010

**Table 14.56 I: Street and Right-of-Way Improvement Requirements<sup>1</sup>**

Classification	ROW Width (ft)	Pavement Width (ft)	Standard Plan
Reduced Standard-Minor Arterial <sup>3</sup>	60	42	2-010
Collector	60	36	2-020
Reduced Standard Collector <sup>3</sup>	50	32	2-020
Local Access	50	28	2-030
Reduced Standard Local Access <sup>2</sup>	40	24	2-040
Access Tract (Private)	Varies	20	2-050
Alley	20	16	2-090
Gul-de-sac	50-radius	40-radius	2-120

<sup>1</sup>Access easements shall have a minimum 20 foot width.

<sup>2</sup>Used in short subdivisions.

<sup>3</sup>Allowed in nonconforming situations by the approval of the Public Works Director or designee.

<sup>\*</sup> Determined by the Director of Public Works, designee, or WSDOT.

(Ord. 903, Sec. 41, 2013; Ord. 811, Sec. 92, 2010; Ord. 796, Secs. 13, 14, 2009; Ord. 676, Sec. 49, 2003; Ord. 662, Sec. 4, 2002; Ord. 590, 1998; Ord. 468, 1995)

#### **14.56.090 General Layout of Streets.**

- (a) All streets shall be straight whenever practicable to the extent necessary to preserve and continue a grid system, except that variations in alignment are allowed as a part of a traffic calming project. Traffic calming projects are expected to be constructed in the context of the grid system, not in conflict with it.
- (b) The width of blocks should be that which is sufficient to allow for two tiers of lots (plus width of an alley or public utility easement, if any), unless existing conditions render such requirements undesirable or impractical.
- (c) The length of residential blocks should range between 500 and 700 feet, unless no other practicable alternative is available. In blocks with a length in excess of 700 feet, the city shall require a public access

easement of no less than 10 feet wide through the middle of the block to provide an internal pedestrian walkway, unless deemed impractical by the Planning and Community Development Director. The access easement shall include a 5-foot-wide paved path.

- (d) Streets shall be laid out so that the lengths, widths and shapes of blocks adequately:
  - (1) Provide suitable building sites for the type of use to be accommodated;
  - (2) Provide for subsequent construction to be able to comply with the zoning requirements;
  - (3) Address the limitations and opportunities presented by the topography;
  - (4) Address the need for convenient access, circulation, control and safety of vehicles and pedestrians.
- (e) To the extent practicable, driveway access to arterials and collector streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.
- (f) Pedestrian ways shall be required near the middle of all blocks longer than 800 feet unless deemed infeasible by the Planning Director.
- (g) Where a tract property is subdivided into lots or tracts of an acre or more, the arrangement of lots and streets shall be such as to permit a later re-subdivision in conformance with the street and lot requirements specified in these regulations.
- (h) There shall be no reserve strips controlling access to streets, except where such strips are required by the City.
- (i) A subdivision containing thirty or more parcels shall have two vehicular access points, located at least one hundred feet apart. This requirement may be waived if all adjacent properties are built-out, encumbered by critical areas, or the existing topography renders a second access technically infeasible.

(Ord. 662, Sec. 5, 2002; Ord. 468, 1995)

**14.56.100 Dead-End Streets/Cul-de-Sacs.** 

- (a) Dead-end streets shall be avoided. Cul-de-sacs may be used only when conditions warrant their use:
  - (1) Whenever a dead-end street serves four or more units; or

(2) Extends more than 150 feet from edge of the intersecting right-of-way to the farthest extent of the road.

(b) When allowed under subsection (a) of this section, all permanent dead-end streets (as opposed to temporary dead-end streets; see Section [14.56.060\(d\)](#)) shall ~~be developed as cul-de-sacs~~provide an appropriate turnaround for the road type in accordance with the standards set forth in ~~subsection (d) of this section~~the City's currently adopted EDDS. The city will consider the use of alternative turnarounds described in the EDDS on a case by case basis through the EDDS deviation process outlined in [14.56.135 LSMC](#).

(c) Except where no other practicable alternative is available, such streets may not extend more than 500 feet (measured to the center of the turnaround).

~~(d) The right-of-way of a cul-de-sac shall have a radius of 50 feet. The radius of the paved portion of the turnaround (measured to the face of the curb) shall be 40 feet, with curb, gutter, sidewalk and utility strip within the remaining 10 feet.~~

~~(e) The city will consider the use of alternative turnarounds described in the EDDs on a case by case basis for private tracts and easements.~~

~~(f) Private driveways serving no more than two dwelling units, shall provide a means for residential vehicles to turnaround, outside of the right-of-way, if the driveway extends more than 150 feet from the edge of right-of-way.~~ (Ord. 903, Sec. 42, 2013)

#### **14.56.110 Temporary Half-Streets.** SHARE

(a) Temporary half-streets (i.e., streets of less than the full required right-of-way and pavement width) may be allowed at the discretion of the decision-making authority under the following conditions:

- (1) Where such street, when combined with a similar street developed previously, simultaneously, or anticipated to be built within a reasonable time frame on property adjacent to the subdivision ~~with development capacity~~, creates or comprises a street that meets the right-of-way and pavement requirements of this title.
- (2) Where no more than 10 dwelling units will use the half-street ~~as their sole means of access~~.
- (3) Where a temporary half-street is allowed, the first half of the half-street to be built shall ~~be paved, at a minimum, to a width equal to three-quarters of the ultimate paved width. include two travel lanes, C~~urb, gutter, sidewalk, planter strip, and street trees, ~~depending on the street~~

classification, are to be built in conjunction with each respective half-street on the side adjacent to the proposed project.

(4) Where a public right-of-way ~~has been or~~ is being dedicated to the City over those portions of the ~~adjacent~~ property to be used as a half-street.

(b) Where a private access tract is used, and an adjacent property is capable of being short platted with a private access tract, such tracts shall be located, constructed and dedicated in such a way so as to allow them to be combined into one 40- or 50-foot right-of-way, depending on the applicable road standard. This requirement may be waived by the Planning and Community Development Director if the build-out of the full right-of-way will be significantly constrained by critical areas, existing topography, or a lack of development potential on the adjacent property.

#### **14.56.120 Street Intersections.**

(a) Streets shall intersect at angles as nearly as possible at right angles, and no two streets may intersect at less than 60 degrees in compliance with EDDS Section 2-111. Not more than two streets shall intersect at any one point, unless the Public Works Director or designee certifies to the permit-issuing authority that such an intersection can be constructed with no extraordinary danger to public safety.

(b) Spacing requirements, when connecting with arterial, non-arterial, or other driveway spacing, shall be in compliance with the currently adopted EDDS. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, For the distance spacing requirements between centerlines of the intersecting streets, shall be refer to e not less than 150 feet. EDDS Section 2-111.

(c) Except when no other alternative is practicable or legally possible, no two streets may intersect with an arterial on the same side at a distance of less than 1,000 feet measured from centerline to centerline of the intersecting street.

#### **14.56.130 Construction Standards and Specifications.**

All public streets, sidewalks, curbs and gutters and other improvements shall be constructed in accordance with the currently adopted of the Engineering Design and Development Standards (EDDS) for the City of Lake Stevens. When feasible, applicants shall utilize Low Impact Development EDDS standards when constructing new public streets. All such facilities shall be completed in accordance with these standards except for deviations as provided for in Section [14.56.135](#) and modifications allowed for traffic calming purposes in compliance with the requirements contained in Section [14.56.260](#). In cases

where there is a conflict between the EDDS and municipal code, the municipal code shall be the controlling document. (Ord. 903, Sec. 43, 2013; Ord. 796, Sec. 15, 2009; Ord. 731, Sec. 3, 2006)

**14.56.135 Deviations to Construction Standards and Specifications.**  

Deviations to the [Engineering Design and Development Standards](#)EDDS may be granted by the Public Works Director when situations arise where alternatives to the standards may better accommodate existing conditions, overcome adverse topography or allow for more cost-effective solutions without adversely affecting safety, operations, maintenance or aesthetics pursuant to subsection (c) of this section.

- (a) Unless otherwise specified in this title, deviations may only be granted for standards and specifications that relate to and implement [the City's currently adopted EDDS](#)[Sections 14.56.080\(d\), Table 14.56.1 \(except right-of-way type and standards for state highway\), and Sections 14.56.100\(b\) and \(d\).](#)
- (b) Deviations shall be processed in accordance with the [currently adopted Engineering Design and Development Standards](#)EDDS.
- (c) Requests for deviation shall, at a minimum, comply with the following criteria:
  - (1) The deviation will achieve the intended result of the standards with a comparable or superior design and quality of improvement;
  - (2) The deviation will not adversely affect safety or operations;
  - (3) The deviation will not adversely affect maintenance and related costs;
  - (4) The deviation will not adversely affect the environment; and
  - (5) The deviation will not adversely affect aesthetic appearance.

(d) An annual report of deviation requests shall be submitted to the City Council. (Ord. 903, Sec. 44, 2013; Ord. 811, Sec. 92, 2010; Ord. 796, Sec. 16, 2009; Ord. 731, Sec. 3, 2006)

**14.56.140 Construction Drawings Required Prior to Construction.**  

No right-of-way improvements shall be installed without first obtaining construction plan approval from the [City Engineer](#)[Public Works Director or designee](#). Said right-of-way improvement plans shall be certified by a licensed engineer for approval by the Public Works Director prior to starting construction. (Ord. 796, Sec. 17, 2009)

**14.56.150 Inspection of Public Improvements Required Prior to Issuance of Final Permits.**



All public improvement work shall be inspected by the Public Works Director or his representative prior to issuance of any final land use or building permit.

**14.56.160 Residential Public Streets and Private Roads.**



(a) Except as otherwise provided in this section, all lots created after the effective date of the ordinance codified in this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section [14.56.030](#) (Access to Lots). For purposes of this section, the term "public street" includes a preexisting public street as well as ~~a-streets~~ created ~~by the subdivision through a subdivision~~ that meets the public street standards of this title and is dedicated for public use. The recordation of a plat shall constitute an offer of dedication of such street. [For the purposes of subsections \(b\) – \(d\) an ADU constructed per Title 14 shall not count as a dwelling unit.](#)

(b) Private roads shall not be allowed in major subdivided developments. [However, private access tracts may be allowed in all subdivisions](#) ~~ded developments~~.

(c) Private access tracts ~~may only be created through the short plat process and~~ shall provide access for four or fewer dwelling units ~~and shall include a delineated pedestrian facility~~. Where an existing private access tract is nonconforming with respect to minimum tract width or minimum pavement width, no additional dwelling units may take access off ~~of~~ the tract without bringing it into conformance with this chapter. ~~Where a private access tract is used, and an adjacent property is capable of being short platted with a private access tract, such tracts shall be located in such a way so as to allow them to be combined into one 50-foot right-of-way in the event that the property owners wish to improve and dedicate it as a public street.~~

(d) Access easements shall provide access to no more than two dwelling units. Where an existing access easement is nonconforming with respect to minimum easement width or minimum pavement width, no additional dwelling units may take access off ~~of~~ the easement without the developer bringing it into conformance with this chapter. Access easements shall be a minimum of 20 feet in width and shall have a minimum paved surface of [1840](#) feet ~~per for the two~~ dwelling units accessed by that paved section of easement. [The width of pavement may be reduced to a minimum of 10 feet if the length of the driveway is less than 50 feet.](#)

(e) ~~Shared driveways shall meet the requirements of minimum total easement width and minimum paved surface width as described in subsection (d) of this section. Because shared driveways have two~~

easements, the total easement width shall include both easements. No shared driveway may provide access to more than two dwelling units. (Ord. 796, Sec. 18, 2009; Ord. 590, 1998; Ord. 468, 1995)

**14.56.165 On-Street Parking Required.**

This section is intended to require guest parking spaces in new residential subdivisions in addition to the requirements of Chapter 14.72. On-street parking shall be provided on new public streets when such streets are created and dedicated through the subdivision process, subject to the following criteria:

- (a) The minimum amount of on-street parking spaces that is required to be provided on public streets is one space per five residential parcels in each new subdivision. Dimensions of the parking spaces are subject to Section 14.72.030. When the number of parking spaces required results in a fractional space, rounding shall be calculated pursuant to Section 14.72.010(c).
- (b) The above requirement shall only apply when the subdivision includes a new public street that is constructed to an EDDS standard that includes an on-street parking lane. The parking requirement applies to the whole subdivision, including those parcels accessed by shared driveways or private tracts, and not just those parcels that abut the public street.
- (c) If the ratio of on-street spaces to residential parcels cannot be achieved on the new public street, then off-street public parking spaces are required at the same ratio.
- (d) Where parking is provided off-street as described above, the parking strip can be eliminated, so long as the roadway meets applicable fire standards and an EDDS deviation is approved per Section 14.56.135. The off-street parking must be clearly identified with signage and striping and distributed throughout the entire subdivision.

**14.56.170 Right-of-Way Dedication and Frontage Improvements.** 

Right-of-way dedication to the public and frontage improvements are required for all new development unless the applicant or property owner shows the project qualifies for the exceptions described in this section. No building permit shall be issued for development until right-of-way dedication and frontage improvement requirements have been satisfied.

- (a) Right-of-Way Width. The width of right-of-way dedication shall be determined in accordance with the roadway classifications defined in this chapter, the Comprehensive Plan and the classification standards with the adopted [Engineering Design and Development Standards \(EDDS\)](#). Existing right-of-way widths matching or exceeding the current standards shall satisfy the width requirement. A reduction of right-of-way dedication width may be considered by the Public Works Director or his/her designee under the following conditions:

- (1) Where critical areas or their buffers as defined in Chapter [14.88](#) exist within the proposed dedication area; or

(2) The dedication would deny reasonable economic use of the property under the standards of this title. The applicant or property owner must demonstrate all of the following to receive a reduction in right-of-way width dedication requirements:

- (i) The allowed land uses cannot reasonably be accomplished; and
- (ii) A reduction in the size, scope, configuration, density or consideration of alternative designs as proposed will not accomplish the project as allowed under existing land use regulations; and
- (iii) In cases where the applicant has rejected alternatives to the project as proposed due to other constraints such as zoning or parcel size, the applicant must show there has been a reasonable attempt to remove or accommodate such constraints.

The application or property owner pursuing a reduction in right-of-way dedication width must use the deviation process specified in Section [14.56.135](#). Supporting documentation and applicable application fees shall be submitted with the deviation request.

(b) Frontage Improvements Required. Frontage improvements are required to be installed along the abutting public street frontage of the property to be developed. Resurfacing an existing public street to its centerline shall not be required for single-family or duplex development.

(1) "Frontage improvements" used in this section [as defined in the City's adopted EDDs](#) refer to the construction, reconstruction or repair of the following facilities along public rights-of-way abutting a property being developed [per the applicable street classification](#):

- (i) Curbs, gutters, [bike lanes](#) and sidewalks;
- (ii) Planter strips (or tree wells);
- (iii) Underground storm drainage and other utility facilities;
- (iv) Resurfacing of the existing public street to the centerline; and
- (v) Construction of new street within dedicated unopened right-of-way.

(2) Frontage improvements shall be constructed for the following new development:

- (i) Subdivisions and short subdivisions;

- (ii) Multifamily developments;
- (iii) Binding site plans;
- (iv) All other residential projects unless expressly exempt pursuant to subsection (b)(3) of this section or a waiver is granted in accordance with subsection (b)(5) of this section;
- (v) Commercial projects;
- (vi) Municipal or agency building projects; and
- (vii) Industrial projects.

(3) Frontage requirements related to the construction of a single-family or duplex dwelling unit shall be considered completed provided the following exceptions apply:

- (i) An existing lot in an existing single-family subdivision, short plat, or binding site plan where the lots are fully developed and frontage improvements were constructed to the standards in effect at the time of final plat recording; or
- (ii) A new single-family residence on an existing lot or replacement of an existing single-family residence where there are no frontage improvements meeting City standards constructed within 200 feet of the lot or improvements identified through an approved subdivision and potential exists for future development.

(4) The granting of an exception or waiver as outlined in subsection (b)(3) or (5) of this section does not waive the property owner's requirement to dedicate right-of-way as established in this section.

(5) The Public Works Director may accept a fee in-lieu of waive or modify the requirement to constructing frontage improvements for new development when the applicant or property owner demonstrates that at least one of the following conditions exist and the owner of the new development either executes a no-protest agreement to form a local improvement district for the subject street frontage or pays a fee in lieu of constructing frontage improvements as approved by the Public Works Director or designee. Said no-protest agreement shall have an effective term of eight years from the time of the City's acceptance:

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- (i) There are no existing sidewalks along the same side of the street within two adjacent lots or 100 feet, whichever is less, of the property on either side or on one side for corner lots on each frontage;
- (ii) Construction of frontage improvements will adversely impact critical areas that cannot be adequately mitigated in accordance with Chapter [14.88](#) or the State Environmental Policy Act pursuant to Title [16](#);
- (iii) A safety issue is created by constructing the frontage improvements;
- (iv) A public roadway improvement project is scheduled and fully funded for construction and said project that includes the adjacent site frontage.

The applicant or property owner shall apply for a waiver using the deviation process specified in Section [14.56.135](#). The application shall address how the criteria set forth in Section [14.56.135](#)(c) are met and how the applicable conditions in this subsection above apply to the project. Any supporting documentation and applicable application fees shall be submitted with the deviation request.

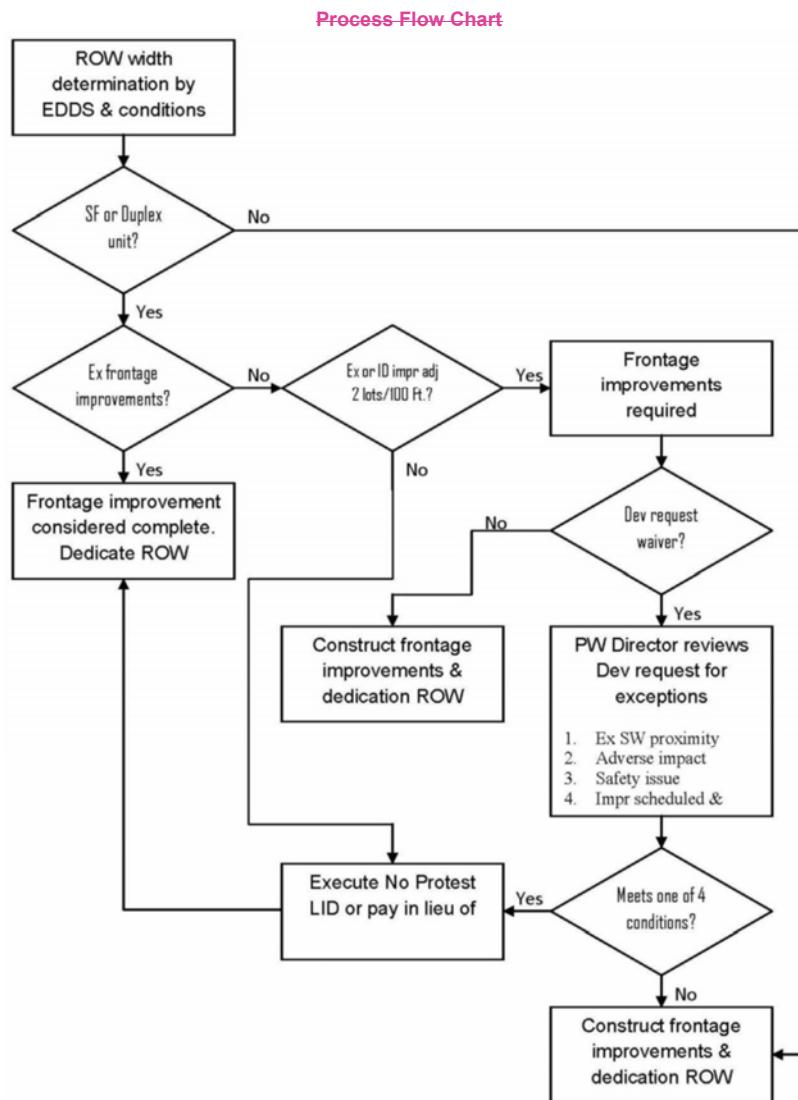
(c) Dedication of Right-of-Way. Dedication of right-of-way is required to be executed prior to building permit issuance or final project approval. For subdivisions, short subdivisions and binding site plans, the dedication shall be required on the final recording documents. For projects that are not part of a subdivision of land, the applicant shall submit the required executed documents on forms provided by the City. The City shall record the documents upon obtaining the appropriate City signatures and the applicant or property owner pays the recording fees.

(d) Acceptance of Frontage Improvements. The Public Works Director or designee may approve an extension for the completion of the improvements for up to one year if the Public Works Director or designee receives a surety bond or equivalent cash deposit ensuring the timely completion of the improvements. Said surety bond shall meet the requirements set forth in Section [14.16A.180](#) (Security Mechanisms).

(e) State or Federal Law. Where an applicant demonstrates under applicable State or Federal law that the required dedication or improvements are unlawful, the Public Works Director or designee, to the extent the obligation is unlawful, shall not require the dedication or improvements required by this section as a condition of final acceptance or of building permit issuance.

(f) Appeal of Director Decision. Any appeal of the Director or designee's determination shall be processed using the appeal processes specified for the underlying application pursuant to

Section [14.16A.265](#). A timely appeal shall be required in order to constitute an exhaustion of remedies under this section.



(Ord. 916, Sec. 2 (Exh. 1), 2014)

**14.56.180 Road and Sidewalk Requirements in Unsubdivided Developments.**  

(a) Within unsubdivided developments, which includes multifamily, commercial and industrial developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this title dealing with parking (Chapter [14.72](#)) and drainage (Chapter [11.06](#)). To the extent not otherwise covered in the foregoing chapters, and to the extent that the requirements set forth in this chapter for subdivision streets may be relevant to the roads in unsubdivided developments, the requirements of this chapter may be applied to satisfy the standard set forth in the first sentence of this subsection.

(b) Whenever a road in an unsubdivided development connects two or more collector or arterial streets in such a manner that any substantial volume of through traffic is likely to make use of this road, such road shall be constructed in accordance with the standards applicable to subdivision streets and shall be dedicated to the public. In other cases when roads in unsubdivided developments within the city are constructed in accordance with the specifications for subdivision streets, the city may accept an offer of dedication of such streets.

(c) In all unsubdivided residential development, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine dwelling units.

(d) Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer, through coordination with the applicable agency, may be required to reserve an unobstructed easement of at least 10 feet to provide such access.

(e) The sidewalks required by this section shall be at least five feet wide and constructed according to the specifications set forth in the currently adopted version of the Engineering Design and Development Standards for the City of Lake StevensEDDS. Alternative pedestrian facilities may be considered on a case by case basis through an EDDS deviation. (Ord. 796, Sec. 20, 2009)

**14.56.190 Off-Site Traffic Mitigation.**  

(a) Applicants for all administrative conditional or conditional use permits, Planning Director or Public Works Director approvals for short subdivisions creating five or more lots, all multifamily residential (four dwelling units or greater), commercial, industrial, or recreational building permits shall, where warranted,

contribute to off-site right-of-way improvements based upon traffic volumes generated by the project and other factors indicated below; provided, that in the event the City requires formation of a local improvement district (LID) for construction of right-of-way improvements the developer's contribution share shall be determined as provided in Chapter 36.88 RCW and by City ordinance. The volume of traffic generated by the project in relationship to the total of current traffic volumes plus the traffic generated by the development expressed in ADT will be used as the primary measurement in establishing the share of cost of the road improvement or its implementation which the permit applicant will be required to fund. The ratio of traffic volumes will be determined by dividing the number of vehicles being added as a result of the applicant's proposal by the ADT using the road system following development. The number of vehicle trips being added by the development will be determined by using the following trip generation factors listed in Table 14.56-II.

(b) Other trip generation factors will be determined and supplied by the Planning Director or Public Works Director as needed using the document Trip Generation (Institute of Transportation Engineers, Arlington, VA, current edition). The Planning Director or Public Works Director may reduce such trip generation factors where adequate public transportation facilities are available, or where the type of development clearly will not generate the number of daily trips set forth as a factor above.

**Table 14.56-II: Trip Generation Factors**

LAND-USE TYPE	DAILY TRIPS	UNIT
Single family	10.0	Dwelling unit
Apartments	6.4	Dwelling unit
Industrial & Warehouse	8.0	1,000-sq. ft. gross leasable floor area

(c) The analysis required in subsections (a) and/or (b) of this section shall be provided by the applicant, in the form of a traffic impact study prepared by a qualified traffic engineer and conforming to the administrative guideline entitled "Traffic Impact Analysis Guidelines (TIAG)." The traffic reports so generated shall be reviewed by the Planning Director, or its representative, for conformance to the intent of this section, the TIAG and traffic engineering standards. Where differences of professional opinion exist, the Planning Director's opinion shall be final.

(d) A fee for traffic report review, as set by resolution, shall be levied against the applicant. (Ord. 811, Sec. 58, 2010)

**14.56.192 Collection of Pre-Annexation Traffic Mitigation Fees.\***  

Pursuant to the terms of an interlocal agreement with Snohomish County, the City may collect traffic impact mitigation fees, that were imposed by the County, under County code and for which the application was vested under County code, where the subject property has been annexed to the City since the fees were imposed by the County. The City may condition the issuance of building permits or a certificate of occupancy on the payment of such fees. When the fees are paid to the City, the City shall issue a receipt to the applicant which deems the fee obligation of the City and the County satisfied and which indemnifies the applicant from payment of such fees to the County. (Ord. 859, Sec. 1, 2011)

\* Code reviser's note: Section 3 of Ordinance 859 adopts sections of the Snohomish County Code concerning mitigation fees and concurrency determination. The text of these sections is attached as Exhibit 1 to the ordinance, on file with the City Clerk's office.

**14.56.200 Attention to Disabled Persons in Street and Sidewalk Construction.**  

(a) Whenever curb and gutter construction is used on public streets, wheelchair ramps for disabled persons shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the Washington State Building Code addressing accessibility.

(b) In unsubdivided developments, sidewalk construction for disabled persons shall conform to the requirements of the chapter of the Washington State Building Code addressing accessibility. (Ord. 468, Sec. 2, 1995)

**14.56.210 Street Names and House Numbers.**  

Street names and house numbers assigning procedures are hereby established by policy. (Ord. 539, 1997; Ord. 515, Sec. 1, 1996; Ord. 468, Sec. 2, 1995)

**14.56.220 Bridges.**  

All bridges shall be constructed in accordance with the standards and specifications of the Washington State Department of Transportation and the Washington State Department of Fish and Wildlife, except that bridges on roads not intended for public dedication may be approved by the Public Works Director, if designed by a licensed architect or engineer and approved by the Washington State Department of Fish and Wildlife.

**14.56.230 Utilities.**  

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in Chapter [14.60](#) (Utilities).

**14.56.240 Vacations of Public Rights-of-Way.** 

Applications for vacations of public rights-of-way shall be processed according to Section [14.16C.095](#).  
(Ord. 811, Sec. 59, 2010)

**14.56.250 Right-of-Way Permit Required.** 

Prior to performing any work within a public right-of-way, the person performing the work shall obtain a right-of-way permit from the Public Works Director, who may condition the permit as necessary to protect the public health, safety and welfare. (Ord. 468, 1995)

**14.56.260 Implementation of Traffic Calming Techniques.** 

(a) The standards contained within this chapter may be varied on new roads or modifications of existing roads for the purpose of implementing traffic calming techniques and the following criteria are met:

- (1) There is a demonstrated need for calming (i.e., not an excuse to build substandard roads).
- (2) The modifications are limited to the least amount necessary to implement the desired technique.
- (3) It is demonstrated to the satisfaction of the Lake Stevens Public Works ~~and Police~~ Departments that the proposed techniques will be effective in achieving their objectives.
- (4) The proposal does not result in the level of service (LOS) dropping lower than the adopted standard for any City road.
- (5) The proposal does not create a traffic hazard.
- (6) The proposal does not come at cost of bike lane or pedestrian access.
- (7) Developers who install traffic calming techniques are encouraged to also incorporate low impact development techniques for stormwater management. Toward that end, projects may incorporate storm facilities in lieu of landscape strip.
- (8) The proposal must be acceptable to ~~Public w~~Works for purposes of not creating undue maintenance needs and for ensuring the replacement life of the facilities is acceptable relative to the costs of replacing the facilities.
- (9) The proposal must be acceptable to the fire and police chiefs for public safety purposes.
- (10) For modifications to existing streets where significant use of on-street parking already occurs, the proposal must accommodate on-street parking.

(11) The proposal must accommodate installation of utilities to adopted standards. The proposal does not significantly increase the potential to adversely impact the environment than would building a standard street.

(12) The proposal doesn't significantly impact residents access or adversely impact adjacent or nearby properties.

(b) Prior to approval of modifying an existing street not associated with a land use development, the City Council shall conduct a public meeting to solicit input from people in the affected neighborhood. In making a decision whether to approve a proposal, the Council shall consider public testimony in regards to the previous criteria, and any other information which demonstrates the appropriateness of the proposal.

(c) For new streets in new developments, public comments and testimony shall be afforded through the process set forth for the land use permit associated with the new development. (Ord. 796, Sec. 21, 2009; Ord. 662, Sec. 6, 2002)

**14.56.270 Private Landscape Usage of Public Right-of-Way.** 

(a) Right-of-way dedicated for the purpose of public use may be used by an adjacent private property owner for landscape enhancement as described in subsection (b) of this section, or as described in subsection (c) of this section if approved in writing by the Public Works Director, and provided the enhancement does not:

(1) Occur within a right-of-way adjacent to a designated state route without prior approval from WSDOT of the proposed enhancement; and

(2) Create a sight distance condition for both the public and the adjacent properties within the public right-of-way; and

(3) Impact or alter existing drainage flows or existing drainage systems within the right-of-way; and

(4) Obstruct pedestrian movement as existing prior to any enhancement work; and

(5) Come within three feet from the edge of the existing driving lane; and

(6) Have a casted cement concrete, asphalt, or metal foundation; and

(7) Add additional impervious surface; and

- (8) Create a glare from the sun or headlights that affect users of the public right-of-way; and
- (9) Have electrical power service; and
- (10) Require mechanical excavation for placement; and
- (11) Include a sign or moving object (i.e., wind- or self-power-operated yard display); and
- (12) Create a health, safety, and welfare concern or issue to the public as determined by the Public Works Director.

(b) Private enhancement allowed within the public right-of-way requires the approval of the Public Works Director unless included in the following:

- (1) Manicured lawn.
- (2) Ground cover, bushes, shrubs and plants.
- (3) City-approved street trees.
- (4) Nonstructure landscaping walls less than three feet in height.
- (5) Paver bricks and concrete patio type step blocks.
- (6) Landscaping rocks no larger than six inches at the widest point.
- (7) Landscaping bark.
- (8) Mailbox.
- (9) Irrigation system up to five-eighths-inch in diameter pipe size.
- (10) Gravel shoulder using a crush surface base course material with fines that allows for compaction.

(c) Requests for an approval for the placement of an enhancement within the public right-of-way not included in subsection (b) of this section shall be submitted in writing to the Public Works Director or designee. The request must include a detailed description of the proposed enhancement and a sketch showing the location of the proposed enhancement. The Public Works Director or designee shall provide a written response to all requests either approving or denying approval. If a request is denied, an

explanation will be provided. The decision of the Public Works Director or designee shall be final and conclusive and there shall be no right of appeal.

(d) A right-of-way permit per Section [14.56.250](#) will be required prior to private enhancement being placed in the public right-of-way with the following private enhancements being exceptions:

- (1) Manicured lawn.
- (2) Ground cover, bushes, shrubs and plants.
- (3) Paver bricks and concrete patio type step blocks.
- (4) Landscaping bark.

(e) Any private enhancement placed within the public right-of-way may be required by the City to be removed at some future date. When practical, the City shall give 15 calendar days' notification to the adjacent property owner to remove such enhancement. In the event that the adjacent property owner does not remove such enhancements following the 15 calendar days' notification or the Public Works Director determines that an immediate action is needed, such as a safety, weather related, or part of a construction project, that requires the use of the public right-of-way, the City may take immediate action to remove any enhancement within the public right-of-way. The costs of such abatement by the City shall be the responsibility of the owner of the adjacent property. Such costs may be recovered by the City in accordance with the provisions of Section [9.60.210](#).

(f) The owner of the adjacent property is responsible for the maintenance of private enhancement along its frontage and sides. If maintenance is needed for public safety, the City may perform the work without notification to the property owner. The costs of such maintenance shall be deemed costs of abatement and shall be the responsibility of the owner of the adjacent property. Such costs may be recovered by the City in accordance with the provisions of Section [9.60.210](#).

(g) The City shall not be responsible to protect, preserve, or return any enhancements removed from the public right-of-way. No reimbursement will be made by the City for any loss, removal, or damage to said enhancements within the public right-of-way.

(h) The City's cost of abatement or costs of maintenance shall be the City's actual costs plus an administrative fee of not less than 15 percent.

(i) Enhancements installed and maintained in accordance with the provisions of this section shall not be deemed a nuisance under Section [9.60.170](#). (Ord. 843, Sec. 1, 2011)

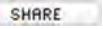
**14.56.280 Complete Streets.**  **SHARE**

- (a) The City of Lake Stevens should, to the best of its ability, and subject to the limits of its financial resources, plan for, design and construct new transportation projects to provide appropriate accommodation for pedestrians, bicyclists, motor vehicle drivers, public transportation users and drivers, people of all ages and abilities including, but not limited to, children, youth, families, older adults, and individuals with disabilities.
- (b) Exceptions. Exceptions to this policy may be determined by the Public Works Director, City Engineer, Mayor, City Council, City Administrator or designee. Facilities for pedestrians, bicyclists, transit users, motorists, and/or people of all abilities are not required to be provided:
  - (1) Where their establishment would promote or accommodate uses of the street that are prohibited by law;
  - (2) Where their establishment would be contrary to public health and safety;
  - (3) Where there is no City-identified need;
  - (4) Where ordinary maintenance activities, designed to keep assets in serviceable condition (e.g., striping, cleaning, sweeping, spot repair and pavement preservation), would be wholly or partially impeded;
  - (5) Where the costs associated with planning and implementing "complete streets" is, or would be, disproportionate to the current need or future benefit;
  - (6) Where a documented exception or deviation has been granted by the Public Works Director, City Engineer or designee;
  - (7) Where implementing "complete streets" practices on a small project would create a short section of improvements that create problematic transitions on either end or that are unlikely to be followed by similar improvements at either end which result in little to no progress toward implementing "complete streets";
  - (8) Where implementing "complete streets" practices would have an adverse impact on environmental resources including, but not limited to, streams, rivers, lakes, wetlands, floodplains or historic structures/sites beyond the impacts of existing infrastructure;

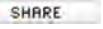
(9) Where implementing a "complete streets" practice would be contrary to or conflict with the City's adopted street design standards and/or the City's adopted Transportation Improvement Plan.

(Ord. 965, Sec. 1, 2016)

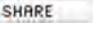
Part II. Street Assessment Reimbursement Agreements

**14.56.300 Purpose.**  

This part implements and makes available to the public the provisions of Chapter [35.72](#) RCW as the same now exists or may hereafter be amended.

**14.56.310 Authorization.**  

The Public Works Director is authorized to accept applications for the establishment by contract of an assessment reimbursement area as provided by state law, provided, such application substantially conforms to the requirements of this chapter.

**14.56.320 Applications.**  

Applications for the establishment of an assessment reimbursement area shall be accompanied by the application fee as set by the City Council by resolution and shall include the following items:

- (a) Detailed construction plans and drawings of the entire street project to be borne by the assessment reimbursement area prepared and stamped by a licensed engineer.
- (b) Itemization of all costs of the street project including, but not limited to, design, grading, paving, installation of curbs, gutters, storm drainage, sidewalks, street lights, engineering, construction, property acquisition and contract administration.
- (c) A map and legal description identifying the proposed boundaries of the assessment reimbursement area and each separately owned parcel within such area. Such map shall identify the location of the street project in relation to the parcels of property in such area.
- (d) A proposed assessment reimbursement roll stating the proposed assessment for each separate parcel of property within the proposed assessment reimbursement area as determined by apportioning the total project cost on the basis of the benefit of the project to each such parcel of property within said area.
- (e) A complete list of record owners of property within the proposed assessment reimbursement area certified as complete and accurate by the applicant and which states names and mailing addresses for each such owner.

(f) Envelopes addressed to each of the record owners of property within the assessment reimbursement area who have not contributed their pro rata share of such costs. Proper postage for registered mail shall be affixed or provided.

(g) Copies of executed deeds and/or easements in which the applicant is the grantee for all property necessary for the installation of such street project.

**14.56.340 Assessment Methods.**  

The Public Works Director shall use a method of assessment which is based on the benefit to the property owner from the project, which may include the methods of assessment authorized in RCW Chapter [35.44](#) for local improvement districts.

**14.56.350 Notice to Property Owners.**  

Prior to the execution of any contract with the City establishing an assessment reimbursement area, the Public Works Director or designee shall mail, via registered mail, a notice to all record property owners within the assessment reimbursement area as determined by the City on the basis of information and materials supplied by the applicant, stating the preliminary boundaries of such area and assessments along with substantially the following statement:

As a property owner within the Assessment Reimbursement Area whose preliminary boundaries are enclosed with this notice, you or your heirs and assigns will be obligated to pay under certain circumstances a pro rata share of construction and contract administration costs of a certain street project that has been preliminarily determined to benefit your property. The proposed amount of such pro rata share or assessment is also enclosed with this notice. You, or your heirs and assigns, will have to pay such share, if any development permits are issued for development on your property within \_\_\_\_\_ (\_\_\_\_) years of the date a contract establishing such area is recorded with Snohomish County provided such development would have required similar street improvements for approval.

You have a right to request a hearing before the City Council within twenty (20) days of the date of this notice. All such requests must be made in writing and filed with the City Clerk. After such contract is recorded it shall be binding on all owners of record within the assessment area who are not a party to the contract.

**14.56.360 City Council Action.**  

If an owner of property within the proposed assessment reimbursement area requests a hearing, notice of the hearing shall be given to all affected property owners in addition to the regular notice requirements specified by this part, the cost of which shall be borne by the applicant. At a hearing the City Council shall take testimony from affected property owners and make a final determination of the area boundaries, the

amount of assessments, length of time for which reimbursement shall be required and shall authorize the execution of appropriate documents. The City Council's ruling on these matters is determinative and final. If no hearing is requested, the Council may consider and take final action on these matters at any public meeting 20 days after notice was mailed to the affected property owners.

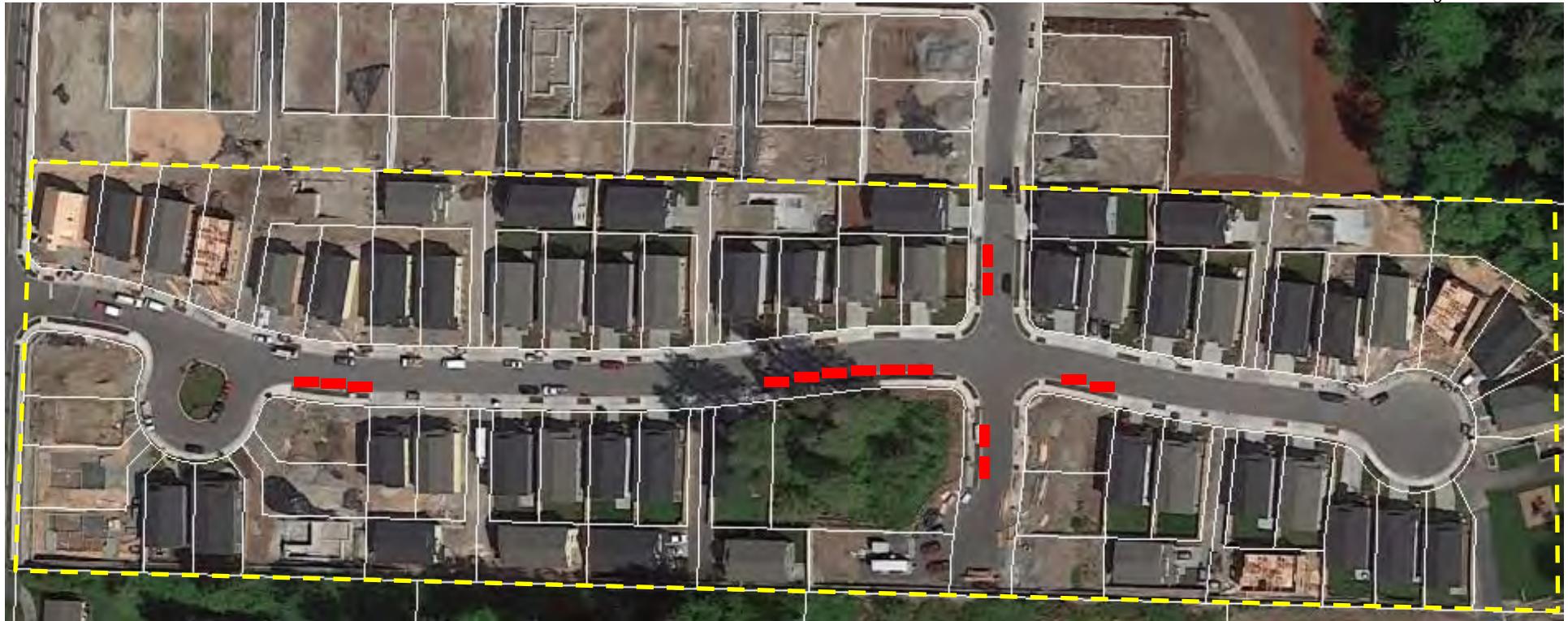
**14.56.370 Contract Execution and Recording.**  

- (a) Within 30 days of final City Council approval of an assessment reimbursement agreement, the applicant shall execute and present such agreement for the signature of the appropriate City officials.
- (b) The agreement must be recorded in the Snohomish County Recorder's Office within 30 days of the final execution of the agreement.
- (c) If the contract is so filed and recorded, it shall be binding on owners of record within the assessment area who are not party to the agreement. (Ord. 468, 1995)

**14.08.010 Definitions of Basic Terms.**  

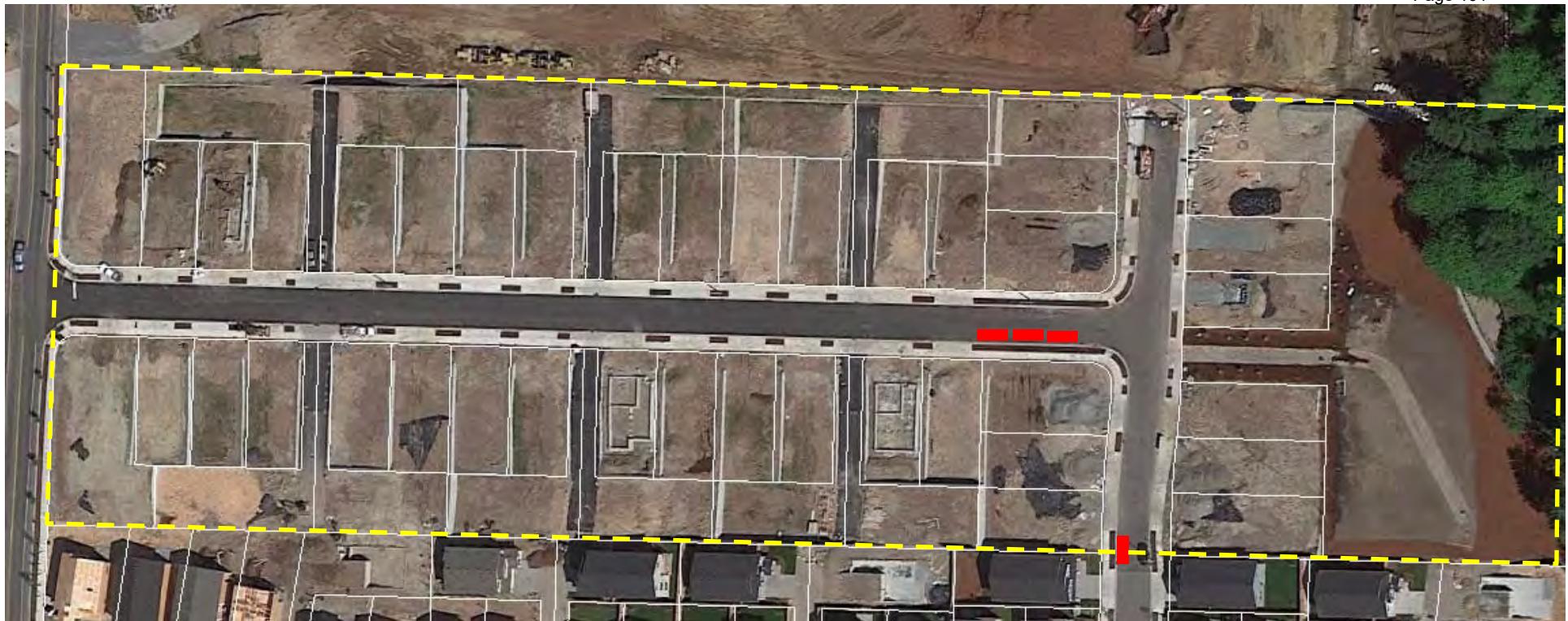
Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this title.

*Shared Driveway. A private driveway located on two easements used for the access of one or more dwelling units, where each easement provides half the width of the driveway.*



68 new homes / 5 = 14 on-street parking spaces would be required per new code.

15 on-street spaces were provided.

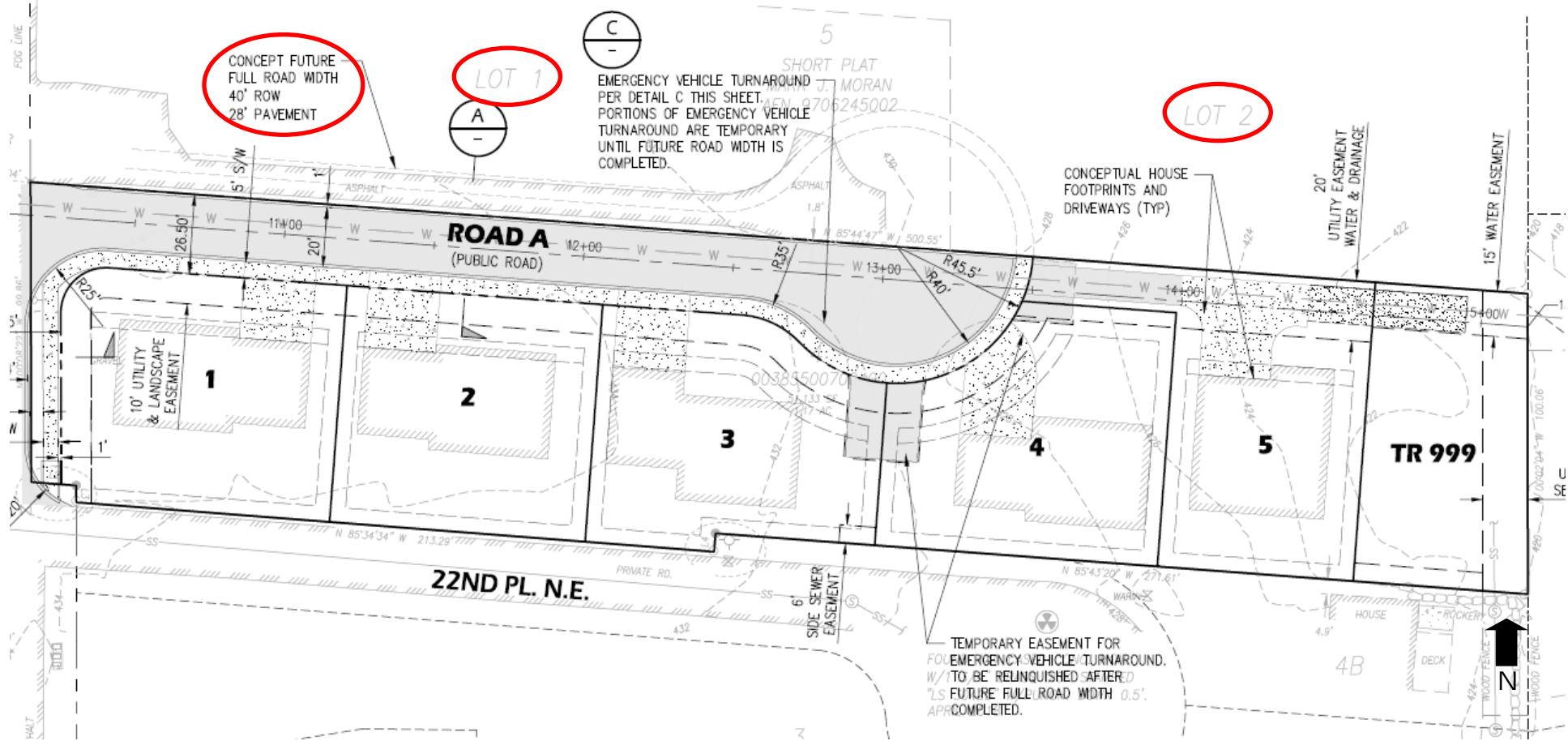


53 new homes / 5 = 11 on-street parking spaces would be required per new code.

4 on-street spaces were provided.

Attachment 3

0 15 30  
1 inch = 30 feet



This 5-lot subdivision is adjacent to two properties with development potential to the north (Lots 1 and 2). When the parcels to the north subdivide, those developers will construct the full build-out of the cul-de-sac.

Attachment 4



## CITY OF LAKE STEVENS DETERMINATION OF NONSIGNIFICANCE (SEPA DNS)

**Issuance Date:** May 21, 2019

**Project Name (No.):** Streets and Sidewalks Ordinance (LUA 2018-0151)

**Proponent:** City of Lake Stevens

**Applicant:** City of Lake Stevens  
1812 Main Street  
Lake Stevens, WA 98258

**Description of Proposal:** The City of Lake Stevens is proposing changes to their zoning code to update regulations governing streets and sidewalks within the city. The purpose of the code amendment is to create clear and more flexible regulations governing streets and sidewalks. The code amendment would result in revisions to Chapter 14.56 Lake Stevens Municipal Code.

**Project Location (including street address, if any):** Within the city limits of Lake Stevens

**Contact Person:** Josh Machen, Planning Manager **Phone:** (425) 622 - 9428

**Threshold Determination:** The City of Lake Stevens, acting as lead agency for this non-project action proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance.

**SEPA Responsible Official:**

Russ Wright, Community Development Director, City of Lake Stevens

**Comments on the Threshold Determination:** If you would like to comment on this Threshold Determination, your written comments should be sent to the address below by **June 4, 2019 (14 days from issuance)**. The Responsible Official may incorporate any substantial comments into the DNS. If the DNS is substantially modified, it will be reissued for further public review.

**Appeals:** You may appeal this determination of non-significance by submitting an appeal to the address below no later than 4:00 PM, **June 4, 2019 (14 days from issuance)**. The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code. All comments or appeals are to be directed to City Hall, P.O. Box 257, Lake Stevens WA, 98258.

Attachment 5

**From:** [COM GMU Review Team](#)  
**To:** [Dillon Roth](#)  
**Subject:** City of Lake Stevens - Expedited Review Request Granted for Submittal ID: 2019-S-201  
**Date:** Monday, June 3, 2019 6:35:58 AM

---

Dear Mr. Roth,

Your request for an Expedited Review has been granted for: Proposed amendment to change the zoning code to update regulations governing streets and sidewalks within the city. This results in changes to LSMC 14.08, and 14.56.

As of receipt of this email, you have met the Growth Management notice to state agency requirements in RCW 36.70A.106 for this submittal. Please keep this email as confirmation.

If you have any questions, please contact Michelle Whitfield at (360) 725-3053 or by email at [michelle.whitfield@commerce.wa.gov](mailto:michelle.whitfield@commerce.wa.gov).

~~~ ONLINE TRACKING SYSTEM AVAILABLE ~~~~

Log into our new PlanView system at <https://secureaccess.wa.gov/com/planview> where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach a completed PlanView User Request Form.

Have questions about using PlanView? Use the PlanView User Manual for assistance at <https://www.commerce.wa.gov/serving-communities/growth-management/washington-department-of-commerce-growth-management-submitting-materials/>.

Sincerely,

Review Team  
Growth Management Services

## Attachment 6

**From:** [Dylan Sluder](#)  
**To:** [Dillon Roth](#)  
**Subject:** Questions on Streets and Sidewalks Draft Code Changes  
**Date:** Monday, April 1, 2019 10:50:10 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image005.png](#)

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Dillon,

I hope you are having a great start to the week! I had a few questions brought up to me by members and I wanted to reach out and ask for some clarity.

1. There was a question on path requirements for longer blocks. They mentioned that there are times when critical areas or other site constraints do not make this possible. Adding “when practicable” could alleviate some of the concerns. Here is the language referred to:
  - (c) The length of residential blocks should range between 500 and 700 feet, unless no other practicable alternative is available. **In blocks with a length in excess of 700 feet, the city shall require dedication of a paved path not less than 10 feet wide through the middle of the block to provide an internal pedestrian walkway to connect other portions of the neighborhood.**
2. There was also a question asked about a possible conflict with the Fire code in the General Layout of Streets. Here is the passage of concern:
  - (i) A subdivision containing thirty or more dwelling units shall have two vehicular access points, located at least one hundred feet apart. (Ord. 662, Sec. 5, 2002; Ord. 468, 1995).
3. The last question was in Residential Streets and Private Roads on Private Access Tracts. They asked what the access section width and pavement type were in the following section:
  - (c) Private access tracts may only be created through the short plat process and shall provide access for four or fewer dwelling units and shall have a delineated pedestrian facility. Where an existing private access tract is nonconforming with respect to minimum tract width or minimum pavement width, no additional dwelling units may take access off of the tract without bringing it into conformance with this chapter.

Thanks for your help on answering these!

Dylan



**Dylan Sluder**

Snohomish County Manager  
Master Builders Association of King and Snohomish Counties

p 425.460.8236  
335 116<sup>th</sup> Ave. SE | Bellevue, WA 98004  
[mbaks.com](http://mbaks.com)

Find us on

Attachment 7

**From:** [Dylan Sluder](#)  
**To:** [Dillon Roth](#)  
**Subject:** Streets and Sidewalks Amendment Comment  
**Date:** Monday, May 13, 2019 4:02:27 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image005.png](#)

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Hi Dillon,

Thank you for your willingness to answer my questions and to follow-up on our previous comments on the Streets and Sidewalks Amendment.

I have a couple more comments concerning 14.56.090 General Layout of Streets section "C" regarding path requirements for long blocks.

See below:

(c) The length of residential blocks should range between 500 and 700 feet, unless no other practicable alternative is available. In blocks with a length in excess of 700 feet, the city shall require dedication of a paved path not less than 10 feet wide through the middle of the block to provide an internal pedestrian walkway to connect other portions of the neighborhood, unless deemed infeasible by the Planning Director.

Our concern is that the 10 feet minimum width requirement for mid-block dedicated paths is excessive. A standard sidewalk width of 5 feet would be more practical. A smaller path would also limit environmental and stormwater impacts of the impervious surface associated with it.

An addition of easement width allowances would provide guidance and also allow for some form of a landscaping "buffer" on the sides of the path. A 10 feet easement with a 5 feet path would provide for this. This would allow for more aesthetically pleasing paths as well.

I appreciate the opportunity to comment and your willingness to work with us during this process.

Please let me know if have any questions or if the MBA can help out in any way.

Thanks!



**Dylan Sluder**  
Snohomish County Manager  
Master Builders Association of King and Snohomish Counties  
**p** 425.460.8236  
335 116<sup>th</sup> Ave. SE | Bellevue, WA 98004  
[mbaks.com](#)  
Find us on



LAKE STEVENS CITY COUNCIL

## STAFF REPORT

**Council Agenda Date:** June 25, 2019

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

**Contact Person/Department:** Russ Wright, Community Development Director

**Budget Impact:** N/A

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

1. Hold a Public Hearing
2. Motion to approve Ordinance No. 984 adopting changes to the Critical Areas regulations of the Lake Stevens Municipal Code.

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### SUMMARY:

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 in 2016. All changes to Chapter 14.88 LSMC are shown in edit mode – new items are underlined; deletions are shown as strikeouts.

### BACKGROUND/HISTORY:

The Planning Commission and City Council have held multiple workshops, and both boards held initial 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.

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 changes to the wetlands section based on the 2014 DOE Wetland Rating System for Western Washington and the July 2018 supplemental report. The final edits are shown in Ordinance 984 attached as **Exhibit A**

With the revised buffer rating system in place, staff has held additional workshops and a public hearing with the Planning Commission in November 2018. The Planning Commission recommended approval of the revised Critical Areas Code subject to City Council Review and a final City Council Hearing (see attached findings and conclusions within the recommendation letter – **Attachment B**). Staff has also provided the revised draft to DOE and other stakeholders for review and incorporated some changes. DOE has approved the proposed changes.

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 14.88.200 Applicability added a clause making a distinction about applicability between the city's critical areas code inside and outside of shoreline jurisdiction.
4. 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;
5. Section 14.88.275 Mitigation/Enhancement Plan Requirements updated to include criteria for data collection;
6. 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;
7. Section 14.88.283 updated to emphasize integrated pest management practices and wildlife protection when using pesticides per DOE request;
8. Section 14.88.285(d) clarifies exceptions from buffer setbacks and defines when fences and walls will be allowed in critical areas and buffers and materials;
9. Section 14.88.287 Fencing and Signage updated for compliance with the model ordinance;
10. 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;
11. Section 14.88.295 updated to allow alternative tree mitigation at the Planning Commission's request;
12. 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
13. Section 14.88.440 Mitigation updated to include specific requirements for innovative design;
14. Section 14.88.650 (c) and (d) Prohibited alterations updated for consistency with WAC 173-26-221;
15. 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:** Chapters 14.08 and 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 – Draft Ordinance 984 – Updates to Chapters 14.08 and 14.88 LSMC

Attachment B – Planning Commission Recommendation

CITY OF LAKE STEVENS  
LAKE STEVENS, WASHINGTON

**ORDINANCE NO. 984**

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

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

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

WHEREAS, RCW 36.70A.172, which became effective in 1995, requires that each GMA jurisdiction include best available science in developing policies and developing regulations to protect the functions and values of critical areas and to give special consideration to conservation of protection measures necessary to preserve or enhance anadromous fisheries ; and

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

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

WHEREAS, the Department of Ecology adopted new guidance for wetland ratings on October 2014 and issued supplemental guidance in July 2018; and

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

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

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

WHEREAS, the city received public comments from stakeholders during different phases of the project.

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

WHEREAS, the city held duly noticed public hearings with the Planning Commission on January 4, 2017 and November 7, 2018; and

WHEREAS, the Planning Commission considered all testimony and comments and recommended approval; and

WHEREAS, the city held a duly noticed public hearings with the City Council on January 24, 2017 and June 25, 2019 and the City Council considered the Planning Commission's recommendation and all testimony and comments.

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

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

- A. The proposed ordinance updating the city's Critical Areas Regulations was sent to the Washington State Department of Commerce on January 28, 2016 for a 60-day review as required by the Growth Management Act.
- B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.
- C. The Planning Commission has recommended approval (**Exhibit A**) of the proposed amendments pursuant to LSMC 14.16C.075(f) and found that they are consistent with the Comprehensive Plan, comply with the Growth Management Act, and serve to advance the public health, safety, and welfare.
- D. The above recitals are hereby adopted as findings of the City Council.

**SECTION 2.** Chapter 14.08 entitled "DEFINITIONS" of the Lake Stevens Municipal Code is hereby amended to read as referenced and incorporated (unchanged elements remain in effect) in Attached **Exhibit B**.

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

**SECTION 4.** Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.

**SECTION 5.** Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force forty-five (45) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 25<sup>th</sup> day of June 2019.

---

John Spencer, Mayor

ATTEST/AUTHENTICATION:

By: \_\_\_\_\_  
Kathy Pugh, City Clerk

APPROVED AS TO FORM:

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

First Reading: January 24, 2017

Second Reading: June 25, 2019

Published:

Effective Date:

## **EXHIBIT A**

### **Planning Commission Recommendation**



November 7, 2018

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

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

Dear Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, November 7, 2018 to consider amendments to the city's Critical Areas regulations in chapters 14.08 and 14.88 of the Lake Stevens Municipal Code.

**Commissioners Present:** Janice Huxford, Jennifer Davis, Tracey Trout, Vicki Oslund, Linda Hoult, Steve Ewing and John Cronin

**Commissioners Absent:** None

**PLANNING COMMISSION PUBLIC HEARING November 7, 2018**

Planning and Community Development staff presented the proposed code amendments, based on changes to the DOE guidance for wetlands, summarized findings and conclusions from the staff report, and answered the Commission's questions.

**FINDINGS AND CONCLUSIONS**

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

***1. Comply with selected Goals of the Comprehensive Plan***

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

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

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

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

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

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

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

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

**4. *Comply with Public Notice and Comment Requirements***

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

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

**PLANNING COMMISSION RECOMMENDATION**

**MOTION:** Commissioner Ewing/Second Hoult forward a recommendation to the City Council to APPROVE the proposed amendment/Critical Areas regulations in chapters 14.08 and 14.88 of the Lake Stevens Municipal Code. Motion carried (6-0-0-1)

## **EXHIBIT B**

### **Chapter 14.08 Definitions**

### **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. ~~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.~~

## **EXHIBIT C**

### **Chapter 14.88 Critical Areas**

## **Critical Areas Chapter 14.88**

### 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. The provisions of the current Lake Stevens Shoreline Master Program Appendix B apply to shoreline critical areas within Lake Stevens. (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 Public and Private Pedestrian Trails

(1) Trails may be construction constructed and use of nature trails; provided, that they are proposed only within the outer 25 percent of the wetland critical area buffers to wetlands and fish and wildlife and conservation areas, 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:

- i. No other alternative for the trail location exists which would provide the same educational and/or scientific research opportunities; and
- ii. The critical area functions and values will not be diminished as a result of the trail; and
- iii. The materials used to construct the trail are pervious and will not harm the critical area; and
- iv. Raised boardwalks using non-treated pilings may be acceptable.
- v. (4) Land disturbance is minimized to the greatest extent possible including removal of significant trees; and
- vi. (5) Where possible, the number of trails allowed in critical area buffers shall be limited.

(2) Trails proposed in geologically hazardous areas shall be constructed in a manner that does not increase the risk of landslide or erosion in accordance with an approved geotechnical report.

(bg) Navigation aids and boundary markers.

(eh) Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, impacts shall be minimized and disturbed areas shall be immediately restored.

(di) Normal maintenance, repair, or operation of existing structures, facilities, or improved areas.

(ej) Installation or construction of City road right-of-way; or installation, replacement, operation, repair, alteration, or relocation of all water, natural gas, cable communication, telephone, or other utility lines, pipes, mains, equipment or appurtenances, not including substations or other buildings, only when required by the City and approved by the Planning and Community Development Director or designee and when avoidance of critical areas and impact minimization has been addressed during the siting of roads and other utilities and a detailed report/mitigation plan is submitted, reviewed, and approved by the City prior to permit issuance or land use approval.

(fk) Minor expansion of uses or structures existing at the time of adoption of this code, and which are in compliance with all other chapters of this title; provided, that the applicant obtains all required local, State, and Federal permits, including but not limited to a Department of Fish and Wildlife Hydraulic Permit and a Clean Water Act 404 Permit and the expansion does not create a loss of wetland critical area and functions nor pose a significant threat to water quality. A site/resource-specific report and mitigation plan shall be prepared to describe the wetland critical area, function, and water quality and submitted to the City for review and approval prior to permit issuance. For the purposes of this subsection, "minor expansion" refers to an addition to or alteration of a use or structure and shall be limited to a maximum of 1,000 square feet of impervious area.

(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 to wetlands and fish and wildlife and conservation areas, 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. Stormwater management facilities in

geologically hazardous areas shall be constructed in a manner that does not increase the risk of landslide or erosion in accordance with an approved geotechnical report.

(h) Emergency Activities. Those activities that are necessary to prevent an immediate threat to public health, safety, or welfare or pose an immediate risk of damage to private property, and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

(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 ~~of wetlands and fish and wildlife conservation areas~~. 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.**

Buildings and other structures shall maintain the standard building setbacks per the underlying zoning district, depending on the site orientation, from all critical area buffer tracts or easements or 10-feet from the edges of all critical areas, if no buffers are required, to ensure adequate width for construction staging, maintenance and repair of primary buildings and accessory structures and use of improvements without disturbing the critical area buffer or critical area.

~~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;
- (d) Accessory structures less than 200 square feet may be setback five feet; ~~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 LSCM, ~~based~~ on the recommendation of a qualified professional for the specific critical area type.

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

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

(a) ~~Fencing shall be smooth wire or an alternative approved by the Planning and Community Development Director.~~

(1) ~~The applicant shall install permanent fencing so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the 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 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 LSCM 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-Limited On-site Density Transfer for Critical Areas.**

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

- (a) Only the area contained in the following critical area areas and their associated buffers of the following wetlands is eligible to be used in the density transfer calculation:
  - (1) Category II, and III, and IV wetlands with a habitat score of less than 20; and
  - (2) Category IV wetlands. Fish and Wildlife Conservation areas; and

(3) Geologically hazardous areas, not approved for alteration.

- (b) The development must be proposed to connect to sewer service and sewer service must be available.
- (c) The base density shall be consistent with the densities set forth in Chapter [14.36](#) for the zoning districts. The site density shall be calculated using the area of the subject property divided by the minimum lot size of the applicable zone.
- (d) The overall density of the proposed site may be transferred from the undevelopable portion to the developable part of the site 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) The minimum lot size of the underlying zoning district may be reduced by thirty percent in order to accommodate the transfer in densities; 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 not be less than 40 feet; Lot sizes may be modified to not less than 4,000 square feet in the SR and UR zones and not less than 3,000 square feet in the HUR zone
  - (3) The front setbacks specified in Chapter [14.48](#) LSMC Table I may be reduced by 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 ~~2005~~2012 Technical Guidance Manual for Low Impact Development or as amended. (Ord. 773, Sec. 2, 2008)

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

The dedication of critical areas and their buffers as open space may not be used ~~for~~ to satisfy 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 or fish and wildlife conservation area or which would not have less adverse impact on a wetland or fish and wildlife conservation 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)
- (c) No new development or creation of new lots is allowed that would cause foreseeable risk from geological conditions to people or improvements during the life of the development (WAC 173-26-221(2)(c)(ii)(B)).
- (d) No new development is allowed that would require structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses where no alternative locations are available and no net loss of ecological functions will result. (WAC 173-26-221(2)(c)(ii)(C)).

**14.88.670 Mitigation.**

(a) In addition to the other requirements of this chapter, as part of any approval of development on or adjacent to geologically hazardous areas or within the setback buffers required by this section:

(1) The City shall require:

- (i) Geologically hazardous areas not approved for alteration and their setback buffers shall be placed in a native growth protection area as set forth in Sections [14.88.290](#).
- (ii) Any geologically hazardous area or required setback buffer that is allowed to be altered subject to the provisions of this chapter shall be subject to a covenant of notification and indemnification/hold harmless agreement in a form acceptable to the City Attorney. Such document shall identify any limitation placed on the approved alterations.

(2) The City may require:

- (i) The presence of a geologist on the site to supervise during clearing, grading, filling, and construction activities which may affect geologically hazardous areas, and provide the City with certification that the construction is in compliance with the geologist's or geotechnical engineer's recommendations and has met approval of the geologist or geotechnical engineer, and other relevant information concerning the geologically hazardous conditions of the site.
- (ii) Vegetation and other soil stabilizing structures or materials be retained or provided.
- (iii) Long term maintenance of slopes and on-site drainage systems.

(b) If potential geologic impacts cannot be avoided by adhering to the above requirements and the other requirements of this chapter, other forms of mitigation may be considered. Applicants must provide mitigation plans exploring and analyzing any proposed mitigation measures. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact. For example, some potential risk due to construction in geologically hazardous areas may be reduced through structural engineering design. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

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

**14.88.700 Classification.**

Repealed by Ord. 741.

**14.88.710 Allowed Activities.**

Repealed by Ord. 741.

**14.88.720 Requirements.**

Repealed by Ord. 741.

**14.88.730 Determination of Boundary.**

Repealed by Ord. 741.

**14.88.740 Mitigation.**

Repealed by Ord. 741.

## Part VIII. Wetlands

### **14.88.800 Purpose**

The purposes of this Chapter are to:

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

### **1.88.805 Classification Identification and Rating.**

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

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

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

- (b) Category I Criteria.

- (1) Wetlands that represent a unique or rare wetland type; or
  - (2) Are more sensitive to disturbance than most wetlands; or

(3) ~~Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or~~

(4) ~~Provide a high level of functions.~~

(5) ~~Category I wetlands include:~~

(i) ~~Estuarine wetlands which are larger than one acre in size.~~

(ii) ~~Natural heritage wetlands as identified by the Natural Heritage Program of the Washington Department of Natural Resources.~~

(iii) ~~Bogs.~~

(iv) ~~Mature and old-growth forested wetlands over one acre in area.~~

(v) ~~Wetlands that score 70 or more 23 27 points out of 100 27 using the Western Washington Rating System.~~

(c) ~~Category II Criteria.~~

(1) ~~Category II wetlands are difficult though not impossible to replace and provide high levels of some functions.~~

(2) ~~Category II wetlands include:~~

(i) ~~Estuarine wetlands under one acre in area.~~

(ii) ~~Wetlands that score between 51 and 69 points out of 100 on the Western Washington Rating System.~~

(d) ~~Category III Criteria. Wetlands with a moderate level of functions and with rating system scores between 30 and 50 points out of 100.~~

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

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

(1) Category I. Category I wetlands represent unique or rare wetland types; are more sensitive to disturbance than most wetlands; are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or provide a high level of functions. In Lake Stevens Category I wetlands may include:

- i Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;
- ii Bogs;
- iii Mature and old-growth forested wetlands larger than 1 acre; and
- iv Wetlands that perform many functions well (scoring 23 points or more).

(2) Category II. In Lake Stevens Category II wetlands may include wetlands with a moderately high level of functions (scoring between 20 and 22 points) that are difficult though not impossible to replace and provide high levels of some functions.

(3) Category III. In Lake Stevens Category III wetlands may include:

- i Wetlands with a moderate level of functions (scoring between 16 and 19 points);
- ii Can often be adequately replaced with a well-planned mitigation project; and
- iii Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

(4) Category IV. In Lake Stevens Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that functions may be replaced, or in some cases improved. 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<br>Low | 190<br>125 | 95<br>65 | 65<br>45 |
| #+       | High<br>Low | 190<br>125 | 95<br>65 | 65<br>45 |
| ##       | High        | N/A        | 95       | 50       |

|    |      |     |     |    |
|----|------|-----|-----|----|
|    | Low  |     | 65  | 35 |
| IV | High | N/A | N/A | 35 |
|    | Low  |     |     | 20 |

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

Table 14.88-II Wetland Buffer Requirements

| Wetland Category           | Buffer Condition* | Buffer width in feet based on habitat scores |            |            |
|----------------------------|-------------------|----------------------------------------------|------------|------------|
|                            |                   | 3-5                                          | 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<br>(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 LSCMC 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      | <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-foot heavily vegetated buffer strip</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> </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</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                                   | <ul style="list-style-type: none"><li>-Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surface and lawns</li></ul>                                                                                                                          |
| Stormwater runoff       | Parking lots, roads, manufacturing, residential areas, commercial areas, landscaping | <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</li></ul>                                                                                        |

|                                                                                                                                                         |  |                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------|
|                                                                                                                                                         |  | that directly enters buffer |
| <p><del>*These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.</del></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)



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LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** June 25, 2019

**Subject:** ILA with Marysville re Trails

**Contact** Gene Brazel, City Administrator  
**Person/Department:** Russ Wright, Community Dev. Director **Budget Impact:** N/A

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**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Approve the Interlocal Agreement Between the City of Marysville and the City of Lake Stevens for coordinating and development of a trail system in the power line easement and along the cities' joint boundary and Authorize the Mayor to Approve Nonsubstantive Administrative Changes as Appropriate.

**SUMMARY/BACKGROUND:** The cities of Lake Stevens and Marysville have been coordinating on planning and development in areas sharing a common city boundary line. Both cities share a boundary line along the Bonneville powerline easement, which is deemed by both cities as an excellent area to develop a north-south recreational trail network.

The proposed Interlocal Agreement identifies how the two cities will work together to fund, design and construct the Powerline Trail Project including, jointly applying for any grant opportunities.

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**APPLICABLE CITY POLICIES:**

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**BUDGET IMPACT:** This ILA will result in future City of Lake Stevens funding for its section of trail within Lake Stevens boundary.

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**ATTACHMENTS:**

- Exhibit A: Interlocal Agreement – To be provided



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LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda Date:** June 25<sup>th</sup>, 2019

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**Subject:** Ordinance 1059 authorizing condemnation of portions of certain properties along 79<sup>th</sup> Avenue SE and a portion of Snohomish County Tax Parcel No. 2905-2600-1017-00

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|                                                                     |                |                  |
|---------------------------------------------------------------------|----------------|------------------|
| <b>Contact</b>                                                      | <b>Budget</b>  | <b>Based on</b>  |
| <b>Person/Department:</b> <u>Eric Durpos, Public Works Director</u> | <b>Impact:</b> | <u>appraisal</u> |

---

**RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:** Approve Ordinance 1059 authorizing the condemnation of Snohomish County tax parcel 2905-2600-1010-00 and portions of Snohomish County tax parcels 2905-2600-1009-00 and authorizing the acquisition and condemnation of a portion of Snohomish County tax parcel 2905-2600-1017-00.

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**SUMMARY:**

The 20-foot-wide strip private road known as 79<sup>th</sup> Ave SE, south of 20<sup>th</sup> St SE, has unclear ownerships and easement rights between multiple parties through various actions. This condemnation action is necessary to clarify what rights remain, what rights have been lost, and the value, if any, of those rights that remain. In order to clear title, the City must condemn the property as to the interests of the private road owners, Mathews, Tozer and Purdy or their heirs, and as to the easement interests of all parties who hold easements. Exhibit A & B shows the easement interests and parcel numbers.

In addition to acquiring the 20-foot private road known as 79th Avenue SE, the City must acquire a portion of the Kimmons property 30 feet (North-South) by 50 feet (East-West) in the northeast corner of the Kimmons property to allow for a turning radius onto the future 24th Street SE.

**BACKGROUND:**

The private road known as 79th Avenue SE is a 20-foot-wide strip situated immediately west of the East 30 feet of Cavalero Hill Park, which the County has dedicated for public road, and which now appears on Assessor maps as 79th Avenue SE.

The 20-foot-wide private road known as 79th Avenue SE was created by a 1944 right-of-way agreement among George A. Tozer and Arlyn Tozer, J. Spencer Purdy and Janet S. Purdy, and L.W. Mathews Jr. and Lillian Mathews. Mathews owned the 20-foot road, but Purdy had been using the road to access what is now the Petersen property. The 1944 agreement conveyed title to Tozer, Purdy and Mathews jointly and provided that the strip *“shall become and forever remain a right-of-way, for the private use of all the parties hereto for ingress and egress to and from lands owned by them in the vicinity thereof, and shall in all respects be owned and shared equally by them.”*

The Snohomish County Assessor divided the 20-foot private road into two tax accounts, one covering the west 3.5 feet of the north 646 feet and the full 20 feet south thereof, which has been taxed to Duskin (Parcel number **2905-2600-1010-00**). The remainder 16.5 feet of the north 646 feet is taxed with the Petersen parcel (Parcel number **2905-2600-1009-00**). It is unclear how these tax parcels were established, but according to preliminary commitment for title insurance Order 500055249 dated October 10, 2018,

issued by Chicago Title Insurance Company, the strip continues to be owned by Tozer, Purdy and Mathews, or their heirs.

Since the 1944 creation of this right of way, some property owners acquired easements to use the 79th Avenue SE private road because they were successors in interest to Mathews, Tozer or Purdy, some acquired rights by an easement established in a quiet title action, and some may have acquired prescriptive easements by their use of the easement. These interests may also have been extinguished for nonuse or for other legal reasons. This condemnation action is necessary to clarify what rights remain, what rights have been lost, and the value, if any, of those rights that remain.

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**APPLICABLE CITY POLICIES:**

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**BUDGET IMPACT:** Acquisition cost will be funded by Traffic Impact Fee TIZ3.

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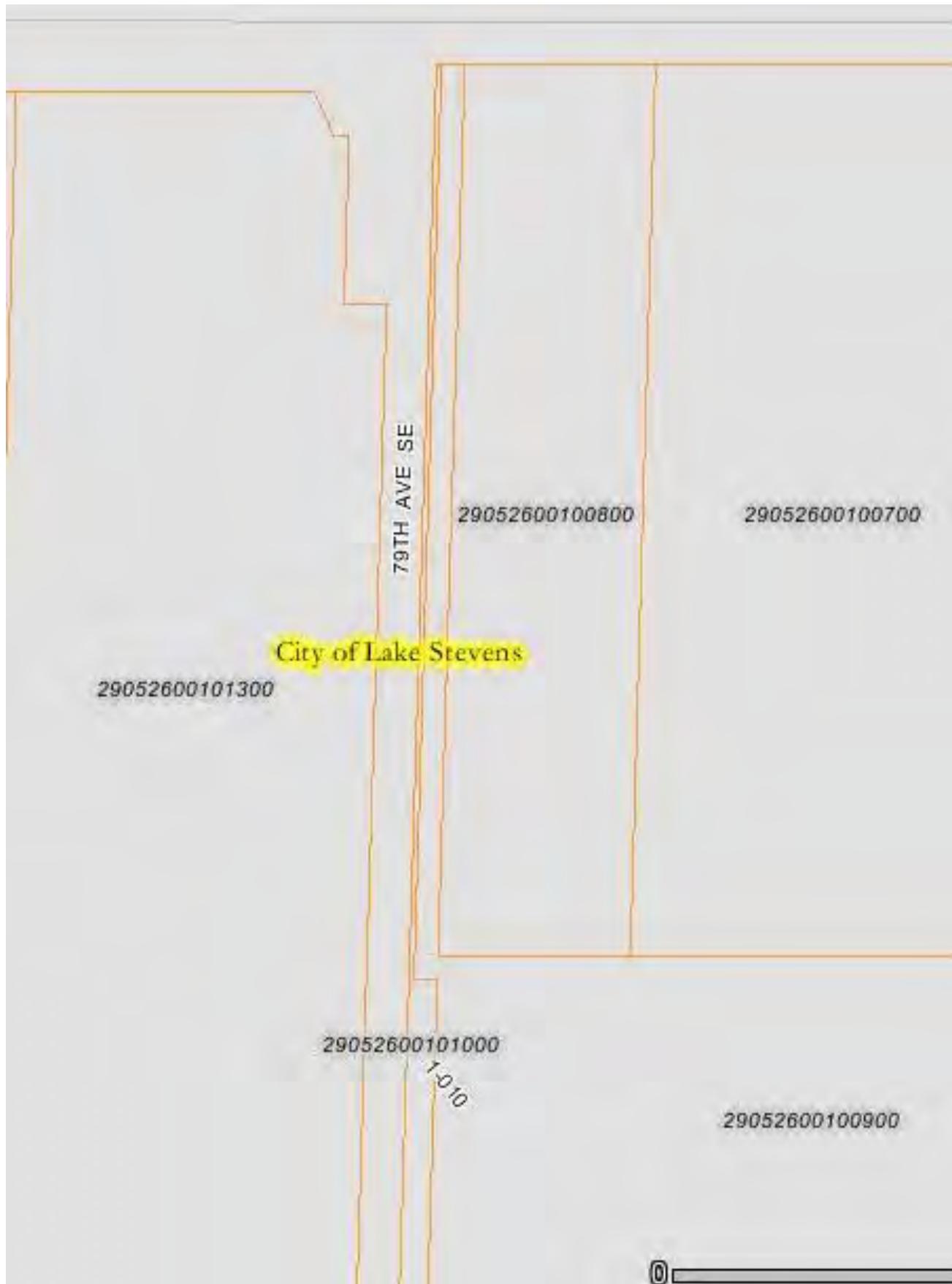
**ATTACHMENTS:**

- A: Snohomish County Accessor Map showing parcel numbers
- B: Section maps showing easement interests
- C: 79<sup>th</sup> Ave SE typical road section
- D: Ordinance 1059

# ATTACHMENT A

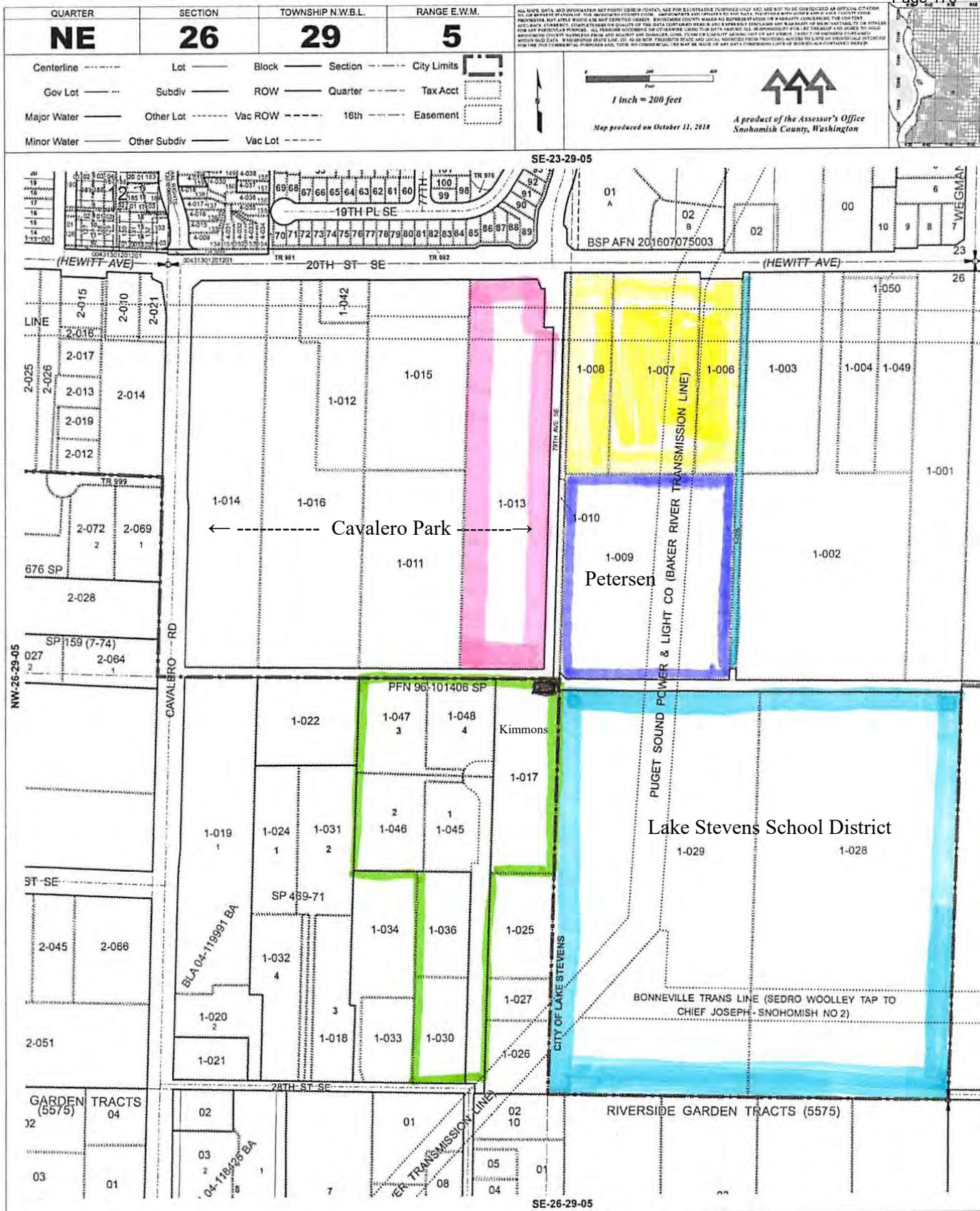
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Tax parcel 290526-001-010-00 (taxed to Duskin) and 290526-001-009 which includes a portion of the 79<sup>th</sup> Avenue SE private road.



# ATTACHMENT B

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 Park Property/easement thru Mathews

 Easement acquired by Quiet Title Action

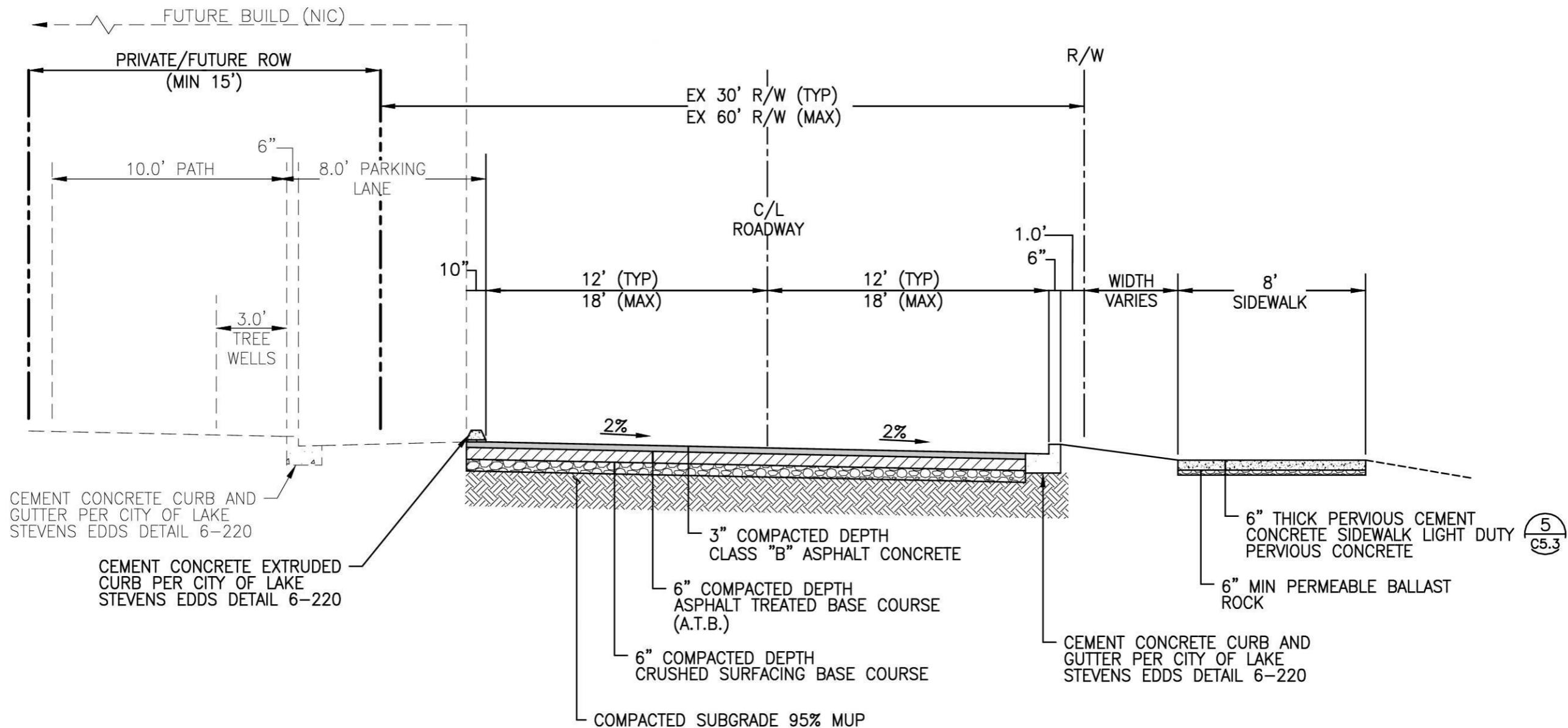
 Portion of Kimmons take for 24<sup>th</sup> St SE corner

 Properties with potential prescriptive easements

 Petersen Property/easement thru Purdy

 LSSD Property/easement thru Tozer

ATTACHMENT C



ATTACHMENT D

**CITY OF LAKE STEVENS  
Lake Stevens, Washington**

**ORDINANCE NO. 1059**

**AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AUTHORIZING THE CONDEMNATION, APPROPRIATION, TAKING AND DAMAGING OF LAND AND OTHER PROPERTY WITH ALL NECESSARY APPURTENANCES AND PROPERTY RIGHTS NECESSARY FOR INGRESS AND EGRESS TOGETHER WITH ALL RIGHTS APPURTENANT THERETO, INCLUDING ACCESS WHERE APPLICABLE, FOR PURPOSES OF WIDENING 79<sup>th</sup> AVENUE S.E. BY AN ADDITIONAL 20 FEET AND EXTENDING 79<sup>th</sup> BY AN ADDITIONAL 30 FEET. THIS ORDINANCE DIRECTS THE CITY ATTORNEY, OR DESIGNEE, TO PROSECUTE THE APPROPRIATE LEGAL PROCEEDINGS, TOGETHER WITH THE AUTHORITY TO ENTER INTO SETTLEMENTS, STIPULATIONS OR OTHER AGREEMENTS; AND ACKNOWLEDGES A PORTION OF THE REAL PROPERTY AFFECTED IS LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF LAKE STEVENS, AND A PORTION IS LOCATED ADJACENT TO THE BOUNDARIES OF THE CITY OF LAKE STEVENS, IN SNOHOMISH COUNTY, WASHINGTON; AUTHORIZING PAYMENT THEREOF FROM THE CITY'S GENERAL FUND OR FROM SUCH OTHER MONIES THAT THE CITY MAY HAVE AVAILABLE OR ATTAIN FOR THE ACQUISITION; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Lake Stevens (hereinafter the "City") finds as follows:

1. Public safety, convenience, use and necessity demand the widening of 79<sup>th</sup> Avenue S.E. from 60 feet to 80 feet over the northerly 200 feet thereof, and from 30 feet to 50 feet over the remaining portion of existing 79<sup>th</sup> to its termination at the corner of proposed 24<sup>th</sup> Street S.E., and the extension of the entire 50-foot width of 79<sup>th</sup> to the South by an additional 30 feet to provide for construction of the intersection with 24<sup>th</sup> Street S.E., including construction of curbs, gutters and sidewalks, to meet the requirements of school bus access to Cavvelero Mid High School and to provide improved and expanded access to Cavalero Hill Park.

2. The City has conducted engineering studies and has determined that it will be necessary to acquire property for the street widening and extension as more specifically described in **EXHIBITS A** and **B** attached hereto and incorporated herein by this reference.

3. The entire cost of the acquisitions provided by this ordinance shall be paid by the following funds of the City:

Traffic Impact Fee – TIZ3

or such other funds as may be provided by law.

4. The City may be unable to agree with certain property owners upon the compensation to be paid for said properties.

5. The City has authority pursuant to RCW Chapter 8.12 to acquire, if necessary, title to real property for public purposes. The widening, extension and improvement of 79<sup>th</sup> Avenue S.E. is a public purpose.

6. Notice of the planned final action authorizing the condemnation of the property described in **EXHIBITS A and B** has been given to the owners of said property and published in the Everett Herald in accordance with the provisions of RCW 8.25.290.

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

1. The City is hereby authorized to condemn, appropriate, take and damage the real property described in **EXHIBITS A and B** hereto, together with all rights appurtenant thereto, including access where applicable.

2. The use of the property described in **EXHIBITS A and B** is for widening 79<sup>th</sup> Avenue S.E. from 60 feet to 80 feet over the northerly 200 feet thereof, and from 30 feet to 50 feet over the remaining portion of existing 79<sup>th</sup> to its termination at the corner of proposed 24<sup>th</sup> Street S.E., and for the extension of the entire 50-foot width of 79<sup>th</sup> to the South by an additional 30 feet to provide for construction of the intersection with 24<sup>th</sup> Street S.E., including construction of curbs, gutters and sidewalks, to meet the requirements of school bus access to Cavelero Mid High School and to provide improved and expanded access to Cavalero Hill Park, which is a permanent public use and is reasonably necessary for the purposes for which it is sought.

3. All lands, rights, privileges and other property lying within the limits of the land described in **EXHIBITS A and B** are hereby authorized to be condemned, appropriated, taken and damaged for the purpose of for widening 79<sup>th</sup> Avenue S.E. from 60 feet to 80 feet over the northerly 200 feet thereof, and from 30 feet to 50 feet over the remaining portion of existing 79<sup>th</sup> to its termination at the corner of proposed 24<sup>th</sup> Street S.E., and for the extension of the entire 50-foot width of 79<sup>th</sup> to the South by an additional 30 feet to provide for construction of the intersection with 24<sup>th</sup> Street S.E., including construction of curbs, gutters and sidewalks. All lands, rights, privileges and other properties are to be taken, damaged and appropriated only after just compensation has been made, or paid into the registry of the court for the owners thereof in the manner provided by law. The City is further authorized to amend the legal descriptions contained in **EXHIBITS A and B** as may be necessary and appropriate to meet requirements of the project.

4. The cost of the acquisition provided for by this ordinance shall be paid by the following funds of the City:

Traffic Impact Fee – TIZ3

or such other funds as may be provided by law.

5. The City Attorney, or designee, should be and hereby is authorized and directed to begin and prosecute the actions and proceedings in a manner provided by law to carry out the provisions of this ordinance, and to enter into settlements to mitigate damages.

PASSED by the City Council and APPROVED by the Mayor this 25<sup>th</sup> day of June, 2019.

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John Spencer, Mayor

ATTEST:

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Kathy Pugh, City Clerk

APPROVED AS TO FORM:

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Greg Rubstello, City Attorney

First and Final Reading: 6/25/2019

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

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

**EXHIBITS A  
LEGAL DESCRIPTIONS**

**PARCEL A:**

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 29 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER;  
THENCE WEST 16.5 FEET;  
THENCE SOUTH 30 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE SOUTH 646.5 FEET;  
THENCE EAST 16.5 FEET TO THE EAST LINE OF SAID SUBDIVISION;  
THENCE SOUTH TO THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER;  
THENCE WEST 20 FEET;  
THENCE NORTH PARALLEL TO THE EAST LINE OF SAID SUBDIVISION TO A POINT WEST OF THE  
TRUE POINT OF BEGINNING;  
THENCE EAST TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

SNOHOMISH COUNTY TAX PARCEL 290526-001-010-00

**PARCEL B:**

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 29 NORTH, RANGE 5 EAST, W.M.;  
THENCE SOUTH 676.5 FEET;  
THENCE WEST 16.5 FEET;  
THENCE NORTH 676.5 FEET;  
THENCE EAST 16.5 FEET TO THE POINT OF BEGINNING;

EXCEPT THE NORTH 30 FEET FOR COUNTY ROAD;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

PORTION OF SNOHOMISH COUNTY TAX PARCEL 290526-001-009-00

Chicago Title Insurance Company Preliminary Commitment for Title Insurance No. 500055249 discloses that title to the above-described property is vested in the following persons, or their heirs and devisees:

George A. Tozer and Arlyn Tozer, husband and wife, Janet S. Purdy, as her separate estate and Leander W. Mathews, Jr. and Lillian Mathews, husband and wife

subject to easement interests of other parties.

**EXHIBIT B-1  
LEGAL DESCRIPTION**

The Northerly 30.00 feet of the Easterly 50.00 feet of the following-described property:

That portion of Section 26, Township 29 North, Range 5 East, W.M., described as follows:

The East 200 feet of the East half of the Southwest quarter of the Northeast quarter;

EXCEPT the South 690 feet thereof;

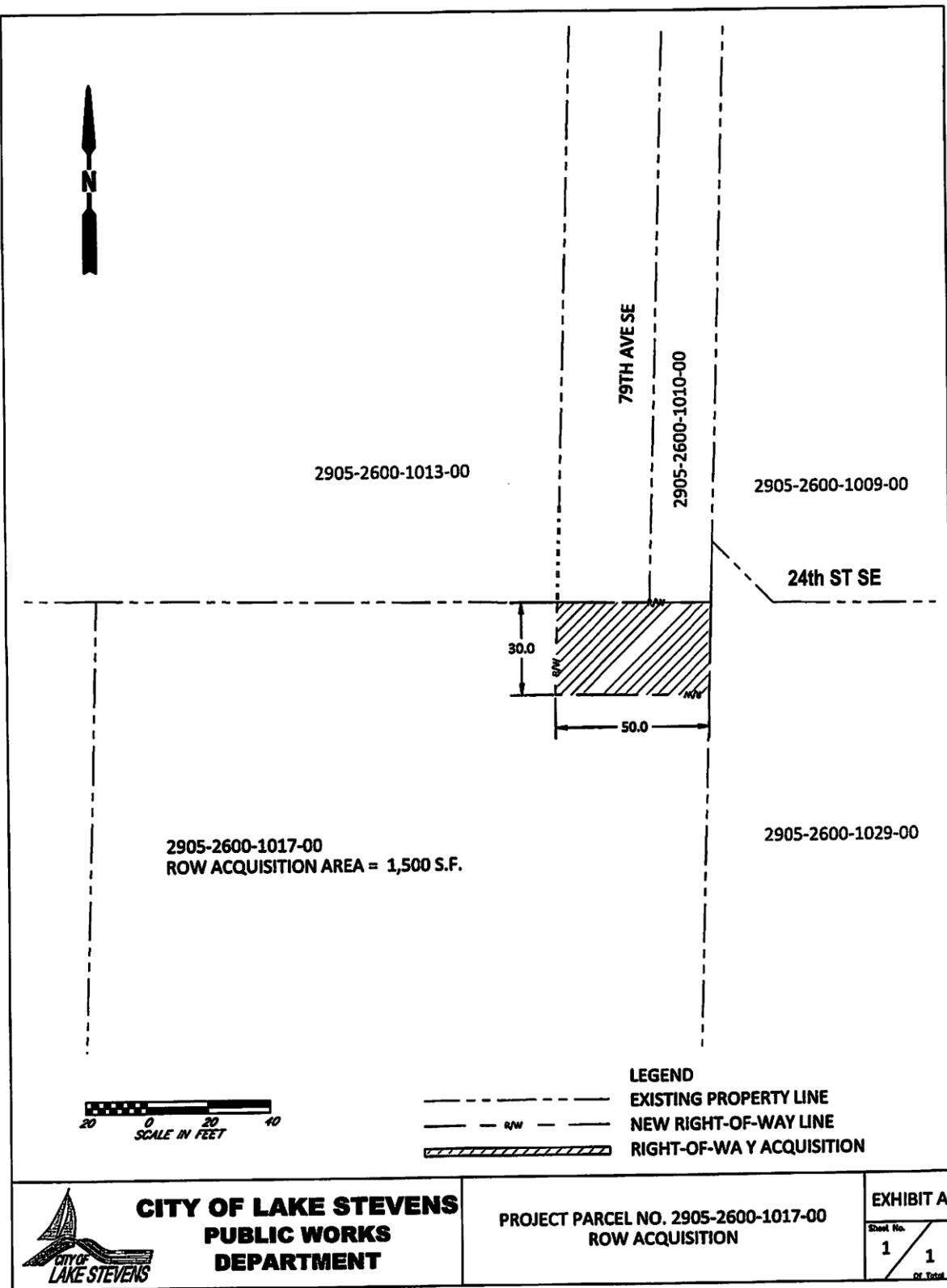
Situate in the County of Snohomish, State of Washington.

Chicago Title Insurance Company Preliminary Commitment for Title Insurance No. 500076924 discloses that title to the above-described property is vested in the following persons:

Jon G. Kimmons and Marjory A. Kimmons, husband and wife

subject to easement interests of other parties.

EXHIBIT B-2





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LAKE STEVENS CITY COUNCIL  
**STAFF REPORT**

**Council Agenda** June 25, 2019  
**Date:** \_\_\_\_\_

**Subject:** BERK Consulting Professional Services Contract

|                           |                                       |                |                 |
|---------------------------|---------------------------------------|----------------|-----------------|
| <b>Contact</b>            | Russ Wright,                          | <b>Budget</b>  | Professional    |
| <b>Person/Department:</b> | <u>Community Development Director</u> | <b>Impact:</b> | <u>Services</u> |

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

Authorize the Mayor to execute a Professional Service Agreement with BERK Consulting not to exceed \$11,302 to develop an updated marketing analysis for commercial areas in Lake Stevens.

**SUMMARY/BACKGROUND:**

As part of the 2019 Comprehensive Plan Docket, Council has discussed its interest in evaluating the zoning along 20<sup>th</sup> Street SE and other commercial areas to ensure that the city is maintaining the correct types of commercial and employment zoning. Staff discussed bringing a marketing consultant on to help update the prior market reports from 2011/2012. Based on council's feedback staff sent out a request for qualifications (RFQ) for marketing proposals, addressing the following topics:

- Review the city's comprehensive plans and economic growth strategies,
- Analyze current real estate conditions for retail and office including economic trends, and
- Provide an updated market analysis with recommendations for zoning updates as necessary.

The city received six proposals – The City Administrator, Community Development Director and Senior Accountant reviewed the proposals and unanimously recommended Berk Consulting as the preferred firm. BERK's proposal was the most thorough and most closely captured the elements of the RFQ. BERK's proposal **Attachment A** and scope and budget **Attachment B** are included for your review.

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**APPLICABLE CITY POLICIES:** Comprehensive Plan

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**BUDGET IMPACT:** Expenditure of Funds for Professional Services

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**ATTACHMENTS:**

**Attachment A – Proposal**

**Attachment B – Professional Services Agreement**

Attachment A

City of Lake Stevens

# ECONOMIC & MARKET ANALYSIS OF LAKE STEVENS CENTER & 20<sup>TH</sup> STREET SE CORRIDORS SUBAREA PLANS

## STATEMENT OF QUALIFICATIONS



JUNE 7, 2019

**BERK**  
STRATEGY ■ ANALYSIS ■ COMMUNICATIONS

June 7, 2019

Attn: Russ Wright, Community Development Director  
City of Lake Stevens  
**SENT VIA EMAIL**

**RE: Economic & Market Evaluation of Lake Stevens Center & 20<sup>th</sup> Street SE Corridors Subarea Plans | LETTER OF INTEREST & STATEMENT OF QUALIFICATIONS**

Dear Russ and the Consultant Selection Panel:

BERK Consulting, Inc. (BERK) is pleased to submit our Letter of Interest and Statement of Qualifications to support the City of Lake Stevens with an economic and market evaluation of the Lake Stevens Center and 20<sup>th</sup> Street SE Corridors Subarea Plans. We understand that considerable time has now past since the Plans were initially adopted, and now is the time to quantify the impacts of the planning efforts and potentially make changes to these subareas.

**Why BERK?** We are a 30 year-old public policy consulting firm specializing in policy, analysis, and land use planning. Our proposed project team includes economists, planners, and analysts. Our proposed Project Manager Andrew Bjorn, Ph.D., AICP is both an experienced economist and registered planner, and our proposed planning lead Erika Rhett, AICP is an experienced planner who worked in the public sector for more than 14 years. We feel our deep expertise in both market economics and land use planning make us ideally suited to support the City with this project.

**Ability to meet project timelines.** Over the years, we have streamlined project management processes that help us deliver projects on schedule and budget, and at the highest quality levels. We have invested in our staff and internal management systems to enable us to plan, execute, and complete complex projects within very constrained schedules. Our project management approach is based on two key principles: (1) “no surprises” in project management, which means keeping our client project managers thoroughly informed of project status and issues; and (2) development of a sense of ownership on the part of clients and stakeholders. We know what it takes to get the job done.

We look forward to discussing this project with you in detail. In the interim, more information about our firm, approach, team, and client satisfaction can be found on our website: [www.berkconsulting.com](http://www.berkconsulting.com).

Sincerely,



Brian Murphy, Principal  
**BERK Consulting, Inc.**



Andrew Bjorn, Ph.D., AICP, Project Manager  
**BERK Consulting, Inc.**

## SCOPE OF SERVICES

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The City of Lake Stevens and its surrounding areas are slated to expand to a community of about 46,380 residents by 2035, accounting for about 6% of the total growth in Snohomish County. Over the same period, the local employment base is expected to increase to 7,821 jobs, with 7,412 included within the current City boundaries. This growth is expected to be accommodated on available developable lands, including about 340 acres of residential lands and 109 acres of commercial/industrial lands.

Lake Stevens Center and 20th Street SE Corridor are the two main districts for commercial activity in the city. The nature of development in these areas is different, with distinct opportunities for future growth. Lake Stevens Center is the oldest commercial district in the city, located at the intersection of State Routes 9 and 204, and provides options for future infill opportunities. Conversely, the 20th Street SE Corridor has been identified as a location for future commercial development. The City has made significant infrastructure investments to improve access and local amenities and promote future development.

This project is intended to provide policy guidance regarding the long-term management of these two areas. As future growth in employment and economic activity in the city will be directed here, it is essential that land use regulations in these areas support the scale and format of commercial real estate that is in demand in the local market. Adjustments may be necessary to account for discrepancies between demand and development regulations, and allow growth targets to be achieved while considering environmental and community impacts.

We envision that providing policy guidance regarding developable commercial lands in the Lake Stevens Center and 20th Street SE Corridors would follow a workplan of five tasks.

## TASK 1: PROJECT KICK-OFF AND MEETINGS (BY JULY 1)

At the initiation of the project, we will coordinate a kick-off meeting with City staff to discuss the project plan and schedule. This meeting will include:

- Discussing overall expectations for the project, including perspectives on needs for adjustment in the City's land use regulation
- Finalizing the project workplan, schedule, and communications protocols
- Reviewing project data needs
- Discussing the coordination of the tour and interviews, including a list of major stakeholders
- Confirming the content and format of deliverables

We will also schedule regular phone meetings with the City Project Manager to provide updates about the progress of the project.

## TASK 2: COORDINATE INITIAL RESEARCH (JULY 1 - JULY 15)

Our initial research will focus on the review of existing materials and the compilation of findings to support policy evaluation. This review will include:

- The Lake Stevens Comprehensive Plan
- Subarea plans and supporting documents for the Lake Stevens Center and 20th Street SE Corridors
- Current zoning for the Lake Stevens Center and 20th Street SE Corridors, including descriptions of allowable development in these areas
- Existing economic growth studies and strategies for the city, county, and region
- Previous commercial real estate market studies for Lake Stevens and the region
- Other studies and reports providing projections of economic growth and commercial development

From this review, we will provide a summary of previous assessment of market conditions and expected growth in the Lake Stevens area, including a comparative assessment of projections from other locations in the region. This will include a general evaluation of the characteristics of this growth, including changes in employment across sectors and industries.

As part of this summary, we will also highlight areas where actual development trends have not aligned with planning for the study areas, and indicate potential reasons for these differences between planned and realized growth. This will provide a basis for evaluating alignment between market demands and existing plans.

## TASK 3: DEVELOP MARKET ASSESSMENT AND GROWTH PROJECTIONS (JULY 8 - JULY 21)

We will coordinate a comprehensive assessment of historic and current conditions in the Lake Stevens real estate market and the two subareas to provide a foundation for our market analysis. This will include:

- Inputs
  - Local and regional trends in commercial (retail/office) real estate, including changes in overall supply and demand, and shifts in preferences for commercial spaces.
  - An evaluation of the local retail market, including current and estimated local consumer demand, competitive regional retail opportunities, and major retail surpluses and leakages by sector.
  - A summary of the current stock of commercial real estate in Lake Stevens and the study areas, including identified subtypes of retail and office space, the current age and condition of buildings, and overall floor area.
  - Current and projected employment figures, based on Washington State Office of Financial Management (OFM) and Puget Sound Regional Council (PSRC) assessments.
- Outputs
  - Projections of the amount, type, and likely format of retail and office space required to accommodate growth over the next 20 years, including possible development alternatives that would address these space needs.
  - Prototype pro-forma models to provide examples of the effects of current development conditions and the impacts of regulations on development feasibility.
  - Likely obstacles to meeting these retail and office space requirements through current City land use regulations or other conditions.
  - Testing of zoning and other regulations that may affect development feasibility, character, and scale. For this assessment we will also use sensitivity analyses to consider potential variations in future market demand, which may reflect macro economic changes such as overall economic growth and the changing nature of retail.

The results of this work will be summarized to highlight the likely needs for new retail and office commercial space in Lake Stevens over the next 20 years, potential development options that would address these needs, and any limitations that would prevent these growth targets from being realized.

## TASK 4: CONDUCT TOUR AND INTERVIEWS (MID-JULY)

To test and support the conclusions reached as part of the market assessment, we will coordinate a tour and a series of interviews to review initial findings and suggest additional considerations to be included in the final report. These activities will involve both City staff and interested stakeholders in these commercial districts, such as current landowners and business owners, local residents, and other interested parties.

One proposed schedule for these activities would include:

- A scheduled **morning tour**, with attendees that would include City staff and selected stakeholders. We will coordinate with City staff to develop the content and materials for the tour, and recruit relevant City staff to discuss certain specific activities at key sites on the tour.
- Following the tour, a **debriefing workshop** will be coordinated to discuss the elements from the tour, and other considerations associated with new office and retail development in the City.
- **Additional interviews** will be conducted with other stakeholders to discuss the project findings to date and provide opportunities for input and comment.

The input received during these activities will be compiled and provided to the City Project Manager, highlighting changes to be made to the report to account for feedback received.

## TASK 5: REVISE AND SUBMIT REPORT (BY AUGUST 16)

From feedback received from staff and stakeholders in Task 4, we will revise the report materials and provide a compiled report for review by the City Project Manager and staff. Based on comments and feedback received, we will provide a final revision of the materials and submit a final draft of the report to the City.

The final report will include our findings and recommendations for how the City's zoning and regulations can affect future development on the subareas in questions.

# FIRM QUALIFICATIONS

## ABOUT BERK CONSULTING, INC.

BERK is an interdisciplinary consultancy integrating strategy, planning, and policy development; financial and economic analysis; and facilitation, design, and communications. Founded in 1988, our passion is working in the public interest, helping public and nonprofit agencies address complex challenges and position themselves for success.

Our Mission is: **Helping Communities and Organizations Create Their Best Futures.** We do this by:

- Integrating the art of effective decision-making with the science of rigorous quantitative and qualitative analysis;
- Bringing people, ideas, and analysis together to generate understanding and consensus on the best strategies and decisions; and
- Bridging across disciplines to synthesize diverse information and facilitate relationships.

A hallmark of our approach is our ability to communicate complex information to a wide range of audiences, using words, numbers, pictures, and maps to convey information in accessible, understandable formats. We believe that when participants truly understand the issues and options before them, they are able to make good decisions, and then communicate and explain those decisions to the broader community.

**Market Analysis.** BERK is known for its expert research and analytic work, including building city “profiles” based on market, demographic, and socio-economic data. We help clients understand underlying economic conditions and their strategic challenges and opportunities, translating demographic and market conditions into succinct policy options and scenarios.

**Land Use Planning.** BERK’s planners offer more than 30 years of experience in community planning. Our office includes seven senior and associate planners with municipal and private experience. We plan at all levels of detail—policies, regulations, permitting, and implementation. We support effective community planning with meaningful public engagement and communication design. We often serve as an extension of staff for cities and counties, creating staff reports, land use permit reviews, notices, and other studies in collaboration with our client staff and other consultant teams. Our planning team often leads multi-disciplinary projects with a variety of subject matter experts and understands the need to think across disciplines to achieve the community’s desired outcomes.

## TEAM ORGANIZATION

The BERK team will be led by **Andrew Bjorn, Ph.D., AICP** as Project Manager and Economic Analyst. He will serve as the day to do point of contact for this project. **Brian Murphy** will serve as Principal in Charge and have final authority over the project outcomes and provide strategic advice as needed. **Erika Rhett, AICP** will lead the zoning code review and **Ben Silver** will provide GIS analysis and project support.

BERK has a full-time staff of 22 analysts, planners, and facilitators would are available to support this project as needed.

More information about each team member is below.

**Andrew Bjorn, Ph.D., AICP (Project Manager and Economic Analyst)** is a specialist in urban land economics, housing policy, development planning, and GIS. He has extensive experience in growth planning and management, and has worked with clients to address a range of complex urban and regional planning issues.

Andrew recently managed a market evaluation and economic development strategy for the Port of Chelan County for their commercial and industrial lands. As part of this effort, he created an online tool for external use which identifies available properties to potential buyers and property information regarding zoning, utilities, access, etc. He also led the economic analysis of potential development by the Tolowa Dee-Ni National in Northern California.



Andrew has a Ph.D. in Urban Design and Planning/Urban Ecology from the University of Washington. He has a Master of Science in Planning and a Master of Science in Civil Engineering from the University of Toronto.

**Brian Murphy (Principal in Charge and Strategic Advisor)** is a Principal at BERK. His expertise includes strategic and business planning, facilitation, economic development and market analysis, and management consulting. Brian has developed more than 10 economic development strategies for communities throughout the Puget Sound region, including the cities of Bellevue, Bonney Lake, Carnation, Duvall, Stanwood, Tumwater and Woodinville. He is currently working with both Puyallup and Normandy Park on economic development strategies.



Brian joined the firm in 2002 and is a skilled manager of complex analytic and planning projects with many moving pieces and nuanced policy choices. Brian received a B.A. with Honors from UC Santa Cruz and an M.B.A. from the University of Washington. He is a 2003 graduate of Leadership Tomorrow.

**Erika Rhett, AICP (Zoning Code Lead)** has more than 17 years of experience as a planner, including 14 years working in the public sector, and specializes in comprehensive planning, rural lands, and shoreline master programs. A true planner, she enjoys getting into the analysis of planning and recently assisted the City of Bainbridge Island with an extensive code audit. She has led subarea planning efforts for the communities of Bonney Lake and Lakewood and zoning code review for the cities of Auburn, Mount Vernon, and Bainbridge Island.



Prior to joining BERK, she worked as a Senior Planner at the City of Bellevue and City of Renton, and worked in Community Development for Lewis County. Erika has a Master of Science in Geography from the University of California Berkeley.

**Ben Silver (GIS Analyst)** is a specialist in mapping and GIS analysis, with a background in cartography, environmental planning, and sustainability management. He was the lead analyst for a Guemes Island residential lands capacity study, as well as for the housing portion of the 2018 Walla Walla County comprehensive plan update. Ben has worked on community needs assessments for a variety of organizations and jurisdictions, including Hopelink, Puget Sound Educational Service District, the City of Kirkland, the City of Sammamish, Snoqualmie Valley, and currently with Mercer Island Youth and Family Services. Additionally, he has designed and implemented GIS modeling for Chelan, Yakima, and Benton counties as part of their voluntary stewardship programs for agricultural lands conservation.



Ben holds a dual Bachelor's degree in Environmental Science and Urban Planning from the University of Washington.

# RELEVANT PROJECT EXPERIENCE

## Market & Economic Analysis

### *City of Lakewood Central Business District Assessment*

BERK helped the City of Lakewood understand the market potential for the City's Central Business District (CBD) in preparation for doing a full subarea master plan. The purpose of this project was to ascertain a reasonable range of potential futures, including revitalization of the Lakewood Towne Center—a suburban style shopping center. BERK assessed market opportunities for retail, restaurant, and services, as well as residential development and community uses. BERK conducted a detailed market study of the area, assessed the CBD's public spaces, and researched comparable redevelopment stories from other communities.



The final product was used to inform a subsequent subarea planning project that delved further into how the City will facilitate desirable investment in the area. The subarea plan for Towne Center was recently completed by the BERK team and included community engagement, strategy development, and land use planning expertise to revitalize this neighborhood.

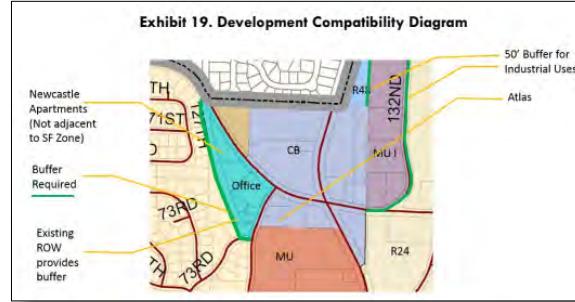
### *City of Lakewood Downtown Subarea Plan 2018*

BERK led a team to prepare the Lakewood Downtown Plan, Development Code, and Planned Action. The Lakewood Downtown Plan—developed after engaging hundreds of diverse Lakewood residents, business owners, children and youth, and community leaders—sets out an investment and incentive strategy to spur private development at a greater scale. Downtown Lakewood is planned to attract 2.8 million square feet of employment space by 2035 supporting over 7,300 new jobs, and has capacity for over 2,250 attached housing units. Linear parks and a central park plus a new complete street grid will support mixed-use development in this cultural, recreational, commercial, and entertainment center. BERK led the development of plan policies, land use code allowances, open space and landscape standards, incentives, overlays, and procedures. BERK prepared the City's first Planned Action Ordinance and associated EIS. BERK also led public outreach activities including targeted outreach and held developer forums.



## City of Newcastle Market Analysis & CBC Master Plan Assessment

In 2000, Newcastle adopted a Community Business Plan for the Coal Creek, Lake Boren, and Downtown districts. Desires for a higher-density, mixed-use downtown had not materialized, with the exception of a few developments projects. BERK worked with the City to understand the factors that led to stagnation in the Downtown and reassessed the feasibility of the original plan vision. To meet the client's needs, BERK's team was formed with expertise in strategic planning, market analysis, outreach, GIS, and urban planning and design. The team assessed overall market conditions and conducted a public space assessment, an audit of development regulations in Downtown, and outreach including working with an Advisory Committee and speaking with residents, property owners, and business owners. BERK, with support from the Advisory Committee, recommended proactive strategies the City can take to encourage desired development that meets the community's overall vision and is integrated with nearby residential neighborhoods.



## Tolowa Dee-ni' Nation Economic Development Assessment

The Tolowa Dee-ni' Nation (TDN) is a federally recognized, self-governing Indian Nation with lands located in the Smith River area in Del Norte County, CA. As part of a comprehensive, staged project to provide broader regional planning and specific site master planning for tribal properties, TDN was interested in encouraging the productive use of key properties and identifying strategic approaches to expand economic activities through effective planning.

BERK coordinated an economic study to evaluate key opportunities and options for TDN to consider as part of future development planning. This work was focused primarily on options related to the tourism industry in the region, and included a full assessment of the regional hotel/motel and restaurant markets. Recommendations were provided for a newly-acquired hotel and RV-park site to capitalize on identified market niches. Additional recommendations were also presented related to opportunities in local agriculture and agri-tourism, retail, and other activities with tribal businesses and entrepreneurs.



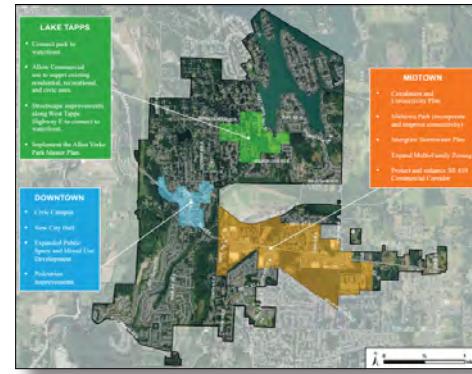
## City of Bonney Lake Economic Development Plan

BERK supported the City of Bonney Lake in updating the Economic Development Element of its Comprehensive Plan. Our team conducted targeted market analysis and stakeholder interviews to establish a strong understanding of Bonney Lake's opportunities for growth and diversification of its economy. BERK developed draft text for integration in the Comprehensive Plan by City staff. We also produced marketing collateral introducing the community to developers and investors and highlighting opportunities for retail expansion.



## City of Bonney Lake Centers Subarea Plan

BERK led the development of a Centers Plan for three urban centers in the City of Bonney Lake. Working with the community BERK created a new vision and guiding principles for The Centers based on community values and goals. The Centers included a new pedestrian-oriented Downtown and Civic Center, the Midtown Center focused on retail and mixed-use development, and the Lake Tapps Center that is defined by recreation opportunities, community facilities, and residential neighborhoods. Public outreach included a project webpage, two open houses, individual workshops for each center, an online community mapping tool, and meetings with City boards.



As part of this work, we coordinated a pro-forma analysis to demonstrate the likely impacts of allowing additional stories of wood-frame construction downtown on project feasibility, and highlighted other approaches the City could pursue which could also reduce the costs of downtown projects for developers and encourage new development.

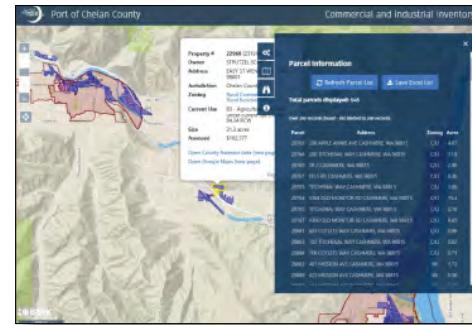
This Plan was awarded the 2018 APA/PAW Award in Comprehensive Planning/Development Regulations - Small City/County category.

## Port of Chelan County Commercial and Industrial Lands

The Port of Chelan County is a public port district developed in 1958 as a countywide economic development agency. In addition to managing the regional airport, the Port works to acquire and develop commercial and industrial land, promote local tourism, and partner with local governments and other organizations on economic initiatives to benefit the County.

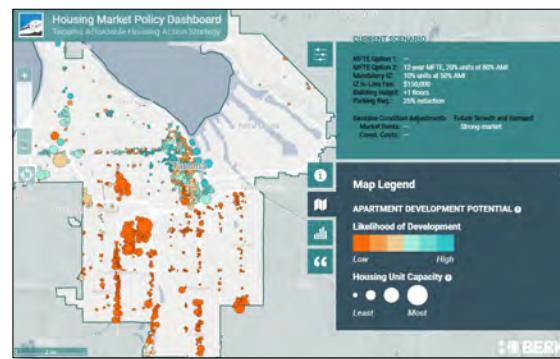
The mission of the Port to acquire, develop, and utilize real estate must be supported by a complete and current picture of the available land and buildings in the county. To support these efforts, we worked with the Port to develop an inventory of available properties that can accommodate commercial and industrial uses across the County. This inventory incorporated information from publicly available sources, and worked to provide a holistic picture of site properties that would have an impact on potential development on properties, ranging from steep slopes to zoning and regulatory limitations. This information was uploaded to a custom-built [online mapping tool](#), which allowed the Port to access this information using a simple, easy-to-use interface and publish it on an outward-facing site to support business attraction and retention activities.

A follow-up stage to this work involved a partnership with the Chelan County Public Utility District #1 (PUD), and included a detailed assessment of development opportunities on nine sites in the region. These sites were selected as having potential for future development as major commercial/industrial hubs, and presented the PUD with opportunities to promote local economic development and maintenance of a productive customer portfolio.



## City of Tacoma Affordable Housing Action Strategy

BERK and Enterprise Advisers worked with the City of Tacoma to develop an Affordable Housing Action Strategy (AHAS) that identifies housing needs and meaningful steps to address affordability challenges. BERK's role included evaluating best practices and potential affordable housing policy interventions, providing recommendations for action, and presenting the analysis and conclusions to stakeholders and Council. To support this effort, BERK conducted a buildable lands analysis to identify over 1,100 potential multifamily development sites across the city. We then used this data in an innovative model and [online dashboard](#) for evaluating the impacts of potential changes to market-based incentives and regulations, or future market conditions, on the feasibility of development as well as potential affordable housing production. The final model was used both to develop recommendations and present potential outcomes of policy to Council and the public.



# **PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF LAKE STEVENS, WASHINGTON AND BERK CONSULTING, INC. FOR CONSULTANT SERVICES**

**THIS AGREEMENT** ("Agreement") is made and entered into by and between the City of Lake Stevens, a Washington State municipal corporation ("City"), and Berk Consulting, Inc., a Washington corporation, Etc., ("Consultant").

**NOW, THEREFORE**, in consideration of the terms, conditions, covenants and performances contained herein, the parties hereto agree as follows:

## **ARTICLE I. PURPOSE**

The purpose of this Agreement is to provide the City with consultant services as described in Article II. The general terms and conditions of the relationship between the City and the Consultant are specified in this Agreement.

## **ARTICLE II. SCOPE OF SERVICES**

The Scope of Services is attached hereto as **Exhibit "A"** and incorporated herein by this reference ("Scope of Services"). All services and materials necessary to accomplish the tasks outlined in the Scope of Services shall be provided by the Consultant unless noted otherwise in the Scope of Services or this Agreement. All such services shall be provided in accordance with the standards of the Consultant's profession.

## **ARTICLE III. OBLIGATIONS OF THE CONSULTANT**

**III.1 MINOR CHANGES IN SCOPE.** The Consultant shall accept minor changes, amendments, or revision in the detail of the Scope of Services as may be required by the City when such changes will not have any impact on the service costs or proposed delivery schedule. Extra work, if any, involving substantial changes and/or changes in cost or schedules will be addressed as follows:

**Extra Work.** The City may desire to have the Consultant perform work or render services in connection with each project in addition to or other than work provided for by the expressed intent of the Scope of Services in the scope of services. Such work will be considered as extra work and will be specified in a written supplement to the scope of services, to be signed by both parties, which will set forth the nature and the scope thereof. All proposals for extra work or services shall be prepared by the Consultant at no cost to the City. Work under a supplemental agreement shall not proceed until executed in writing by the parties.

**III.2 WORK PRODUCT AND DOCUMENTS.** The work product and all documents produced under this Agreement shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work, even though the work has been accepted by the City.

In the event that the Consultant shall default on this Agreement or in the event that this Agreement shall be terminated prior to its completion as herein provided, all work product of the Consultant, along

with a summary of work as of the date of default or termination, shall become the property of the City. Upon request, the Consultant shall tender the work product and summary to the City. Tender of said work product shall be a prerequisite to final payment under this Agreement. The summary of work done shall be prepared at no additional cost to the City.

Consultant will not be held liable for reuse of documents produced under this Agreement or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of Consultant.

**III.3 TERM.** The term of this Agreement shall commence upon full signing and shall terminate at midnight, December 31, 2019. The parties may extend the term of this Agreement by written mutual agreement.

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

**III.5 EMPLOYMENT.**

a. The term “employee” or “employees” as used herein shall mean any officers, agents, or employee of the Consultant.

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

c. Consultant represents, unless otherwise indicated below, that all employees of Consultant that will provide any of the work under this Agreement have not ever been retired from a Washington State retirement system, including but not limited to Teacher (TRS), School District (SERS), Public Employee (PERS), Public Safety (PSERS), law enforcement and fire fighters (LEOFF), Washington State Patrol (WSPRS), Judicial Retirement System (JRS), or otherwise. (Please indicate No or Yes below)

No employees supplying work have ever been retired from a Washington state retirement system.

Yes employees supplying work have been retired from a Washington state retirement system.

In the event the Consultant indicates “no”, but an employee in fact was a retiree of a Washington State retirement system, and because of the misrepresentation the City is required to defend a claim by the Washington State retirement system, or to make contributions for or on account of the employee, or reimbursement to the Washington State retirement system for benefits paid, Consultant hereby agrees to save, indemnify, defend and hold City harmless from and against all expenses and costs, including reasonable attorney's fees incurred in defending the claim of the Washington State retirement system and from all contributions paid or required to be paid, and for all reimbursement required to the Washington State retirement system. In the event Consultant affirms that an employee providing work has ever retired from a Washington State retirement

system, said employee shall be identified by Consultant, and such retirees shall provide City with all information required by City to report the employment with Consultant to the Department of Retirement Services of the State of Washington.

### III.6 INDEMNITY.

a. **Indemnification / Hold Harmless.** Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

b. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, and volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence.

c. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

d. **Public Records Requests.**

In addition to Paragraph IV.3 b, when the City provides the Consultant with notice of a public records request per Paragraph IV. 3 b, Consultant agrees to save, hold harmless, indemnify and defend the City its officers, agents, employees and elected officials from and against all claims, lawsuits, fees, penalties and costs resulting from the consultant's violation of the Public Records Act RCW 42.56, or consultant's failure to produce public records as required under the Public Records Act.

e. The provisions of this section III.6 shall survive the expiration or termination of this agreement.

### III.7 INSURANCE.

a. **Insurance Term**

The Consultant shall procure and maintain insurance, as required in this Section, without interruption from commencement of the Contractor's work through the term of the contract and for thirty (30) days after the Physical Completion date, unless otherwise indicated herein

b. **No Limitation**

Consultant's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

c. **Minimum Scope of Insurance - Consultant shall obtain insurance of the types described below:**

(1) Automobile Liability insurance covering all owned, non-owned, hired and

leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01.

- (2) Commercial General Liability insurance shall be written at least as broad on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide a per project general aggregate limit using ISO form CG 25 03 05 09 or an equivalent endorsement. There shall be no exclusion for liability arising from explosion, collapse or underground property damage. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City using an additional insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing at least as broad coverage.
- (3) Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
- (4) Professional Liability insurance appropriate to the Consultant's profession.

d. **The minimum insurance limits shall be as follows:**

Consultant shall maintain the following insurance limits:

- (1) Comprehensive General Liability. Insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and \$2,000,000 products-completed operations aggregate limit.
- (2) Automobile Liability. \$1,000,000 combined single limit per accident for bodily injury and property damage.
- (3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington.
- (4) Professional Liability/Consultant's Errors and Omissions Liability. \$1,000,000 per claim and \$1,000,000 as an annual aggregate.

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

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

g. **Verification of Coverage.** In signing this agreement, the Consultant is acknowledging and representing that required insurance is active and current. Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including

but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work. Further, throughout the term of this Agreement, the Consultant shall provide the City with proof of insurance upon request by the City.

**h. Insurance shall be Primary - Other Insurance Provision.** The Consultant's insurance coverage shall be primary insurance as respect the City. The Consultant's Automobile Liability and Commercial General Liability insurance policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the City. Any Insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

**i. Failure to Maintain Insurance.** Failure on the part of the Consultant to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days' notice to the Consultant to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Consultant from the City.

**j. Public Entity Full Availability of Consultant Limits.** If the Consultant maintains higher insurance limits than the minimums shown above, the Public Entity shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Consultant, irrespective of whether such limits maintained by the Consultant are greater than those required by this contract or whether any certificate of insurance furnished to the Public Entity evidences limits of liability lower than those maintained by the Consultant.

**k. Subcontractors' Insurance.** The Contractor shall cause each and every Subcontractor to provide insurance coverage that complies with all applicable requirements of the Contractor-provided insurance as set forth herein, except the Contractor shall have sole responsibility for determining the limits of coverage required to be obtained by Subcontractors. The Contractor shall ensure that the Public Entity is an additional insured on each and every Subcontractor's Commercial General liability insurance policy using an endorsement as least as broad as ISO CG 20 10 10 01 for ongoing operations and CG 20 37 10 01 for completed operations.

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

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

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

**III.11 INDEPENDENT CONTRACTOR.**

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

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

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

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

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

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

**III.14 SUBCONTRACTORS/SUBCONSULTANTS.**

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

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

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c. The Consultant may not substitute or add subcontractors/subconsultants without the written approval of the City.

d. All Subcontractors/Subconsultants shall have the same insurance coverages and limits as set forth in this Agreement and the Consultant shall provide verification of said insurance coverage.

## **ARTICLE IV. OBLIGATIONS OF THE CITY**

### **IV.1 PAYMENTS.**

a. The Consultant shall be paid by the City for services rendered under this Agreement as described in the Scope of Services and as provided in this section. In no event shall the compensation paid to Consultant under this Agreement exceed \$11,302.00 without the written agreement of the Consultant and the City. Such payment shall be full compensation for work performed and services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. In the event the City elects to expand the scope of services from that set forth in Exhibit A, the City shall pay Consultant a mutually agreed amount.

b. The Consultant shall submit a monthly invoice to the City for services performed in the previous calendar month in a format acceptable to the City. The Consultant shall maintain time and expense records and provide them to the City upon request.

c. The City will pay timely submitted and approved invoices received before the 20th of each month within thirty (30) days of receipt.

**IV.2 CITY APPROVAL.** Notwithstanding the Consultant's status as an independent contractor, results of the work performed pursuant to this Agreement must meet the approval of the City, which shall not be unreasonably withheld if work has been completed in compliance with the Scope of Services and City requirements.

### **IV.3 MAINTENANCE/INSPECTION OF RECORDS.**

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

inspection identifies any discrepancy in such financial records, the Consultant shall provide the City with appropriate clarification and/or financial adjustments within thirty (30) calendar days of notification of the discrepancy.

**b. Public Records.**

The parties agree that this Agreement and records related to the performance of the Agreement are with limited exception, public records subject to disclosure under the Public Records Act RCW 42.56. Further, in the event of a Public Records Request to the City, the City may provide the Consultant with a copy of the Records Request and the Consultant shall provide copies of any City records in Consultant's possession, necessary to fulfill that Public Records Request. If the Public Records Request is large the Consultant will provide the City with an estimate of reasonable time needed to fulfill the records request.

## **ARTICLE V. GENERAL**

**V.1 NOTICES.** Notices to the City and Consultant shall be sent to the following addresses:

**To the City:**

City of Lake Stevens  
Attn: City Clerk  
Post Office Box 257  
Lake Stevens, WA 98258  
Telephone: 425-622-9400

**To the Consultant:**

Berk Consulting, Inc.  
Attn: Brian Murphy  
2200 Sixth Avenue, Suite 1000  
Seattle, WA 98121  
Telephone: 206-324-8760

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

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

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

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

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

**V.5 SEVERABILITY.**

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

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

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

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

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

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

**V.10 COUNTERPARTS AND SIGANTURES.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement. Digital, electronic, and PDF signatures will constitute an original in lieu of the "wet" signature.

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

DATED this \_\_\_\_\_ day of June, 2019.

CITY OF LAKE STEVENS

BERK CONSULTING, INC.

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

By: \_\_\_\_\_  
Bryan Murphy, Principal

Approved as to Form:

By: \_\_\_\_\_  
Greg Rubstello, City Attorney

**Exhibit A**  
**Scope of Services**

## Zoning Code Analysis

### ***City of Bainbridge Island Code Consistency Review 2018***

Bainbridge Island adopted an ambitious Comprehensive Plan during its most recent periodic update. This plan launched new policy initiatives related to subjects such as: climate change, housing, water resources, utility consolidation, city finance, land use planning, capital facilities planning, and subarea plan development. They adopted nearly five dozen implementing actions for city staff to address in their already full work programs. BERK conducted a cover to cover audit of the Comprehensive Plan to identify conflicts and gaps between the new policies and Bainbridge Island Municipal Code. In collaboration with a staff interdepartmental team, Erika Rhett used the audit to develop a docket of code amendments, create a prioritization system for ranking the list, and put together a work program based on staff capacity. The draft work program contains a schedule, tracking table, and an itemized list of tasks for each work program item.

### ***City of Auburn Code Amendments Support***

The City of Auburn needed code amendments to implement new policy initiatives and address a series of docketed updates. Using a cooperative approach, the BERK team and City of Auburn planning staff worked in pairs to develop code amendments that responded to emerging issues, simplified code administration, added flexibility, and improved code usability and clarity. The BERK team provided city staff with all the support and materials needed to take each amendment through the review process. BERK researched topics and provided alternatives, drafted code language, and prepared materials for internal review, Planning Commission review, and public review. BERK provided project strategy and management services to organize a team of eight planners and keep multiple amendments moving through the process. Topics addressed in the updates included: a review of public and open space zoning, improving the efficiency of the temporary use permit process and developing regulations for mobile food vendors, creating new mixed use zoning, developing transitional zoning regulations between higher and lower intensity uses, simplifying zoning in the downtown core, updating design standards, and changes to neighborhood commercial zoning.