



City of Lake Stevens Vision Statement

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

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

Tuesday, March 26, 2019 – 7:00 p.m.

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

CALL TO ORDER	7:15 p.m.	Mayor
PLEDGE OF ALLEGIANCE		Mayor
ROLL CALL		
APPROVAL OF AGENDA		Council President
CITIZEN COMMENTS		
COUNCIL BUSINESS		Council President
MAYOR'S BUSINESS		
CITY DEPARTMENT REPORT:	*A Update	
CONSENT AGENDA	*B Approve 2019 Vouchers	Barb
	*C Approve City Council Regular Meeting Minutes of February 26, 2019	Kathy
	*D Approve City Council Special Meeting Minutes of March 5, 2019	Kathy
	*E Approve Ordinance 1052 Amending 2019 Budget	Barb
	*F Approve Food Bank Lease	Gene
PUBLIC HEARING:	*G Joint Public Hearing with Department of Ecology re Shoreline Management Plan	Josh M.
	*H SE Island Annexation and Ordinance 1053	Josh M.
	*I Adrian Annexation and Resolution 2019-09	Dillon

Lake Stevens City Council Regular Meeting Agenda

March 26, 2019

ACTION ITEMS:

*J	Approve Professional Services Agreement with PACE Engineers re Decant Facility	Eric
*K	Approve Ordinance 1051 Amending LSMC Title 7.18 re Tow Truck Businesses	John D.

DISCUSSION ITEMS:

EXECUTIVE SESSION: Potential Litigation

ADJOURN

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

Special Needs

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact 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.



**CITY DEPARTMENT REPORT
CITY COUNCIL REGULAR MEETING
March 26, 2019**

Public Works

- Design West Engineering, Inc. for mechanical plumbing and electrical construction document design for the new Pavilion – \$23,500.00
- AquaTechnex for Eurasion Milfoil Treatment: Supplemental Agreement No. 4 to Professional Services Agreement dated April 22, 2016 – \$83,308.50



SNOWMAGEDDON - FEBRUARY 2019



2019 Year-to-Date Snow removal material costs (liquid deicer,
salt, sand) - \$23,144.65
(2019 Budget \$12,000)

Overtime expenses for snow event - \$40,000



2018 Snow Removal -
\$15,803.98



Public Works

Capital Projects Update

March 2019 Report

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.

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. In 2019, a 2" water meter will be added for a future irrigation. The following improvements will be made in 2019:

- 2-inch Water Meter Installation for Irrigation
- 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 nearing completion

Frontier Heights

Cost Estimate: \$340,000

Funding Source: Park Mitigation

Schedule: 2019 Construction

Current Status: Design is nearly complete.

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



Dock restoration underway

North Cove Park Improvements

Cost Estimate: \$331,000

Funding Source: Real Estate Excise Tax (REET), Grants

Schedule: Construction through 2019

Current Status: Earth work and grading nearly complete. Family Center and Community Center have been demolished. War memorial will be relocated in March 2019.

Scope: There are several projects associated with North Cove Park including

- Regrading of the park
- Dock Restoration
- Pavilion Building Construction
- Main Street Improvements
- Pavilion Paving and Water Feature

Eagle Ridge Park

Cost Estimate: \$16,000

Funding Source: Park Mitigation

Schedule: Construction Summer 2019

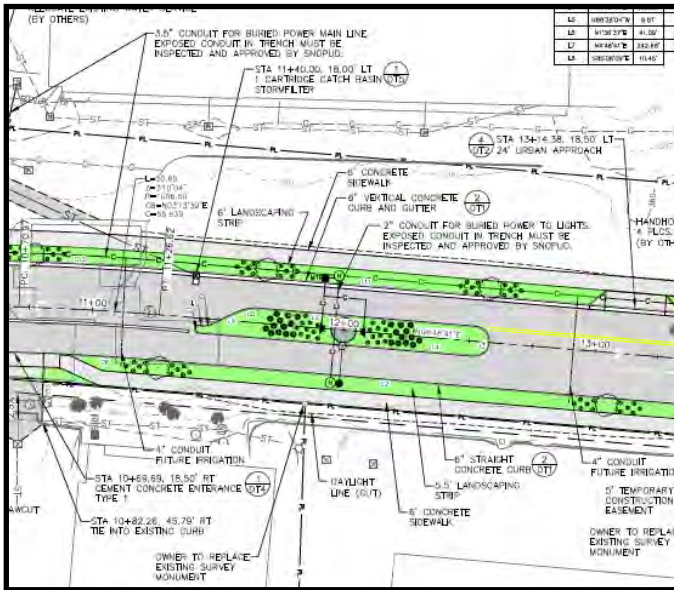
Current Status: Underway

Scope: Install park amenities including benches and shelters, landscaping, signage and prepare area for future playground.



Community volunteers installing rain garden at Eagle Ridge

Transportation



Frontier Village Access Road—90% Design

Frontier Village Access Road

Cost Estimate: \$550,000

Funding Source: REET II

Schedule: Construction 2019

Current Status: Design is nearly complete. ROW acquisition is in progress. City is awaiting reallocation of funding from the legislature to construct the project.

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: \$1,300,000

Funding Source: WSDOT Local Programs

Schedule: Construction in 2019

Current Status: Design is nearly complete.
Project will go to bid in April 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.

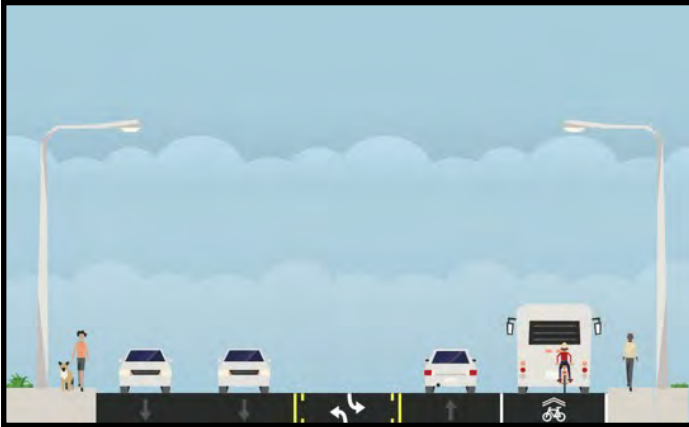


South Lake Stevens Road—Existing Shoulder



Transportation

20th Street SE—Phase II, Segment I



Conceptual drawing

Cost Estimate: \$5,500,000

Funding Source: PSRC, TIB

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

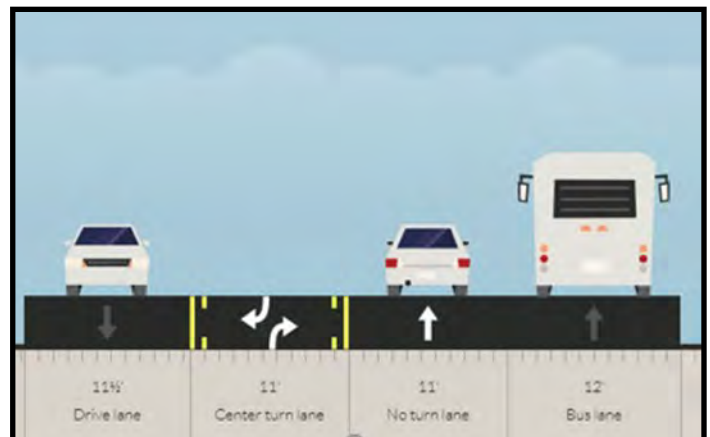
Cost Estimate: \$800,425

Funding Source: R1/Grant

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



Facilities

Public Works Shop

Cost Estimate:

Funding Source: Surface water utility fund, street fund

Schedule: Design development, construction documents, and permitting Spring 2019

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: \$1,000,000

Funding Source: Design and property acquisition with City funds, construction funding from pending Ecology Grant.

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

Current Status: Design contract with PACE pending council approval.

Scope: The City will construct a 4 bay decant facility at the newly purchased property on 31st Place NE. Snohomish County PUD has expressed an interest in using the facility via interlocal agreement.



91st & 4th safe route nearing completion March 2019



Community Center demo

Other Projects

1. Public Works Fuel Station
2. Surface Water Drainage Improvements
3. Sidewalk Projects (Expansion and Restoration)
4. 79th Ave SE Access Road
5. 24th Street and 91st Ave Extensions
6. Annual Overlays and Lane Striping
7. Main Street Pavilion Building Design



Pavilion Design

BLANKET VOUCHER APPROVAL
2019

Payroll Direct Deposits	3/10/2019	\$221,426.45
Payroll Checks	47317	\$1,765.91
Tax Deposit(s)		\$204,376.64
Electronic Funds Transfers	ACH	\$80,624.20
Claims	47318-47387, 47389-47498	\$953,402.40
Void Checks	47036, 47253, 47070-47271, 47352, 47366	(\$48,303.45)
Total Vouchers Approved:		\$1,413,292.15

This 26th day of March 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.

Finance Director/Auditing Officer

Mayor

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

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

March 26th, 2019



City Expenditures by Type on this voucher packet

Personnel Costs	\$	223,192	16%
Payroll Federal Taxes	\$	80,624	6%
Retirement Benefits - Employer	\$	54,011	4%
Medical Benefits - Employer	\$	138,606	10%
Other Employer paid Benefits	\$	4,751	0%
Employee paid benefits - By Payroll	\$	17,031	1%
Supplies	\$	95,966	7%
Professional Services *	\$	353,888	25%
Intergovernmental	\$	113,319	8%
Capital **	\$	380,207	27%
Void Check	\$	(48,303)	-3.4%
Total	\$	1,413,292.15	100%

Large Purchases

*20th Street SE ROW Acquisition - LS School District - \$100,103

** Safter Routes - 91st/4th ST SE - \$188,730



Total for Period
\$1,238,403.24

Checks to be approved for period of 02/28/2019 - 03/20/2019

Vendor: Ace Hardware
Check Number: 47389

Invoice No	Check Date	Account Number	Account Name	Description	Amount
61948	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Faucet Cover	\$27.12
62053	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Storage Boxes/Totes	\$32.65
62075	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Str Deck Tan/Bar Pry/Brackets	\$110.99
62076	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Speed Square/Flapper Korky	\$21.76
62076	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Speed Square/Flapper Korky	\$21.77
62084	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Brackets	\$17.40
62087	3/20/2019	410 016 531 10 35 00	SW-Small Tools	Combo Tool Kit/Impact Drill	\$255.89
62108	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Totes/Stdfrst	\$53.33
62110	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Adjustable Bracket	\$34.80
62113	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Pipe Supplies/Adaptors/Tape/Copper Tube	\$64.44
62113	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Pipe Supplies/Adaptors/Tape/Copper Tube	\$64.43
62143	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	PP Exterior Bracket	\$129.58
62151	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Transponder Key	\$87.11
62153	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	PVS Conduit	\$53.79
62158	3/20/2019	410 016 531 10 35 00	SW-Small Tools	Drill Bits	\$50.69
62161	3/20/2019	410 016 531 10 35 00	SW-Small Tools	Drill Bits/Extension Forstner	\$39.18
62163	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Plate Filler	\$4.08
62163	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Plate Filler	\$4.08
62171	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Angle A23	\$140.48
62177	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Pull Utility Hd Galv	\$10.88
62177	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Pull Utility Hd Galv	\$10.88
62189	3/20/2019	001 008 521 50 48 00	LE-Facility Repair & Maint	Fasteners/Hinge Frame PD Door Repair	\$12.61
62192	3/20/2019	001 008 521 50 48 00	LE-Facility Repair & Maint	Keypad Entry Lvr PD Door Repair	\$141.56
62213	3/20/2019	001 008 521 50 48 00	LE-Facility Repair & Maint	Chisel Set/Cover Sq Box/Door Lock PD Door Repair	\$65.31
62215	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Padlock	\$27.21
62218	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	PVC Elbows/Angles/Torx Insert Bit	\$161.31
62228	3/20/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Building Keys/Car Fob Batteries	\$22.83
62229	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Deadbolt/Pliers	\$53.34
62239	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Credit Deadbolt	(\$35.93)
					\$1,683.57

Vendor: AFLAC
Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
398804	3/12/2019	001 000 284 00 00 00	Payroll Liability Other	Employee paid Insurance Prem	\$1,446.60
					\$1,446.60

Vendor: Alpine Fire and Safety Systems Inc
Check Number: 47390

Invoice No	Check Date	Account Number	Account Name	Description	Amount
52769	3/20/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	First Aid Supplies PD	\$149.63
					\$149.63

Vendor: Amazon Capital Services
Check Number: 47318

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1CCX-NMFP-XWJJ	3/6/2019	001 008 521 20 31 02	LE-Minor Equipment	Lotion	\$27.42
1GPF-943R-JNH9	3/6/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Magpul Polymer Rail	\$32.52
1MXN-GR71-HWN4	3/6/2019	001 008 521 20 31 02	LE-Minor Equipment	Credit - Wire Surveillance Earpiece Inv 1W34-X3PF-LHLP	(\$76.23)
1WMC-FV4K-LMKR	3/6/2019	410 016 531 10 31 02	SW-Operating Costs	Sharpie Highlighters	\$27.17
					\$10.88

Vendor: Amazon Capital Services
Check Number: 47391

Invoice No	Check Date	Account Number	Account Name	Description	Amount
14PW-DNVW-7947	3/20/2019	001 008 521 20 31 00	LE-Office Supplies	External Hard Drive	\$98.00
1DHH-KHHR-9DV1	3/20/2019	001 008 521 20 31 00	LE-Office Supplies	Mesh Desk Organizer	\$29.39
1HP6-N3PQ-7Y49	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Business Card Refills	\$17.29
1KKG-KTD7-WWDC	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Pens	\$4.67
1TVL-H9Q1-77X4	3/20/2019	001 008 521 50 30 02	LE-Fleet Minor Equipment	Batteries	\$24.80
					\$174.15

Vendor: American Abatement and Demo LLC
Check Number: 47392

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1570	3/20/2019	001 013 518 20 48 00	GG-Repair & Maintenance	Asbestos Removal - Community Center	\$5,431.83
					\$5,431.83

Vendor: Anderson
Check Number: 47393

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030319 ANDERSON	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals Crisis Negotiator Vancouver - A Anderson	\$360.00
					\$360.00

Vendor: Assoc of Washington Cities EFT
Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
032019	3/12/2019	001 000 283 00 00 00	Payroll Liability Medical	Medical Insurance Premium	\$136,096.30
032019	3/12/2019	001 013 518 30 20 00	GG-Benefits	Medical Insurance Premium	(\$1.27)
042019	3/12/2019	001 000 283 00 00 00	Payroll Liability Medical	Teamster Dental Premium	\$2,509.28
042019	3/12/2019	001 013 518 30 20 00	GG-Benefits	Teamster Dental Premium	(\$0.08)
					\$138,604.23

Vendor: Bacari Homes
Check Number: 47319

Invoice No	Check Date	Account Number	Account Name	Description	Amount
022719 BACARI	3/6/2019	301 000 345 85 10 01	Traffic Mitigation - TIZ 1	Traffic Impact Zone 3 Refund	\$729.00
					\$729.00

Vendor: Bacari Homes

Check Number: 47394

Invoice No	Check Date	Account Number	Account Name	Description	Amount
031319 BACARI	3/20/2019	003 000 322 10 00 00	Building Permits	Refund BLD2019-0127 Building Permit Appl Plan Review Fee	\$217.91
					\$217.91

Vendor: Barrett

Check Number: 47395

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1696	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Rock/Sand Transport to Yard	\$3,480.00
1696	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Rock/Sand Transport to Yard	\$3,480.00
1699	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Street Sweeping Disposal	\$1,906.87
1699	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Street Sweeping Disposal	\$1,906.88
1700	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Dirt Removal - North Cove Park	\$14,208.75
					\$24,982.50

Vendor: Bay Alarm Company

Check Number: 47396

Invoice No	Check Date	Account Number	Account Name	Description	Amount
15866607	3/20/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	Credit Invoice 15860122	(\$1.55)
15954634	3/20/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	Reset Modules & Reinstalled Door Strike	\$103.46
					\$101.91

Vendor: Bendawald

Check Number: 47320

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030119BENDAWALD	3/6/2019	001 000 589 10 00 00	Refund of Deposits	Refund Security Deposit 12202 N Lakeshore Dr Unit 12	\$300.00
					\$300.00

Check Number: 47378

Invoice No	Check Date	Account Number	Account Name	Description	Amount
12	3/14/2019	302 010 594 76 61 01	PM - North Cove Capital	NC Relocation #12	\$4,600.00
					\$4,600.00

Vendor: Brown

Check Number: 47397

Invoice No	Check Date	Account Number	Account Name	Description	Amount
113018 BROWN	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Ice Melt Distributor	\$19.49
					\$19.49

Vendor: Brummett Inc

Check Number: 47321

Invoice No	Check Date	Account Number	Account Name	Description	Amount
15041	3/6/2019	001 008 521 20 31 02	LE-Minor Equipment	Perpetual Plates	\$30.72
					\$30.72

Vendor: Business Card

Check Number: 47398

Invoice No	Check Date	Account Number	Account Name	Description	Amount
ANDERSON 0319	3/20/2019	001 003 514 20 43 00	CC-Travel & Meetings	Travel Laserfiche - T Stevens/Pugh/J Anderson	\$34.83
ANDERSON 0319	3/20/2019	001 006 518 80 43 00	IT-Travel & Meetings	Travel Laserfiche - T Stevens/Pugh/J Anderson	\$34.83
ANDERSON 0319	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Flight Bags Laserfiche - J Anderson	\$25.00

ANDERSON 0319	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Flight Bags Laserfiche - J Anderson	\$25.00
ANDERSON 0319	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Travel Laserfiche - T Stevens/Pugh/J Anderson	\$34.82
ANDERSON 0319	3/20/2019	001 008 521 40 49 01	LE-Registration Fees	LEIRA Training - LeBlanc	\$50.00
BARNES 0319	3/20/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Conn Butt Ins - Vehicle Maint	\$3.26
BEAZIZO 0319	3/20/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	BLOCK Magazine Rounds	\$212.84
BEAZIZO 0319	3/20/2019	001 008 521 20 31 04	LE-Donation Exp - Other	Pepperspray/Case/Speed Pod Loader/Training	\$1,499.90
BEAZIZO 0319	3/20/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	Thumbnails/Cameraid	\$9.99
BEAZIZO 0319	3/20/2019	001 008 521 21 43 00	LE-Boating-Travel & Per Diem	Ferry Travel - Boat Collar Bremerton	\$15.35
BEAZIZO 0319	3/20/2019	001 008 521 21 43 00	LE-Boating-Travel & Per Diem	Ferry Travel - Boat Collar Bremerton	\$84.25
BEAZIZO 0319	3/20/2019	520 008 594 21 63 00	Capital Equipment	Vehicle License Fee 2019 For K8A Policy Vehicle	\$44.75
BRAZEL 0319	3/20/2019	001 002 513 11 43 00	AD-Travel & Meetings	Meal - MAG Meeting - Brazel	\$17.06
BROOKS 0319	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Boots/Hydrant Wrench/Hydrant Lug/Rescue Gloves	\$1,023.53
BROOKS 0319	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Hydrant Gate Valve	\$186.50
BROOKS 0319	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Multigas Detector	\$673.00
BROOKS 0319	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Utility Coveralls	\$194.94
BROOKS 0319	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Fuel	\$26.96
BROOKS 0319	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Fuel K9 Training	\$16.65
BROOKS 0319	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Fuel K9 Training	\$20.07
BROOKS 0319	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	K9 Toys/Shed Rake	\$51.86
DURPOS 0219	3/20/2019	410 016 531 10 49 01	SW-Staff Development	CAEC Pro Prevailing Wage Contracting Registration - Kane	\$20.00
DURPOS 0319	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Licensing Fee PW74	\$24.62
DURPOS 0319	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Licensing Fee PW74	\$24.63
DURPOS 0319	3/20/2019	410 016 531 10 49 00	SW-Miscellaneous	Finance Charges - Durpos CC	\$6.36
DURPOS 0319	3/20/2019	410 016 531 10 49 01	SW-Staff Development	CESCL Certification Training - Knoepfle	\$300.00
DURPOS 0319	3/20/2019	410 016 531 10 49 01	SW-Staff Development	Flagger Certification Course - J Evans	\$85.00
DYER 0319	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Solid Orange Econ Cone with Custom Stencil	\$1,546.56
ESHLEMAN 0319	3/20/2019	101 016 542 30 32 00	ST-Fuel	Ethanol Fuel	\$50.77
ESHLEMAN 0319	3/20/2019	101 016 542 30 32 00	ST-Fuel	Fuel	\$34.54
ESHLEMAN 0319	3/20/2019	101 016 542 30 49 01	ST-Staff Development	Flagger Class - Ubert/Johnston/Holly/Stevens/Young	\$192.50
ESHLEMAN 0319	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Gas Cans	\$28.34
ESHLEMAN 0319	3/20/2019	410 016 531 10 32 00	SW-Fuel	Ethanol Fuel	\$50.77
ESHLEMAN 0319	3/20/2019	410 016 531 10 49 01	SW-Staff Development	Flagger Class - Ubert/Johnston/Holly/Stevens/Young	\$192.50
GOOD 0319	3/20/2019	001 001 511 60 49 01	Legislative - Prof. Developmen	Economic Forecast Meeting Registration - Petershagen	\$55.00
GOOD 0319	3/20/2019	001 001 511 60 49 01	Legislative - Prof. Developmen	SCC Membership Meeting - Daughtry	\$15.00
GOOD 0319	3/20/2019	001 001 511 60 49 01	Legislative - Prof. Developmen	SCC Membership Meeting - Gailey	\$15.00
GOOD 0319	3/20/2019	001 001 511 60 49 01	Legislative - Prof. Developmen	SCC Membership Meeting - Petershagen	\$15.00
GOOD 0319	3/20/2019	001 001 511 60 49 01	Legislative - Prof. Developmen	SCC Membership Meeting - Welch	\$15.00
GOOD 0319	3/20/2019	001 001 511 60 49 01	Legislative - Prof. Developmen	Snohomish Co Update Meeting Registration - Petershagen	\$45.00
GOOD 0319	3/20/2019	001 005 518 10 31 00	HR-Office Supplies	Certified Mail - ACA forms to IRS	\$13.65
MINER 0319	3/20/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Magpul Handguard	\$65.32
MINER 0319	3/20/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Magpul Magazine Rounds	\$136.06
MINER 0319	3/20/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Personal Defense Ammunition	\$63.90
MINER 0319	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Laser Measuring Tape/Laser Temp Gun	\$84.27
SMITH 0319	3/20/2019	101 016 542 30 41 02	ST-Professional Service	Webinar DOT/FMCSA	\$24.50
SMITH 0319	3/20/2019	410 016 531 10 41 01	SW-Professional Services	Webinar DOT/FMCSA	\$24.50

STEVENS T 0319	3/20/2019	001 006 518 80 43 00	IT-Travel & Meetings	Daily Travel to Laserfiche Conference - T Stevens	\$5.00
STEVENS T 0319	3/20/2019	001 006 518 80 43 00	IT-Travel & Meetings	Daily Travel to Laserfiche Conference - T Stevens	\$17.04
STEVENS T 0319	3/20/2019	001 006 518 80 43 00	IT-Travel & Meetings	Daily Travel to Laserfiche Conference - T Stevens	\$18.20
STEVENS T 0319	3/20/2019	001 006 518 80 43 00	IT-Travel & Meetings	Daily Travel to Laserfiche Conference - T Stevens	\$19.45
STEVENS T 0319	3/20/2019	001 006 518 80 43 00	IT-Travel & Meetings	Daily Travel to Laserfiche Conference - T Stevens	\$19.68
STEVENS T 0319	3/20/2019	001 006 518 80 43 00	IT-Travel & Meetings	Daily Travel to Laserfiche Conference - T Stevens	\$21.60
STEVENS T 0319	3/20/2019	001 006 518 80 43 00	IT-Travel & Meetings	Flight Change Laserfiche Conference - T Stevens	\$50.00
STEVENS T 0319	3/20/2019	001 006 518 80 43 00	IT-Travel & Meetings	Hotel Laserfiche Conference - T Stevens	\$827.65
STEVENS T 0319	3/20/2019	001 006 518 80 43 00	IT-Travel & Meetings	Meals Laserfiche Conference - T Stevens	\$17.00
STEVENS T 0319	3/20/2019	001 006 518 80 49 01	IT-Staff Development	ACCIS Membership Renewal	\$75.00
UBERT 0319	3/20/2019	001 008 521 20 31 00	LE-Office Supplies	Table Cloths	\$18.72
UBERT 0319	3/20/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Evidence Bags/Brush/Paper Rolls/Mirrors/Sharps Cont	\$587.32
UBERT 0319	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Search CP2 Background - Colorado Court	\$5.25
UBERT 0319	3/20/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	Lexis Nexis Commitment Balance	\$54.45
UBERT 0319	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Flight Bags Laserfiche - J Anderson	\$50.00
UBERT 0319	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Flight Bags Laserfiche - J Ubert	\$50.00
UBERT 0319	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Hotel RDS Training - Hingtgen	\$261.90
WRIGHT 0319	3/20/2019	001 007 558 50 32 00	PL-Fuel	Vehicle Fuel	\$44.84
WRIGHT 0319	3/20/2019	001 007 558 50 41 03	PL-Advertising	Postage Capital Projects	\$8.00
WRIGHT 0319	3/20/2019	001 007 558 50 41 04	Permit Related Professional Sr	Plantag Permit Supplies	\$102.90
WRIGHT 0319	3/20/2019	001 007 558 50 41 04	Permit Related Professional Sr	Postcard Mailers Path Post Card/NPR SEPA	\$95.77
WRIGHT 0319	3/20/2019	301 016 544 40 41 00	Street Op - P&D - 20th St SE	Recording 20th Street ROW	\$109.00
					\$9,872.95

Vendor: Cadman Inc

Check Number: 47399

Invoice No	Check Date	Account Number	Account Name	Description	Amount
10102231	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Finance Charge	\$33.16
10102231	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Finance Charge	\$33.17
5584835	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Asphalt Street Patch	\$222.97
5585180	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Street Sweeping Dump	\$6,780.64
5586498	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Street Sweeping Dump	\$4,849.76
					\$11,919.70

Vendor: Carlson

Check Number: 47322

Invoice No	Check Date	Account Number	Account Name	Description	Amount
022519 ALLPHASE	3/6/2019	001 010 576 80 41 01	PK -Professional Tree Srv	Park Open Space Tree Removal	\$7,623.00
					\$7,623.00

Vendor: Carlson

Check Number: 47400

Invoice No	Check Date	Account Number	Account Name	Description	Amount
031019 ALLPHASE	3/20/2019	001 010 576 80 41 01	PK -Professional Tree Srv	Tree Removal Task Order 26	\$4,900.50
					\$4,900.50

Vendor: Central Welding Supply

Check Number: 47401

Invoice No	Check Date	Account Number	Account Name	Description	Amount
RN02191027	3/20/2019	101 015 543 30 31 00	ME - Operating Costs	Argon Gas	\$18.05
RN22191024	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Argon Gas	\$9.02
RN22191024	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Argon Gas	\$9.03
					\$36.10

Vendor: Century West Engineering Corp

Check Number: 47323

Invoice No	Check Date	Account Number	Account Name	Description	Amount
239185	3/6/2019	309 016 595 61 63 01	Sidewalk Construction	123rd Ave SE Sidewalk Improv Project	\$585.00
239205	3/6/2019	309 016 595 61 63 01	Sidewalk Construction	123rd Ave SE Sidewalk Improv Project	\$1,240.00
					\$1,825.00

Vendor: Chilwon Corporation

Check Number: 47402

Invoice No	Check Date	Account Number	Account Name	Description	Amount
LSPD006	3/20/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	Uniform Cleaning - PD	\$240.94
					\$240.94

Vendor: Christensen

Check Number: 47403

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0408CHRISTENSEN	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals CIT Training Marysville - Christensen	\$100.00
					\$100.00

Vendor: City of Everett

Check Number: 47324

Invoice No	Check Date	Account Number	Account Name	Description	Amount
I19000921	3/6/2019	001 008 554 30 51 00	LE-Animal Control	Animal Control Services - Jan 2019	\$585.00
					\$585.00

Vendor: City of Everett

Check Number: 47325

Invoice No	Check Date	Account Number	Account Name	Description	Amount
010340 0219	3/6/2019	101 016 543 50 47 00	ST-Utilities	Water Service 9306 20th St SE	\$31.54
					\$31.54

Vendor: City of Everett

Check Number: 47404

Invoice No	Check Date	Account Number	Account Name	Description	Amount
I19001117	3/20/2019	410 016 531 10 41 01	SW-Professional Services	Fecal Coliform Analysis	\$150.00
					\$150.00

Vendor: City of Marysville

Check Number: 47405

Invoice No	Check Date	Account Number	Account Name	Description	Amount
19-003	3/20/2019	001 013 512 50 41 00	GG-Municipal Court Fees	Marysville Court Citations Feb 2019	\$10,767.44
POLIN 19-0003	3/20/2019	001 008 523 60 51 00	LE-Jail	Prisoner Housing SCORE Jan 2019	\$4,092.00
					\$14,859.44

Vendor: Coast Gateway Hotel

Check Number: 47406

Invoice No	Check Date	Account Number	Account Name	Description	Amount
526256	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Hotel - Child Interviews Class - G Heinemann	\$306.12
526258	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	Hotel - Child Interviews Class - B Fiske	\$306.12
					\$612.24

Vendor: Code Publishing Co Inc

Check Number: 47407

Invoice No	Check Date	Account Number	Account Name	Description	Amount
62858	3/20/2019	001 003 514 20 41 00	CC-Professional Services	Muni Code Update Ordinances 1034/1041/1049	\$325.00
					\$325.00

Vendor: Columbia Ford Inc

Check Number: 47326

Invoice No	Check Date	Account Number	Account Name	Description	Amount
3-K370 E100	3/6/2019	520 008 594 21 63 00	Capital Equipment	2019 Ford K8A Police Utility VIN 1FM5K8AR9KGB28495	\$40,890.65
					\$40,890.65

Vendor: Columbia Ford Inc

Check Number: 47408

Invoice No	Check Date	Account Number	Account Name	Description	Amount
3-K371 E101	3/20/2019	520 008 594 21 63 00	Capital Equipment	2019 Ford Explorer VIN1FM5K8AR9KGB45779	\$40,890.65
					\$40,890.65

Vendor: Comdata Inc

Check Number: 47409

Invoice No	Check Date	Account Number	Account Name	Description	Amount
20312027	3/20/2019	001 008 521 20 32 00	LE-Fuel	PD Fuel - Feb 2019	\$280.75
					\$280.75

Vendor: Crim

Check Number: 47327

Invoice No	Check Date	Account Number	Account Name	Description	Amount
031119 CRIM	3/6/2019	001 003 514 20 43 00	CC-Travel & Meetings	PerDiem - Mileage/Meals WMCA Conf Blaine - Crim	\$206.47
					\$206.47

Vendor: Cruson

Check Number: 47379

Invoice No	Check Date	Account Number	Account Name	Description	Amount
7	3/14/2019	302 010 594 76 61 01	PM - North Cove Capital	NC Relocation #7 - Hansen	\$3,510.00
					\$3,510.00

Vendor: Crystal Springs

Check Number: 47410

Invoice No	Check Date	Account Number	Account Name	Description	Amount
16015194 030219	3/20/2019	001 008 521 50 30 00	LE-Facilities Supplies	Bottled Water - Police Department	\$202.18
5249844 030119	3/20/2019	001 007 558 50 31 01	PL-Operating Costs	Bottled Water - City Hall/City Shop	\$72.77
5249844 030119	3/20/2019	001 007 559 30 31 01	PB-Operating Cost	Bottled Water - City Hall/City Shop	\$48.81
5249844 030119	3/20/2019	001 013 518 20 31 00	GG-Operating Costs	Bottled Water - City Hall/City Shop	\$48.81

5249844 030119	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Bottled Water - City Hall/City Shop	\$152.57
5249844 030119	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Bottled Water - City Hall/City Shop	\$152.56
					\$677.70

Vendor: Dana Safety Supply Inc

Check Number: 47411

Invoice No	Check Date	Account Number	Account Name	Description	Amount
561786	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	EZ Rider K9 Insert/Water Dish	\$2,593.00
					\$2,593.00

Vendor: Datec Inc

Check Number: 47412

Invoice No	Check Date	Account Number	Account Name	Description	Amount
34036	3/20/2019	001 008 521 20 31 00	LE-Office Supplies	Case Thermal Paper	\$419.27
					\$419.27

Vendor: Davido Consulting Group Inc

Check Number: 47413

Invoice No	Check Date	Account Number	Account Name	Description	Amount
23686	3/20/2019	309 016 595 61 60 01	Safer Routes - 91st/4th St.SE	91st Ave Improvement Project	\$2,908.23
					\$2,908.23

Vendor: Dept Graphics

Check Number: 47414

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9740	3/20/2019	520 008 594 21 63 00	Capital Equipment	Graphics Ford Police Interceptor	\$998.27
					\$998.27

Vendor: Dept of Emergency Management

Check Number: 47415

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1000495752	3/20/2019	001 013 525 10 51 00	GG-Emergency	Q1 2019 Emergency Management Services	\$10,337.75
					\$10,337.75

Vendor: Dept of Retirement (Deferred Comp)

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
201903070000482	3/12/2019	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
201903110000609	3/12/2019	001 000 282 00 00 00	Payroll Liability Retirement	PERS LEOFF Contributions	\$54,011.45
					\$54,011.45

Vendor: Diamante Cleaning Experts LLC

Check Number: 47416

Invoice No	Check Date	Account Number	Account Name	Description	Amount
8	3/20/2019	001 007 558 50 41 00	PL-Professional Serv	Janitorial Services	\$65.00
8	3/20/2019	001 007 559 30 41 00	PB-Professional Srv	Janitorial Services	\$65.00
8	3/20/2019	001 008 521 20 41 00	LE-Professional Services	Janitorial Services	\$390.00

8	3/20/2019	001 010 576 80 41 00	PK-Professional Services	Janitorial Services	\$65.00
8	3/20/2019	001 012 575 50 41 00	CS-Community Center - Cleaning	Janitorial Services	\$65.00
8	3/20/2019	001 013 518 20 41 00	GG-Professional Service	Janitorial Services	\$65.00
8	3/20/2019	001 013 518 20 41 00	GG-Professional Service	Janitorial Services	\$98.00
8	3/20/2019	101 016 542 30 41 02	ST-Professional Service	Janitorial Services	\$65.00
8	3/20/2019	410 016 531 10 41 01	SW-Professional Services	Janitorial Services	\$65.00
					\$943.00

Vendor: Dicks Towing Inc

Check Number: 47417

Invoice No	Check Date	Account Number	Account Name	Description	Amount
69880	3/20/2019	001 008 521 20 41 00	LE-Professional Services	Evidence Towing 2019-02238	\$125.58
					\$125.58

Vendor: Dunlap Industrial Hardware

Check Number: 47328

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1423843-01	3/6/2019	410 016 531 10 26 00	SW Clothing-Boot Allowance	Alta Shelter Bib/Jacket/Steel Toe Boots	\$302.50
					\$302.50

Vendor: Dunlap Industrial Hardware

Check Number: 47418

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1424076-01	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Str Needle Scaler/Chiper	\$122.03
1424076-01	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Str Needle Scaler/Chiper	\$122.04
					\$244.07

Vendor: EFTPS

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
61383590	3/12/2019	001 000 281 00 00 00	Payroll Liability Taxes	Federal Payroll Taxes	\$80,624.20
					\$80,624.20

Vendor: Electronic Business Machines

Check Number: 47419

Invoice No	Check Date	Account Number	Account Name	Description	Amount
AR126516	3/20/2019	001 007 558 50 48 00	PL-Repairs & Maint.	Copier Repair & Maintenance PL	\$97.70
AR126516	3/20/2019	001 007 559 30 48 00	PB-Repair & Maintenance	Copier Repair & Maintenance PB	\$97.70
AR126516	3/20/2019	101 016 542 30 48 00	ST-Repair & Maintenance	Copier Repair & Maintenance PW	\$97.70
AR126516	3/20/2019	410 016 531 10 48 00	SW-Repairs & Maintenance	Copier Repair & Maintenance PW	\$97.71
AR127013	3/20/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Copier Repair & Maintenance PD	\$161.87
AR127887	3/20/2019	101 016 542 30 48 00	ST-Repair & Maintenance	Copier Repair & Maintenance PW	\$9.24
AR127887	3/20/2019	410 016 531 10 48 00	SW-Repairs & Maintenance	Copier Repair & Maintenance PW	\$9.24
					\$571.16

Vendor: Envirotech Services Inc

Check Number: 47329

Invoice No	Check Date	Account Number	Account Name	Description	Amount
CD201910536	3/6/2019	101 016 542 66 31 00	ST-Snow & Ice - Sply	De-Icer Meltdown Apex	\$8,779.41
					\$8,779.41

Vendor: Etico Solutions Inc

Check Number: 47420

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2019-BHWA-05	3/20/2019	001 008 521 40 49 01	LE-Registration Fees	Resource Allocation/Deployment Registration - Beazizo	\$500.00
					\$500.00

Vendor: Everett Stamp Works

Check Number: 47330

Invoice No	Check Date	Account Number	Account Name	Description	Amount
26405	3/6/2019	001 007 558 50 31 00	PL-Office Supplies	Name Plates/Holder - Roth/Gassaway	\$52.15
26405	3/6/2019	001 007 559 30 31 00	PB-Office Supplies	Name Plate - Farmer	\$20.62
26405	3/6/2019	101 016 544 90 31 01	ST-Office Supplies	Name Plate/Holder - Knoepfle	\$17.93
26405	3/6/2019	410 016 531 10 31 01	SW-Office Supplies	Name Plate/Holder - Knoepfle	\$17.93
					\$108.63

Vendor: Feldman and Lee

Check Number: 47331

Invoice No	Check Date	Account Number	Account Name	Description	Amount
020119 FELDMAN	3/6/2019	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services Feb 2019	\$10,000.00
					\$10,000.00

Vendor: Foster

Check Number: 47332

Invoice No	Check Date	Account Number	Account Name	Description	Amount
40776	3/6/2019	410 016 531 10 31 02	SW-Operating Costs	Welcome to Lake Stevens Brochures	\$179.75
					\$179.75

Vendor: Frontier

Check Number: 47421

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030119 FRONTIER	3/20/2019	001 012 575 30 42 00	CS-Historical-Communications	Telephone Services Museum	\$213.32
030119 FRONTIER	3/20/2019	001 013 518 20 42 00	GG-Communication	Fax Services City Hall	\$30.31
030119 FRONTIER	3/20/2019	101 016 542 64 47 00	ST-Traffic Control -Utility	Traffic Control Modem	\$63.68
030119 FRONTIER	3/20/2019	101 016 543 30 42 00	ST-Communications	Fax Services City Hall	\$30.31
030119 FRONTIER	3/20/2019	410 016 531 10 42 00	SW-Communications	Fax Services City Hall	\$30.31
					\$367.93

Vendor: Galls LLC

Check Number: 47333

Invoice No	Check Date	Account Number	Account Name	Description	Amount
012018843	3/6/2019	001 008 521 20 31 05	LE-Equipment - New Officers	Jumpsuit/Letters/Embroiderable Blank - A Anderson	\$586.95
					\$586.95

Vendor: Galls LLC

Check Number: 47422

Invoice No	Check Date	Account Number	Account Name	Description	Amount
012086924	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Jumpsuits/Blank Rectangle Embroidable - A Michael	\$650.53
012086925	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Jumpsuits/Blank Rectangle Embroidable - A Michael	\$650.53
					\$1,301.06

Vendor: Glens Welding and Machine Inc

Check Number: 47423

Invoice No	Check Date	Account Number	Account Name	Description	Amount
S12147	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Chains for Saws	\$95.83
S12148	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	File Chain Saws	\$9.80
S12157	3/20/2019	410 016 531 10 35 00	SW-Small Tools	Weed Wacker	\$430.16
S12158	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Chain Saw Sharpen	\$40.29
					\$576.08

Vendor: Global Med Industries LLC

Check Number: 47424

Invoice No	Check Date	Account Number	Account Name	Description	Amount
HS345835	3/20/2019	001 008 521 20 31 01	LE-Fixed Minor Equipment	Heartstart OnSite Defibrillator	\$426.90
HS345835	3/20/2019	001 008 521 20 31 04	LE-Donation Exp - Other	Heartstart OnSite Defibrillator	\$418.10
HS346074	3/20/2019	001 005 517 60 31 00	HR-Safety Program	Heartstart OnSite Defibrillator PW/CH	\$1,119.00
					\$1,964.00

Vendor: Grainger

Check Number: 47334

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9098441232	3/6/2019	410 016 531 10 31 02	SW-Operating Costs	Mini Light Bar	\$385.13
					\$385.13

Vendor: Grainger

Check Number: 47425

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9103606035	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Utility Cart	\$146.65
9103606035	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Utility Cart	\$146.66
9104329264	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Gate Frame Hinge Steel	\$7.13
9113573548	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Wall Mounted Dry Erase Board	\$140.70
9114273866	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Plastic Clipboard	\$9.75
9114273866	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Plastic Clipboard	\$9.76
					\$460.65

Vendor: Grange Supply

Check Number: 47426

Invoice No	Check Date	Account Number	Account Name	Description	Amount
618220/4	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Galv Box Bracket	\$5.43
618220/4	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Galv Box Bracket	\$5.44
618295/4	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Propane	\$21.39
					\$32.26

Vendor: Grating Pacific LLC

Check Number: 47427

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0192690-IN	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Deck Panels - North Cove Dock	\$2,795.11
					\$2,795.11

Vendor: Griffen

Check Number: 47428

Invoice No	Check Date	Account Number	Account Name	Description	Amount
8Z1045950	3/20/2019	001 011 515 91 41 00	LG-General Indigent Defense	Public Defender Services	\$300.00
					\$300.00

Vendor: Halverson

Check Number: 47335

Invoice No	Check Date	Account Number	Account Name	Description	Amount
021819HALVERSON	3/6/2019	001 010 576 80 43 00	PK-Travel & Meetings	PerDiem - Mileage Nation PW Institute Issaquah - Halverson	\$66.66
021819HALVERSON	3/6/2019	101 016 543 30 43 00	ST-Travel & Meetings	PerDiem - Mileage Nation PW Institute Issaquah - Halverson	\$66.66
021819HALVERSON	3/6/2019	410 016 531 10 43 00	SW-Travel & Meetings	PerDiem - Mileage Nation PW Institute Issaquah - Halverson	\$66.66
					\$199.98

Vendor: Hartford Court Apts

Check Number: 47336

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030119 HARTFORD	3/6/2019	302 010 594 76 61 01	PM - North Cove Capital	Lefebvre/Kerr Relocation Assistance 12202 N Lakeshore Dr Unit 9	\$1,695.00
					\$1,695.00

Vendor: HERC Rentals Inc

Check Number: 47429

Invoice No	Check Date	Account Number	Account Name	Description	Amount
30253608-006	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Scissor Lift Rental	\$198.74
30253608-006	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Scissor Lift Rental	\$198.75
					\$397.49

Vendor: Honey Bucket

Check Number: 47337

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0550979257	3/6/2019	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Community Garden	\$117.50
					\$117.50

Vendor: Honey Bucket

Check Number: 47430

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0550985193	3/20/2019	001 010 576 80 45 00	PK-Equipment Rental	Honey Bucket Rental - Event Swim Beach	\$269.65
0550997052	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Fencing for North Cove Park Project	\$359.37
					\$629.02

Vendor: Horizon Distributors Inc

Check Number: 47431

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2M079660	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Turfagro	\$591.52
					\$591.52

Vendor: Hough Beck & Baird Inc

Check Number: 47432

Invoice No	Check Date	Account Number	Account Name	Description	Amount
12533	3/20/2019	302 010 594 76 61 00	PM - Frontier Heights Capital	Frontier Heights Park Design Feb 2019	\$7,109.51
					\$7,109.51

Vendor: HRA VEBA Trust YA20192

Check Number: 47370

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819	3/12/2019	001 000 283 00 00 00	Payroll Liability Medical	Employee VEBA Contributions	\$743.24
					\$743.24

Vendor: HSA Bank

Check Number: 47371

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819	3/12/2019	001 000 284 00 00 00	Payroll Liability Other	Health Savings Account Employee Contributions	\$660.99
					\$660.99

Vendor: HW Lochner Inc

Check Number: 47433

Invoice No	Check Date	Account Number	Account Name	Description	Amount
16	3/20/2019	301 016 544 40 41 02	T11 - 24th & 91st Ext Design	24th Street SE Extension Design	\$10,176.31
					\$10,176.31

Vendor: Industrial Supply Inc

Check Number: 47434

Invoice No	Check Date	Account Number	Account Name	Description	Amount
632686	3/20/2019	101 016 542 66 31 00	ST-Snow & Ice - Sply	Snow Plow Blades	\$2,261.93
					\$2,261.93

Vendor: Iron Mountain Quarry LLC

Check Number: 47338

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0285924	3/6/2019	101 016 544 90 31 02	ST-Operating Cost	Minus CSTC PW Yard	\$442.75
0285924	3/6/2019	410 016 531 10 31 02	SW-Operating Costs	Minus CSTC PW Yard	\$442.75
0285974	3/6/2019	101 016 544 90 31 02	ST-Operating Cost	Rock PW Yard	\$666.81
0285974	3/6/2019	410 016 531 10 31 02	SW-Operating Costs	Rock PW Yard	\$666.81
					\$2,219.12

Vendor: Iron Mountain Quarry LLC

Check Number: 47435

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0286116	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Rock Erosion Control - North Cove	\$1,804.87
0286351	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Rock - North Cove	\$292.49
					\$2,097.36

Vendor: Irwin

Check Number: 47436

Invoice No	Check Date	Account Number	Account Name	Description	Amount
040819 IRWIN	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals CIT 40 Training Marysville - Irwin	\$100.00
					\$100.00

Vendor: J Thayer Company Inc

Check Number: 47339

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1333212-0	3/6/2019	001 003 514 20 31 00	CC-Office Supply	Tabs	\$1.32
1333212-0	3/6/2019	001 005 518 10 31 00	HR-Office Supplies	Folio Pockets	\$57.31
1333212-0	3/6/2019	001 007 558 50 31 00	PL-Office Supplies	Folders	\$229.39

1333212-0	3/6/2019	001 010 576 80 31 00	PK-Operating Costs	Stapler	\$2.44
1333212-0	3/6/2019	001 013 518 20 31 00	GG-Operating Costs	Disinfectant Spray/Tabs/Tape	\$19.96
1333212-0	3/6/2019	101 016 544 90 31 01	ST-Office Supplies	Stapler	\$2.44
1333212-0	3/6/2019	410 016 531 10 31 01	SW-Office Supplies	Stapler	\$2.44
1335283-0	3/6/2019	001 007 558 50 31 00	PL-Office Supplies	Folders/Pens	\$93.24
1335283-0	3/6/2019	001 013 518 20 31 00	GG-Operating Costs	Markers/Stenos/Expo Pens/Batteries	\$50.77
1335614-0	3/6/2019	001 007 558 50 31 00	PL-Office Supplies	Post It Notes/Folders/File Partitions	\$197.72
					\$657.03

Vendor: J Thayer Company Inc

Check Number: 47437

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1334779-0	3/20/2019	001 013 518 20 31 00	GG-Operating Costs	Janitorial Supplies	\$135.47
1335094-0	3/20/2019	001 008 521 20 31 00	LE-Office Supplies	Wipes/Toner	\$148.31
1337995-0	3/20/2019	001 008 521 20 31 00	LE-Office Supplies	Batteries	\$92.02
1338559-0	3/20/2019	001 013 518 20 31 00	GG-Operating Costs	Towel/Dry Erase Board/Markers/Hanger	\$153.06
1338933-0	3/20/2019	001 007 558 50 31 02	PL-Permit Related Op. Costs	Folders	\$84.83
C1333212-0	3/20/2019	001 007 558 50 31 00	PL-Office Supplies	Credit Folders	(\$161.06)
C1335283-0	3/20/2019	001 007 558 50 31 00	PL-Office Supplies	Credit Folders	(\$68.76)
					\$383.87

Vendor: Jewell

Check Number: 47438

Invoice No	Check Date	Account Number	Account Name	Description	Amount
041419 JEWELL	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals BMLE Tacoma - Jewell	\$422.00
					\$422.00

Vendor: Jones

Check Number: 47439

Invoice No	Check Date	Account Number	Account Name	Description	Amount
26060	3/20/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Windshield Repair 2017 Dodge Charger	\$43.64
					\$43.64

Vendor: Kaiser Permanente

Check Number: 47440

Invoice No	Check Date	Account Number	Account Name	Description	Amount
67926046	3/20/2019	101 016 542 30 41 02	ST-Professional Service	Commercial Drivers Med Exam	\$113.50
67926046	3/20/2019	410 016 531 10 41 01	SW-Professional Services	Commercial Drivers Med Exam	\$113.50
					\$227.00

Vendor: Kane

Check Number: 47441

Invoice No	Check Date	Account Number	Account Name	Description	Amount
022819 KANE	3/20/2019	101 016 543 30 43 00	ST-Travel & Meetings	Parking Fees - Trestle/PSRC Meetings - Kane	\$5.50
022819 KANE	3/20/2019	410 016 531 10 43 00	SW-Travel & Meetings	Parking Fees - Trestle/PSRC Meetings - Kane	\$5.50
					\$11.00

Vendor: Kiehn

Check Number: 47340

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030419 KIEHN1	3/6/2019	302 010 594 76 61 01	PM - North Cove Capital	Reimburse Pro-Rated Rent Feb 9-28/12202 Lakeshore Unit 6	\$853.57
030419 KIEHN2	3/6/2019	302 010 594 76 61 01	PM - North Cove Capital	Relocation Assistance 12202 N Lakeshore Dr Unit 6	\$5,500.00
					\$6,353.57

Vendor: LaFave

Check Number: 47341

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030119 LAFAVE1	3/6/2019	001 000 589 10 00 00	Refund of Deposits	Refund Security Deposit 12202 N Lakeshore Dr Unit 4	\$300.00
030119 LAFAVE2	3/6/2019	302 010 594 76 61 01	PM - North Cove Capital	Relocation Assistance 12202 N Lakeshore Dr Unit 4	\$5,500.00
					\$5,800.00

Vendor: Lake Industries LLC

Check Number: 47342

Invoice No	Check Date	Account Number	Account Name	Description	Amount
279037	3/6/2019	101 016 542 66 31 00	ST-Snow & Ice - Sply	Washed Screened Sand	\$1,365.66
279046	3/6/2019	101 016 542 66 31 00	ST-Snow & Ice - Sply	Washed Screened Sand	\$806.74
279053	3/6/2019	101 016 542 66 31 00	ST-Snow & Ice - Sply	Washed Screened Sand	\$1,371.68
					\$3,544.08

Vendor: Lake Industries LLC

Check Number: 47442

Invoice No	Check Date	Account Number	Account Name	Description	Amount
36754	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Fill Hauled in by the Yard - North Cove	\$1,320.00
36766	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Fill Hauled in by the Yard - North Cove	\$1,100.00
36770	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Fill Hauled in by the Yard - North Cove	\$500.00
37599	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Fill Hauled in by the Yard - North Cove	\$1,100.00
					\$4,020.00

Vendor: Lake Stevens Chamber of Commerce

Check Number: 47343

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030119 CHAMBER	3/6/2019	001 013 518 90 49 01	GG-Chamber of Commerce	Contributions for VIC March 2019	\$1,500.00
					\$1,500.00

Vendor: Lake Stevens Police Guild

Check Number: 47372

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819	3/12/2019	001 000 284 00 00 00	Payroll Liability Other	Employee Paid Union Dues	\$1,155.00
					\$1,155.00

Vendor: Lake Stevens School District

Check Number: 47344

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0018190076	3/6/2019	001 007 558 50 32 00	PL-Fuel	Fuel	\$7.50
0018190076	3/6/2019	001 007 559 30 32 00	PB-Fuel	Fuel	\$154.44
0018190076	3/6/2019	001 008 521 20 32 00	LE-Fuel	Fuel	\$5,988.47

0018190076	3/6/2019	001 013 518 20 32 00	GG-Fuel	Fuel	\$7.50
0018190076	3/6/2019	101 016 542 30 32 00	ST-Fuel	Fuel	\$2,192.89
0018190076	3/6/2019	410 016 531 10 32 00	SW-Fuel	Fuel	\$1,261.09
					\$9,611.89

Vendor: Lake Stevens Sewer District

Check Number: 47443

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030119 LSSD	3/20/2019	001 008 521 50 47 00	LE-Facility Utilities	Sewer - N Lakeshore Dr	\$86.00
030119 LSSD	3/20/2019	001 008 521 50 47 00	LE-Facility Utilities	Sewer - Police Station	\$86.00
030119 LSSD	3/20/2019	001 010 576 80 47 00	PK-Utilities	Sewer - Boat Launch Restrooms	\$88.00
030119 LSSD	3/20/2019	001 010 576 80 47 00	PK-Utilities	Sewer - Lundeen Park	\$172.00
030119 LSSD	3/20/2019	001 012 572 20 47 00	CS-Library-Utilities	Sewer - Library	\$86.00
030119 LSSD	3/20/2019	001 013 518 20 47 00	GG-Utilities	Sewer - City Hall	\$172.00
030119 LSSD	3/20/2019	001 013 518 20 47 00	GG-Utilities	Sewer - Family Center	\$86.00
030119 LSSD	3/20/2019	001 013 518 20 47 00	GG-Utilities	Sewer - Permit Center	\$86.00
030119 LSSD	3/20/2019	001 013 518 20 47 00	GG-Utilities	Sewer - Vacant Houses 20th St SE	\$86.00
030119 LSSD	3/20/2019	001 013 518 20 47 02	GG - Utilities for Rentals	Sewer - 12202 Vernon Rd	\$860.00
030119 LSSD	3/20/2019	001 013 518 20 47 02	GG - Utilities for Rentals	Sewer - 12207 North Lane NE	\$86.00
030119 LSSD	3/20/2019	101 016 543 50 47 00	ST-Utilities	Sewer - 99th Ave SE Property	\$86.00
20190308	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Capping Permit 1806/1820 Main St - North Cove	\$250.00
					\$2,230.00

Vendor: Land Development Consultants Inc

Check Number: 47444

Invoice No	Check Date	Account Number	Account Name	Description	Amount
17931	3/20/2019	001 007 558 60 41 00	PL-UGA-RUTA-Annexation	LS Buildable Land Analysis	\$4,215.75
17944	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	North Cove Park Plaza	\$4,659.55
17972	3/20/2019	301 016 595 61 64 02	TIZ3 - S. Lake Stevens Rd	S Lake Stevens Rd Multi Use Path	\$15,783.24
					\$24,658.54

Vendor: LeadsOnline LLC

Check Number: 47345

Invoice No	Check Date	Account Number	Account Name	Description	Amount
249599	3/6/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	LeadsOnline Investigation System Service Annual	\$1,908.00
					\$1,908.00

Vendor: Lefebvre

Check Number: 47380

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9	3/14/2019	302 010 594 76 61 01	PM - North Cove Capital	NC Relocation #9	\$2,505.00
					\$2,505.00

Vendor: Lefebvre

Check Number: 47381

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9 Dep	3/14/2019	001 000 589 10 00 00	Refund of Deposits	NC Relocation #9 Refundable Deposit	\$400.00
					\$400.00

Vendor: Lefebvre

Check Number: 47382

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9 Rent	3/14/2019	302 010 594 76 61 01	PM - North Cove Capital	NC Relocation #9 ProRated Rent	\$532.26
					\$532.26

Vendor: Lemay Mobile Shredding

Check Number: 47445

Invoice No	Check Date	Account Number	Account Name	Description	Amount
4603269	3/20/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	Shredding Services PD Feb 2019	\$14.79
4603270	3/20/2019	001 013 518 20 41 00	GG-Professional Service	Shredding Services CH Feb 2019	\$65.62
					\$80.41

Vendor: Les Schwab Tire Center

Check Number: 47446

Invoice No	Check Date	Account Number	Account Name	Description	Amount
40200437013	3/20/2019	410 016 531 10 48 00	SW-Repairs & Maintenance	Street Sweeper Repairs	\$1,020.22
					\$1,020.22

Vendor: LN Curtis & Sons

Check Number: 47447

Invoice No	Check Date	Account Number	Account Name	Description	Amount
INV257458	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Hats	\$38.06
INV258416	3/20/2019	001 008 521 20 31 05	LE-Equipment - New Officers	Tacshell Jacket - New Officer McGuinn	\$263.43
INV259683	3/20/2019	001 008 521 20 31 05	LE-Equipment - New Officers	New Officer Tie Bar - McGuinn	\$27.61
INV260205	3/20/2019	001 008 521 20 31 05	LE-Equipment - New Officers	New Officer Uniform - McGuinn	\$250.31
INV260736	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Alterations - Starkenburg	\$45.63
INV262379	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Stretch Tactical Pants	\$165.31
					\$790.35

Vendor: Lowes Companies

Check Number: 47448

Invoice No	Check Date	Account Number	Account Name	Description	Amount
920281	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Tool/Framing Angles/Deck Screws - North Cove Dock	\$217.67
920475	3/20/2019	001 013 518 20 48 00	GG-Repair & Maintenance	Mini Blinds/Outlet Covers - Family Center	\$71.47
920641	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Level/Shams/Measuring Tape - North Cove Dock	\$127.88
927205	3/20/2019	001 013 518 20 48 00	GG-Repair & Maintenance	Credit Mini Blinds - Family Center	(\$70.84)
944776	3/20/2019	001 013 518 20 48 00	GG-Repair & Maintenance	Mini Blinds - Family Center	\$70.84
					\$417.02

Vendor: Lyons

Check Number: 47449

Invoice No	Check Date	Account Number	Account Name	Description	Amount
040819 LYONS	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals CIT 40 Training Marysville - Lyons	\$100.00
					\$100.00

Vendor: Marine Lumber Service Inc

Check Number: 47450

Invoice No	Check Date	Account Number	Account Name	Description	Amount
16632	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Acza Chemonite North Cove	\$2,169.29
					\$2,169.29

Vendor: Michael

Check Number: 47451

Invoice No	Check Date	Account Number	Account Name	Description	Amount
022119 MICHAEL	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	PerDiem - Car Rental for K9 Training - Michael	\$933.06
					\$933.06

Vendor: Miner

Check Number: 47452

Invoice No	Check Date	Account Number	Account Name	Description	Amount
040219 MINER	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals REID Interviewing Port Angeles - Miner	\$262.00
					\$262.00

Vendor: Monroe Correctional Complex

Check Number: 47453

Invoice No	Check Date	Account Number	Account Name	Description	Amount
MCC1902.976	3/20/2019	001 010 576 80 48 00	PK-Repair & Maintenance	DOC Work Crew - Feb 2019	\$59.79
MCC1902.976	3/20/2019	101 016 542 30 48 00	ST-Repair & Maintenance	DOC Work Crew - Feb 2019	\$210.14
MCC1902.976	3/20/2019	410 016 531 10 48 00	SW-Repairs & Maintenance	DOC Work Crew - Feb 2019	\$59.80
					\$329.73

Vendor: Nationwide Retirement Solution

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819	3/12/2019	001 000 282 00 00 00	Payroll Liability Retirement	Employee Portion-Nationwide	\$3,936.67
					\$3,936.67

Vendor: Neofunds by Neopost

Check Number: 47346

Invoice No	Check Date	Account Number	Account Name	Description	Amount
80346335 0219	3/6/2019	001 008 521 40 49 04	LE-Finance Charges	Postage PD Finance Charges	\$3.10
					\$3.10

Vendor: New York Life

Check Number: 47373

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819	3/12/2019	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
FEB2019	3/12/2019	001 002 513 11 20 00	AD-Benefits	Life/Disability Ins Premiums	\$52.99
FEB2019	3/12/2019	001 003 514 20 20 00	CC-Benefits	Life/Disability Ins Premiums	\$51.35
FEB2019	3/12/2019	001 004 514 23 20 00	FI-Benefits	Life/Disability Ins Premiums	\$172.85
FEB2019	3/12/2019	001 005 518 10 20 00	HR-Benefits	Life/Disability Ins Premiums	\$84.68
FEB2019	3/12/2019	001 006 518 80 20 00	IT-Benefits	Life/Disability Ins Premiums	\$83.90
FEB2019	3/12/2019	001 007 558 50 20 00	PL-Benefits	Life/Disability Ins Premiums	\$295.53
FEB2019	3/12/2019	001 007 559 30 20 00	PB-Benefits	Life/Disability Ins Premiums	\$129.18
FEB2019	3/12/2019	001 008 521 20 20 00	LE-Benefits	Life/Disability Ins Premiums	\$1,444.81

FEB2019	3/12/2019	001 010 576 80 20 00	PK-Benefits	Life/Disability Ins Premiums	\$177.22
FEB2019	3/12/2019	001 013 518 30 20 00	GG-Benefits	Life/Disability Ins Premiums	\$128.56
FEB2019	3/12/2019	101 016 542 30 20 00	ST-Benefits	Life/Disability Ins Premiums	\$409.37
FEB2019	3/12/2019	410 016 531 10 20 00	SW-Benefits	Life/Disability Ins Premiums	\$413.75
					\$3,444.19

Vendor: O Reilly Auto Parts

Check Number: 47454

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2960-488717	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Toggle Switch - Sander Unit	\$5.43
2960-488748	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Drive Belts for Sanders	\$52.47
2960-489263	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Snowbrushes/Delcer	\$66.82
2960-489263	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Snowbrushes/Delcer	\$66.82
2960-489263	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Snowbrushes/Delcer	\$66.83
2960-490284	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Tounge Lock PW8	\$26.13
2960-490307	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Blue Def Exhaust Fluid	\$45.70
2960-490307	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Blue Def Exhaust Fluid	\$45.71
2960-490451	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Wiper Blade PW23	\$34.52
2960-490463	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Wiper Blades	\$100.62
2960-490463	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Wiper Blades	\$100.62
2960-490463	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Wiper Blades	\$100.63
2960-490560	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Filters PW31	\$145.36
2960-490560	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Filters PW31	\$145.36
2960-490678	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Filters PW31 and Stock	\$149.74
2960-490678	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Filters PW31 and Stock	\$149.74
2960-490679	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Credit Filters PW31	(\$95.83)
2960-490679	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Credit Filters PW31	(\$95.83)
2960-491525	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Tank Cap PW24	\$45.73
2960-491650	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Truck Step PW74	\$39.92
2960-491650	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Truck Step PW74	\$39.92
2960-491650	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Truck Step PW74	\$39.93
					\$1,276.34

Vendor: Office of The State Treasurer

Check Number: 47455

Invoice No	Check Date	Account Number	Account Name	Description	Amount
020119 STATE	3/20/2019	633 000 589 30 00 03	State Building Permit Remit	Feb 2019 State Court Fees	\$423.00
020119 STATE	3/20/2019	633 000 589 30 00 04	State Court Remittance	Feb 2019 State Court Fees	\$16,194.17
					\$16,617.17

Vendor: Otak Inc

Check Number: 47456

Invoice No	Check Date	Account Number	Account Name	Description	Amount
000031900094	3/20/2019	310 016 544 40 41 00	20th St SE - Professional Srv	20th Street Nursery Property	\$400.23
					\$400.23

Vendor: Outcomes by Levy LLC

Check Number: 47457

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2019-02-LS	3/20/2019	001 013 511 70 40 00	Lobbying Services	Legislative/Regulatory Consulting Feb 2019	\$4,928.34
					\$4,928.34

Vendor: Overhead Door Company of Everett Inc

Check Number: 47458

Invoice No	Check Date	Account Number	Account Name	Description	Amount
16767	3/20/2019	410 016 531 10 48 00	SW-Repairs & Maintenance	Light Duty Cable/Commercial Hinge/Unilock Slide Lock	\$671.89
					\$671.89

Vendor: Owen Equipment Company

Check Number: 47347

Invoice No	Check Date	Account Number	Account Name	Description	Amount
00092324	3/6/2019	101 016 544 90 31 02	ST-Operating Cost	Sweeper Brooms	\$1,008.39
00092324	3/6/2019	410 016 531 10 31 02	SW-Operating Costs	Sweeper Brooms	\$1,008.39
					\$2,016.78

Vendor: Pacific Rim Code Services Inc

Check Number: 47459

Invoice No	Check Date	Account Number	Account Name	Description	Amount
02-2019	3/20/2019	001 007 558 50 41 04	Permit Related Professional Sr	Plan Review - LS High School Pool/Evergreen Park Apts	\$43,635.15
					\$43,635.15

Vendor: Parnell

Check Number: 47460

Invoice No	Check Date	Account Number	Account Name	Description	Amount
040219 PARNELL	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals REID Interviewing Port Angeles - Parnell	\$262.00
					\$262.00

Vendor: Perteet Inc

Check Number: 47461

Invoice No	Check Date	Account Number	Account Name	Description	Amount
20120176.001-45	3/20/2019	301 016 544 40 41 00	Street Op - P&D - 20th St SE	20th Street SE Phase II Segment 1 Design	\$3,065.75
					\$3,065.75

Vendor: Pilchuck Equipment Rental and Sales

Check Number: 47462

Invoice No	Check Date	Account Number	Account Name	Description	Amount
74929	3/20/2019	001 010 576 80 45 00	PK-Equipment Rental	Genie Art Z Boom Rental Nov 2018	\$1,378.48
77907	3/20/2019	001 010 576 80 45 00	PK-Equipment Rental	Stump Grinder Rental	\$1,179.36
					\$2,557.84

Vendor: Powerplan

Check Number: 47348

Invoice No	Check Date	Account Number	Account Name	Description	Amount
11348591	3/6/2019	410 016 531 10 31 02	SW-Operating Costs	Filler Cap	\$89.36
					\$89.36

Vendor: Precision Turf Equipment LLC

Check Number: 47463

Invoice No	Check Date	Account Number	Account Name	Description	Amount
12088-38613	3/20/2019	530 016 594 48 60 00	Purchase Of Capital Equipment	Purchase Turf Tracer/Mulch Kit/Stand on Attachment	\$8,368.97
12088-38614	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Blower/Trimmer/Edger	\$1,392.75
					\$9,761.72

Vendor: Puget Sound Energy

Check Number: 47464

Invoice No	Check Date	Account Number	Account Name	Description	Amount
24316495 0319	3/20/2019	001 010 576 80 47 00	PK-Utilities	Natural Gas - City Shop	\$138.16
24316495 0319	3/20/2019	101 016 543 50 47 00	ST-Utilities	Natural Gas - City Shop	\$138.16
24316495 0319	3/20/2019	410 016 531 10 47 00	SW-Utilities	Natural Gas - City Shop	\$138.20
3723810 0319	3/20/2019	001 008 521 50 47 00	LE-Facility Utilities	Natural Gas - N Lakeshore Dr	\$167.05
					\$581.57

Vendor: Pugh

Check Number: 47349

Invoice No	Check Date	Account Number	Account Name	Description	Amount
022819 PUGH	3/6/2019	001 003 514 20 43 00	CC-Travel & Meetings	PerDiem - Meal SCFOA Lunch Meeting - Pugh	\$20.00
031119 PUGH	3/6/2019	001 003 514 20 43 00	CC-Travel & Meetings	PerDiem - Mileage/Meals WMCA Conf Blaine - Pugh	\$206.47
					\$226.47

Vendor: Relentless LLC

Check Number: 47350

Invoice No	Check Date	Account Number	Account Name	Description	Amount
7482	3/6/2019	001 008 521 40 49 01	LE-Registration Fees	Desert Snow Training - A Michael	\$599.00
					\$599.00

Vendor: Republic Services 197

Check Number: 47465

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0197-002412621	3/20/2019	001 013 518 20 47 02	GG - Utilities for Rentals	Dumpster Services - 12202 N Lakeshore Dr	\$291.07
0197-002413453	3/20/2019	001 010 576 80 45 01	PK- Dumpster Service	Dumpster Services - City Shop	\$953.83
0197-002413453	3/20/2019	101 016 542 30 45 01	ST-Dumpster Service	Dumpster Services - City Shop	\$953.82
0197-002413453	3/20/2019	410 016 531 10 45 00	SW-Dumpster Service	Dumpster Services - City Shop	\$953.82
0197-002414034	3/20/2019	001 013 518 20 45 01	GG-Dumpster Service	Dumpster Services - City Hall	\$150.01
					\$3,302.55

Vendor: Rexel USA Inc

Check Number: 47466

Invoice No	Check Date	Account Number	Account Name	Description	Amount
U507949	3/20/2019	001 008 521 50 48 00	LE-Facility Repair & Maint	Duplex Receptable/Switch Outlet Box	\$76.08
U513551	3/20/2019	001 008 521 50 48 00	LE-Facility Repair & Maint	Duplex Receptable/Wallplate	\$17.88
U567516	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Conduit/Outlet Box/PVC Adapter North Cove Dock	\$407.95
U642270	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	PVC Conduit/Foam Wire Pulling/Plugs	\$68.08

U656917	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	LED Lamp	\$48.15
U656917	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	LED Lamp	\$48.16
U656917	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	LED Lamp	\$48.16
U673054	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Seals/Connector/Screws/Gas Lamp	\$185.91
U673054	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Seals/Connector/Screws/Gas Lamp	\$185.91
					\$1,086.28

Vendor: Rockenbach

Check Number: 47467

Invoice No	Check Date	Account Number	Account Name	Description	Amount
190219.3	3/20/2019	101 016 517 60 31 00	ST-Safety Program	Waders	\$103.44
					\$103.44

Vendor: SCCFOA

Check Number: 47468

Invoice No	Check Date	Account Number	Account Name	Description	Amount
032019 SCCFOA	3/20/2019	001 004 514 23 43 00	FI-Travel & Meetings	SCCFOA Meeting 03/28/19	\$20.00
					\$20.00

Vendor: Siskun Power Equipment

Check Number: 47469

Invoice No	Check Date	Account Number	Account Name	Description	Amount
411317	3/20/2019	101 016 542 66 31 00	ST-Snow & Ice - Sply	Engine for Sander Unit	\$1,184.71
					\$1,184.71

Vendor: Six Robblees Inc

Check Number: 47351

Invoice No	Check Date	Account Number	Account Name	Description	Amount
14-380266	3/6/2019	101 016 544 90 31 02	ST-Operating Cost	Combo Hitch	\$122.67
14-380266	3/6/2019	410 016 531 10 31 02	SW-Operating Costs	Combo Hitch	\$122.68
					\$245.35

Vendor: Six Robblees Inc

Check Number: 47470

Invoice No	Check Date	Account Number	Account Name	Description	Amount
14-377893	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Quick Release Valve	\$48.08
					\$48.08

Vendor: Smarsh Inc

Check Number: 47471

Invoice No	Check Date	Account Number	Account Name	Description	Amount
INV00472670	3/20/2019	510 006 518 80 49 05	LR - Smarsh	Archiving Platform	\$1,308.00
					\$1,308.00

Vendor: Snohomish County 911

Check Number: 47472

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1253	3/20/2019	001 008 528 00 51 00	LE-Snopac Dispatch	Dispatch Services	\$28,214.30
					\$28,214.30

Vendor: Snohomish County PUD

Check Number: 47352

Invoice No	Check Date	Account Number	Account Name	Description	Amount
013119 QUOTE2	3/6/2019	305 010 594 76 60 00	North Cove Park Capital	Removal of Wood Poles/Wires/Leds North Cove	\$2,321.00
111683825	3/6/2019	101 016 542 64 47 00	ST-Traffic Control -Utility	221128085 Traffic Signal 7441 20th St SE	\$78.84
114983707	3/6/2019	001 010 576 80 47 00	PK-Utilities	203599006 City Shop	\$215.64
114983707	3/6/2019	101 016 543 50 47 00	ST-Utilities	203599006 City Shop	\$215.64
114983707	3/6/2019	410 016 531 10 47 00	SW-Utilities	203599006 City Shop	\$215.70
121622126	3/6/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202013249 Traffic Signal	\$94.03
138046802	3/6/2019	001 010 576 80 47 00	PK-Utilities	202340527 Decant Yard	\$6.63
138046802	3/6/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202340527 Decant Yard	\$6.63
138046802	3/6/2019	410 016 531 10 47 00	SW-Utilities	202340527 Decant Yard	\$6.63
138048257	3/6/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203582010 Street Lights	\$70.39
147981263	3/6/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203728159 Traffic Signal	\$53.02
151286250	3/6/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203730189 Traffic Signal	\$68.87
151286251	3/6/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203731153 Traffic Signal	\$93.74
160914312	3/6/2019	001 012 557 30 40 01	CS - VIC Utilities	205395999 Visitor Center	\$234.62
164132633	3/6/2019	001 010 576 80 47 00	PK-Utilities	203203245 Lundeen Restrooms	\$482.39
					\$4,163.77

Vendor: Snohomish County PUD

Check Number: 47383

Invoice No	Check Date	Account Number	Account Name	Description	Amount
111683825	3/14/2019	101 016 542 64 47 00	ST-Traffic Control -Utility	221128085 Traffic Signal 7441 20th St SE	\$78.84
114983707	3/14/2019	001 010 576 80 47 00	PK-Utilities	203599006 City Shop	\$215.64
114983707	3/14/2019	101 016 543 50 47 00	ST-Utilities	203599006 City Shop	\$215.64
114983707	3/14/2019	410 016 531 10 47 00	SW-Utilities	203599006 City Shop	\$215.70
121622126	3/14/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202013249 Traffic Signal	\$94.03
138046802	3/14/2019	001 010 576 80 47 00	PK-Utilities	202340527 Decant Yard	\$6.63
138046802	3/14/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202340527 Decant Yard	\$6.63
138046802	3/14/2019	410 016 531 10 47 00	SW-Utilities	202340527 Decant Yard	\$6.63
138048257	3/14/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203582010 Street Lights	\$70.39
147981263	3/14/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203728159 Traffic Signal	\$53.02
151286250	3/14/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203730189 Traffic Signal	\$68.87
151286251	3/14/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203731153 Traffic Signal	\$93.74
160914312	3/14/2019	001 012 557 30 40 01	CS - VIC Utilities	205395999 Visitor Center	\$234.62
164132633	3/14/2019	001 010 576 80 47 00	PK-Utilities	203203245 Lundeen Restrooms	\$482.39
					\$1,842.77

Vendor: Snohomish County PUD

Check Number: 47384

Invoice No	Check Date	Account Number	Account Name	Description	Amount
013119 QUOTE2	3/14/2019	305 010 594 76 60 00	North Cove Park Capital	Removal of Wood Poles/Wires/Leds North Cove	\$2,321.00
					\$2,321.00

Vendor: Snohomish County PUD

Check Number: 47385

Invoice No	Check Date	Account Number	Account Name	Description	Amount
Disconnect	3/14/2019	001 012 594 75 64 00	CS-Community Center - Capital	Remove Water Meter & service for Community Center	\$1,530.00
					\$1,530.00

Vendor: Snohomish County PUD

Check Number: 47473

Invoice No	Check Date	Account Number	Account Name	Description	Amount
100377518	3/20/2019	001 012 572 20 47 00	CS-Library-Utilities	200206977 Library	\$23.74
100377518	3/20/2019	001 013 518 20 47 00	GG-Utilities	200206977 Library Water Meter	\$3.84
105077828	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	204719074 Catherine Creek Bridge lights	\$22.68
105082570	3/20/2019	001 012 575 50 47 00	CS-Community Center-Utilities	200860922 Community Center	\$776.32
105083485	3/20/2019	001 010 576 80 47 00	PK-Utilities	Park Lighting - Electric	\$20.52
105083485	3/20/2019	001 010 576 80 47 00	PK-Utilities	Parks - Water	\$54.45
105083485	3/20/2019	001 012 572 20 47 00	CS-Library-Utilities	Library - Electric	\$801.61
105083485	3/20/2019	001 013 518 20 47 00	GG-Utilities	Admin Annex - Electric	\$325.96
105083485	3/20/2019	001 013 518 20 47 00	GG-Utilities	Family Center - Water	\$52.25
105083485	3/20/2019	001 013 518 20 47 00	GG-Utilities	Library - Water	\$75.24
105083485	3/20/2019	001 013 518 20 47 00	GG-Utilities	New City Hall Annex - Electric	\$597.48
105083485	3/20/2019	001 013 518 20 47 00	GG-Utilities	Old City Hall Water	\$110.04
105083485	3/20/2019	001 013 518 20 47 00	GG-Utilities	War Memorial - Electric	\$27.08
105083485	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	Street Lights - Electric	\$75.74
105083922	3/20/2019	001 013 518 20 47 02	GG - Utilities for Rentals	222041550 12202 N Lakeshore Dr Apt 3	\$8.23
105084431	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	200363505 Traffic Signal	\$79.70
111688818	3/20/2019	001 013 518 20 47 00	GG-Utilities	200245215 Family Center	\$30.57
114995164	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202342622 Street Lights	\$2.67
118312240	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	201595113 Street Lights	\$5.78
118313717	3/20/2019	101 016 542 64 47 00	ST-Traffic Control -Utility	221128085 Traffic Signal 7441 20th St SE	\$2.76
121624697	3/20/2019	001 013 518 20 47 02	GG - Utilities for Rentals	222041535 12202 N Lakeshore Dr	\$726.33
121624698	3/20/2019	001 013 518 20 47 02	GG - Utilities for Rentals	222041550 12202 N Lakeshore Dr Apt 3	\$84.64
124944248	3/20/2019	001 010 576 80 47 00	PK-Utilities	200748721 Parks	\$2.03
124948376	3/20/2019	001 013 518 20 47 02	GG - Utilities for Rentals	222041535 12202 N Lakeshore Dr	\$25.22
128227923	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	201595113 Street Lights	\$171.78
128228959	3/20/2019	001 013 518 20 47 00	GG-Utilities	201783685 New City Hall	\$33.28
128231354	3/20/2019	001 012 575 30 47 00	CS-Historical-Utilities	202289237 Museum	\$81.11
128231354	3/20/2019	001 012 575 51 47 00	CS-Grimm House Utilities	202289237 Grimm House	\$81.11
131535244	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	201973682 Street Lights	\$46.93
131535801	3/20/2019	001 010 576 80 47 00	PK-Utilities	201513934 Parks	\$0.57
131539234	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202648101 Street Lights - Soper Hill Annexation	\$42.54
131539235	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202670725 Street Lights	\$41.71
					\$4,433.91

Vendor: Snohomish County PUD

Check Number: 47474

Invoice No	Check Date	Account Number	Account Name	Description	Amount
131539236	3/20/2019	001 008 521 50 47 00	LE-Facility Utilities	202766820 Police Dept Electric	\$23.17
134841924	3/20/2019	001 010 576 80 47 00	PK-Utilities	202513354 Park lighting	\$0.57
138051787	3/20/2019	001 013 518 20 47 00	GG-Utilities	201956075 War Memorial	\$0.87
138052809	3/20/2019	001 010 576 80 47 00	PK-Utilities	203531959 Mobile at 2424 Soper Hill Rd	\$47.44
138053336	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202624367 Street Lights	\$377.46
138055800	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	205338056 SR92 Roundabout at113th	\$81.78
141356673	3/20/2019	001 008 521 50 47 00	LE-Facility Utilities	200558690 Police N Lakeshore Drive	\$134.14
144698885	3/20/2019	001 013 518 20 47 00	GG-Utilities	221412273 Admin Annex	\$6.37
144700192	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	201860178 Traffic Signal	\$149.67
144701750	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203115522 Street Light meter	\$5.57
147986761	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202648101 Street Lights - Soper Hill Annexation	\$1,264.08
147986762	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202670725 Street Lights	\$1,239.49
147987180	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202624367 Street Lights	\$11,216.86
151290844	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	204719074 Catherine Creek Bridge lights	\$0.76
151291557	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203730189 Traffic Signal	\$2.57
154539146	3/20/2019	001 012 557 30 40 01	CS - VIC Utilities	205395999 Visitor Center	\$8.13
157736132	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202988481 Street Lights	\$261.11
157739228	3/20/2019	001 010 576 80 47 00	PK-Utilities	203531959 Mobile at 2424 Soper Hill Rd	\$1.52
160919786	3/20/2019	001 010 576 80 47 00	PK-Utilities	221860174 Frontier Circle Park	\$41.82
164137733	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	203115522 Street Light meter	\$163.25
164139204	3/20/2019	001 010 576 80 47 00	PK-Utilities	203203245 Lundeen Restrooms	\$24.10
164139658	3/20/2019	101 016 542 63 47 00	ST-Lighting - Utilities	202648705 Street Lights	\$49.65
					\$15,100.38

Vendor: Snohomish County PUD

Check Number: 47475

Invoice No	Check Date	Account Number	Account Name	Description	Amount
031519 PUD	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Service Inspection and Connection North Cove Park	\$2,649.00
					\$2,649.00

Vendor: Snohomish County PW S

Check Number: 47476

Invoice No	Check Date	Account Number	Account Name	Description	Amount
1000495495	3/20/2019	101 016 542 64 48 00	ST-Traffic Control - R&M	Signal/Sign Repair & Maintenance Jan 2019	\$516.43
					\$516.43

Vendor: Snohomish County Sheriffs Office

Check Number: 47353

Invoice No	Check Date	Account Number	Account Name	Description	Amount
022819 SCSO	3/6/2019	001 008 521 40 49 01	LE-Registration Fees	Shelton 2019 Adv Motorcycle Training - Aukerman	\$55.00
1000486751	3/6/2019	001 008 521 30 51 00	LE-Drug Task Force	2018 3rd Quarter JAG Contributions	\$1,988.25
					\$2,043.25

Vendor: Snohomish County Sheriffs Office

Check Number: 47477

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2019-4872	3/20/2019	001 008 523 60 51 00	LE-Jail	Jail Services Jan 2019	\$38,739.00
2019-4897	3/20/2019	001 008 523 60 51 00	LE-Jail	Jail Services Medical Jan 2019	\$1,020.97
					\$39,759.97

Vendor: Snohomish County Treasurer

Check Number: 47478

Invoice No	Check Date	Account Number	Account Name	Description	Amount
031319 SNOCO	3/20/2019	633 000 589 30 00 06	Crime Victims Compensation	Feb 2019 Crime Victims Compensation	\$249.15
					\$249.15

Vendor: Sound Publishing Inc

Check Number: 47354

Invoice No	Check Date	Account Number	Account Name	Description	Amount
EDH842582	3/6/2019	001 007 558 50 41 03	PL-Advertising	2019 Comp Plan Amendments	\$180.96
					\$180.96

Vendor: Sound Publishing Inc

Check Number: 47479

Invoice No	Check Date	Account Number	Account Name	Description	Amount
7895268	3/20/2019	101 016 542 30 41 01	ST-Advertising	Crew Worker Advertistment	\$473.00
7900689	3/20/2019	001 006 518 80 49 00	IT-Miscellaneous	IT Support Advertistment	\$503.00
EDH845020	3/20/2019	001 007 558 50 41 03	PL-Advertising	Wireless Communications Regulations PH	\$89.68
EDH845756	3/20/2019	001 007 558 50 41 04	Permit Related Professional Sr	Hartford Conditional Use Permit LUA2018-0137	\$96.44
EDH845757	3/20/2019	001 013 518 30 41 01	GG-Advertising	Ordinance 1041/1049	\$46.56
EDH845769	3/20/2019	001 007 558 50 41 03	PL-Advertising	Shoreline Master Program Update LUA2018-0157	\$86.12
EDH845934	3/20/2019	001 013 518 30 41 01	GG-Advertising	CC Special Meeting	\$32.80
EDH845995	3/20/2019	001 007 558 50 41 04	Permit Related Professional Sr	Hartford CUP LUA2018-0137	\$89.44
EDH846090	3/20/2019	001 007 558 50 41 04	Permit Related Professional Sr	Pellerin Ridge I/II LUA2019-0026/0027	\$68.92
EDH846453	3/20/2019	001 013 518 30 41 01	GG-Advertising	CC Cancel Workshop	\$36.24
EDH846660	3/20/2019	001 013 518 30 41 01	GG-Advertising	Ordinance 1048	\$36.24
EDH846706	3/20/2019	001 013 518 30 41 01	GG-Advertising	Civil Service Commission Cancel Meeting	\$22.48
EDH847058	3/20/2019	001 007 558 50 41 03	PL-Advertising	Joint CC/DOE Comment Period PH	\$120.64
EDH847280	3/20/2019	001 007 558 50 41 04	Permit Related Professional Sr	Hartford Conditional Use Permit LUA2018-0137	\$89.56
EDH847286	3/20/2019	001 007 558 50 41 04	Permit Related Professional Sr	Ulta Design Review LUA2019-0033	\$89.56
EDH847477	3/20/2019	001 013 518 30 41 01	GG-Advertising	CC Cancel Meeting	\$20.76
EDH847696	3/20/2019	001 013 518 30 41 01	GG-Advertising	Ordinance 1050	\$31.08
					\$1,932.52

Vendor: Sound Safety Products Co Inc

Check Number: 47355

Invoice No	Check Date	Account Number	Account Name	Description	Amount
265914/1	3/6/2019	410 016 531 10 31 00	SW-Clothing	Safety Supplies Pants/Jacket/Gard	\$301.73
					\$301.73

Vendor: Sound Safety Products Co Inc

Check Number: 47480

Invoice No	Check Date	Account Number	Account Name	Description	Amount
266844/1	3/20/2019	410 016 531 10 26 00	SW Clothing-Boot Allowance	Pants	\$145.89
					\$145.89

Vendor: Sound Security Inc

Check Number: 47356

Invoice No	Check Date	Account Number	Account Name	Description	Amount
922020	3/6/2019	001 013 518 20 41 00	GG-Professional Service	Fire & Security Monitoring CH March 2019	\$570.87
					\$570.87

Vendor: Spencer

Check Number: 47357

Invoice No	Check Date	Account Number	Account Name	Description	Amount
021219 SPENCER	3/6/2019	001 001 513 10 43 00	Executive - Travel & Mtgs	Previous Pymt Received for Cancelled AWC Action Days Check 47034	(\$83.50)
022519 SPENCER	3/6/2019	001 001 513 10 43 00	Executive - Travel & Mtgs	PerDiem - Mileage Meet with Legislators Olympia - Spencer	\$104.40
022819 SPENCER	3/6/2019	001 001 513 10 43 00	Executive - Travel & Mtgs	PerDiem - Mileage Meet with Legislators Olympia - Spencer	\$104.40
					\$125.30

Vendor: Springbrook Nursery

Check Number: 47481

Invoice No	Check Date	Account Number	Account Name	Description	Amount
19-022851	3/20/2019	305 010 594 76 60 00	North Cove Park Capital	Trucking/Dump Fees North Cove Project	\$5,828.75
					\$5,828.75

Vendor: Stericycle Inc

Check Number: 47482

Invoice No	Check Date	Account Number	Account Name	Description	Amount
3004604645	3/20/2019	001 008 521 20 41 01	LE-Professional Serv-Fixed	Hazardous Waste Disposal	\$21.84
					\$21.84

Vendor: Tacoma Screw Products Inc

Check Number: 47358

Invoice No	Check Date	Account Number	Account Name	Description	Amount
18230692	3/6/2019	001 010 576 80 31 00	PK-Operating Costs	Washers/Gloves	\$112.19
18230692	3/6/2019	101 016 544 90 31 02	ST-Operating Cost	Washers/Gloves	\$112.19
18230692	3/6/2019	410 016 531 10 31 02	SW-Operating Costs	Washers/Gloves	\$112.19
					\$336.57

Vendor: Tacoma Screw Products Inc

Check Number: 47483

Invoice No	Check Date	Account Number	Account Name	Description	Amount
18231383	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Cap Screws/Screw Pins/Glass Cleaner/Caution Tape	\$89.73
18231383	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Cap Screws/Screw Pins/Glass Cleaner/Caution Tape	\$89.73
18231383	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Cap Screws/Screw Pins/Glass Cleaner/Caution Tape	\$89.74
18232888	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Garbage Bags for Parks	\$1,790.57
18232889	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Screw Pin Anchor Shackles	\$44.52
18232889	3/20/2019	410 016 531 10 31 02	SW-Operating Costs	Screw Pin Anchor Shackles	\$44.53
18232890	3/20/2019	101 016 544 90 31 02	ST-Operating Cost	Bolts/Turnbuckles/Screw Pin Anchor/Links	\$151.75
					\$2,300.57

Vendor: Tageant

Check Number: 47359

Invoice No	Check Date	Account Number	Account Name	Description	Amount
022819 TAGEANT	3/6/2019	001 001 513 10 43 00	Executive - Travel & Mtgs	PerDiem - Flights NLC Washington DC - Hilt	\$556.60
022819 TAGEANT	3/6/2019	001 001 513 10 43 00	Executive - Travel & Mtgs	PerDiem - Flights NLC Washington DC - Tageant	\$556.60
022819 TAGEANT	3/6/2019	001 002 513 11 43 00	AD-Travel & Meetings	PerDiem - Flights NLC Washington DC - Brazel	\$278.30
					\$1,391.50

Vendor: Teamsters Local No 763

Check Number: 47374

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819	3/12/2019	001 000 284 00 00 00	Payroll Liability Other	Union Dues	\$1,004.00
					\$1,004.00

Vendor: Technological Services Inc

Check Number: 47360

Invoice No	Check Date	Account Number	Account Name	Description	Amount
11847	3/6/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Lub/Oil/Filter/Tire Rotation/Washer Ck PT-15-63	\$786.25
11853	3/6/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Lub/Oil/Filter/Tire Rotation/Prev Maint PT-14-58	\$962.67
11905	3/6/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Lub/Oil/Filter/Tire Rotation PT-18-78	\$76.74
					\$1,825.66

Vendor: Technological Services Inc

Check Number: 47484

Invoice No	Check Date	Account Number	Account Name	Description	Amount
11921	3/20/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Lub/Oil/Filter/Tire Rotation/Prev Maint A-13-51	\$563.42
11961	3/20/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Cooling System Inspct/Express Lub PT-16-65	\$801.16
12026	3/20/2019	001 008 521 20 48 00	LE-Repair & Maintenance Equip	Brake Inspection PT-15-63	\$107.51
					\$1,472.09

Vendor: Tom Astrof Construction Inc

Check Number: 47361

Invoice No	Check Date	Account Number	Account Name	Description	Amount
190219-9131	3/6/2019	101 016 542 61 31 00	ST-Sidewalk Repair Supply	Float/Edger/Trowels/Pool Trowel	\$203.16
					\$203.16

Vendor: TranTech Engineering LLC

Check Number: 47362

Invoice No	Check Date	Account Number	Account Name	Description	Amount
020119 TRANTECH	3/6/2019	101 016 544 20 41 00	ST-Prof Srv - Engineering	LS Bridge Loading/Scouring Analysis Jan 2019	\$2,809.71
					\$2,809.71

Vendor: Trinity Contractors Inc

Check Number: 47485

Invoice No	Check Date	Account Number	Account Name	Description	Amount
4	3/20/2019	309 016 595 61 60 01	Safer Routes - 91st/4th St.SE	Safe Routes - Sidewalk Improvements	\$188,729.60
					\$188,729.60

Vendor: ULINE

Check Number: 47486

Invoice No	Check Date	Account Number	Account Name	Description	Amount
106145482	3/20/2019	001 008 521 20 31 02	LE-Minor Equipment	Blue Stack Bins	\$65.41
106298944	3/20/2019	001 010 576 80 31 00	PK-Operating Costs	Magnetic Labels/Slip Resistant Mat	\$371.35
					\$436.76

Vendor: UPS

Check Number: 47363

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0000074Y42089	3/6/2019	001 008 521 20 42 00	LE-Communication	Evidence Shipping	\$20.33
					\$20.33

Vendor: Vantagepoint Transfer Agents - 108991

Check Number: 47375

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819	3/12/2019	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: 47376

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819	3/12/2019	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: 47364

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9822886544	3/6/2019	001 008 521 20 42 00	LE-Communication	Wireless Phone Service PD Jan 2019	\$2,435.23
9824788269	3/6/2019	001 008 521 20 42 00	LE-Communication	Wireless Phone Service PD Feb 2019	\$3,191.99
9824836021	3/6/2019	001 008 521 20 42 00	LE-Communication	Wireless Phone Service PD Feb 2019	\$158.99
					\$5,786.21

Vendor: Verizon Northwest

Check Number: 47487

Invoice No	Check Date	Account Number	Account Name	Description	Amount
9824821087	3/20/2019	001 008 521 20 42 00	LE-Communication	Wireless Phone Service PD Feb 2019	\$24.28
9825268960	3/20/2019	001 001 511 60 42 00	Legislative - Communication	Wireless Phone Service	\$329.70
9825268960	3/20/2019	001 001 513 10 42 00	Executive - Communication	Wireless Phone Service	\$44.70
9825268960	3/20/2019	001 002 513 11 42 00	AD-Communications	Wireless Phone Service	\$44.70
9825268960	3/20/2019	001 004 514 23 42 00	FI-Communications	Wireless Phone Service	\$44.70
9825268960	3/20/2019	001 005 518 10 42 00	HR-Communications	Wireless Phone Service	\$89.40
9825268960	3/20/2019	001 006 518 80 42 00	IT-Communications	Wireless Phone Service	\$94.40
9825268960	3/20/2019	001 007 558 50 42 00	PL-Communication	Wireless Phone Service	\$89.40
9825268960	3/20/2019	001 007 559 30 42 00	PB-Communication	Wireless Phone Service	\$149.44
9825268960	3/20/2019	001 008 521 20 42 00	LE-Communication	Wireless Phone Service	\$160.04
9825268960	3/20/2019	001 010 576 80 42 00	PK-Communication	Wireless Phone Service	\$345.10
9825268960	3/20/2019	101 016 543 30 42 00	ST-Communications	Wireless Phone Service	\$345.11
9825268960	3/20/2019	410 016 531 10 42 00	SW-Communications	Wireless Phone Service	\$345.10
					\$2,106.07

Vendor: Vohne Liche Kennels Inc

Check Number: 47488

Invoice No	Check Date	Account Number	Account Name	Description	Amount
15501	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Narcotic Detector Dog Class/K9 - Michael	\$13,797.00
					\$13,797.00

Vendor: Wachtveitl

Check Number: 47489

Invoice No	Check Date	Account Number	Account Name	Description	Amount
0407 WACHTVEITL	3/20/2019	001 008 521 20 43 00	LE-Travel & Per Diem	PerDiem - Meals 1st Level Sup Burien - Wachtveitl	\$380.00
					\$380.00

Vendor: Walter

Check Number: 47490

Invoice No	Check Date	Account Number	Account Name	Description	Amount
812672	3/20/2019	001 007 571 00 30 00	PL-Park & Recreation	2018 Winterfest Face Painting	\$250.00
					\$250.00

Vendor: WAPRO

Check Number: 47491

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2565	3/20/2019	001 008 521 40 49 01	LE-Registration Fees	WAPRO Spring Training Registration - J Anderson	\$175.00
					\$175.00

Vendor: Washington Audiology Services

Check Number: 47492

Invoice No	Check Date	Account Number	Account Name	Description	Amount
55225	3/20/2019	001 008 521 20 41 00	LE-Professional Services	Hearing Test Employees	\$1,056.80
					\$1,056.80

Vendor: Washington Cities Insurance Authority

Check Number: 47493

Invoice No	Check Date	Account Number	Account Name	Description	Amount
14472	3/20/2019	410 016 531 10 49 01	SW-Staff Development	Building Supervisory Skills - Eshleman	\$50.00
					\$50.00

Vendor: Washington Dept of Ecology

Check Number: 47365

Invoice No	Check Date	Account Number	Account Name	Description	Amount
2019-WAR045523	3/6/2019	410 016 531 10 51 01	SW-DOE Annual Permit	Muni Stormwater Phase 2 Permit Fee FY19	\$11,112.49
					\$11,112.49

Vendor: Washington State Dept of Enterprise Svcs

Check Number: 47494

Invoice No	Check Date	Account Number	Account Name	Description	Amount
73185238	3/20/2019	001 008 521 20 31 00	LE-Office Supplies	Business Cards - Beazizo	\$40.84
					\$40.84

Vendor: Washington State Dept of Health

Check Number: 47495

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819 DOH	3/20/2019	001 008 521 20 31 07	LE - Donation Canine Unit	Drug Dog Handlers Registration Fee	\$55.00
					\$55.00

Vendor: Washington State Patrol

Check Number: 47496

Invoice No	Check Date	Account Number	Account Name	Description	Amount
119005891	3/20/2019	633 000 589 30 00 10	Gun Permit - WSP Remittance	Weapons Permit Background Checks Feb 2019	\$362.75
					\$362.75

Vendor: Washington State Support Registry

Check Number: 0

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819	3/12/2019	001 000 284 00 00 00	Payroll Liability Other	Employee Paid Child Support	\$163.50
					\$163.50

Vendor: Wave Broadband

Check Number: 47497

Invoice No	Check Date	Account Number	Account Name	Description	Amount
08009657	3/20/2019	001 002 513 11 42 00	AD-Communications	Telephone Service	\$24.25
08009657	3/20/2019	001 003 514 20 42 00	CC-Communications	Telephone Service	\$48.51
08009657	3/20/2019	001 004 514 23 42 00	FI-Communications	Telephone Service	\$48.51
08009657	3/20/2019	001 005 518 10 42 00	HR-Communications	Telephone Service	\$24.25
08009657	3/20/2019	001 006 518 80 42 00	IT-Communications	Telephone Service	\$72.76
08009657	3/20/2019	001 007 558 50 42 00	PL-Communication	Telephone Service	\$157.74
08009657	3/20/2019	001 007 559 30 42 00	PB-Communication	Telephone Service	\$24.25
08009657	3/20/2019	001 008 521 20 42 00	LE-Communication	Telephone Service	\$824.98
08009657	3/20/2019	001 012 575 30 42 00	CS-Historical-Communications	Telephone Service Museum	\$24.25
08009657	3/20/2019	001 012 575 50 42 00	CS-Community Center - Comm	Telephone Service Senior Ctr	\$24.26
08009657	3/20/2019	001 013 518 20 42 00	GG-Communication	Telephone Service	\$97.02
08009657	3/20/2019	101 016 543 30 42 00	ST-Communications	Telephone Service Shop	\$139.59
08009657	3/20/2019	410 016 531 10 42 00	SW-Communications	Telephone Service Shop	\$139.59
08009657	3/20/2019	510 006 518 80 49 04	LR - WaveBroadband Fiber Lease	Fiber Leases	\$1,884.99
					\$3,534.95

Vendor: Weed Graafstra & Associates Inc

Check Number: 47366

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030519 WGA	3/6/2019	001 011 515 41 41 00	Ext Consultation - City Atty	Legal Services - General Matters	\$8,205.50
030519 WGA	3/6/2019	001 011 515 45 41 00	Ext Litigation - City Atty	Legal Services - General Matters	\$30,726.43
030519 WGA	3/6/2019	301 016 544 40 41 00	Street Op - P&D - 20th St SE	Legal Services - 20th Street Acquisition	\$1,181.25
030519 WGA	3/6/2019	310 016 544 40 41 00	20th St SE - Professional Srv	Legal Services - General Matters	\$3,540.00
					\$43,653.18

Vendor: Weed Graafstra & Associates Inc

Check Number: 47386

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030519 WGA	3/14/2019	001 011 515 41 41 00	Ext Consultation - City Atty	Legal Services - General Matters	\$968.00
030519 WGA	3/14/2019	001 011 515 45 41 00	Ext Litigation - City Atty	Legal Services - General Matters	\$12,201.95
030519 WGA	3/14/2019	301 016 544 40 41 00	Street Op - P&D - 20th St SE	Legal Services - 20th Street Acquisition	\$626.50
030519 WGA	3/14/2019	310 016 544 40 41 00	20th St SE - Professional Srv	Legal Services - General Matters	\$3,540.00
					\$17,336.45

Vendor: Weed Graafstra & AssociatesTrust Account

Check Number: 47367

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030519 TRUST	3/6/2019	301 016 544 40 41 00	Street Op - P&D - 20th St SE	20th Street SE ROW Acquisition - LS School District	\$100,103.00
					\$100,103.00

Vendor: Western Conference of Teamsters Pension Trust

Check Number: 47377

Invoice No	Check Date	Account Number	Account Name	Description	Amount
030819	3/12/2019	001 000 282 00 00 00	Payroll Liability Retirement	Employee Contributions - Teamster Pension	\$3,270.75
					\$3,270.75

Vendor: Wright

Check Number: 47387

Invoice No	Check Date	Account Number	Account Name	Description	Amount
11	3/14/2019	302 010 594 76 61 01	PM - North Cove Capital	NC Relocation #11	\$2,000.00
					\$2,000.00

Vendor: Wynne and Sons Inc

Check Number: 47368

Invoice No	Check Date	Account Number	Account Name	Description	Amount
59050	3/6/2019	001 007 559 30 31 00	PB-Office Supplies	Business Cards - Farmer	\$57.04
					\$57.04

Vendor: Wynne and Sons Inc

Check Number: 47498

Invoice No	Check Date	Account Number	Account Name	Description	Amount
59299	3/20/2019	001 012 565 20 40 00	CS-Veteran Services	Veterans Commission Logo Edit	\$20.57
					\$20.57

Vendor: Zachor and Thomas Inc PS

Check Number: 47369

Invoice No	Check Date	Account Number	Account Name	Description	Amount
19-LKS0002	3/6/2019	001 011 515 41 41 02	Ext Consult - Prosecutor Fees	Prosecution Services Feb 2019	\$11,889.09
					\$11,889.09

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

Tuesday, February 26, 2019
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

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

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

ELECTED OFFICIALS ABSENT: None

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director Barb Stevens, Community Development Director Russ Wright, Planning Manager Josh Machen, Public Works Director Eric Durpos, Commander Jeff Beazizo, Commander Ron Brooks, City Clerk Kathy Pugh, City Attorney Greg Rubstello, Police Sgt. Jim Barnes and Police Officer Crystal McGuinn

OTHERS:

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

Roll Call: All present.

Approval of Agenda: Council Chair Petershagen said that Introduction of New Employee Sabrina Gassaway is being rescheduled to a future meeting. Chair Petershagen would like to add a discussion item related to the visit to the legislators in Olympia on February 25.

MOTION: Moved by Councilmember McDaniel, seconded by Councilmember Gailey, to add a discussion item to the agenda related to the Olympia visit on February 25, 2019. On vote the motion carried (7-0-0-0).

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

Oath of Office: Commander Beazizo introduced Police Officer Crystal McGuinn and Mayor Spencer administered the oath of office to Officer McGuinn.

Citizen Comments: None.

Council Business:

- Councilmember Daughtry: SCCIT.
- Councilmember Hilt: Lake Stevens Fire/Fire District 7 public meeting regarding possible merger.
- Councilmember Gailey: Lake Stevens Sewer District Facility tour.

Mayor's Business: State Legislature Transportation Committee hearing on Thursday, February 28th, Transportation Benefit District, correspondence to Congressman Larsen regarding transportation and infrastructure priorities.

City Department Report:

- City Administrator Gene Brazel: Historical Society.
- Community Development Director Russ Wright: Williams Property relocation update; American Legion meeting regarding the War Memorial location.
- Public Works Director Eric Durpos: Streets update, working with PUD regarding pole locations, Community Center.
- Police Commander Beazizo: Lake Stevens School District/Marysville-Pilchuck-Reunification plan for schools, Canine program, Vehicle update, Stop the Bleed training; Passport discussion.
- Finance Director Barb Stevens: Public Defense Social Worker additional grant funds

Consent Agenda:

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve (A) 2019 Vouchers [Payroll Direct Deposits of \$213,632.55, Payroll Check No. 47130 totaling \$1,764.95, Tax Deposits of \$202,391.83, Electronic Funds Transfers (ACH) of \$77,461.57, Claims Check Nos. 47129, 47131-47263 totaling \$620,340.91, Void Check Nos. 45333, 45635, 46358, 47012, 47023, 47056, 47129 totaling \$2,573.04, Total Vouchers Approved: \$1,113, 018.77], (B) City Council Special Meeting Minutes of January 18-19, 2019, (C) City Council Regular Meeting Minutes of January 22, 2019, (D) City Council Special Meeting Minutes of February 5, 2019, (E) City Council Special Meeting Minutes of February 19, 2019, (F) Distribution of Vessel Registration Fee Cooperative Agreement with Snohomish County, (G) Real Property Acquisition in Industrial Area for Decant Facility. On vote the motion carried (7-0-0-0).

Public Hearings:

Resolution No 2019-05 Setting the 2019 Comprehensive Plan Docket: Mayor Spencer opened the public hearing.

Director Wright presented the staff report and explained that under the Growth Management Act the City can amend its Comprehensive Plan and future land use map once per year through an annual docket process. It is part of the 2019 work plan previously approved by Council for the Planning Commission. He then reviewed what elements of the Comprehensive Plan are being reviewed this year and commented the Planning Commission has reviewed and approved the proposed docket. Director Wright then responded to Councilmember's questions.

Mayor Spencer then opened the public comment portion of the public hearing.

Patrick McCourt, 10515 – 20th Street SE, Suite 202, Lake Stevens, requested clarification regarding city-initiated map amendments and increasing density around the lake to offer the possibility of housing around the lake at lower cost. He also asked about the Zoning designations along 20th Street SE and creating a more general business zoning.

Director Wright responded to Mr. McCourt's questions, saying the 20th Street SE amendments are included in the docket, and that higher density around the lake will be looked at. Director Wright also responded to Councilmember questions regarding shoreline density and the Shoreline Master Plan, and regarding broadening the commercial areas in the area of 91st Avenue NE.

Councilmember Petershagen commented the docket process appears fairly aggressive and encouraged that staff move forward with the proposed docket as fast as possible.

Mayor Spencer closed the public comment portion of the public hearing and invited additional questions and comments of Council.

Mayor Spencer closed the public hearing. He then invited additional questions of Council and there were none.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Daughtry, to adopt Resolution No 2019-05 Setting the 2019 Comprehensive Plan Docket. On vote the motion carried (7-0-0-0).

Ordinance No 1048 Concerning Wireless Communication Facilities: Mayor Spencer opened the public hearing.

Planning Manager Machen presented the staff report and summarized the new and revised regulations regarding wireless communication facilities including the new small wireless facilities. He then explained this ordinance will bring the City's code and regulations into compliance with the Spectrum Act and the adopted FCC rules regarding the permitting and siting of wireless communication facilities. Manager Machen commented in addition to working with the City Attorney's office, Verizon and AT&T comments were also taken into consideration.

Mayor Spencer opened the public comment portion of the public hearing.

Devendra Maharaj with Verizon Wireless, 3245 – 158th Avenue NE, Bellevue, WA, said that Verizon appreciated the opportunity to provide feedback on this code update and thanked the City for considering Verizon's concerns. This technology is important for the public, and Verizon remains available to answer any questions that might arise.

Mayor Spencer closed the public comment portion of the public hearing.

Manager Machen added that some of the examples in the ordinance have since been updated by Snohomish County PUD and staff would like to use those images rather than the images provided in the packet.

Mayor Spencer asked Council for additional questions and there were none. Mayor Spencer then closed the public hearing.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Petershagen, to adopt Ordinance No 1048 Concerning Wireless Communication Facilities with the noted changes to the photos recommended by staff. On vote the motion carried (7-0-0-0).

Councilmember Hilt requested an update this spring regarding the FCC new rules process.

Action Items:

Resolution No 2019-02 Setting Rates, Fees and Deposits: Manager Machen presented the staff report and explained the City periodically adjusts fees for licenses, permits and other services by resolution to ensure City costs are appropriate. This resolution includes new fees related to the Wireless Communication ordinance just adopted, as well as other housekeeping corrections. He stated staff is recommending City Council adopt Resolution 2019-02 with the proposed fee adjustments. He then responded to questions from Council.

There was discussion regarding the buoys and whether the buoy fee transfers to new homeowners. Councilmember McDaniel suggested an annual letter to be sent to homeowners who purchased buoys.

MOTION: Moved by Councilmember Welch, seconded by Councilmember Gailey, to adopt Resolution No 2019-02 Setting Rates, Fees and Deposits.

Councilmember Daughtry requested that information be brought back regarding the buoy discussion.

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

DISCUSSION ITEMS:

February 25, 2019 Visit to Legislators: Councilmember Petershagen commented that Senator Hobbs has requested the Council support his transportation bill. He is concerned that Council has not discussed this bill and wonders if the City supports the bill generally speaking, the goals of the bill and funding, the funding mechanisms or the entire bill. Councilmember Petershagen does not support all of the funding mechanisms. He is looking for clarity as to what the City does support and would like Council to discuss what their position is.

Mayor Spencer said the testimony originally was to support a transportation package that would address funding, but not individual elements of the proposal. Mayor Spencer believes it is important to continue to support funding mechanisms for large infrastructure projects, but this does not suggest Lake Stevens is endorsing all elements of the bill. He does not know how the Council wants to approach supporting large infrastructure projects, whether in the detail or in the larger context.

Councilmember Daughtry said this was also discussed at SCCIT, and the consensus of the executive board is to support the bill now for the funding mechanisms, and that it is important to keep this moving forward.

Mayor Spencer commented it would be a mistake to support all elements of the bill, but generally there needs to be a funding package that will address Highway 2 from the Trestle all the way to Monroe, and also be aware there are other big projects in other parts of the state that need to be funded. He added that he believes it is important for Councilmembers to individually contact Senator Hobbs and share with him what elements of the bill they can and cannot support as individual elected officials.

Councilmember McDaniel shared her concern that the Council is not unified in how it supports this bill and it is important that this be clear to state legislators as well. She is also concerned as

to which other surrounding cities are publicly supporting Lake Stevens' efforts to obtain funding for improvements to the Trestle, and said these funding requests will affect families directly.

Mayor Spencer commented that the bill is set up so that using a toll lane is optional. He added that Everett has been quite outspoken in supporting infrastructure improvements. Mayor Spencer requested Council agreement to continue to press that there is a funding need to improve infrastructure.

Councilmember Tageant does not mind being the voice for the US 2 Trestle as it is at the City's doorstep. He said if the City stops asking for funding it sends the message that there is no longer a need and the funding will not be made available. The message needs to be consistent over time.

Councilmember Hilt agrees with Councilmember Tageant's comments, and also agreed with Councilmember McDaniel that it would be nice if neighboring cities were more supportive. He added that it is too early in the process to look at specific projects.

Councilmember Gailey said he applauds Senator Hobbs for putting this package together. He is concerned that by speaking in generalities, the taxpayers pay the bill. He noted that this bill contains a carbon tax and a toll, and neither are supported by the voters. He does not support the revenues proposed to fund this infrastructure. He is disappointed that the City's lobbyist has not pursued the idea of extending SR 526 to relieve some of the Trestle traffic congestion.

Mayor Spencer said that is not the case. The state legislators have said they have no interest in extending SR 526, and they want to focus on improvements to the Trestle. He added that Everett does not support a SR 526 extension. Mayor Spencer added that the City's citizens are suffering because of the poor condition of the Trestle. He further said that the United States Supreme Court has ordered that culverts be replaced to enhance fish passage; Senator Hobbs has opposed using gas tax money for this purpose and proposes that the carbon tax can be used to replace the culverts. He further commented that Tribal rights and the ability for tribes to catch enough fish to feed their families is a treaty right. Mayor Spencer said he is going to Olympia to support this bill and that it is important to move forward.

Councilmember Petershagen appreciated and agreed with Mayor Spencer's comments, knowing there is an opportunity to work through funding options.

Mayor Spencer added it will be important for the Council to continue to discuss this bill.

Councilmember Daughtry commented on the amount of work that Senator Hobbs put into the bill, and Council may not fully understand what is behind each element of the bill. It is important to look closely at each individual element and see how it fits in the big picture.

Councilmember Tageant said it is important to lobby for funding at the federal level as well.

Councilmember Petershagen commented that some of the projects identified in the bill are actually for federal roads, and the City needs to continue lobbying for federal funding for these projects.

Councilmember Welch said everyone has raised good points. He supports moving forward and supporting this transportation package, knowing that there are a lot of details that need to be worked out.

Councilmember Gailey generally agrees with Mayor Spencer's comments and noted that the public does not trust tolls.

Mayor Spencer reviewed the other meetings that occurred on February 25th, including meeting with the Veterans Legislative Coalition, located in the greater Yelm area, to discuss how to move Veterans support and projects forward. It was suggested that Lake Stevens become a Purple Heart City. He added that he learned today that the Veterans Commission is moving forward with recognizing veteran-owned businesses.

Councilmember Daughtry said this also extends to businesses who hire veterans and their spouses, and he is currently working with the Chamber of Commerce to identify those businesses.

Adjourn:

Moved by Councilmember Hilt, seconded by Councilmember Welch to adjourn the meeting at 9:18 p.m. On vote the motion carried (7-0-0-0).

John Spencer, Mayor

Kathy Pugh, City Clerk

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

Tuesday, March 5, 2019
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

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

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

ELECTED OFFICIALS ABSENT: None

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director Barb Stevens, Community Development Director Russ Wright, Public Works Director Eric Durpos, Police Chief John Dyer, Police Commander Ron Brooks, City Clerk Kathy Pugh,

OTHERS:

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

Roll Call: All present.

Approval of Agenda: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve the agenda. On vote the motion carried (7-0-0-0).

Guest Business: Arts Commissioner Linda Ehmen introduced herself and presented a PowerPoint demonstrating various types of art that can be installed in parks and other public places, including sidewalks and walls, as well as added art within the landscaping of parks. Ms. Ehmen shared ideas through photos for Eagle Ridge Park, Frontier Heights Park, North Cove Park and Cavelero Skate and Dog Park. She suggested renaming each park by adding a word to describe the park's purpose.

Citizen Comments:

Kristen Machen, 3228 81st Drive NE, Marysville, said her 13-year old son was hit by a car yesterday on Lundeen Parkway while crossing in the crosswalk, and fortunately did not suffer serious injuries. She requested the speed limit on Lundeen parkway be reduced between the two roundabouts in front of Lundeen Park.

Councilmember Daughtry said the city has a large problem with speeding throughout the city and this needs to be addressed.

Chief Dyer said the Police Department is doing a speed traffic study on that portion of road so that a decision can be made on whether to adjust the speed limit in this area.

Council Business:

- Councilmember Daughtry: War Memorial plan for move; Veterans Commission; travel to Olympia regarding transportation.
- Councilmember Petershagen: Thanked Ms. Ehmen for her presentation; Paine Field.
- Councilmember Hilt: travel to Olympia regarding transportation; Snohomish Health District; thanked Ms. Ehmen for her presentation.
- Councilmember Welch: Thanked Ms. Ehmen for her presentation.
- Councilmember McDaniel: asked about the light on 20th SE at 73rd and whether an adjustment can be made to alleviate traffic backup on 20th SE.
- Councilmember Gailey: Thanked Ms. Ehmen for her presentation; walked through Lundeen Park and public feedback was generally positive; he shared some suggestions that were made and observations he had.
- Councilmember Tageant: Veterans Commission.

Mayor's Business: The Mayor presented a PowerPoint, Lake Stevens Mobility and Transportation Improvement Program, with preliminary suggestions on developing a process for prioritizing transportation, biking, walking and maintenance needs, and then pursuing a public involvement process. Mayor Spencer proposed that outcomes of this process would help determine how any TBD funds will be utilized. Mayor Spencer said there is a need to discuss what are the known needs, how they are being funded and what is not being funded. He recommended going through this process before adopting a fee and said it will additionally help to educate the community. If Council is supportive, he would like to formalize it through a resolution.

Councilmember Daughtry's commented on the need for a circulating bus route and asked if it could be incorporated into the TBD.

City Department Report:

- City Administrator Gene Brazel:
- Community Development Director Russ Wright: Commercial Development permits; Spring Event; Vision 2050; March 26th meeting is a joint meeting County Council regarding annexation by interlocal agreement; American Legion, War Memorial and finalizing plans for North Cove Park; War Memorial decommissioning ceremony and the goal is to have a memorial open for Memorial Day, although it may be temporary.

Director Wright introduced new employee Sabrina Gassaway, who is filling the Assistant Planner position.

Councilmember McDaniel suggested a Spring Festival and believes it is important to not tie events to holidays. She added that some of the other public service organizations have large spring events.

Councilmember McDaniel also asked about possibly having a ballot for a final design for the new War Memorial, and Director Wright said that is being considered. Mayor Spencer also said there is time to make changes.

Responding to Councilmember Gailey's question, Director Wright said the integrity of the current War Memorial is an unknown, and it has not always been suitable for large gatherings due to its design.

- Chief Dyer: Canine update; Compass Health social worker riding with officers.
- Finance Director Stevens: Director Stevens provided a brief 2018 Year End Financial Report and said the handout contains the details. She also briefly reviewed the 2018 Impact Fee Report, also contained in a handout. She invited Council to contact her with questions.
- IT Manager Troy Stevens: provided an update on hiring the IT specialist.

Consent Agenda:

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Welch, to approve (A) 2019 Vouchers [Payroll Direct Deposits of \$216,681.79, Payroll Check Nos. 47264-47265 totaling \$2,534.74, Tax Deposits of \$61,371.52, Electronic Funds Transfers (ACH) of \$80,015.40, Claims Check Nos. 47266-47316 totaling \$89,706.28, Void Checks 44582, 46198 and 47043 totaling \$128.50, Total Vouchers Approved: \$450,481.23], (B) Amendment No. 1 to Interlocal Agreement with City of Arlington re Joint Grant Administration, (C) Amendment No. 1 to Professional Services Agreement with Feldman & Lee for Public Defense Social Services Program, and (D) Ordinance 1050 Amending LSMC §7.12.090 re Parking. On vote the motion carried (7-0-0-0).

Discussion Items:

Shoreline Master Program Periodic Review Update: Planning Manager Machen presented the staff report and explained that Washington state law requires jurisdictions to develop and administer Shoreline Master Programs for shorelines within their jurisdictions and also to periodically review those programs for compliance with new state laws. The city is working with a consultant to update its Shoreline Master Program (SMP). The Planning Commission reviewed the draft regulations and held a public hearing at their February 20, 2019 meeting. At that meeting, the Planning Commission recommended approval of the draft SMP amendments with consideration of comments and changes proposed by the State Department of Ecology. He then reviewed some of the proposed changes, which will create more flexibility while at the same time protecting the environment.

Director Wright recapped that some of the proposed changes are updates for consistency with state law, and that the proposed SMP has been sent out for agency review and comments are being received. Director Wright invited questions of Council and there were none.

Ordinance 1052 Amending 2019 Budget: Finance Director Stevens presented the staff report and explained that due to revenue receipts and expenditure costs outside of the expected values during the 2019 budget process, the 2018 ending fund balances are different from what was adopted in the 2019 budget as beginning balances. The amendments made to beginning fund balances reflect the actual 2018 ending fund balances. Finance Director Stevens then invited questions and comments from Council.

Councilmember Petershagen asked about the 540 fund for the aerator replacement, and Director Durpos responded there is no additional work, but there is some funding remaining with the County, which is proposed to be used for the alum treatments.

Adjourn:

Moved by Councilmember Daughtry, seconded by Councilmember Tageant, to adjourn the meeting at 8:27 p.m. On vote the motion carried (7-0-0-0).

John Spencer, Mayor

Kathy Pugh, City Clerk

DRAFT



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: March 26, 2019

Subject: 2019 Budget Amendment #1

Contact Person/Department: Barb Stevens/ Finance

Budget Impact: Yes

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

ADOPT: Ordinance No. 1052 Amending Budget Ordinance No. 1038 and including changes to Organizational Chart.

SUMMARY/BACKGROUND:

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

No changes have been made to Ordinance 1052 since presented to Council on March 5, 2019.

Amendments to the Organizational Chart are being made to update 2 position titles.

- The first eliminates the Senior Engineer position and creates a lower level Engineering Technician – Development position. This change was approved by Council in December of 2018 after the 2019 budget was approved.
- The second amendment is a change to a newly created position approved in the 2019 budget for Surface Water Management. The conceptual title of Storm Water Inspector, has been revised to Engineering Technician – SWM.

Due to revenue receipts and expenditure costs outside of the expected values during the 2019 budget process, the 2018 ending fund balances are different from what was adopted in the 2019 budget as beginning balances. The amendments made to beginning fund balances reflect the actual 2018 ending fund balances.

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

Summary of Ordinance 1052 - Amendment #1 to the 2019 Budget - CITYWIDE

Budget Action	Budgeted Beginning Balance	Budgeted Resources	Budgeted Expenditures	Budgeted Ending Balance
2019 Original Budget - 1038	\$21,333,131	\$29,449,510	\$28,171,241	\$22,611,400
Budget Amendment #1 - 1052	\$6,933,590	\$6,901,123	\$14,772,465	(\$937,752)
Amended Budget Totals	\$28,266,721	\$36,350,633	\$42,943,706	\$21,673,648

Summary of Ordinance 1052 – Amendment #1 to 2019 Budget by FUND

Fund #	Fund Name	Change in Beg. Bal.	Change in Resources	Change in Expenditures	Change in End. Bal.
001	General	\$713,163	\$51,936	\$1,510,444	(\$745,345)
101	Street	\$240,027	(\$227,700)	\$56,307	(\$43,980)
103	Street Reserve	\$2	\$0	\$0	\$2
111	Drug Seizure & Forfeiture	\$53	\$0	\$0	\$53
112	Municipal Arts Fund	\$29	\$10,000	\$0	\$10,029
210	2008 Bonds	\$0	\$300	\$300	\$0
213	2015 LTGO Bond	\$0	\$0	\$0	\$0
301	Cap. Proj.-Dev. Contrib.	\$2,458,358	\$1,376,200	\$4,330,041	(\$495,483)
302	Park Mitigation	\$1,060,615	\$0	\$982,158	\$78,457
303	Cap. Imp.-REET	\$36,693	\$0	\$300	\$36,393
304	Cap. Improvements	\$2,193,008	\$658,700	\$3,007,326	(\$155,618)
305	Downtown Redevelopment	\$58,767	\$3,741,000	\$3,748,112	\$51,655
309	Sidewalk Capital Project	(\$140,079)	\$466,500	\$326,055	\$366
310	20th Street SE Corridor CP	\$10,198	\$728,274	\$40,178	\$698,294
401	Sewer	\$13,799	\$15,000	\$2,802	\$25,997
410	Storm and Surface Water	(\$97,848)	\$18,109	\$286,821	(\$366,560)
501	Unemployment	(\$1,671)	\$0	\$30,000	(\$31,671)
510	Equipment Fund - Computers	\$108,583	\$0	\$69,343	\$39,240
515	Equipment Fund - Vehicles	\$44	\$0	\$0	\$44
520	Equipment Fund-Police	\$217,713	\$0	\$194,025	\$23,688
530	Equipment Fund-PW	(\$19,403)	\$0	\$150,253	(\$169,656)
540	Aerator Equipment Repl.	\$111,727	\$20,000	\$38,000	\$93,727
621	Refundable Deposits	\$12,616	\$0	\$0	\$12,616
<u>633</u>	<u>Treasurer's Trust</u>	<u>(\$42,804)</u>	<u>\$42,804</u>	<u>\$0</u>	<u>\$0</u>
	Total	\$6,933,591	\$6,901,123	\$14,772,465	(\$937,750)

APPLICABLE CITY POLICIES:

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

BUDGET IMPACT:

The budget ordinance will amend the beginning and ending balances, revenues and expenditures in the funds set forth in the ordinance as well as amend the staffing positions as set forth in the organizational chart.

ATTACHMENTS:

- Exhibit: Ordinance No. 1052
- Attachment to Exhibit: Amended Organizational Chart

EXHIBIT A

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 1052

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING THE 2019 BUDGET AS SET FORTH IN ORDINANCE NO. 1038 CONCERNING FUND BALANCES, REVENUES AND EXPENDITURES FOR VARIOUS FUND BALANCES FOR THE YEAR 2019.

WHEREAS, the City of Lake Stevens adopted the 2019 budget pursuant to Ordinance No. 1038;
and

WHEREAS, the City of Lake Stevens will receipt revenues and incur expenditures in categories and amounts other than anticipated in the adopted 2019 budget; and

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

SECTION 1. The 2019 budget, as adopted in Ordinance No. 1038, is hereby amended as follows:

<i>Fund</i>	<i>Description</i>	<i>Current Budget</i>	<i>Amended Budget</i>	<i>Amount of Inc/(Dec)</i>	<i>ExpRev</i>
001 - General	Beginning Fund Balance	\$9,330,551	\$10,043,713	\$713,162	BegBal.
001 - General	Revenues	\$14,388,397	\$14,440,333	\$51,936	Rev.
001 - General	Expenditures	\$15,160,786	\$16,671,230	\$1,510,444	Exp.
001 - General	Ending Fund Balance	\$8,558,161	\$7,812,816	(\$745,346)	EndBal.
101 - Street	Beginning Fund Balance	\$1,999,449	\$2,239,476	\$240,027	BegBal.
101 - Street	Revenues	\$2,570,727	\$2,343,027	(\$227,700)	Rev.
101 - Street	Expenditures	\$2,702,905	\$2,759,212	\$56,307	Exp.
101 - Street	Ending Fund Balance	\$1,867,271	\$1,823,291	(\$43,980)	EndBal.
103 - Street Reserve	Beginning Fund Balance	\$1,574	\$1,576	\$2	BegBal.
103 - Street Reserve	Ending Fund Balance	\$1,598	\$1,600	\$2	EndBal.
111 - Drug Seizure & Forfeiture	Beginning Fund Balance	\$43,640	\$43,694	\$53	BegBal.
111 - Drug Seizure & Forfeiture	Ending Fund Balance	\$294	\$347	\$53	EndBal.
112 - Municipal Arts	Beginning Fund Balance	\$20,687	\$20,716	\$29	BegBal.
112 - Municipal Arts	Revenues	\$310	\$10,310	\$10,000	Rev.
112 - Municipal Arts	Ending Fund Balance	\$34	\$10,063	\$10,029	EndBal.
210 - 2008 Bonds	Revenues	\$344,605	\$344,905	\$300	Rev.
210 - 2008 Bonds	Expenditures	\$344,605	\$344,905	\$300	Exp.
301 - Cap. Proj - Dev. Contrib.	Beginning Fund Balance	\$1,132,014	\$3,590,372	\$2,458,358	BegBal.
301 - Cap. Proj - Dev. Contrib.	Revenues	\$1,221,429	\$2,597,629	\$1,376,200	Rev.
301 - Cap. Proj - Dev. Contrib.	Expenditures	\$355,300	\$4,685,341	\$4,330,041	Exp.
301 - Cap. Proj - Dev. Contrib.	Ending Fund Balance	\$1,998,143	\$1,502,660	(\$495,483)	EndBal.
302 - Park Mitigation	Beginning Fund Balance	\$203,418	\$1,264,033	\$1,060,615	BegBal.
302 - Park Mitigation	Expenditures	\$9,583	\$991,741	\$982,158	Exp.
302 - Park Mitigation	Ending Fund Balance	\$1,332,656	\$1,411,113	\$78,457	EndBal.
303 - Cap. Imp. - REET I	Beginning Fund Balance	\$3,101,683	\$3,138,376	\$36,693	BegBal.
303 - Cap. Imp. - REET I	Expenditures	\$1,101,844	\$1,102,144	\$300	Exp.
303 - Cap. Imp. - REET I	Ending Fund Balance	\$2,885,093	\$2,921,486	\$36,393	EndBal.
304 - Cap. Imp. - REET II	Beginning Fund Balance	\$2,215,104	\$4,408,111	\$2,193,008	BegBal.
304 - Cap. Imp. - REET II	Revenues	\$2,694,244	\$3,352,944	\$658,700	Rev.
304 - Cap. Imp. - REET II	Expenditures	\$2,867,750	\$5,875,076	\$3,007,326	Exp.

304 - Cap. Imp. - REET II	Ending Fund Balance	\$2,041,598	\$1,885,979	(\$155,618)	EndBal.
305 - Downtown Development	Beginning Fund Balance	\$0	\$58,767	\$58,767	BegBal.
305 - Downtown Development	Revenues	\$0	\$3,741,000	\$3,741,000	Rev.
305 - Downtown Development	Expenditures	\$0	\$3,748,112	\$3,748,112	Exp.
305 - Downtown Development	Ending Fund Balance	\$0	\$51,655	\$51,655	EndBal.
309 - Sidewalk Capital Projects	Beginning Fund Balance	\$986,993	\$846,914	(\$140,079)	BegBal.
309 - Sidewalk Capital Projects	Revenues	\$14,784	\$481,284	\$466,500	Rev.
309 - Sidewalk Capital Projects	Expenditures	\$200,000	\$526,055	\$326,055	Exp.
309 - Sidewalk Capital Projects	Ending Fund Balance	\$801,777	\$802,143	\$366	EndBal.
310 - 20th Street SE Corridor CP	Beginning Fund Balance	\$0	\$10,198	\$10,198	BegBal.
310 - 20th Street SE Corridor CP	Revenues	\$0	\$728,274	\$728,274	Rev.
310 - 20th Street SE Corridor CP	Expenditures	\$0	\$40,178	\$40,178	Exp.
310 - 20th Street SE Corridor CP	Ending Fund Balance	\$0	\$698,294	\$698,294	EndBal.
401 - Sewer	Beginning Fund Balance	\$254,071	\$267,870	\$13,799	BegBal.
401 - Sewer	Revenues	\$1,044,098	\$1,059,098	\$15,000	Rev.
401 - Sewer	Expenditures	\$1,125,335	\$1,128,137	\$2,802	Exp.
401 - Sewer	Ending Fund Balance	\$172,835	\$198,831	\$25,997	EndBal.
410 - Storm & Surface Water	Beginning Fund Balance	\$1,032,395	\$934,546	(\$97,848)	BegBal.
410 - Storm & Surface Water	Revenues	\$3,573,511	\$3,591,620	\$18,109	Rev.
410 - Storm & Surface Water	Expenditures	\$3,145,273	\$3,432,094	\$286,821	Exp.
410 - Storm & Surface Water	Ending Fund Balance	\$1,460,633	\$1,094,073	(\$366,560)	EndBal.
501 - Unemployment Fund	Beginning Fund Balance	\$67,838	\$66,167	(\$1,671)	BegBal.
501 - Unemployment Fund	Expenditures	\$10,000	\$40,000	\$30,000	Exp.
501 - Unemployment Fund	Ending Fund Balance	\$58,856	\$27,185	(\$31,671)	EndBal.
510 - Equip Fund - Computer	Beginning Fund Balance	\$53,308	\$161,890	\$108,583	BegBal.
510 - Equip Fund - Computer	Expenditures	\$294,720	\$364,063	\$69,343	Exp.
510 - Equip Fund - Computer	Ending Fund Balance	\$84,089	\$123,329	\$39,240	EndBal.
515 - Equip Fund - Vehicles	Beginning Fund Balance	\$20,272	\$20,315	\$44	BegBal.
515 - Equip Fund - Vehicles	Ending Fund Balance	\$30,575	\$30,619	\$44	EndBal.
520 - Equip Fund - Police	Beginning Fund Balance	\$19,357	\$237,070	\$217,713	BegBal.
520 - Equip Fund - Police	Expenditures	\$0	\$194,025	\$194,025	Exp.
520 - Equip Fund - Police	Ending Fund Balance	\$237,648	\$261,336	\$23,688	EndBal.
530 - Equip Fund - PW	Beginning Fund Balance	\$805,095	\$785,693	(\$19,403)	BegBal.
530 - Equip Fund - PW	Expenditures	\$139,857	\$290,110	\$150,253	Exp.
530 - Equip Fund - PW	Ending Fund Balance	\$1,079,557	\$909,901	(\$169,656)	EndBal.
540 - Aerator Replacement	Beginning Fund Balance	\$40	\$111,767	\$111,727	BegBal.
540 - Aerator Replacement	Revenues	\$0	\$20,000	\$20,000	Rev.
540 - Aerator Replacement	Expenditures	\$0	\$38,000	\$38,000	Exp.
540 - Aerator Replacement	Ending Fund Balance	\$40	\$93,767	\$93,727	EndBal.
621 - Refundable Deposits	Beginning Fund Balance	\$543	\$13,159	\$12,616	BegBal.
621 - Refundable Deposits	Ending Fund Balance	\$543	\$13,159	\$12,616	EndBal.
633 - Treasurer's Trust	Beginning Fund Balance	\$45,100	\$2,296	(\$42,804)	BegBal.
633 - Treasurer's Trust	Revenues	\$400,000	\$442,804	\$42,804	Rev.

SECTION 2. Except as set forth above, all other provisions of Ordinance 1038 shall remain in full force, unchanged.

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

PASSED by the City Council of the City of Lake Stevens this 26th day of March, 2019.

John Spencer, Mayor

ATTEST:

Kathy Pugh, City Clerk

APPROVED AS TO FORM:

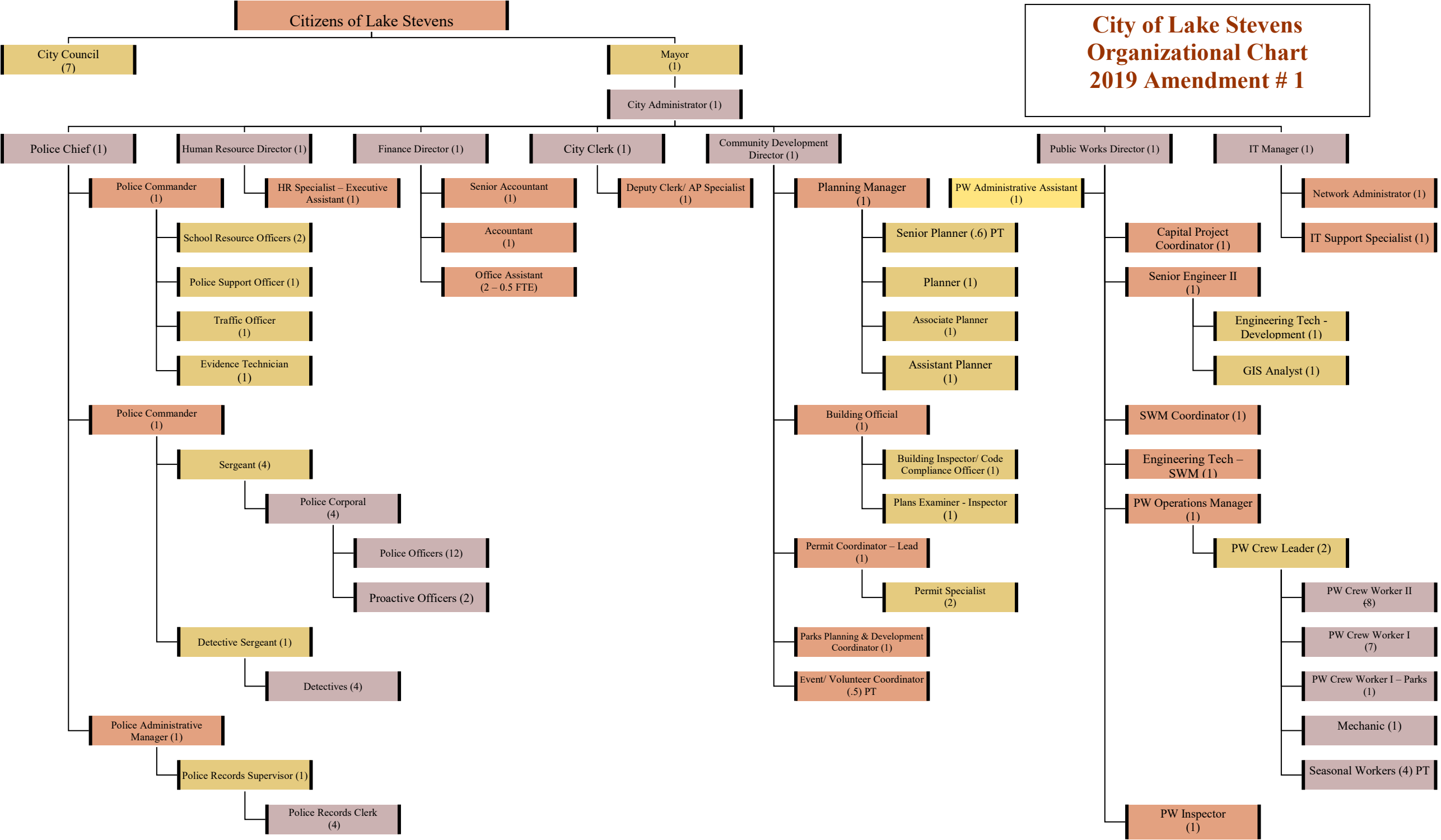
Presented: March 5, 2019

Final Reading: March 26, 2019

Date of Publication: _____

Effective Date: _____

Greg Rubstello, City Attorney





LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: March 26, 2019

Subject: Food Bank Lease to City

Contact

Person/Department: Gene Brazel, City Administrator

Budget

Impact: N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Approve Lease Agreement between the Lake Stevens Food Bank and City of Lake Stevens.

SUMMARY/BACKGROUND:

The City recently sold surplus property commonly known as The Nursery Property to Tim Kaintz, who in turn is donating it to the Lake Stevens Food Bank. The Food Bank previously received grant funding to construct a new facility, which will be built on this donated property. The property was sold to Mr. Kaintz at a very favorable price with the understanding that once the new building is in place the City would be able to lease a portion of the premises to provide human services programming to city residents and members of the surrounding community. Both the Food Bank and the City desire to have the lease in place prior to the property sale closing.

APPLICABLE CITY POLICIES: N/A

BUDGET IMPACT: N/A

ATTACHMENTS:

- Exhibit A: Lease Agreement

**LEASE AGREEMENT BETWEEN
THE LAKE STEVENS FOOD BANK
AND
CITY OF LAKE STEVENS**

This Lease Agreement ("Agreement") is made between the LAKE STEVENS FOOD BANK, a Washington State nonprofit corporation, dba Lake Stevens Food Bank, hereinafter called "Food Bank." and CITY OF LAKE STEVENS, a municipal corporation of the State of Washington, hereinafter called "City".

WHEREAS, the Food Bank's ownership of the real property upon which the below described "Lease Premises" are located is subject to a covenant running with the land (Snohomish County Recorder's Number _____) in which the City is the referenced "Seller" and states as follows:

The Food Bank Building as shown in drawing B-5 or its replacement should it be rebuilt in event of a fire or other cause for the destruction of the building, shall provide for City's exclusive use for the life of the building, approximately 1734 square feet plus shared access to teaching kitchen, restrooms and meeting room as shown on attached drawing B-2. The space shall be used for social services functions or other City related purposes at the City's discretion. Prior to securing a building permit for the building, City and the Food Bank shall enter into a zero-rent Lease Agreement providing for the City's exclusive use of the built-out office space, and reasonable use of common areas, including restrooms and parking spaces. Negotiations for the Agreement shall be conducted in good faith by the Parties. The Agreement shall also provide for City's maintenance responsibilities for the office space and fair share of utility costs. Any disagreement on a material term shall be resolved by a neutral arbitrator consistent with the provisions of this Section 5.1. The arbitrator shall be jointly selected by the City and the Food Bank; and

WHEREAS, good faith negotiations between the Food Bank and City in furtherance of the covenant have resulted in the following agreements:

1. **LEASED PREMISES/FIRST RIGHT OF REFUSAL:** The Food Bank hereby leases to City the premises located at 8021 20th Street SE, Lake Stevens, depicted on **EXHIBIT A** as the "Lake Stevens Food Bank." This Agreement provides exclusive use for the life of the building, of approximately 1734 square feet plus shared access to teaching kitchen, restrooms and meeting room as shown in **EXHIBIT B and parking**. As additional consideration to the City for entering into this Agreement, the Food Bank grants to the City the exclusive and irrevocable right, during the term of this Agreement, a first option to purchase, upon the terms and conditions hereinafter set forth, the Food Bank's real property on which the Leased Premises are located and situate in Snohomish County, State of Washington, described in the conveyance of the Property to the Food Bank recorded at Snohomish County Records No. _____.

Terms of First Right

EXERCISE OF FIRST OPTION: This right of first option to purchase may only be exercised by City within thirty (30) days from notification by Food Bank that Food Bank desires to sell the subject property. Food Bank is obligated to provide such notice to City prior to offering the subject property to a third party. Should City fail to timely exercise its first right of refusal or first option to purchase the Food Bank may proceed to sell the property to a third party.

TERMS OF PURCHASE: The purchase price shall be based upon the Fair Market Value of the property determined by a MAI (Member of the Appraisal Institute) appraisal commissioned by the City, provided, the Food Bank may commission its own MAI appraisal after which the two appraisers shall meet and either agree upon the Fair Market Value purchase price or jointly select a third MAI appraiser to review the two appraisals and determine the Fair Market Value Purchase Price. The cost of the review appraiser shall be

split between the Parties. The Purchase Price shall be paid to the Food Bank in U.S. dollars or its equivalent at closing.

- a) **TITLE:** Within fifteen (15) days after the City has exercised his or her right of first refusal, the Food Bank shall deliver to the City a Certificate of Title or title abstract covering the property described in paragraph I above which shall reflect that marketable fee simple title to the subject property is vested in the Food Bank and that same is insurable by a title insurance company licensed to do business in the State of Washington. Said Certificate or abstract shall be subject only to taxes for the current year, easements, and rights of way of record, and prior mineral reservations. Should said Certificate or Abstract reflect any other exceptions to the title unacceptable to City, City shall notify the Food Bank in writing of any defects within fifteen (15) days (the title review period) and the Food Bank shall have a reasonable time (but not more than 25 days) in which to make the title good and marketable or insurable, and shall use due diligence in an effort to do so. If after using due diligence the Food Bank is unable to make the title acceptable to the City within such reasonable time, it shall be the option of the City either to accept the title in its existing condition with no further obligation on the part of the Food Bank to correct any defect, or to cancel this Agreement. If this Agreement is thus cancelled, this Agreement for First Option shall terminate. If title is acceptable to City, the closing shall occur within fifteen (15) days after expiration of the "title review period". At closing Food Bank shall convey title to the City by Warranty Deed subject only to exceptions acceptable to the City.
- b) **EXPENSES OF SALE:** Food Bank shall provide the City a Purchaser's standard policy of title insurance at Food Bank's expense. All other costs and expenses of closing the sale including escrow fees, recording fees, and any and other costs attributable to the preparation of the Warranty Deed, Title Certificate, abstract and any other closing documents shall be equally divided between the Food Bank and the City.
- c) **POSSESSION:** The City shall be entitled to possession of the property at closing.
- d) **RIGHT OF ENTRY:** Upon notification by Food Bank of its desire to sell and the City's exercise of its first refusal, the City shall be entitled to enter upon the property for the purpose of conducting soil tests, engineering studies, and surveys.
- e) **TAXES:** Taxes shall be prorated as of the date of closing.

2. **TERM:** This Agreement shall be for the life of the building commencing on the date of final building occupancy issued by the City of Lake Stevens. City may terminate this Lease upon six (6) months written notice to Food Bank for any cause whatsoever in which case the City will vacate the building and record a release of the above covenant at the end of the six-month period.

3. **RENTAL:** The City is authorized to sub-lease the Leased Premises space for City supported human services programming or other City related purposes as determined by the City.

4. **CITY'S USE OF PREMISES:** The Leased Premises may be used and occupied by the City consistent with the above described covenant for social services functions or other City related purposes at the City's discretion, and for no other purpose or purposes, without Food Bank's prior written consent.

- a) City's use of the Leased Premises may include, at City's discretion, use of the Leased Premises by third parties in the performance of services directed by or required by contract with the City, either for free or for a nominal fee. Use by third parties is acknowledged by the Parties to this Agreement as part of the expected purpose of this Lease, City shall enter into a separate sub-lease or agreement for use of the Leased

Premises by any third parties. A copy of any such sub-lease or agreement shall be provided by the City to the Food Bank prior to occupancy by the third party.

- b) The City's occupancy, including occupancy by any sub-lessee, shall be consistent with the covenant running with the land given in consideration of the adjoining commercial property owner's financial contribution to the purchase price for the property paid to the City, which covenant provides as follows: (1) For the life of the Food Bank building the nine parking stalls indicated in the attached drawing (Exhibit C hereto) are reserved for business on the adjacent commercial property for business purposes; and (2) All remaining parking on the Property after hours of Food Bank operations and City of Lake Stevens operations, shall be available for adjacent business purposes on a "first come, first served" basis during all days of the week, generally between the hours of 6:00 p.m. -12:00 a.m. Any sub-lease or other agreement between the City and a third party shall provide that the third party generally conclude their daily operations at the building by 6:00 p.m.

5. USE OF COMMON AREAS

- a) The Common areas to which the City has access and use are described as the teaching kitchen, restrooms and meeting room access thereto as depicted on Exhibit B, a copy of which is attached hereto and incorporated herein by this reference.
- b) The Parties agree that the City's use of the conference room and teaching kitchen shall be controlled by a schedule managed by the Food Bank. The Parties agree to cooperate with the shared usage in order to avoid conflict over the use of the teaching kitchen and conference room.

6. CITY USE OF PREMISES: The Parties agree that the City's usage/occupancy for social services functions or other City related purposes shall be subject to the following:

- a) The City or third party, shall cooperate with the Food Bank in procedures established for securing the Leased Premises at the end of each working day and at times when the Leased Premises are closed.
- b) All occupants of the Food Bank Building shall promptly comply with all laws, ordinances, orders, rules and regulations now in effect, or as hereafter amended, affecting the Leased Premises and its cleanliness, safety, occupation and use.
- c) All occupants of the Food Bank Building shall not use any machinery or equipment in the Leased Premises that might be injurious to the building. Occupants will not perform any act or carry on any practices that may damage the Leased Premises or be a nuisance to or menace or injure the public or City's employees, contractors or agents. Occupants shall not commit or suffer any waste upon the Leased Premises, and shall not generate, store or maintain any hazardous substance or material upon Leased Premises as defined in applicable federal, state and/or local statutes or regulations.
- d) Upon termination of any third party sublease or occupancy agreement between the City and a third party, the third party shall quit and surrender the Leased Premises in as good a state and condition as it was at the commencement of the sublease or occupancy agreement, reasonable wear and tear, damage by the elements or resulting from the structural unfitness of the Leased Premises for use as in accordance with the sublease

or occupancy agreement, or other actions not caused by the third party, its employees, agents, customers or invitees, excepted. The third party shall return all keys to City.

7. **PARKING:** The City and its third party service providers are authorized to utilize the building's parking spaces subject to the covenant cited in subsection 4.b. above. Additionally, the Food Bank and the City shall cooperate with one another to share the parking spaces, through the number of spaces occupied, the time of usage, and duration of usage with the intent of allowing all programs operating out of the building to provide the necessary parking for program personnel and those receiving the services of the program.

8. **MAINTENANCE:**

- a) Food Bank shall be responsible for the routine interior maintenance, janitorial service, and repairs of the premises including the common areas, rest rooms and kitchen, except that City or any City authorized user will complete immediate cleanup of any teaching programs conducted in the kitchen. Routine Maintenance includes general cleaning, all garbage fees, changing light bulbs, interior painting and cosmetic repairs when necessary, etc.
- b) City shall be responsible for exterior maintenance including parking lot maintenance and lighting, if required, landscaping and exterior painting as necessary.
- c) Food Bank shall be responsible for interior and exterior building repair, except exterior painting, unless required by structural repair, including roof repair/replacement as needed.

9. **UTILITIES:**

- a) Food Bank shall be responsible for metered electrical utilities for its portion of the building, and all garbage fees. The building shall be designed and constructed to provide for a separate metered electrical system for the Food Bank portion of the building.
- b) City shall be responsible for metered electric on its side of the building. City shall be responsible for cable, internet, heating and air conditioning, sewer for the entire building, and exterior lighting. The building shall be designed and constructed to provide for a separate metered electrical system for the Food Bank portion of the building. Should the heating, air conditioning, and/or sewer system require repairs or replacement, the Food Bank shall reimburse the City on-half of the repair and replacement costs incurred by the City.
- c) City and Food Bank mutually agree the other shall not be liable for any loss, injury, or damaged property caused by or resulting from any variation, interruption, or failure of any utility service beyond City's or Food Bank's reasonable control. No temporary interruption or failure of such services incident to the making of repairs, alterations, or improvements, or due to accident or strike, or conditions or events beyond City's or Food Bank's reasonable control shall be deemed an eviction of City or shall release City or Food Bank from any of City's or Food Bank's obligations under this lease.

10. **IMPROVEMENTS:** Food Bank agrees that upon termination of this Agreement, City may remove all fixtures which it owns or has installed which can be removed without structural damage to the building. Upon such removal City will restore the Leased Premises to its condition prior to installation of such fixtures. City further agrees that prior to said removal, it will advise the Food Bank of which items it

desires to remove in order that the Parties may negotiate other alternatives. Any fixtures not so removed shall become the property of Food Bank; provided, Food Bank may elect to require removal of some or all of City's fixtures at City's sole expense.

11. RISK OF LOSS / INSURANCE:

- a) All personal property of the City or other future sublessee kept or maintained at the Leased Premises shall be at the risk of the City or future sublessee.
- b) Property Insurance: Food Bank shall insure the building for property loss, adding the City as a Loss Payee on the property insurance policy. Food Bank shall be responsible for insuring its personal property. Food Bank shall furnish annually upon policy renewal to the City a Certificate of Insurance evidencing such coverage, and naming the City, its officers, employees and elected officials, as Loss Payee. Food Bank shall provide City with written notice of any policy cancellation within two business days of its receipt of such notice.
- c) Commercial General Liability Insurance: Food Bank shall also secure and maintain an occurrence based Commercial General Liability insurance policy which shall cover premises and contractual liability, written by a company acceptable to and approved by City in the amount of ONE MILLION DOLLARS (\$1,000,000.00) each occurrence. Food Bank shall furnish annually upon policy renewal to the City a Certificate of Insurance evidencing such coverage, and naming the City, its officers, employees and elected officials, as additional insured. Food Bank shall provide City with written notice of any policy cancellation within two business days of its receipt of such notice.
- d) Failure to Maintain Insurance: Failure on the part of the Food Bank to maintain the insurance as required shall constitute a material breach of lease, upon which the City may, after giving five business days' notice to Food Bank to correct the breach, terminate the Lease 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.
- e) Full Availability of Food Bank Limits: If the Food Bank maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Food Bank, irrespective of whether such limits maintained by the Food Bank are greater than those required by this contract or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by Food Bank.
- f) The City shall provide Food Bank with evidence of liability coverage and property coverage for City's owned property which is used/stored at the Leased Premises.

12. TAXES:

- a) Food Bank shall be responsible for all real property taxes and assessments levied or assessed against the leased premises by any governmental entity, including any special assessments imposed on or against the leased premises for the construction or improvement of public works in, on or about the leased premises; provided, however, that the City shall conduct no activity on the leased premises nor place any articles on

the leased premises that will increase the real property taxes levied or assessed against the leased premises.

- b) Food Bank shall pay before delinquency any and all taxes, assessments, license fees, and public charges levied, assessed or imposed and which become payable during the Lease upon Food Bank's fixtures, furniture, appliances and personal property installed or located in the leased premises.
- c) Food Bank agrees to pay the amount of all taxes levied upon or measured by the rent or the market value of the leased premises, whether as a sales tax, transaction privilege tax, leasehold excise tax, or otherwise. Such taxes shall be due and payable at the time the same are levied or assessed.

13. INDEMNIFICATION: The Food Bank 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.

The City shall defend, indemnify and hold the Food Bank, 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 Food Bank.

14. The Parties acknowledge that the foregoing indemnity provisions were mutually negotiated and survive the termination of this Lease.

15. SIGNS AND LANDSCAPING. Signage and landscaping for both Food Bank and City shall be in conformance with LSMC Ch. 14.68.

16. ASSIGNMENT / SUBLEASE: Except for limited use by third parties, as permitted under Section 4.a, City shall not sublease, sublet or assign the leased premises, or any portion thereof or the adjacent grounds. This Agreement shall not be assignable by operation of law.

17. RESPONSIBLE PERSON:

- a) Food Bank shall keep the City advised of its local (Lake Stevens community) director, manager or other responsible person or persons, and shall provide the City with the name, telephone numbers and email address of a responsible person or persons authorized to receive any notice required between the Parties or for contact if negotiations are required or in the event of emergencies.
- b) City shall keep the Food Bank advised of its responsible person or persons, and shall provide the Food Bank with the name, telephone numbers and email address of a responsible person or persons authorized to receive any notice required between the Parties or for contact if negotiations are required or in the event of emergencies.

18. NOTICE: Any notice given by Food Bank to City shall be directed to the Mayor and delivered to the Lake Stevens City Hall and shall be deemed given on the date it is so delivered. Any notice given by the City to the Food Bank shall be addressed and delivered to:

TO FOOD BANK:

Lake Stevens Food Bank
Attn: President
8021 – 80th Street SE
Lake Stevens, WA 98258
Telephone: 425-334-3430

TO CITY:

City of Lake Stevens
Attn: City Clerk
1812 Main Street (Physical Address)
Post Office Box 257 (Mailing Address)
Lake Stevens, WA 98258
Telephone: 425-622-9412

Notice shall be sent by certified mail, return receipt requested, and it shall be deemed given on the third business day after mailing.

19. **INTERPRETATION.** This agreement shall be interpreted consistent with the recorded covenants running with the land upon which the Food Bank building is sited. Snohomish County Records No. _____.

20. **DEFAULT:** In the event either Party shall fail to carry out any of the terms required of it herein, the other Party may give written notice of the failure to the non-compliant Party. If the non-compliant Party fails to cure the alleged non-compliance to the satisfaction of the complaining Party within thirty (30) days of receipt of the written notice, the complaining Party may initiate the dispute resolution process set forth below.

21. **DISPUTE RESOLUTION:** The Parties agree that any dispute arising between them which is not otherwise resolved should be referred for mediation before any judicial proceedings are commenced in an effort to amicably settle any disputes. If mediation is demanded by a Party, the Parties shall within fifteen (15) calendar days of the demand jointly select a mediator. The charges and cost of the mediator shall be equally shared by the Parties. The Parties shall be solely responsible for their own legal representation.

22. **RIGHT OF ENTRY:** During the term of this Agreement Food Bank and City mutually agree that the City's agents or employees and the Food Bank's agents or employees may enter upon said premises during any hours when the Leased Premises are open to the public or, with prior written notice to the other, at other reasonable times, for purposes of inspection and/or repairs; provided, either Food Bank or City may enter without notice in the event of an emergency. In the case of repairs that would be disruptive to City's activities, Food Bank shall give advance written notice to City. In the event of emergency entry, City and Food Bank shall make reasonable efforts to provide notice of entry to the other.

23. **ATTORNEY FEES/COLLECTION CHARGES.** In the event of any legal action or proceeding, or suit between the Parties hereto in connection with or arising out of this Agreement, the substantially prevailing Party shall be entitled to collect, in addition to any judgment awarded a reasonable sum as attorneys' fees, and all costs and expenses incurred in connection with such lawsuit, including expenses of any appeal of a judgment, This Agreement shall be governed by the laws of the State of Washington. The venue for litigation to resolve any dispute related to this Agreement shall be Snohomish County Superior Court. Should City be named as a defendant in any suit brought against Food Bank in connection with or arising out of City's occupancy hereunder, Food Bank shall pay to City its cost and expenses incurred in such suit, including all reasonable attorney's fees.

24. **EXCHANGE OF FINANCIAL REPORTS.** The Parties agree that on or before April 1 of each year each Party will provide to the other a financial report for the previous calendar year based upon audits by qualified State or private CPA auditors.

25. **TIME:** Time is of the essence of this Agreement.

26. WAIVER: Any waiver by Food Bank of any default and performance by City of any of the terms, covenants, or conditions contained herein shall not be deemed a continuing waiver of the same or any subsequent default herein. Any waiver by City of any default and performance by Food Bank of any of the terms, covenants or conditions herein shall not be deemed a continuing waiver of the same or any subsequent default herein.

27. ENTIRE AGREEMENT AND AMENDMENTS. This Agreement contains all of the agreements between the Parties with respect to any matter covered or mentioned in the Agreement, and no prior agreement, letter of intent, or understanding relating to any such matter will be effective for any purpose. No provision in this Agreement may be amended or added to except by an agreement in writing signed by the Parties or their respective successors in interest and using the same formalities as are required by the execution of this Agreement. Should practical difficulties or circumstances unanticipated at the time of execution of this Agreement arise, either Party may request amendment of the lease terms addressing the unanticipated circumstance, in which case the Parties will meet in good faith to consider amendment of Agreement terms.

IN WITNESS WHEREOF, the Parties have signed this document in duplicate this _____ day of _____, 2019.

CITY OF LAKE STEVENS

LAKE STEVENS FOOD BANK

By: _____
John Spencer, Mayor

By: _____
_____, President

ATTEST:

Kathy Pugh, City Clerk

APPROVED AS TO FORM:

Greg Rubstello, City Attorney

EXHIBIT A: MAP DEPICTING PREMISES AT 8021 – 20TH STREET SE

EXHIBIT B: DRAWING OF PREMISES DEPICTING CITY-LEASED AREA AND COMMON AREAS



LAKE STEVENS CITY COUNCIL
Department of Ecology
STAFF REPORT

Council Agenda Date: March 26, 2019

Subject: LUA2018-0157- City of Lake Stevens Shoreline Master Program - Periodic Review Update

Contact	Josh Machen, Planning Manager	Budget	none
Person/Department:	Russ Wright, Community Development Director	Impact:	

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Hold a joint public hearing with the Washington State Department of Ecology to consider public comment on the draft SMP amendments. Based on public comment the City Council can then direct staff to make any changes to the draft amendments prior to forwarding on to ecology for initial findings of adequacy.

Attachment A Draft SMP Periodic Update Report
Attachment B. Draft SMP amendments

BACKGROUND:

Washington State law requires that jurisdictions develop and administer Shoreline Master Programs for shorelines within their jurisdictions. State law further requires that those master programs be periodically reviewed for compliance with new state laws and consistency with adopted comprehensive plans and regulations. Periodic reviews are to occur every 8-years. Since the Lake Stevens is within Snohomish County, the Lake Stevens Shoreline Master Program is to be reviewed and updated as necessary on or before June 30, 2019.

The city is working with a consultant to update our Shoreline Master Program (SMP). The Planning Commission reviewed the draft regulations over the past several months and held a public hearing at their February 20, 2019 meeting. At that meeting the Planning Commission recommended approval of the draft SMP amendments with consideration of comments and changes proposed by the State Department of Ecology. Staff then presented the City Council the draft amendments in their meeting on March 5, 2019, no comments on the draft were received.

PROPOSED CHANGES TO THE LAKE STEVENS SMP:

- 1) Amendments to ensure the Lake Stevens SMP is consistent with rule changes in State Law. The attached Draft SMP Periodic Update Report provides a matrix of the proposed changes and which are mandated by the state and which have been initiated by staff (Attachment A).

- 2) To create consistency with the downtown subarea plan there four properties for which the shoreline designation will change. One is the property on which City Hall is currently located and is slated for park development, which will change to urban concurrency and the others are on the north side of Lakeshore Drive and are zoned commercial, which will change to High Intensity (Attachment C &D).

PUBLIC COMMENT ON THE SMP PERIODIC UPDATE:

1. Fourteen people emailed the Department and requested to be notified of the public process and changes to the Shoreline Master Program.
2. Twenty people took the online SMP survey, the survey results and comments are attached (Attachment C).
3. A comment/request was made that the regulations be no more restrictive than the minimum required by the state.
4. A written comment and a comment in the public hearing was voiced regarding consistency with the new proposed critical areas ordinance and if the critical areas ordinance would be adopted prior to adoption of the periodic update.
5. A comment was made in the public hearing regarding the allowance of proposed landscaping walls and that native plants are not permanent and may be removed by future owners.
6. The Department of Fish and Wildlife commented and was pleased to see the 6-foot maximum dock width restriction remain in the code and made a suggestion that the SMP allow for grout filled PVC wraps for pile repair.

ATTACHMENTS

- A. Draft SMP Periodic Update Report
- B. Draft Lake Stevens Shoreline Master Program Amendments
- C. Draft Lake Stevens Shoreline Designation map
- D. Draft Lake Stevens Downtown Shoreline Update map

City of Lake Stevens SMP Periodic Update

DRAFT SMP Update Report

Prepared on behalf of:



City of Lake Stevens
Planning and Community Development Department
1812 Main Street
Lake Stevens, WA 98258

Prepared by:



750 Sixth Street South
Kirkland, WA 98033

p 425.822.5242
f 425.827.8136
watershedco.com

January 2019

The Watershed Company Reference Number:
180713

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Attachments

Attachment A: Periodic Review Checklist

1. Introduction

In accordance with the Washington State Shoreline Management Act (SMA), local jurisdictions with “Shorelines of the State” are required to conduct a periodic review of their Shoreline Master Programs (SMPs) (WAC 173-26-090). The periodic review is intended to keep SMPs current with amendments to state laws, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

Shorelines of the State in the City of Lake Stevens (City) include Lake Stevens, Catherine Creek, and Little Pilchuck Creek. The City adopted its current SMP in 2013 (Ordinances No. 856 & 889). The SMP includes goals and policies, shoreline environment designations, and development regulations that guide the development and protection of these shorelines.

As a first step in the periodic review process, the current SMP was reviewed to better understand what aspects may require updates. The purpose of this SMP Update Report is to provide a summary of the review and inform updates to the SMP. The report is organized into the below sections according to the content of the review.

- **Section 2** identifies gaps in consistency with state laws, rules and implementation guidance. This analysis is based on the Washington State Department of Ecology (Ecology) Periodic Review Checklist.
- **Section 3** addresses critical areas regulations in shoreline jurisdiction. The City is in the process of updating its Critical Areas Ordinance (CAO), which applies to critical areas outside of shoreline jurisdiction, and expects to adopt an updated CAO later this year. The SMP, in Appendix B, contains its own distinct set of regulations that apply to critical areas within shoreline jurisdiction. Section 3 identifies gaps in consistency between the draft CAO (dated November 20, 2018) and SMA implementation.
- **Section 4** identifies gaps in consistency with the City’s Comprehensive Plan (adopted 2015) and with implementing City development regulations other than those in the CAO. Specifically, the review includes Lake Stevens Municipal Code (LSMC) Title 14, Land Use Code.
- **Section 5** identifies City staff-recommended amendments to consider as part of the SMP update.

Each section of this report presents findings in a table. Where potential revision actions are identified, they are classified as follows:

- **“Mandatory”** indicates revisions that are required for consistency with state laws.

- **“Recommended”** indicates revisions that would improve consistency with state laws, but are not strictly required.
- **“Optional”** indicates revisions that represent ways in which the City could elect to amend its SMP in accordance with state laws, but that are not required or recommended for consistency with state laws.

This document attempts to minimize the use of abbreviations; however, a select few are used to keep the document concise. These abbreviations are compiled below in Table 1-1.

Table 1-1. Abbreviations used in this document.

Abbreviation	Meaning
CAO	Critical Areas Ordinance
City	City of Lake Stevens
Ecology	Washington State Department of Ecology
FEMA	Federal Emergency Management Agency
LSMC	Lake Stevens Municipal Code
RCW	Revised Code of Washington
SMA	Shoreline Management Act
SMP	Shoreline Master Program
WAC	Washington Administrative Code

2. Consistency with Recent State Amendments

As noted above, this section identifies gaps in consistency with state laws, rules and implementation guidance. This analysis is based on a list of recent amendments as summarized by Ecology in its Periodic Review Checklist. A completed version of the Periodic Review Checklist is appended to this report (Attachment A).

Overall, few mandatory amendments are identified, with several more indicated as recommended or optional amendments. In general, the potential amendments identified in the Periodic Review Checklist are minor in nature. They primarily concern amendments to exemptions, definitions, and administrative procedures.

3. Consistency with Critical Areas Ordinance

The City is currently working towards adoption of an updated Critical Areas Ordinance later this year. The SMP currently contains a distinct set of critical areas regulations in Appendix B,

and does not adopt the City's CAO by reference. The City would like to retain this approach, using the updated CAO as the basis for developing an updated SMP Appendix B.

However, the updated CAO contains several provisions that are inconsistent with the SMA and require modification or elimination when developing the updated SMP Appendix B. Table 3-1 identifies the gaps in consistency between the updated CAO and SMA implementation that will need to be addressed when developing the updated Appendix B. For purposes of this SMP Update Report, the most recent version of the draft CAO (dated November 20, 2018) is reviewed.

Table 3-1. Summary of gaps in consistency with the updated CAO and SMA implementation.

No.	Topic	Review and Relevant Location(s)	Action
1	Code sections inconsistent with the SMA or Ecology guidance	Review: The updated CAO includes several code provisions that are inconsistent with the SMA or Ecology guidance and should be excluded from SMP Appendix B. Relevant Location(s): • Updated CAO - o LSMC 14.88.210(a)(1) & (3) - o LSMC 14.88.310 - o LSMC 14.88.320 - o LSMC 14.88.330 - o LSMC 14.88.330(f)	Mandatory: Exclude the following provisions of the updated CAO from SMP Appendix B: • LSMC 14.88.210(a)(1) & (3) (references to exemptions and reasonable use) • LSMC 14.88.310 (reasonable use) • LSMC 14.88.320 (reasonable use) • LSMC 14.88.330 (nonconforming activities) • LSMC 14.88.830(f) (wetland buffer reduction)
2	Definition of "Qualified Professional"	Review: The proposed update includes the addition of a definition for "Qualified Professional" in LSMC 14.08, as LSMC 14.88 does not include a distinct set of definitions. Relevant Location(s): • Updated CAO - o LSMC 14.88.100 Definitions (reference to LSMC 14.08 Definitions) • SMP - o Chapter 6 Definitions	Recommended: Add the new definition for "Qualified Professional" to SMP Chapter 6 Definitions to carry this definition over to the SMP.
3	Formatting and consistency	Review: The updated CAO includes internal references to other sections in LSMC 14.88, makes several references to the "Planning and Community Development Director," and	Recommended: Replace internal code references with appropriate references within the SMP and/or Appendix B. Replace references to the "Planning and Community Development Director" with references to the "Shoreline

No.	Topic	Review and Relevant Location(s)	Action
		makes references to zones/zoning. In many cases these references should be changed in order to adopt the updated CAO as the updated SMP Appendix B. Relevant Location(s): • Updated CAO - o Various locations	Administrator.” Replace references to zones or zoning with references to environment designations, where appropriate.
4	Applicability to critical areas within shoreline jurisdiction	Review: The updated CAO properly asserts its applicability to critical areas in Lake Stevens. In order to amend this document for adoption as SMP Appendix B, the sections on purpose and intent and applicability should be modified to clearly establish that the provisions of Appendix B apply to critical areas within shoreline jurisdiction. Relevant Location(s): • Updated CAO - o LSMC 14.88.010 - o LSMC 14.88.200	Recommended: Modify the text in LSMC 14.88.010 to clearly establish the goal of no net loss of acreage or function of shoreline critical areas. Modify the text in LSMC 14.88.200 to clarify that the provisions of SMP Appendix B apply to shoreline critical areas within Lake Stevens.
5	Geologically hazardous areas	Review: The updated CAO does not include certain SMA provisions for geologically hazardous areas in WAC 173-26-221. These provisions are included in Appendix B of the existing SMP. Relevant Location(s): • Existing SMP Appendix B - o 5.C(c) - o 5.C(d) • Updated CAO - o LSMC 14.88.620	Mandatory: Carry over existing SMP Appendix B regulations 5.C(c) and 5.C(d) to the updated CAO for consistency with WAC 173-26-221.
6	Wetland mitigation requirements	Review: The updated CAO does not include language requiring the submittal of a watershed plan if off-site wetland mitigation is proposed as indicated by WAC 173-26-201(2)(e)(ii)(B). This	Recommended: Add language from current SMP Appendix B (at 6.E(a)(1)) that states “A watershed plan must be submitted if off-site mitigation is proposed;” to the updated SMP Appendix B.

No.	Topic	Review and Relevant Location(s)	Action
		language is included in the existing SMP Appendix B. Relevant Location(s): • Existing SMP Appendix B o 6.E(a)(1) • Updated CAO o LSMC 14.88.840(a)(1)	
7	Buffers for Fish and Wildlife Habitat Conservation Areas	Review: The updated CAO does not include a preamble that exists in the existing SMP Appendix B that clarifies the applicability of shoreline buffers and Fish and Wildlife Habitat Conservation Areas buffers. Relevant Location(s): • Existing SMP Appendix B o Part 3 • Updated CAO o LSMC 14.88 Part IV	Recommended: Add preamble from existing SMP Appendix B Part 3 to updated CAO for clarity in SMP implementation.

4. Consistency with Comprehensive Plan and Other Development Regulations

Table 4-1 identifies gaps in consistency with the City's Comprehensive Plan and development regulations, including LSMC Title 14, Land Use Code. In general, cross-references and consistency between these documents could be strengthened to improve clarity and application of the SMP.

Table 4-1. Summary of gaps in consistency with LSMC Title 14, Land Use Code, and the Lake Stevens Comprehensive Plan.

No.	Topic	Review and Relevant Location(s)	Action
Comprehensive Plan			
1	Shoreline Element	Review: Under state law, the goals and policies of an SMP are considered an element of a jurisdiction's Comprehensive Plan. The Lake Stevens SMP indicates that its	Recommended: Consider explicitly indicating in the Comprehensive Plan that the policies in the SMP constitute the Shoreline Element of the City's Comprehensive Plan, perhaps during the next update of

No.	Topic	Review and Relevant Location(s)	Action
		policies constitute the Shoreline Element of the City's Comprehensive Plan. While the Environmental and Natural Resources Element of the Comprehensive Plan includes a discussion of the SMP, as well as a goal (4.2) and associated policies related to implementing the SMA; it does not explicitly establish the policies of the SMP as an element of the plan. Relevant Location(s): • Comprehensive Plan - o Chapter 4 • SMP - o 3.B.1.c	the Comprehensive Plan. Alternatively, consider incorporating the policies of the SMP into a new Shoreline Element of the Comprehensive Plan, perhaps during the next update of the Comprehensive Plan.
Development Regulations			
2	Permit filing procedures	Review: Title 14 Land Use Code, indicates that the shoreline permit appeal comment period is 21 days from the date of receipt, as defined in RCW 90.58.180. Section 2 of this report recommends updating the SMP to reference the date of filing, as defined by RCW 90.58.140(6), in accordance with legislative updates made since adoption of the SMP. The associated language in Title 14 should also be updated. Relevant Location(s): • LSMC - o 14.16B.710(h) - o 14.16B.720(b)	Mandatory: Update LSMC 14.16B for consistency with legislative amendments.
3	Definitions	Review: The relationship between the definitions in LSMC 14.08.010 and SMP Chapter 6 could be made more explicit. Relevant Location(s): • LSMC	Recommended: Consider introducing SMP Chapter 6 with the following text or similar: "Unless otherwise defined in this chapter, the definitions provided in LSMC 14.08.010 shall apply. If there is a conflict, the definitions in this chapter shall govern."

No.	Topic	Review and Relevant Location(s)	Action
		- o 14.08.010 Definitions • SMP - o Chapter 6 Definitions	

5. Staff-recommended Amendments

City planning staff have proposed several amendments to the SMP. Table 5-1 discusses the more significant amendments. Other minor staff-recommended amendments are not included in the table.

Table 5-1. Staff recommendations.

No.	Topic	Review and Relevant Location(s)	Action
1	Shoreline environment designations	Review: The SMP includes tables of parcel numbers to indicate the extents of shoreline environment designations. These tables are not required. The City can rely solely on maps to indicate shoreline environment designation boundaries. City staff have also noted that the shoreline environment designation maps will need to be updated based on the Downtown Plan and pending Rhodora annexation. Relevant Location(s): • SMP - o Chapter 2 - o Appendix A	Recommended: Remove parcel number tables from the SMP. Update shoreline environment designation maps to address the Downtown Plan and pending Rhodora annexation.
2	Shoreline stabilization	Review: Shoreline stabilization section could better distinguish maintenance versus replacement of shoreline stabilization and related regulations. Additional flexibility for replacing bulkheads should be considered if consistent with the SMA. Section should be reviewed for overall consistency with WAC 173-26-231. Relevant Location(s): • SMP	Recommended: Revise shoreline stabilization provisions to clarify what constitutes maintenance and what constitutes replacement, and what regulations are applicable. Provide more flexible approaches for replacing bulkheads if consistent with the SMA. Review the shoreline stabilization section for overall consistency with WAC 173-26-231 and revise as needed.

No.	Topic	Review and Relevant Location(s)	Action
		o 4.C.2	
3	Development standards for new docks	Review: City staff have noted inconsistencies between the text and the figures that are included in the SMP Chapter 4. Relevant Location(s): • SMP - o 4.C.3.c.24.c - o 4.C.3.d.24.i	Recommended: Update the text and figures in SMP Chapter 4 for consistency with each other.
4	Stormwater manual	Review: Chapter 5 of the SMP contains a reference to the 2005 Stormwater Manual, as amended. This manual has been updated since the adoption of the SMP. Relevant Location(s): • SMP - o 5.C.8.c.3.b	Recommended: Update section to reference the 2012 Stormwater Management Manual for Western Washington, as amended in 2014.
5	Waterfront deck or patio provisions	Review: SMP could be simpler if sections related to residential decks and patios were combined. Relevant Location(s): • SMP - o 5.C.8.c.3.d & e	Recommended: Combine sections 5.C.8.c.3.d and 5.C.8.c.3.e for increased simplicity and clarity.
6	Nonconforming overwater structures	Review: Current regulations tend to preserve the existing configurations of nonconforming structures, even when alternative configurations might be preferable for both the applicant and the environment. Consider opportunities for more flexibility with regards to nonconforming overwater structures if consistent with the SMA. Relevant Location(s): • SMP - o 4.C.3	Recommended: Amend overwater structures regulations to provide more flexibility as applied to nonconforming structures if consistent with the SMA.

No.	Topic	Review and Relevant Location(s)	Action
7	Repair and replacement of piers/docks	Review: SMP currently has separate sections for replacement or repair of existing piers/docks. Relevant Location(s): • SMP - o 4.C.3.c.25 & 28-32	Recommended: Consider integrating pier/dock repair and replacement sections for consistency and clarity.
8	Existing uses	Review: Existing Structures and Development section of Chapter 7 includes provisions related to existing uses, which would be more appropriately located in the Nonconforming Uses and Lots section. Relevant Location(s): • SMP - o 7.G & H	Recommended: Relocate provisions related to existing uses from the Existing Structures and Development section of Chapter 7 to the Nonconforming Uses and Lots section.
9	Residential shoreline access	Review: SMP lacks specifics regarding access paths for shoreline residences. Relevant Location(s): • SMP - o 5.C.8.	Recommended: In the Residential Development section of Chapter 5, add language specifying the allowance for access paths for shoreline residences and associated standards. Ensure the standards allow for ADA access when needed.
10	Residential landscaping	Review: SMP lacks specificity regarding allowances for common types of residential landscaping work. Relevant Location(s): • SMP - o 5.C.8.	Recommended: In the Residential Development section of Chapter 5, add language clarifying allowed landscaping work, such as grading and landscape walls.
11	Maintenance of residential development	Review: Management policies for the Shoreline Residential environment do not currently mention maintenance. Relevant Location(s): • SMP - o 2.C.4.c	Recommended: Clarify the allowance for maintenance in the management policies for the Shoreline Residential environment.

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

Introduction

This document is intended for use by counties, cities and towns conducting the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the Shoreline Management Act (SMA) at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See Section 2 of Ecology’s *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

At the beginning: Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

At the end: Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	SMP includes references to previous cost thresholds of \$5,000 (at 7.C.1.a.) and \$5,718 (at 1.E.1).	Mandatory: Update cost thresholds. Recommended: Consider indicating that cost thresholds are periodically amended if not already indicated.
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	Definitions of “Development” (at 1.E.1 and SMP Chapter 6) do not clarify that removing structures does not constitute “development.”	Recommended: Modify the definitions of “Development” to be consistent with Ecology’s example definition .
c.	Ecology adopted rules that clarify exceptions to local review under the SMA.	SMP does not address these exceptions.	Recommended: Add these exceptions to SMP Chapter 7.
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	Filing with Ecology generally addressed in SMP (at 7.B.6 and 7.B.7). SMP includes obsolete reference to “date of receipt” rather than “date of filing” (at 7.C.4).	Mandatory: Update filing procedures language for consistency with current requirements. Recommended: Use Ecology example language to ensure consistency and clarity.
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	The City does not have extensive forestry within its shoreline jurisdiction.	No changes needed.
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	The City does not have any lands within its shoreline exclusively under federal jurisdiction.	No changes needed.
g.	Ecology clarified “default” provisions for nonconforming uses and development.	The SMP contains its own provisions regarding nonconforming uses and development. Chapter 6 includes a definition of “Nonconforming development,” but does not include definitions of	No changes needed. Recommended: Update definition for “nonconforming development,” and add definitions for “nonconforming use” and “nonconforming lot” according to Ecology’s example language.

Row	Summary of change	Review	Action
		"Nonconforming use" and "Nonconforming lot."	
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	SMP does not describe the scope and process for conducting periodic reviews.	No changes needed. Scope and process for conducting periodic reviews not required to be included in SMP. Optional: Modify the language in SMP Chapter 1 regarding periodic review of the SMP.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	Neither the SMP (at 7.J) nor the Lake Stevens Municipal Code contain specific amendment process requirements.	No changes needed. SMP amendments process not required to be included in SMP.
j.	Submittal to Ecology of proposed SMP amendments.	The SMP (at 7.J) does not contain specific amendment process requirements.	No changes needed. SMP amendments submittal process not required to be included in SMP.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	SMP (at 7.C.1.) refers to WAC 173-27-040 for exemptions and includes a description (in whole or in part) of the exemptions. This exemption is not listed.	Recommended: Amend the SMP (at 7.C.1) to list this exemption.
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Draft CAO to be included as SMP Appendix B contains this requirement (at LSMC 14.88.805(b)).	Mandatory: Include draft CAO as SMP Appendix B, modified as necessary for SMA compatibility.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	City not likely to have any WSDOT projects subject to the SMP.	No changes needed.
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	SMP (at 1.E.1. and 7.C.1.h.) does not include the raised cost threshold for replacement docks.	Mandatory: Update the language in SMP (at 1.E.1. and 7.C.1.h.) to reflect the pertinent WAC (173-27-040(2)(h)).

Row	Summary of change	Review	Action
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Not applicable. The City does not have any floating on-water residences, nor does the SMP allow them.	No changes needed.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	SMP does not contain specific steps or language for appealing amendments.	No changes needed. SMP appeals procedures are not required to be included in SMP.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	Draft CAO to be included as SMP Appendix B contains this requirement (at LSMC 14.88.805(a)). Definitions of "Hydric soil" and "Wetland or wetlands" in SMP Chapter 6 refer to outdated delineation manual.	Mandatory: Include draft CAO as SMP Appendix B, modified as necessary for SMA compatibility. Update the Definitions of "Hydric soil" and "Wetland or wetlands" in SMP Chapter 6.
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Not applicable. The City has no saltwater shorelines.	No changes needed.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Not applicable. The City does not have any floating on-water residences, nor does the SMP allow them.	No changes needed.
d.	The Legislature authorized a new option to classify existing structures as conforming .	The SMP (at 7.G.) classifies existing structures as conforming.	No changes needed.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications .	The SMP does not address the effective date of SMP amendments. The SMP contains a distinct set of critical areas regulations in Appendix B, eliminating the issue of overlapping critical areas regulations. Further related review is provided in Section 3 of this SMP Update Report.	Mandatory: Include draft CAO as SMP Appendix B, modified as necessary for SMA compatibility.
2009			
a.	The Legislature created new "relief" procedures for instances	The SMP (at 3.B.1.c.6.) references relief procedures	Recommended: Consider updating SMP using Ecology's

Row	Summary of change	Review	Action
	in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	for shifts in the OHWM due to shoreline restoration projects via reference to HB 2199.	example language, which includes reference to the criteria and procedures in WAC 173-27-215.
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Use of certified mitigation banks is allowed in the SMP (at 3.B.4.c.5.) and the draft CAO to be included as SMP Appendix B (at LSMC 14.88.840(a)(5)).	No changes needed (pertinent language in draft CAO is essentially the same as existing CAO).
c.	The Legislature added moratoria authority and procedures to the SMA.	The SMP does not address moratoria authority and procedures.	No changes needed. City can rely on statute for moratoria authority and procedures.
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	The definition of "Floodway" in SMP Chapter 6 is not fully consistent with Ecology guidance.	Mandatory: Update "Floodway" definition to be consistent with one of the two options set forth by the Legislature. Recommended: Update definition with Ecology's suggested definition for using FEMA maps to establish the floodway.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	List included in SMP (at 1.D.1.). Map included in SMP (Appendix A).	No changes needed.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	SMP (at 7.C.1.) refers to WAC 173-27-040 for exemptions and includes a description (in whole or in part) of the exemptions. The exemption for fish habitat enhancement projects is included (at 7.C.1.p.).	No changes needed. Recommended: Consider updating the exemption language in SMP (at 7.C.1.p.) with Ecology's example language, which includes reference to the criteria in RCW 77.55.181.

Attachment B

Lake Stevens 2013 Shoreline Master Program

ECOLOGY APPROVED – May 31, 2013

(Effective Date: June 14, 2013)

Amended 2019

Prepared by:



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through a grant from the
Washington Department of
Ecology.

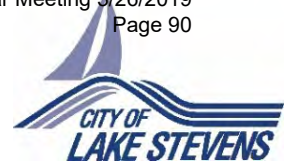


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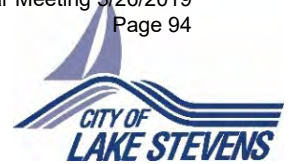
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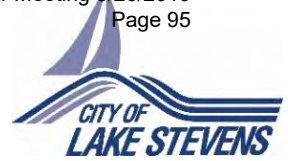
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CHAPTER 1

Introduction to the SMP

The Shoreline Master Program Update (SMP) replaces the 1974 Shoreline Master Program. This document regulates new, repaired, replaced and modified shoreline uses and development. Shoreline uses and structures legally existing at the time of adoption of the SMP are not affected by the new regulations. If a use or structure does not meet all the new regulations, it is considered an existing use or development and conforming to the SMP. Existing uses and structures may be maintained, repaired and replaced without meeting all new regulations pursuant to Chapter 7, Section G. However, some restrictions may occur based on the existing conditions of a site, the type of proposed action, or whether a use or structure was legally created.

Lake Stevens is an urban lake with the main land use on the shore of single-family residential. The City's vision is to retain the residential use around the lake. The SMP does not modify the existing land use and will not be used to remove existing single-family homes. The SMP provides a guide for future uses and development on the lake whether new or existing to retain the current character and ecological functions of the lake and shoreline. Structures or uses not legally permitted could be required to be removed or brought into compliance with new regulations if a change to the structure or use is requested.

The conclusion of the Cumulative Impacts Analysis is that implementation of this SMP is anticipated to achieve no net loss of ecological functions in the City of Lake Stevens' shorelines. Therefore, development and uses meeting the provisions of this SMP are expected to achieve no net loss of ecological functions when cumulatively viewed across the City's entire shoreline.

In implementation of the SMP, the terms "shall," "must," and "are required" and the imperative voice, mean a mandate; the action is required; the term "should" means that the particular action is required unless there is a demonstrated, compelling reason, based on a policy of the Shoreline Management Act and this chapter, for not taking the action; and the term "may" indicates that the action is within discretion and authority, provided it satisfies all other provisions in this chapter. (WAC 173-26-191(2))

A. What is the Shoreline Master Program?

The City of Lake Stevens Shoreline Master Program (SMP) is a planning document that outlines goals and policies for the shorelines of the City, and also establishes regulations for development occurring within shoreline jurisdiction.

1. Applicable Documents

The Shoreline Master Program includes the SMP and related documents. The following documents are considered part of the SMP:

- Shoreline Master Program (SMP);
- Shoreline Environment Designations Map (Appendix A); and
- Critical Areas Regulations Within Shoreline Jurisdiction (Appendix B).



2. Related Documents

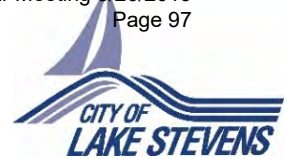
There are many documents adopted by the City of Lake Stevens that are not a part of the SMP but should be consulted when developing or making a land use action within shoreline jurisdiction. The SMP is the document regulating properties within shoreline jurisdiction, however, more general development regulations on the overall project application process, drainage requirements, roads, etc., are found in the Lake Stevens Municipal Code or adopted plans, policies, or programs. If there is a conflict between the SMP and a related document, the more restrictive requirements should be followed.

The following list of related documents is not exhaustive, but a guide to the users of the SMP:

- Shoreline Analysis Report for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek and Little Pilchuck Creek (The Watershed Company and Makers 2010)
- Cumulative Impacts Analysis for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek and Little Pilchuck Creek (The Watershed Company and Makers 2011)
- Shoreline Restoration Plan for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek and Little Pilchuck Creek (The Watershed Company and Makers 2010)
- No Net Loss Report (The Watershed Company and Makers 2011)
- City of Lake Stevens Comprehensive Plan (Adopted July 2006, as amended)
- Title 14 of the Lake Stevens Municipal Code, in particular, the following topics:
 - Administration and Procedures
 - Types of Land Use Review
 - Land Use Actions, Permits and Determinations – Decision Criteria and Standards
 - Density and Dimensional Regulations
 - Streets and Sidewalks
 - Utilities
 - Parking
 - Screening and Trees
 - Floodways, Floodplains, Drainage and Erosion
 - Signs
 - Building and Construction
 - Fire Code
- City's Lake Level Management Plan
- City's Surface Water Management Program
- City's Stormwater Management Plan
- National Flood Insurance Program and adopted Flood Insurance Rate Maps

B. History of the SMA

In 1969, the Washington State Supreme Court decided in the case of *Wilbour v. Gallagher* (77 Wn.2d 306), commonly known as the "Lake Chelan Case," that certain activities along shorelines were contrary to the public interest. The court findings required that the public interest be



represented in the proper forum for determining the use of shoreline properties. The ramifications of this decision were significant in that developers, environmentalists, and other interested parties began to recognize—although probably for different reasons—the need for a comprehensive planning and regulatory program for shorelines.

Wilbour v. Gallagher was a case primarily involving navigable waters. It was decided at a time of heightened environmental awareness. At the same time, Congress was considering environmental legislation and subsequently passed a number of laws relating to protection of the environment including the National Environmental Policy Act (1969) and the Coastal Zone Management Act (1972). Voters of the state, seeing the failure of the Seacoast Management Bill in the state legislature, validated an initiative petition commonly titled the "Shoreline Protection Act." The state legislature, choosing between adoption of the people's initiative petition or its own alternative, passed into law the "Shoreline Management Act of 1971" (SMA) effective June 1, 1971, which contained the provision for both statutes to be deferred to the electorate in the November 1972 election. The election issue required that voters respond to two questions: (1) Did they favor shoreline management? and (2) Which alternative management program did they prefer? Most Washington voters favored both shoreline management and the legislature's alternative (providing greater local control), by an approximately 2-to-1 margin. It is important to keep in mind that the SMA was a response to a people's initiative and was ratified by the voters, giving the SMA a populist foundation as well as an environmental justification.

The SMA's paramount objectives are to protect and restore the valuable natural resources that shorelines represent and to plan for and foster all "reasonable and appropriate uses" that are dependent upon a waterfront location or that offer opportunities for the public to enjoy the state's shorelines. With this clear mandate, the SMA established a planning and regulatory program to be initiated at the local level under State guidance.

This cooperative effort balances local and state-wide interests in the management and development of shoreline areas by requiring local governments to plan (via shoreline master programs) and regulate (via permits) shoreline development within SMA jurisdiction. (See "Geographic Applications of the SMA" below.) Local government actions are monitored by the Washington Department of Ecology (Ecology), which approves new or amended shoreline master programs (SMPs), reviews substantial development permits, and approves conditional use permits and variances.

After the SMA's passage in 1971, Ecology adopted Chapter 173-18 WAC to serve as a standard for the implementation of the SMA and to provide direction to local governments and Ecology in preparing SMPs. Two hundred forty-seven cities and counties have prepared SMPs based on that WAC chapter. Over the years, local governments, with the help of Ecology, developed a set of practices and methodologies, the best of which were collected and described in the 1994 *Shoreline Management Guidebook*.

In 1995, the state legislature passed Engrossed Substitute House Bill 1724, which included several statutory amendments to better integrate the Growth Management Act (GMA), the Shoreline Management Act, and the State Environmental Policy Act (SEPA). The bill also directed Ecology to review and update the state SMA guidelines every five years. In response, Ecology undertook a primarily in-house process to prepare a new WAC chapter (also referred to in this *SMP* as the "Guidelines"). After meeting with a series of advisory committees and producing a number of



informal drafts, Ecology formally proposed a new WAC rule for the SMA in April 1999. Subsequently, in 2003, the Legislature further clarified the integration of the SMA and GMA.

The rule was appealed and then-Governor Gary Locke and former Attorney General Christine Gregoire cosponsored a year-long mediation effort in 2002 that culminated in a third draft, which was issued for public comment in July 2002. That proposal had the endorsement of the Association of Washington Business, the Washington Aggregates & Concrete Association, the Washington Environmental Council (WEC) and other environmental organizations – all of whom were parties to the lawsuit.

Ecology received about 300 comments on the version proposed in 2003. Seventeen changes were made in response to those comments, to clarify language and to delete obsolete or duplicative references. The final version was adopted December 17, 2003.

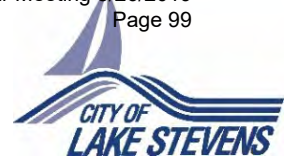
The City adopted Snohomish County's Shoreline Master Program in 1974 and has not subsequently updated the document other than minor revisions to the administrative provisions found separately in Chapter 14.92 (Shoreline Management) of the Lake Stevens Municipal Code (LSMC). The City's Comprehensive Plan (Critical Areas Element) contains a few shoreline goals and policies. Regulations applicable to critical areas which are located within shoreline jurisdiction underwent a comprehensive update in 2008, consistent with Growth Management Act requirements for use of "best available science." In those regulations, the City specified a stream shoreline buffer of 150 feet, applicable to Catherine Creek and Little Pilchuck Creek.

Most of the uses, developments, and activities regulated under the Critical Areas Regulations are also subject to the City's Comprehensive Plan, the Lake Stevens Municipal Code, the International Building Code, and various other provisions of City, state and federal laws. Any applicant must comply with all applicable laws prior to commencing any use, development, or activity. Lake Stevens will ensure consistency between the SMP and other City codes, plans and programs by reviewing each for consistency during periodic updates of the City's Comprehensive Plan as required by State statute.

C. Implementation of the SMA

RCW 90.58.020 clearly states how the Shoreline Management Act shall be implemented in the following statement:

"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and



local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long term over short term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline;
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of 'shorelines of the state' shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."



D. Geographic Applications of the SMA

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated “shorelands.” At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. RCW 90.58.030(2)(d) defines shorelands as:

“[T]hose lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter the same to be designated as to location by the department of ecology.

- (i) Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.*
- (ii) Any city or county may also include in its master program land necessary for buffers for critical areas as defined in Chapter 36.70A RCW, that occur within shorelines of the state.”*

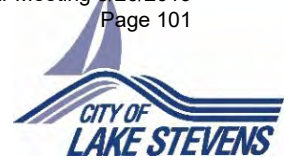
In addition, rivers with a mean annual cfs of 1,000 or more are considered shorelines of statewide significance.

The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high-water mark (OHWM), floodway, and presence of associated wetlands.

Lake Stevens is 1,014 acres and is therefore included in a classification of unique shorelines known as Shorelines of Statewide Significance. The City’s shoreline planning area has grown extensively due to multiple annexations around Lake Stevens, and eastward to also encompass the shorelines of Catherine Creek and Little Pilchuck Creek. The 20 cfs cutoff point for Catherine Creek is located at Hartford Drive NE in the City limits. The 20 cfs cutoff point for Little Pilchuck Creek is some distance upstream of the City and the UGA, and wanders in and out of the UGA along the eastern City boundary. Careful consideration of the hydrologic associations of known wetlands around Lake Stevens also resulted in significant expansions of shoreline jurisdiction from what had previously been understood.

1. Applicable Area

The City of Lake Stevens and its Urban Growth Area (UGA) is located in Snohomish County, WA. The City is bordered nearly on all sides by unincorporated Snohomish County jurisdiction, with a small shared border with Marysville along the northwest portion of the City. The City of Everett is located generally west and the City of Snohomish is located to the south. All of Lake Stevens is in the City’s shoreline jurisdiction, either in City limits or the UGA. Catherine Creek is likewise split between City limits and the UGA, while Little



Pilchuck Creek is entirely within the UGA. The City encompasses approximately 9 square miles. The Shoreline Environment Designation Map in Appendix A identifies the areas known to be within shoreline jurisdiction; additional areas may be determined on a site-specific basis if there are associated wetlands with a connection to the shoreline. The total area subject to the City's updated SMP, not including aquatic area, is approximately 362 acres (0.57 square mile), and encompasses approximately 9.2 miles of shoreline. (See Appendix A)

E. How the Shoreline Master Program is Used

The City of Lake Stevens Shoreline Master Program is a planning document that outlines goals and policies for the shorelines of the City, and also establishes regulations for development occurring within shoreline jurisdiction.

In order to preserve and enhance the shorelines of the City of Lake Stevens, it is important that all development proposals relating to the shoreline are evaluated in terms of the City's Shoreline Master Program, and the City Shoreline Administrator is consulted. The Shoreline Administrator for the City of Lake Stevens is the Planning Director or his/her designee.

The Shoreline Management Act (SMA) defines for local jurisdictions the content and goals that should be represented in the Shoreline Master Programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community. Pursuant to the Guidelines, shorelines of the state that meet the criteria established in WAC 173-26-211 are given a shoreline environment designation. The purpose of the shoreline designation system is to ensure that land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and that consideration is given to the special requirements of that environment.

The Lake Stevens Shoreline Master Program addresses a broad range of uses that could be proposed in the shoreline area. This breadth is intended to ensure that the Lake Stevens shoreline area is protected from activities and uses that, if unmonitored, could be developed inappropriately and could cause damage to the ecological system of the shoreline, displace "preferred uses" as identified in Chapter 90.58 RCW, or cause the degradation of shoreline aesthetic values. The Lake Stevens Shoreline Master Program provides the regulatory parameters within which development may occur. In addition, it identifies those uses deemed unacceptable within Lake Stevens shoreline jurisdiction, as well as those uses which may be considered through a discretionary permit such as a Conditional Use Permit or Shoreline Variance.

Policies are used to: (1) develop regulations and standards, and (2) provide guidance and clarity where there is question or uncertainty about how to apply a specific regulation.

1. When Is a Permit Required?

A Shoreline Substantial Development Permit is required when a development or activity meets the definition of "substantial development" contained within Chapter 6 of this SMP. Substantial development is discussed in more detail in Chapter 7 Section C of this SMP. A development or activity is exempt if it meets the criteria listed in WAC 173-27-040. Some development may require a Shoreline Conditional Use Permit, if listed as such in the Use



Tables contained in Chapter 5 Section B of this SMP; or a Shoreline Variance. Shoreline Conditional Use Permits and Shoreline Variances are discussed in more detail in Chapter 7 Sections D and E, respectively. However, ALL new development, uses, and activities must comply with the policies and regulations set forth in the City of Lake Stevens Shoreline Master Program, including those developments, uses, and activities that are exempt from permits. Review under the State Environmental Policy Act (SEPA) may also be required.

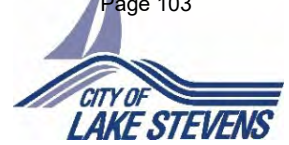
“Development,” is defined by the Shoreline Management Act of 1971 as:

A use consisting of the construction or exterior alteration of structures; dredging, drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level. “Development” does not include dismantling or removing structures if there is no other associated development or redevelopment (RCW 90.58.030(3)(a) WAC 173-27-030(6)).

Projects that are identified as “developments,” but not “substantial developments,” do not require a Shoreline Substantial Development Permit; however, they must still comply with all applicable regulations in the City’s Shoreline Master Program, including Appendix B - Critical Areas Regulations Within Shoreline Jurisdiction. In addition, some developments may require a Shoreline Conditional Use Permit or Shoreline Variance from the Shoreline Master Program’s provisions, although they do not meet the definition of “substantial development.”

“Substantial development” is any “development” where the total cost or fair market value exceeds ~~five-seven~~ thousand ~~seven-hundred-eighteen~~~~forty-seven~~ dollars (\$~~5,7187,047~~), as adjusted for inflation by the Office of Financial Management every five years, or any development that materially interferes with the normal public use of the water or shorelines of the state. The ~~five-seven~~ thousand ~~seven-hundred-eighteen~~~~forty-seven~~ dollar (\$~~5,7187,047~~) threshold will be adjusted for inflation by the ~~O~~ffice of ~~F~~inancial ~~M~~anagement every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple family residences is not considered a substantial development if the fair market value of the dock does not exceed: (A) twenty thousand dollars for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or (B) ten thousand dollars for all other docks. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purposes of this-. A dock is not considered substantial development if the fair market value of the dock does not exceed ten thousand dollars (\$10,000), as adjusted for inflation by the Office of Financial Management every five years. If subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development.

Under the Shoreline Management Act, some types of development are exempt from the requirement to apply for and receive a permit before beginning work per RCW



90.58.030(3)(e). A complete list of developments and uses that are not considered “substantial development” as per WAC 173-27-040, is included at Chapter 7 Section C.1.

2. The Permit Process

The Shoreline Administrator can help determine if a project is classified as a substantial development, determine if a permit is necessary or if a project is exempt from permit requirements, and identify which regulations in the SMP may apply to the proposed project. The Administrator can also provide information on the permit application process and how the SMP process relates to, and can coordinate with, the State Environmental Policy Act (SEPA) process.

3. The Shoreline Permits

There are three types of permits: the Shoreline Substantial Development Permit, the Shoreline Conditional Use Permit, and the Shoreline Variance. All of these permits use the same application form; however, they are processed slightly differently and have different criteria for approval. Shoreline Exemptions require City review to determine whether the proposal is indeed exempt from shoreline permits, and whether the proposal meets the policies and regulations of the Shoreline Master Program. Requests for Shoreline Exemption are made on a separate application form.

Requests for a Shoreline Exemption and Shoreline Substantial Development Permit are reviewed by the Shoreline Administrator. Requests for a Shoreline Variance or Shoreline Conditional Use Permit require review by the City of Lake Stevens Hearing Examiner. There may be instances where a Shoreline Conditional Use Permit or Shoreline Variance may be approved without the need for a Shoreline Substantial Development Permit. The Hearing Examiner will hold a public hearing on the proposal and approve, approve with conditions, or deny the application. The Hearing Examiner’s decision is final, unless an appeal is filed pursuant to the procedures described in Chapter 7 Section C.4. Requests for Shoreline Conditional Use Permits and Shoreline Variances require final approval by DOE.

A map of the shoreline jurisdiction is presented in Appendix A and descriptions of the various shoreline designations are presented in Chapter 2 of this SMP.

4. Relationship of this Shoreline Master Program to Other Plans

In addition to compliance with the provisions of the Shoreline Management Act of 1971, the Lake Stevens Shoreline Master Program (SMP) must be mutually consistent with local plans and policy documents, specifically, the Lake Stevens Comprehensive Plan and the Lake Stevens Municipal Code. The Lake Stevens SMP must also be mutually consistent with the regulations developed by the City to implement its plans, such as the zoning code and subdivision code, as well as building construction and safety requirements.

Submitting an application for a shoreline development, use, or activity does not exempt an applicant from complying with any other local, county, state, regional, or federal statutes or regulations, which may also be applicable to such development or use.



F. Public Process for SMP Adoption

The City of Lake Stevens involved the public and solicited feedback throughout the update process of this Shoreline Master Program. The City notified and solicited input from all relevant organizations and agencies at the beginning and throughout the local adoption process of the SMP update.

1. Shoreline Citizen Advisory Committee (CAC)

City staff and consultants worked closely with a Shoreline Citizen Advisory Committee throughout the update process. The CAC included seven Lake Stevens residents (City Council Representative, Planning Commission Representative, two Park Board Members, two shoreline property owners and one non-shoreline resident). Six meetings were held from March to December 2010. The CAC provide in-depth and structured input on draft policies and regulations, assisted in the outreach to various constituencies and interest groups, and helped to ensure that a broad spectrum of interests and considerations were incorporated into the SMP update.

2. Early Public Review

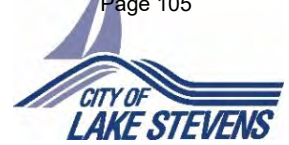
The City held a total of three public open houses during the writing phase of the SMP to solicit public input. For each open house, approximately 380 shoreline property owners and other property owners within shoreline jurisdiction were invited by a mailed postcard. The meetings were also advertised in the Lake Stevens Journal and/or Everett Herald. Each open house consisted of opportunities to talk with staff and consultants about proposed updates to the SMP, a presentation reviewing the SMP update and proposed changes, and opportunities to provide written feedback.

- Open House #1 (April 15, 2010) - ~70 people attended to provide meaningful feedback through a brainstorming exercise and by filling out questionnaires.
- Open House #2 (June 24, 2010) - ~24 people attended to provide feedback on a questionnaire.
- Open House #3 (November 18, 2010) - ~13 people attended to provide comments on the proposed SMP.

3. Local Adoption Process

The local adoption process began on April 4, 2011 with submittal of draft documents to the Washington Department of Commerce for the required 60-day review and ended with adoption of a resolution by the City Council on November 28, 2011 for approval of the final draft Shoreline Master Program documents and direction to staff to forward them to the Washington Department of Ecology for formal review and approval.

The City received numerous phone calls, emails and office visits from residents and property owners after sending the notice of the public hearings and during the public hearing process. Formal written submittals are included in the Responsiveness Summary. Public testimony from the Council Hearings is included in the General Testimony reports.



A summary of the local adoption process is provided below:

- April 5, 2011 – Draft Shoreline Master Program and associated documents submitted to Washington Department of Commerce for 60-day review of Comprehensive Plan amendments and Development Regulations, including SMP documents.
- April 12, 2011 – Postcard notice for the SEPA Determination of Non-Significance and Public Meetings mailed to 2,080 shoreline property owners or within 300 feet.
- April 13, 2011 – Notice of Planning Commission Public Hearing on May 4 published in Lake Stevens Journal.
- April 15, 2011 – Issued SEPA Determination of Non-Significance (DNS) and published in the Everett Herald.
- April 19, 2011 – Final Draft Shoreline Master Program documents completed.
- April 20, 2011 – Notice of Planning Commission Public Hearing on May 4 published in Lake Stevens Journal. Final documents uploaded to City of Lake Stevens website.
- April 29, 2011 – Comment period ends for SEPA DNS.
- May 4, 2011 – Planning Commission Public Hearing on the SMP documents. Attendance: 25.
- May 4 & 11, 2011 – Notice of City Council Public Hearings on May 23 and June 13 published in Lake Stevens Journal.
- May 6, 2011 – Appeal period ends for SEPA DNS.
- May 11, 2011 – Notice of City Council Public Hearings on May 23 and June 13 published in Lake Stevens Journal.
- May 18, 2011 – Continuation of Planning Commission Public Hearing on the SMP documents and code amendments, and recommendation to City Council. Attendance: 9.
- May 23, 2011 – City Council Public Hearing and First Reading of Resolution to adopt Final Draft SMP documents. Attendance: 61.
- May 31, 2011 – City Council Workshop. Attendance: 60.
- June 6, 2011 – City Council Workshop with Ecology, Fish & Wildlife, and Consultants. Attendance: 33.
- June 6, 2011 – 60-day Washington Department of Commerce review complete.
- June 13, 2011 – City Council Public Hearing and Second Reading of Resolution to adopt Final Draft SMP documents. Attendance: 71.
- July 11, 2011 – City Council Public Hearing and Third & Final Reading of Resolution to adopt Final Draft SMP documents. Attendance: 28. Council Subcommittee designated to meet with citizen group and their representatives.



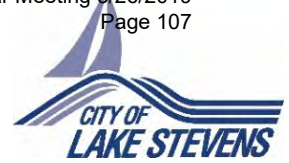
- August 16, 2011 – Council Subcommittee Meeting #1 with staff and citizen group and their representatives met to discuss the major topics. Decision to propose supplemental work program to Council. Attendance: 11.
- September 12, 2011 – City Council adopts Supplemental Work Program for staff and consultants to research major issues and report back to Council Subcommittee.
- October 27, 2011 – Council Subcommittee Meeting #2 with staff and citizen group and their representatives.
- October 31, 2011 – Council Subcommittee Meeting #3 with staff and citizen group and their representatives.
- November 14, 2011 – City Council Workshop to discuss Subcommittee recommendations and other proposed revisions to the proposed SMP. Ecology was present to answer Council questions.
- November 17, 2011 – Council Subcommittee Meeting #4 with staff and citizen group and their representatives.
- November 21, 2011 – Fourth Public Hearing and Adoption. Attendance: ~30.
- November 28, 2011 – Fifth and Final Public Hearing and Adoption of Final Draft SMP and associated documents and direction to staff to forward them to the Washington Department of Ecology for formal review and approval. Attendance: ~32.
- December 9, 2011 – Submittal of City Council Approved Final Draft for Ecology Review SMP documents to the Washington Department of Ecology for formal review and approval.

4. Ecology's Final Review and Adoption Process

Ecology's final review and adoption process began with the submittal of City Council approved Final Draft Shoreline Master Program and associated documents.

A summary of Ecology's final review adoption process is provided below:

- February 27, 2012 – SMP amendment package verified as complete by Ecology.
- April 10, 2012 – Notice of the state comment period distributed to state interested parties as well as local interested parties identified by the City.
- April 19, 2011 – Ecology public hearing to solicit input on the City proposed amendments.
- April 19 to May 21, 2012 – State comment period. Eleven individuals or organizations provided either formal testimony at the public hearing or submitted written comments.
- January 4, 2013 – Washington Department of Ecology Letter of Conditional Approval to City.



- January 4 to February 4, 2013 – ~~Thirty~~ 30-day period for City response to Conditional Approval.
- January 28, 2013 – City request for extension to the 30-day response until April 30, 2013.
- April 30, 2013 – City response to Conditional Approval agreeing to most of Ecology's recommended changes, proposing alternative language for two required changes, and proposing eight additional minor clarifications.
- May 31, 2013 – Final Ecology approval of the City of Lake Stevens Shoreline Master Program Comprehensive Update.
- June 14, 2013 – Effective date of approved Shoreline Master Program.

G. Periodic Review

As indicated above, the City adopted a comprehensively updated SMP in 2013.

In accordance with the Shoreline Management Act, local jurisdictions with shorelines of the state are required to conduct a periodic review of their SMPs (WAC 173-26-090). The periodic review is intended to keep SMPs current with amendments to state laws, changes to local plans and regulations, changes in local circumstances, and new or improved data and information.

The periodic review of the City's SMP began in 2018 and was completed in 2019. The City used the optional SMP amendment process that allows for a shared local/state public comment period for efficiency. A summary of the public process for the periodic review is provided below.

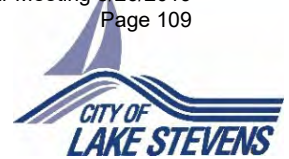
1. Public Process for Periodic Review

- November 20, 2018 – Notice of project and December 5 open house posted on City website and published in Lake Stevens Journal.
- November 29, 2018 – Notice of project and December 5 open house emailed to stakeholder groups.
- November 26, 2018 to January 10, 2019 – Online SMP public survey. Responses: 20.
- December 5, 2018 – Open house #1. Attendance: 2.
- December 17, 2018 – Notice of project and January 9 open house posted on City website and published in Lake Stevens Journal.
- December 20, 2018 and January 3, 2019 – Postcard notice for the project and January 9 open house mailed to 708 shoreline property owners.
- January 9, 2019 – Open house #2. Attendance: ~10.



- January 16, 2019, briefing with the Planning Commission-reviewed report prepared by Watershed regarding outline of proposed SMP changes.
- February 6, 2019, briefing with the Planning Commission-reviewed draft amendments to SMP.
- February 20, 2019, public hearing with the Planning Commission on draft amendments to the SMP, one citizen provided public comment.

[Additional text to be added to this section as public process moves forward.]



CHAPTER 2

Environment Designation Provisions

A. Introduction

The Shoreline Management Act (Chapter 90.58 RCW) and Shoreline Guidelines (Chapter 173-26 WAC) provide for shoreline environment designations to serve as a tool for applying and tailoring the general policies of the SMA to local shorelines. Shoreline environment designations provide a means of adapting broad policies to shoreline sub-units while recognizing different conditions and valuable shoreline resources, and a way to integrate comprehensive planning into SMP regulations. In accordance with WAC 173-26-211, the following shoreline environment designation provisions apply; including purpose, designation criteria, and management policies. Where there is a contradiction between the matrices and another SMP text provision, the text provision shall apply.

All areas not specifically assigned a shoreline environment designation shall be designated “Urban Conservancy” (UC).

B. Shoreline Environment Designation Maps

The Shoreline Environment Designation Maps can be found in Appendix A. Pursuant to WAC 173-26-211, the maps illustrate the shoreline environment designations that apply to all shorelines of the state within the City of Lake Stevens’ jurisdiction. The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), effective floodway, and presence of associated wetlands. ~~The maps should be used in conjunction with the Environment Designation tables in Section C below.~~ In the event of a mapping error, the City will rely upon ~~the boundary descriptions and~~ the criteria in Section C below.

C. Policies and Regulations

1. "Natural" (N) Environment

a. Purpose

The purpose of the "Natural" environment is to protect and restore all wetlands associated with shoreline areas by applying the City of Lake Stevens Critical Areas Regulations Within Shoreline Jurisdiction in Appendix B. These systems require development restrictions to maintain the ecological functions and ecosystem-wide processes.

b. Designation Criteria

A "Natural" environment designation will be assigned to those wetland complexes in shoreline jurisdiction. Identified wetlands include those associated with Stevens Creek, Stitch Lake, Lundeen Creek, and Lake Stevens. For the “Natural” areas that extend



beyond 200 feet from OHWM, the exact location of the wetland boundary will be determined with a wetland delineation at the time of project application.

c. Management Policies

Uses

1. Any use that would substantially degrade the ecological functions or natural character of the designated wetland area should be prohibited.
2. New land division, development or shoreline modification that would reduce the capability of the wetlands to perform normal ecological functions should not be allowed.
3. Uses that are consumptive of physical, visual, and biological resources should be prohibited.

Access and Improvements

4. Access may be permitted for scientific, historical, cultural, educational, and low-intensity water-oriented recreational purposes such as nature study that do not impact ecological functions, provided that no significant ecological impact on the area will result.
5. Physical alterations should only be considered when they serve to protect or enhance a significant, unique, or highly valued feature that might otherwise be degraded or destroyed or for public access where no significant ecological impacts would occur.

Implementing Regulations

6. The ecological resources, including associated wetlands, in the "Natural" environment should be protected through the provisions in the Critical Areas section of this SMP.

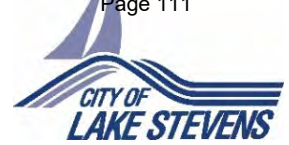
2. "High-Intensity" (H-I) Environment

a. Purpose

The purpose of the "High-Intensity" environment is to provide for high-intensity water-oriented commercial, transportation, and industrial uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded.

b. Designation Criteria

A "High-Intensity" environment designation will be assigned to shorelands designated for commercial or industrial use in the Comprehensive Plan if they currently support or are suitable and planned for high-intensity commercial, industrial, or institutional uses that either include, or do not detract from the potential for water-oriented uses, shoreline restoration and/or public access.



c. Management Policies

Uses

1. In regulating uses in the "High-Intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses.

The Shoreline Administrator will consider the provisions of this SMP and determine the applicability and extent of ecological restoration and/or public access required.

The extent of ecological restoration shall be that which is reasonable given the specific circumstances of development in the "High-Intensity" environment.

2. Developments in the "High-Intensity" environment should be managed so that they enhance and maintain the shorelines for a variety of urban uses, with priority given to water-dependent, water-related, and water-enjoyment uses.
3. Because Little Pilchuck Creek and Catherine Creek are non-navigable waterways, new nonwater-oriented development should be allowed in the High Intensity environment if ecological restoration is provided as a significant public benefit.

Public Access

4. Existing public access ways should not be blocked or diminished.
5. In order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses, shoreline restoration and/or public access, the redevelopment and renewal of substandard, degraded, obsolete urban shoreline areas should be encouraged.

Aesthetics

6. Aesthetic objectives should be actively implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. These objectives may be implemented either through this SMP or other City ordinances.

d. Specific Environment Designations

~~The following table (Table 1) assigns areas within shoreline jurisdiction as a "High Intensity" environment. See attached Shoreline Environment Designation Maps (Appendix A).~~

3. "Urban Conservancy" (UC) Environment

a. Purpose

The purpose of the "Urban Conservancy" environment is to protect and "restore", as defined in this SMP, ecological functions in urban and developed settings, while allowing public access and a variety of park and recreation uses.



Table 1. High Intensity Environment Designation Descriptions

Environment Designation	Sub-Unit	Begins (parcel No.)	Ends (parcel No.)
High Intensity	Lake Stevens Residential	29051200400200	29051200400100
High Intensity	Little Pilchuck Creek—UGA	Sliver of parcel 29060400301000	
High Intensity	Little Pilchuck Creek—UGA	Portion of parcel 29060900200800	
High Intensity	Little Pilchuck Creek—UGA	Portion of parcel 29060900206500	
High Intensity	Little Pilchuck Creek—UGA	Portions of N Machias Rd in Shoreline Jurisdiction	
High Intensity	Little Pilchuck Creek—UGA	Northeast corner of parcel 29060500402000	
High Intensity	Little Pilchuck Creek—UGA	Northern portion of Machias Rd at the intersection with SR-92	
High Intensity	Catherine Creek—City	SW portion of 00562200001801	Western portion of 29060800103000
High Intensity	Catherine Creek—City	00660100000101	29060800103400
High Intensity	Catherine Creek—City	29060900300900, 29060900301000	Southwest portion 29060900304400
High Intensity	Catherine Creek—UGA	Portion of 29060900304600	

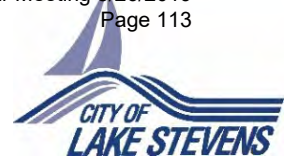
b. Designation Criteria

An "Urban Conservancy" environment designation will be assigned to shorelands that are within public and private parks and natural resource areas, including park lands on Lake Stevens and Catherine Creek. Lands planned for park uses or resource conservation areas and lands with no other existing or planned commercial or residential land uses should also be designated "Urban Conservancy."

c. Management Policies

Uses

1. Water-oriented recreational uses should be given priority over nonwater-oriented uses. Water-dependent recreational uses should be given highest priority.
2. Commercial activities enhancing ecological functions or the public's enjoyment of ~~publically~~publicly accessible shorelines may be appropriate.



3. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.
4. Development that hinders natural channel movement in channel migration zones should not be allowed.

Ecological Restoration and Public Access

5. During development and redevelopment, all reasonable efforts, as determined by the City, should be taken to restore ecological functions.
6. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Urban Conservancy" designation to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat.
7. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

~~d. Specific Environment Designations~~

~~The following table (Table 2) assigns areas within shoreline jurisdiction as an "Urban Conservancy" environment. See also the attached maps.~~

4. "Shoreline Residential" (SR) Environment

a. Purpose

The purpose of the "Shoreline Residential" environment is to accommodate residential development and appurtenant structures that are consistent with this SMP. An additional purpose is to provide appropriate community access and recreational uses.

b. Designation Criteria

A "Shoreline Residential" environment designation will be assigned to City of Lake Stevens' shorelands if they are predominantly single-family or multifamily residential development or are planned for residential development.

c. Management Policies

Uses

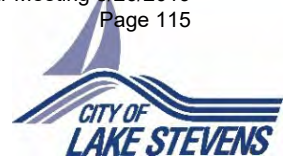
1. Water-oriented recreational uses should be allowed.
2. New residential development should be supported by adequate land area and services.
3. Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.



Table 2. Urban Conservancy Environment Designation Descriptions

Environment Designation	Sub-Unit	Begins (parcel No.)	Ends (parcel No.)
Urban Conservancy	Lake Stevens Residential — City Limits	29060700200800	
Urban Conservancy	Lake Stevens Residential — City Limits	00493300900104	
Urban Conservancy	Lake Stevens Residential — City Limits	00553800002000	
Urban Conservancy	Lake Stevens Residential — City Limits	00553800001602	00553800001500
Urban Conservancy	Lake Stevens Residential — City Limits	29060800303400	
Urban Conservancy	Lake Stevens Residential — UGA	00533400001500	
Urban Conservancy	Little Pilchuck Creek — UGA	29060900303300	
Urban Conservancy	Little Pilchuck Creek — UGA	29060900302400	
Urban Conservancy	Little Pilchuck Creek — UGA	Eastern portion of 29060400301000	
Urban Conservancy	Catherine Creek — City	Eastern portion of 29060800400100	00828600099900

4. Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.
5. New multi-family development and new subdivisions of land into more than four parcels shall provide public access, which could include benches for viewing in a public right of way, community access, or similar types of public access.
6. New residential development should be located and designed so that future shoreline stabilization is not needed.
7. Maintenance or repair of existing development should be allowed, except where repair causes substantial adverse effects to shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.



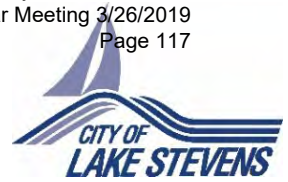
d. Specific Environment Designations

The following table (Table 3) assigns areas within shoreline jurisdiction as a “Shoreline Residential” environment. See also the attached maps.



Table 3. Shoreline Residential Environment Designation Descriptions

Environment Designation	Sub-Unit	Begins (parcel No.)	Ends (parcel No.)
Shoreline Residential	Lake Stevens Residential—City Limits	00493200100100	29060800300600
Shoreline Residential	Lake Stevens Residential—City Limits	00553800001900	-00553800001601
Shoreline Residential	Lake Stevens Residential—City Limits	00553800001302	29061700202600
Shoreline Residential	Lake Stevens Residential—UGA	00719200099900	29061900104800
Shoreline Residential	Lake Stevens Residential—City Limits	29061900107000	00493300200300
Shoreline Residential	Lake Stevens Residential—City Limits	00493300101700	29051200400700
Shoreline Residential	Lake Stevens Residential—City Limits	00604900400100	29060700201100
Shoreline Residential	Little Pilchuck Creek—UGA	Southeastern corner of 29060500102200	
Shoreline Residential	Little Pilchuck Creek—UGA	Northeastern corner of 29060900200600	Northeastern corner of 29060900207900
Shoreline Residential	Little Pilchuck Creek—UGA	Southeastern corner of 29060900300500	Northeastern corner of 29060900302000
Shoreline Residential	Little Pilchuck Creek—UGA	29060900302600	29060900305200
Shoreline Residential	Catherine Creek—UGA	Southern portion of 29060900302000	Southern portion of 29060900301900
Shoreline Residential	Catherine Creek—UGA	29060900301600	29060900301200
Shoreline Residential	Catherine Creek—City Limits	29060900301100	00814400001100
Shoreline Residential	Catherine Creek—City Limits	00828600002000	00705800002000



5. "Aquatic" Environment

a. Purpose

The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

b. Designation Criteria

An "Aquatic" environment designation will be assigned to shoreline areas waterward of the ordinary high-water mark.

c. Management Policies

1. New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.
4. Provisions for the "Aquatic" environment should be directed towards maintaining and restoring habitat for aquatic species.
5. Uses that cause significant ecological impacts to critical freshwater habitats should not be allowed except where necessary to achieve Shoreline Management Act objectives (RCW 90.58.020), and then only when their impacts are mitigated according to the sequence described in WAC 173-26-201(2)(e) and restated in Chapter 3 Section B.4, as necessary to assume no net loss of ecological functions.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
7. Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with this SMP.



CHAPTER 3

General Provisions

A. Introduction

General policies and regulations are applicable to all uses and activities (regardless of shoreline environment designation) that may occur along the City's shorelines.

This chapter is divided into twelve different topic headings and is arranged alphabetically. Each topic begins with a discussion of background SMP issues and considerations, followed by general policy statements and regulations. The intent of these provisions is to be inclusive, making them applicable over a wide range of environments as well as particular uses and activities.

B. Policies and Regulations

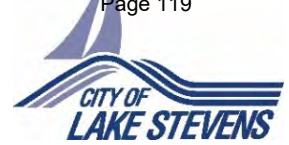
1. Universally Applicable Policies and Regulations

a. Applicability

1. The following regulations describe the requirements for all shoreline uses and modifications in all shoreline environment designations.
2. Within shoreline jurisdiction, the purpose of a [shoreline](#) variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Specifically, LSMC14.16C.115 shall not apply [to standards set forth in the SMP](#). Variance procedures and criteria have been established in this SMP, Chapter 7 Section E and in Washington Administrative Code (WAC) 173-27-200 and 173-27-170, respectively.

b. Policies

1. The City should periodically review conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore the ecology to ensure no net loss of ecological functions, protect human health and safety, upgrade the visual qualities, and enhance residential and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:
 - a. Water quality.



- b. Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions).
 - c. Upland vegetation.
 - d. Changing visual character as a result of new residential development, including additions, and individual vegetation conservation practices.
 - e. Shoreline stabilization and modifications.
- 2. The City should keep records of all project review actions within shoreline jurisdiction, including shoreline permits and letters of exemption.
 - 3. Where appropriate, the City should pursue the policies of this SMP in other land use, development permitting, public construction, and public health and safety activities. Specifically, such activities include, but are not limited to:
 - a. Water quality and stormwater management activities, including those outside shoreline jurisdiction but affecting the shorelines of the state.
 - b. Aquatic vegetation management.
 - c. Health and safety activities, especially those related to sanitary sewage.
 - d. Public works and utilities development.
 - 4. The City should involve affected federal, state, and tribal governments in the review process of shoreline applications.

c. Regulations

- 1. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act, Chapter 90.58 RCW, and to the policies and regulations of this SMP.
- 2. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of this SMP. Except as otherwise noted, all shoreline modifications not associated with a legally existing or an approved shoreline use are prohibited.
- 3. Shoreline uses, modifications, and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or shoreline conditional use permit. See Chapter 5 for Shoreline Use Regulations, including exemptions, variances, conditional uses, and nonconforming uses.
- 4. The "policies" listed in this SMP will provide broad guidance and direction and will be used by the City in applying the "regulations." The policies, taken together, constitute the Shoreline Element of the Lake Stevens Comprehensive Plan.
- 5. Where provisions of this SMP conflict, the provisions most directly implementing the objectives of the Shoreline Management Act, based on a review of the applicable goals and policies to determine intent, as determined by the City, shall apply unless specifically stated otherwise.
- 6. The regulations of Chapters 2, 4, 5 and sections 2, and 4 through 12 of Chapter 3 in this SMP shall not apply to those land areas that are outside shoreline jurisdiction as



of the date of adoption of this SMP but which do fall within shoreline jurisdiction due solely to a human-constructed shoreline restoration project, pursuant to the provisions of Washington State House Bill 2199 Chapter 405, 2009 Laws [and WAC 173-27-215](#). That is, if a shoreline restoration project causes the expansion of shoreline jurisdiction onto a neighboring property or portion of the subject property, then SMP regulations noted above do not apply to the area of expanded jurisdiction. However, if the area newly falling into shoreline jurisdiction is a critical area, then the critical area provisions of this SMP do apply.

7. The regulations in Appendix B: Critical Areas Regulations Within Shoreline Jurisdiction are fully enforceable and considered part of the SMP regulations.

2. Archaeological and Historic Resources

a. Applicability

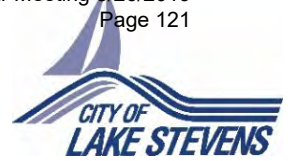
The following provisions apply to archaeological and historic resources that are either recorded at the State Historic Preservation Office and/or by local jurisdictions or have been inadvertently uncovered. Archaeological sites located both in and outside shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Resources) and shall comply with Chapter 25-48 WAC (Archaeological Excavations and Removal Permit) as well as the provisions of this chapter.

b. Policies

1. Due to the limited and irreplaceable nature of the resource, public or private uses, activities, and development should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities and deemed worthy of protection and preservation.

c. Regulations

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City, the state office of archaeology and historic preservation, and affected Indian tribes if any phenomena of possible archaeological value are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged or mapped.
2. Permits issued in areas known to contain archaeological artifacts and data shall include a requirement that the developer provide for a site inspection and evaluation by a professional archaeologist in coordination with affected Indian tribes. The permit shall require approval by the City before work can begin on a project following inspection. Significant archaeological data or artifacts shall be recovered before work begins or resumes on a project.
3. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued which would pose a threat to the site. The



City may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.

4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Resources) and shall comply with Chapter 25-48 WAC (Archaeological Excavation and Removal Permit) as well as the provisions of this SMP.
6. Archaeological excavations may be permitted subject to the provisions of this program.
7. Identified historical or archaeological resources shall be included in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.
8. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.
9. The City will work with affected tribes and other agencies to protect Native American artifacts and sites of significance and other archaeological and cultural resources as mandated by Chapter 27.53 RCW.

3. Critical Areas

Critical areas in shoreline jurisdiction are regulated by Appendix B of this SMP. The regulations in Appendix B: Critical Areas Regulations Within Shoreline Jurisdiction are fully enforceable and considered part of the SMP regulations. The provisions of the Critical Areas Regulations do not extend shoreline jurisdiction beyond the limits specified in this SMP. Critical areas outside shoreline jurisdiction are regulated by the City's Critical Areas Regulations, Chapter 14.88 LSMC (Ordinance 741 effective May 8, 2007 and amended by Ordinance 773 effective April 21, 2008).

4. Environmental Impacts

a. Applicability

The following policies and regulations apply to all uses and development in shoreline jurisdiction that are not within the jurisdiction of the Critical Areas Regulations as addressed in Section B.3 above.



b. Policies

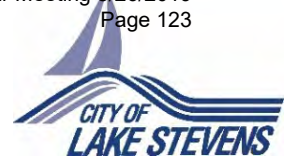
1. In implementing this SMP, the City should take necessary steps to ensure compliance with Chapter 43.21C RCW, the Washington State Environmental Policy Act of 1971, and its implementing guidelines.
2. All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and provide mitigation to ensure no net loss of ecological function.

c. Regulations

1. All project proposals, including those for which a shoreline permit is not required, shall comply with Chapter 43.21C RCW, the Washington State Environmental Policy Act.
2. Projects that cause significant ecological impacts, as defined in Definitions, are not allowed unless mitigated according to the sequence in subsection c. 4 below to avoid reduction or damage to ecosystem-wide processes and ecological functions.
3. Projects that cause significant adverse impacts, other than significant ecological impacts, shall be mitigated according to the sequence in subsection c.4 below.
4. The City will set mitigation requirements or permit conditions based on impacts identified per this SMP. In order to determine acceptable mitigation, the City Shoreline Administrator may require the applicant to provide the necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with a mitigation plan outlining restoration, if applicable and how proposed mitigation measures would result in no net loss of shoreline ecological functions.

When applying mitigation to avoid or minimize significant adverse effects and significant ecological impacts, the City will apply the following sequence of steps in order of priority, with (a) being top priority:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating the impact over time by preservation and maintenance operations;
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments with less impact or that increase the overall shoreline function; and
- f. Monitoring the impact and the compensation projects (from subsection (e) above) and taking appropriate corrective measures.



5. Exception to the sequencing noted above: The City may provide for or allow mitigation of an environmental impact through a comprehensive mitigation program such as a mitigation banking program if such mitigation measures will result in a greater benefit in terms of ecological functions and values. Such a program must be based on a comprehensive analysis of ecological systems such as provided by the analysis and restoration plan accomplished as part of this SMP.

Mitigation measures shall be accomplished at locations in the following order of preference:

- a. On the site where impacts occur (first preference).
 - b. If (a) is not feasible or beneficial in terms of ecological functions, then within or adjacent to the same water body.
 - c. If (b) is not feasible or beneficial in terms of ecological functions, then within the City of Lake Stevens.
 - d. If (c) is not feasible or beneficial in terms of ecological functions, then within the UGA.
6. All shoreline development shall be located and constructed to avoid locally-specific significant adverse impacts to human health and safety.

5. Flood Hazard Reduction and River Corridor Management

a. Applicability

The provisions in this section apply to those areas within shoreline jurisdiction lying along a floodplain corridor, including lakes, rivers, streams, associated wetlands in the floodplain, and river deltas.

The provisions in this section are intended to address two concerns especially relevant to river shorelines:

1. Protecting human safety and minimizing flood hazard to human activities and development.
2. Protecting and contributing to the restoration of ecosystem-wide processes and ecological functions found in the applicable watershed or sub-basin.

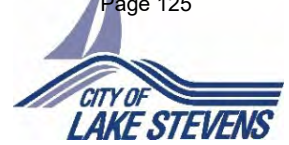
b. Policies

1. The City should implement a comprehensive program to manage the City's riparian corridors that integrates the following City ordinances and activities:
 - a. Regulations in this SMP.
 - b. The City's zoning code (Title 14 LSMC).
 - c. The City's Surface Water Management Program, Stormwater Management Plan, and implementing regulations.
 - d. The City's participation in the National Flood Insurance Program and compliance with the State's floodplain management law at Chapter 86.16. RCW.



- e. The construction or improvement of new public facilities, including roads, dikes, utilities, bridges, and other structures.
 - f. The ecological restoration of selected shoreline areas.
2. In regulating development on shorelines within SMA jurisdiction, the City should endeavor to achieve the following:
 - a. Maintenance of human safety.
 - b. Protection and, where appropriate, the restoration of the physical integrity of the ecological system processes, including water and sediment transport and natural channel movement.
 - c. Protection of water quality and natural groundwater movement.
 - d. Protection of fish, vegetation, and other life forms and their habitat vital to the aquatic food chain.
 - e. Protection of existing legal uses and legal development of property (including nonconforming development) unless the City determines relocation or abandonment of a use or structure is the only feasible option or that there is a compelling reason to the contrary based on public concern and the provisions of the SMA.
 - f. Protection of recreation resources and aesthetic values, such as point and channel bars, islands, and other shore features and scenery.
 - g. When consistent with the provisions (a) through (f) above, provide for public access and recreation, consistent with Chapter 3 Section B.7.
3. The City should undertake flood hazard planning, where practical, in a coordinated manner among affected property owners and public agencies and consider entire drainage systems or sizable stretches of rivers or lakes. This planning should consider the off-site erosion and accretion or flood damage that might occur as a result of stabilization or protection structures or activities. Flood hazard management planning should fully employ nonstructural approaches to minimizing flood hazard to the extent feasible.
4. The City should give preference to and use nonstructural solutions over structural flood control devices wherever feasible, including prohibiting or limiting development in historically flood-prone areas, regulating structural design and limiting increases in peak stormwater runoff from new upland development, public education, and land acquisition for additional flood storage. Structural solutions to reduce shoreline hazard should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the hazard.

Where structural solutions are rebuilt, fish-friendly structures such as setback levees should be used.
5. In designing publicly financed or subsidized works, the City should provide public pedestrian access to the shoreline for low-impact outdoor recreation.
6. The City should encourage the removal or breaching of dikes to provide greater wetland area for flood water storage and habitat; provided, such an action does not increase the risk of flood damage to existing human development.



c. Regulations

1. New development must be consistent with (a) through (d) below in addition to the provisions of this SMP. In cases of inconsistency, the provisions most protective of shoreline ecological functions and processes shall apply:
 - a. The City's development regulations related to floodways, floodplains, drainage, and erosion regulations.
 - b. "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated November 8, 1999 in accordance with Chapter 86.16 RCW and the National Flood Insurance Program.
 - c. The City's Storm Water Management Utility Regulations.
 - d. Conditions of Hydraulic Project Approval, issued by Washington State Department of Fish and Wildlife, which may be incorporated into permits issued for flood protection.
2. New structural flood hazard reduction measures, including dikes, levees, and overflow channels, may be allowed only when consistent with development regulations related to floodways and floodplains and all of the following can be demonstrated:
 - a. The project does not further restrict natural channel movement, except that flood hazard reduction measures that protect an existing building, roadway, bridge, or utility line may be installed, provided the measure is placed as close to the existing structure as possible;
 - b. Other, nonstructural measures would not be feasible or adequate;
 - c. The measures are necessary to protect existing development or new public development, such as a roadway, that cannot be located further from the stream channel; and
 - d. Shoreline vegetation necessary to provide ecological functions is protected or restored.
3. New flood hazard reduction measures, including dikes and levees, may be constructed to protect properties as part of a shoreline environmental restoration project, such as the breaching of a dike to create additional wetlands. Also refer to Chapter 3, Sections B.3 (Critical Areas), B.4 (Environmental Impacts), B.11 (Vegetation Conservation), and B.12 Water Quality and Quantity); Chapter 4, Section C.6 (Shoreline Restoration and Ecological Enhancement); and the Restoration Plan (specifically Chapter 3 Restoration Goals and Objectives).
4. Otherwise allowed shoreline modifications in the 100-year floodplain and flood hazard reduction measures shall employ the type of construction or measure that causes the least significant ecological impacts. When authorizing development within the 100-year floodplain, the City will require that the construction method with the least negative significant ecological impacts be used. For example, the City will not allow rock revetments to be used for erosion control if a "softer" approach using vegetation plantings and engineered woody debris placement is possible.
5. Existing hydrological connections into and between water bodies, such as streams, tributaries, wetlands, and dry channels, shall be maintained. Also refer to Chapter 3,



Sections B.3 (Critical Areas), B.4 (Environmental Impacts), B.11 (Vegetation Conservation), and B.12 Water Quality and Quantity); Chapter 4, Section C.6 (Shoreline Restoration and Ecological Enhancement); and the Restoration Plan (specifically Chapter 3 Restoration Goals and Objectives).

6. Re-establishment of native vegetation waterward of a new structure on Catherine Creek and Little Pilchuck Creek is required where feasible. The City Shoreline Administrator may require re-establishment of vegetation on and landward of the structure if it determines such vegetation is necessary to protect and restore ecological functions.
7. Designs for flood hazard reduction measures and shoreline stabilization measures in river corridors must be prepared by qualified professional engineers (or geologists or hydrologists) who have expertise in local riverine processes.
8. Public structural flood hazard reduction projects that are continuous in nature, such as dikes or levees, shall provide for public access unless the City determines that such access is not feasible or desirable according to the criteria in Chapter 3 Section B.7 Public Access.
9. Shoreline modification and development standards shall be as outlined in the matrices in Chapter 4 and Chapter 5 for allowable uses and modification and development standards such as setbacks and clearing and grading within each shoreline environment designation.
10. Bridges, culverts, and other river, stream, and waterway crossings shall be designed and constructed so they do not restrict flood flows such that flood elevations are increased. Where a bridge, culvert, or other waterway crossing replaces an existing crossing, the replacement structure shall not increase flood heights over those caused by the original structure.
11. The removal of gravel for flood control may be allowed only if a biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution.

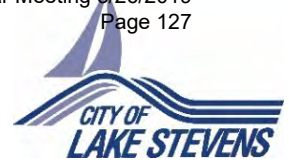
6. Parking (Accessory)

a. Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. Except as noted, the following provisions apply only to parking that is "accessory" to a permitted shoreline use. Parking as a "primary" use and parking which serves a use not permitted in the shoreline jurisdiction is prohibited. Garages and parking areas for single-family homes are required to meet the regulations in Chapter 5 Section C.8.c.4.

b. Policies

1. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.
2. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).



c. Regulations

1. Parking in shoreline jurisdiction must directly serve a permitted shoreline use.
2. Parking as a primary use or that serves a use not permitted in the applicable shoreline environment designation shall be prohibited over water and within shoreline jurisdiction.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon the adjacent shoreline and abutting properties. A minimum of 15 feet of Type B landscaping, as defined below, shall be provided between the parking and the shoreline unless there is a building between the parking and the shoreline. Landscaping shall consist of native vegetation and plant materials approved by the City Shoreline Administrator and shall be planted before completion of the parking area in such a manner that plantings provide effective screening between parking and the water body within five years of project completion. The City Shoreline Administrator may modify landscaping requirements to account for reasonable safety and security concerns.

Type B, semi-opaque screen with buffer. A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. In addition, a Type B screen includes a minimum five-foot-wide landscaped planting strip parallel and adjacent to the property line where the screening is required.

4. Parking facilities serving individual buildings on the shoreline shall be located landward, if feasible, to minimize adverse impacts on the shoreline.
5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
6. Parking facilities shall provide adequate facilities to prevent surface water runoff from contaminating water bodies, as per the most recent edition of the City of Lake Stevens Surface Water Management Plan.
7. Lighting associated with parking lots shall be beamed, hooded, or directed to minimize and avoid illumination of the water, setback areas, wetlands, and other wildlife habitat areas.
8. See Chapter 5 Section B Development Standards Matrix, for setback requirements.

7. Public Access

a. Applicability

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and the ability to have a view of the water and the shoreline from upland locations. Public access facilities may include picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launches, and improved street ends.



The City provides a number of public access and recreation sites along its shorelines, but should continue to improve existing sites and pursue opportunities to add new public access and recreation sites. The City should continue to work on opportunities for providing public access and recreation on Lake Stevens, particularly in the recently annexed portion of the lake and eventually in the UGA portion of the lake, which are underserved compared to the rest of the lake. Because the great majority of Lake Stevens shorelines are occupied by single-family residences, additional public access will most effectively be provided by land acquisition rather than SMP requirements.

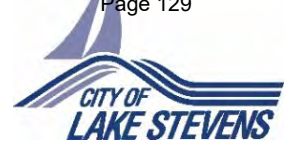
Catherine Creek has a park that provides public access, but it is currently leased by the City and is owned by the School District. The City should work to ensure that this property continues to provide public access and recreational opportunities by securing a long-term lease or purchasing the site.

Little Pilchuck Creek does not currently have public access or recreation sites within the City's shoreline jurisdiction.

In addition to the above examples, comprehensive documentation of existing parks and recreation facilities, public access points and trails are identified and mapped in detail in the Parks & Recreation Element of the City's Comprehensive Plan. This element also identifies future park acquisition and development needs. Similarly, Chapter 4 of the Shoreline Inventory & Analysis Report identifies existing and potential public access sites for each of the City's shoreline waterbodies. The City's public access planning process provided by these documents provides more effective public access than individual project requirements for public access, as provided for in WAC 173-26-221(4)(d)(iii)(A).

b. Policies

1. Public access shall be considered in the review of all private and public developments with impacts on public access and related to the size of the impacts and with the exception of the following:
 - a. Single-family residential including one- and two-family dwelling units and residential subdivisions of four lots or less and their accessory structures (e.g., docks, garages, shoreline modification, etc.); or
 - b. Where deemed inappropriate due to health, safety and environmental concerns or constitutional limitations.
2. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the rights of navigation.
3. Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.
4. Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and enhanced.
5. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy. There should



be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.

6. Views from public shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views.
7. Public access and interpretive displays should be provided as part of publicly funded restoration projects where significant ecological impacts can be avoided.
8. City parks, trails and public access facilities adjacent to shorelines should be maintained and enhanced in accordance with City and County plans.
9. Commercial and industrial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area, wherever feasible.
10. The acquisition of suitable upland shoreline properties to provide access to publicly owned shorelands should be encouraged.
11. The City should acquire and develop waterfront property in the recently annexed portion of Lake Stevens to provide additional public access to the shoreline.
12. The City should work with the School District to ensure that Catherine Creek Park will continue to provide public access to Catherine Creek for future generations.

c. Regulations

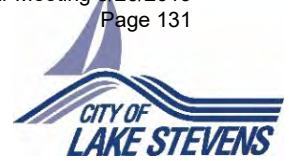
1. Public access is required for the following development unless the conditions stated in Section c.2, immediately below, apply.
 - a. Land division into more than four lots and PRDs
 - b. Nonwater-oriented uses
 - c. Water related and water oriented commercial uses
 - d. Development by public entities or on public land, including the City and public utility districts
 - e. Development or use that will interfere with an existing public access way. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.
2. Public access is not required as part of development if any of the following conditions apply:
 - a. The development is a single-family residence not part of a development planned for more than 4 parcels or the development is accessory to a single family residence (e.g., docks, garages, shoreline modifications, etc.).
 - b. Public access is demonstrated to be infeasible or undesirable due to reasons of incompatible uses, safety, security or impact to the shoreline environment. In determining infeasibility or undesirability, the City will consider alternative means of providing public access such as off-site improvements, separation of uses, and restricting the hours of public access to avoid conflicts.
 - c. Where constitutional or legal limitations apply.



- d. On properties (including public properties) adjacent to Little Pilchuck Creek or Catherine Creek where there is no other connecting trail or route to a public ROW. Provision 2.b regarding safety and security of public access sites shall apply. (The intent of this provision is to avoid isolated and unsafe access features, especially since development must be set back at least 160 feet from the OHWM of these water bodies.) *Exception:* Public access shall be maintained on public properties in the Urban Conservancy environment on Catherine Creek and Little Pilchuck Creek.
 - e. Where the City determines that more effective public access can be provided through public access planning and other compensatory off-site public access improvements provided as part of the development.
3. The shoreline permit shall describe the impact, the required public access conditions, and how the conditions address the impact. Mitigation for public access impacts shall be in accordance with the definition of mitigation and mitigation sequencing in Chapter 3 Section B.4.

Where public access is required as part of development, the City may allow payment in lieu of site access, where access at the public site would be dangerous or undesirable. The City will use the payment for public access improvements elsewhere.

4. Shoreline substantial development (including land division into more than four lots and PRDs) or conditional uses shall minimize impact to public views of shoreline waterbodies from public land or substantial numbers of residences.
5. Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished (This is a requirement of RCW 35.79.035).
6. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.
7. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.
8. Public access easements and permit conditions shall be recorded as a covenant against the title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use. Said recording with the County Assessor's Office shall occur prior to permit approval (RCW 58.17.110).
9. Minimum width of public access easements shall be sufficient to provide clear, safe access to the shoreline. The Shoreline Administrator may require that the proposed public access improvements be modified to take advantage of special opportunities or to prevent impacts to adjacent sites (especially single-family residences).
10. The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.
11. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.



12. Public access facilities may be developed over water provided that all ecological impacts are mitigated to achieve no net loss of ecological functions.

8. Shorelines of State-Wide Significance

a. Applicability

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. Within the City of Lake Stevens jurisdiction, Lake Stevens is a shoreline of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.

b. Policies

In implementing the objectives of RCW 90.58.020 for shorelines of statewide significance, the City will base decisions in preparing and administering this SMP on the following policies in order of priority, 1 being the highest and 6 being lowest.

1. Recognize and protect the state-wide interest over local interest.
 - a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the SMP, and any proposed amendments affecting shorelines of state-wide significance, to state agencies, adjacent jurisdictions, citizen's advisory committees and local officials and state-wide interest groups.
 - b. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.
 - c. Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
2. Preserve the natural character of the shoreline.
 - a. Designate and administer shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
 - b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low-intensity use or underdeveloped areas.
 - c. Protect and restore existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.
 - d. Protect and restore habitats for State-listed "priority species."
3. Support actions that result in long-term benefits over short-term benefits.
 - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.



- b. In general, preserve resources and values of shorelines of state-wide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.
4. Protect the resources and ecology of the shoreline.
 - a. All shoreline development should be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
 - b. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or general enhancement of shoreline areas.
 - c. Shoreline development should be managed to ensure no net loss of ecological functions.
5. Increase public access to publicly owned areas of the shoreline.
 - a. Give priority to developing paths and trails to shoreline areas, to provide linear access along the shorelines.
 - b. Locate development landward of the ordinary high water mark so that access is enhanced.
6. Increase recreational opportunities for the public on the shoreline by planning for and encouraging development of facilities for recreational use of the shoreline.

9. Signage

a. Applicability

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign located within shoreline jurisdiction that directs attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.

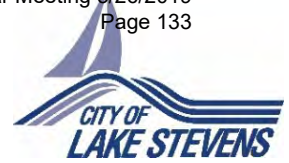
Signs in shoreline jurisdiction shall also adhere to all sign regulations in Chapter 14.68 LSMC. In the case of overlapping or conflicting regulations, the most stringent regulation shall apply.

b. Policies

1. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
2. Signs should not block or otherwise interfere with visual access to the water or shorelands.

c. Regulations

1. Prohibited Signs: The following types of signs are prohibited:
 - a. Off-premises detached outdoor advertising signs.



- b. Commercial signs for products, services, or facilities located off-site.
 - c. Spinners, streamers, pennants, flashing lights and other animated signs used for commercial purposes. Highway and railroad signs are exceptions.
 - d. Signs placed on trees or other natural features, unless the Shoreline Administrator finds that these signs are necessary for public safety reasons.
2. Allowable Signs: The following types of signs may be allowed in all shoreline environments:
- a. Water navigational signs, and highway and railroad signs necessary for operation, safety and direction.
 - b. Public information signs directly relating to a shoreline use or activity. Public information signs shall include public park signs, public access identification signs, and warning signs.
 - c. Off-premise, free-standing signs for community identification, information, or directional purposes.
 - d. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
 - e. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.
3. All signs shall be located and designed to avoid interference with vistas, viewpoints and visual access to the shoreline.
4. Over-water signs, signs on floats or pilings, and signs for goods, services, or businesses not located directly on the site proposed for a sign are prohibited.
5. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.
6. Signs shall not exceed 32 square feet in surface area. On-site freestanding signs shall not exceed 6 feet in height. When feasible, signs shall be flush-mounted against existing buildings.
7. Temporary or obsolete signs shall be removed within timeframes pursuant to LSMC 14.68.030. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.
8. Signs that do not meet the policies and regulations of this section B.9 shall be removed or shall conform within two years of the adoption of this SMP.
9. No signs shall be placed in a required view corridor.

10. Utilities (Accessory)

a. Applicability

Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residence or business. Accessory utilities do not carry significant capacity to serve other users and are considered a part of the primary use.



They are addressed in this section because they concern all types of development and have the potential to impact the quality of the shoreline and its waters.

b. Policies

1. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation to ensure no net loss of ecological functions.
2. Accessory utility facilities and rights-of-way should be located outside of the shoreline setback to the maximum extent possible. When accessory utility lines require a shoreline location, they should be placed underground.
3. Accessory utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.

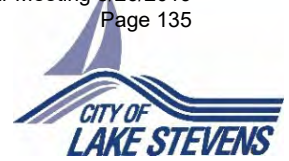
c. Regulations

1. In shoreline areas, accessory utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.
2. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple uses of sites and rights-of-way. Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.
3. Sites disturbed for accessory utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation.
4. Accessory utility discharges and outfalls shall be located, designed, constructed, and operated in accordance with best management practices to ensure degradation to water quality is kept to a minimum.
5. Accessory utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring is a preferred method of utility water crossing over open trenching.
6. Stormwater management systems shall conform to applicable Lake Stevens' stormwater regulations. Any conveyance pipes, detention tanks, or retention facilities shall be placed as far upland away from the shoreline as is feasible.

11. Vegetation Conservation

a. Applicability

The following provisions apply to any activity that results in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit. Such



activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities. They do not apply to forest practices managed under the Washington State Forest Practices Act. See Chapter 6 for definitions of “significant vegetation removal,” “ecological functions,” “clearing,” “grading,” and “restore.”

b. Policies

1. Vegetation within the City shoreline areas should be enhanced over time to provide a greater level of ecological functions, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of this SMP, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline, as described in Chapter 5 of the February 2010 City of Lake Stevens Draft Shoreline Inventory and Analysis Report.
2. This SMP in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.
3. Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.
4. The removal of invasive or noxious weeds and replacement with native vegetation should be encouraged. Removal of noxious or invasive weeds should be conducted using the least-impacting method feasible, with a preference for mechanical rather than chemical means.

c. Regulations

For All Shoreline Environments:

1. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant must demonstrate that development can be accomplished without significant vegetation removal within the required SMP setback area. The Shoreline Administrator may make exceptions to this standard for water-dependent development and for development in the High-Intensity environment only.
2. New development, including clearing and grading, shall minimize significant vegetation removal in shoreline jurisdiction to the extent feasible. In order to implement this regulation, applicants proposing development that includes significant vegetation removal, clearing, or grading within shoreline jurisdiction must provide, as a part of a substantial development permit or a letter of exemption application, a site plan, drawn to scale, indicating the extent of proposed clearing and/or grading. The Shoreline Administrator may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions.
3. Vegetation restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which occurs naturally on undeveloped lots unless the Shoreline Administrator finds that native plant materials are inappropriate or not hardy in the particular situation.



4. In addressing impacts from significant vegetation removal, the Shoreline Administrator will apply the mitigation sequence described in Chapter 3 Section B.4.
5. Where shoreline restoration is required, the vegetation plantings shall adhere to the following specifications, unless the Shoreline Administrator finds that another method is more appropriate:

Property owners must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

- a. Requires the preparation of a revegetation plan;
- b. Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions;
- c. Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect water quality; and
- d. Includes a monitoring and maintenance program.

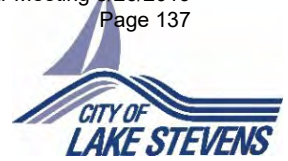
This plan shall be recorded with the Snohomish County Assessor's Office as a covenant against the real property and a copy shall be provided to the Shoreline Administrator.

Where new vegetation would block significant views from a public right-of-way or two residential properties, the Shoreline Administrator may allow the planting of trees and shrubs with a shorter mature height; provided the trees provide the applicable ecological functions.

6. A condition of all development shall be that those areas within the required SMP setback area that have been cleared or where significant vegetation removal has occurred and that are not otherwise occupied by approved structures or uses shall be revegetated with native vegetation. The Shoreline Administrator may require replanting of previously cleared areas or removal of invasive or noxious weeds and replanting with native vegetation as part of mitigation of ecological impacts.
7. Snags and living trees (i.e., large cottonwoods) shall not be removed within the required SMP setback area unless an arborist determines them to be extreme hazards and likely to fall into a park use area, or unless removal is part of an approved development that includes mitigation for impacts to ecological functions. Snags and living trees within the setback which do not present an extreme hazard shall be retained. Selective pruning of trees for safety and view protection is allowed. The City may make exceptions to this standard for water dependent development and for development in the High Intensity environment, or where the City determines that the removal of such vegetation is in the public interest and is consistent with the goals of the Shoreline Management Act as stated in section RCW 90.58.020.

For Shorelines in the Natural Environment

8. Shorelines in the natural environment are critical areas and managed under those provisions. See Section 3.B.3.



For Shorelines in the Urban Conservancy Environment

9. For properties within areas planned for residential development within the Urban Conservancy environment, new development that will cause significant vegetation removal within the required setbacks specified in Chapter 5 Sections B and C.8 shall not be allowed. In cases where the dimensions of existing lots or parcels are not sufficient to accommodate permitted primary residential structures outside of the vegetation conservation area or where the denial of reasonable use would result in a taking, the applicant shall apply for a Shoreline Variance.
10. The enhancement of vegetation shall be a condition of all nonwater-dependent development, dike or levee construction, and shoreline modifications in the Urban Conservancy environments, except where the Shoreline Administrator finds that:
 - a. Vegetation enhancement is not feasible on the project site. In these cases the Shoreline Administrator may require off-site vegetation enhancement that performs the same ecological functions. Enhancement opportunities on the same waterbody shall be explored first, prior to consideration of enhancement opportunities in the same basin or watershed.
 - b. The restoration of ecological processes and functions can be better achieved through other measures such as the removal of channel constraints.
 - c. Sufficient native vegetation already exists.
11. Minor vegetation removal may be done to provide for development and maintenance of public access and trails on public property provided impacts are mitigated.

For Shorelines in the High-Intensity Environment

12. The impacts due to significant vegetation removal shall be mitigated according to the sequence described in Chapter 3 Section B.4.
13. A condition of all development shall be that those shorelands on the site not occupied by structures, shoreline uses, or human activities shall be revegetated, in accordance with subsection c.5 above. Vegetation within the required setbacks specified in Chapter 5 Section B and C.8 of the shoreline, to the extent the setback extends onto the subject development site, must be native vegetation or species approved by the Shoreline Administrator.

For Shorelines in the Shoreline Residential Environment

14. Development is subject to requirements in Chapter 5 Section C.8 Residential Development.

For Shorelines in the Aquatic Environment

15. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
16. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, shall be



considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit.

17. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment or benthos shall be considered development for which a substantial development permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit.
18. Where large quantities of plant material are generated by control measures, they shall be collected and disposed of in an appropriate, identified upland location.
19. Use of herbicides to control aquatic weeds shall be prohibited except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations and where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. Application of herbicides for the control of aquatic weeds requires approval from the Department of Ecology. The Shoreline Administrator must be notified of all herbicide usage in aquatic areas and supplied with proof of approval from the Department of Ecology. Additionally, all herbicides shall be applied by a licensed professional.

12. Water Quality and Quantity

a. Applicability

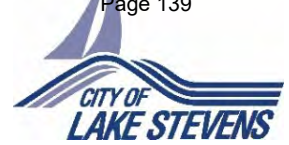
The following section applies to all development and uses in shoreline jurisdiction that affect water quality, as defined below.

1. As used in this SMP, “water quality” means the physical characteristics of water within shoreline jurisdiction, including water quantity and hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics.
2. Where used in this SMP, the term “water quantity” refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this SMP, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Because the policies of this SMP are also policies of the City’s Comprehensive Plan, the policies also apply to activities outside shoreline jurisdiction that affect water quality within shoreline jurisdiction, as determined by the Shoreline Administrator. However, the regulations apply only within shoreline jurisdiction.

b. Policies

1. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts that alter water quality, quantity, or hydrology.
2. The City should require reasonable setbacks, buffers, and stormwater storage basins and encourage low-impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.



3. All measures for controlling erosion, stream flow rates, or flood waters through the use of stream control works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade the existing water quality and quantity.
4. As a general policy, the City should seek to improve water quality, quantity (the amount of water in a given system, with the objective of providing for ecological functions and human use), and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. The City should implement this policy through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs. The City should implement the City of Lake Stevens Surface Water Management Plan, as updated and adopted by City ordinance.
5. All measures to treat runoff in order to maintain or improve water quality should be conducted on-site before shoreline development creates impacts to water.
6. Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and groundwater and/or soils, and adverse effects on shoreline ecological functions and values.
7. The City should create a public education campaign to educate shoreline property owners and local stores about best management practices for shorelines. This could include specific information about fertilizers, herbicides, and pesticides.

c. Regulations

1. All shoreline development, both during and after construction, shall avoid or minimize significant ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that water quality and quantity are not adversely affected. Control measures include, but are not limited to, low impact development techniques, dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls.
2. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this SMP.
3. Uses and development that require the application of pesticides, herbicides, fertilizers and other chemicals that could adversely affect water quality (except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations) are prohibited in shoreline jurisdiction.
4. The application of pesticides or herbicides in shoreline jurisdiction is prohibited except for those products specifically approved for use by the Department of Ecology in aquatic situations, and then only if used according to approved methods of and standards for application.



CHAPTER 4

Shoreline Modification Provisions

A. Introduction and Applicability

Shoreline modifications are structures or actions which permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, breakwaters, docks, and floats. Actions such as clearing, grading, landfilling, and dredging are also considered shoreline modifications. The terms “clearing and grading” are not intended to include normal landscaping and maintenance such as mowing or planting of a garden performed routinely by property owners. However, there are State Environmental Protection Act (SEPA) thresholds where clearing and grading do require a land use permit and could become a shoreline modification requiring a shoreline permit.

Generally, shoreline modification activities are undertaken for the following reasons:

1. To prepare a site for a shoreline use
2. To provide shoreline stabilization or shoreline protection
3. To support an upland use

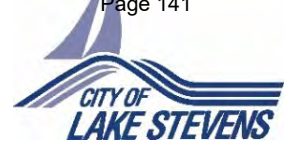
The policies and regulations in this chapter are intended to prevent or mitigate the adverse environmental impacts of proposed shoreline modifications. General provisions, which apply to all shoreline modification activities, are followed by provisions tailored to specific shoreline modification activities. This chapter provides policies and regulations for shoreline modification features including shoreline stabilization measures and docks and floats.

If a shoreline development entails more than one shoreline modification, then all of the regulations pertaining to each type of modification apply.

Even though a shoreline modification may not require a shoreline substantial development permit, it must still conform to the regulations and standards in this SMP. The City requires that a property owner contemplating a shoreline modification contact the Shoreline Administrator and apply for a “letter of exemption” or a shoreline permit. No shoreline modification shall be undertaken without either a shoreline permit or a letter of exemption.

B. Shoreline Modification Matrix

The following matrix (Table 14) is the shoreline modification matrix. The matrix provides the permitted, conditional, and prohibited uses in all shoreline environmental designations. A permitted modification does not mean the modification is exempt from a shoreline permit. All proposed shoreline modifications require application to the City for a shoreline exemption or shoreline permit and application to the Washington Department of Fish and Wildlife for a Joint



Aquatic Resources Permit Application (JARPA). In addition, all shoreline modifications are subject to other provisions in this SMP and any other applicable federal, state and local rules and regulations. See especially, Section C “Policies and Regulations” below.

The numbers in the matrix refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated modification. Where there is a conflict between the matrix and the written provisions in this chapter, the written provisions shall apply.

Table 41. Shoreline Modification Matrix

P = May be permitted C = May be permitted as a conditional use only X = Prohibited; the use is not eligible for a variance or conditional use permit N/A = Not applicable	Natural	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic ⁴
Shoreline stabilization:					
Environmental restoration/enhancement	P	P	P	P	P
Bioengineering	C	P	P	P	C/P ⁵
Revetments	X	P	C	P	C/P ⁵
Bulkheads	X	P	C	P	C/P ⁵
Breakwaters/jetties/rock weirs/groins	X	X	X	X	X
Dikes/levees	X	C	C	C	C
Clearing and Grading	X	P	P	P	N/A
Dredging	N/A	N/A	N/A	N/A	C
Hazardous waste cleanup	P	P	P	P	P
Fill ¹	X	P	P	P	C ²
Piers/docks/mooring piles and buoys ^{3,6}	X	P	P	P	P
Covered Moorage (no sides)	X	X	X	P	P
Permanent swim floats/platforms	X	X	X	X	X
Boardwalks, public	C	P	P	P	X

Shoreline Modification Matrix Notes:

1. Fill in the floodplain must meet all federal, state, and local flood hazard reduction regulations.
2. Fill in aquatic areas for the purposes of shoreline ecological restoration may be allowed as a permitted use if the Shoreline Administrator determines that there will be an increase in desired ecological functions.
3. New non-public piers and docks are prohibited on Little Pilchuck Creek and Catherine Creek.



4. *A shoreline modification may be allowed in the Aquatic Environment if the chart indicates that it is allowed in both the Aquatic Environment and the adjacent upland environment.*
5. *New shoreline stabilization structures are not allowed in the Aquatic Designation. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure (WAC 173-26-231(3)(a)(iii)(C)). All other shoreline stabilization structures in the Aquatic Designation require a conditional use permit.*
6. *A maximum of two private mooring piles or buoys per dock in lieu of fingers or ells are allowed only within the envelope of the dock and no farther waterward than the end of the dock pursuant to LSMC 10.16.070. Also, a maximum of two private piles or buoys are allowed in lieu of dock if it includes markings for navigational safety where it shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the water line (WAC 352-66-100) and LSMC 10.16.070(d). "Envelope of the dock" is defined as the area measured 30 feet from shore and only as far from the side of the dock as required for the size of the boat to be moored at the dock. Mooring buoys or piles do require review by the Washington Department of Fish and Wildlife to determine if an HPA is required.*

C. Policies and Regulations

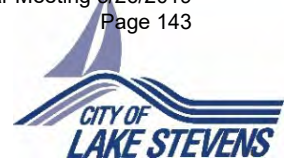
1. General Policies and Regulations

a. Applicability

The following provisions apply to all shoreline modification activities whether such proposals address a single property or multiple properties.

b. Policies

1. Structural shoreline modifications should be allowed only where they are demonstrated to be necessary:
 - a. To support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage; or
 - b. For reconfiguration of the shoreline to mitigate impacts or enhance the shoreline ecology.
2. The adverse effects of shoreline modifications should be reduced, as much as possible, and shoreline modifications should be limited in number and extent.
3. Allowed shoreline modifications should be appropriate to the specific type of shoreline and environmental conditions in which they are proposed.
4. The City should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions, as stated in WAC 173-26-231. This is to be achieved by preventing unnecessary shoreline modifications, by giving preference to those types of shoreline modifications that



have a lesser impact on ecological functions, and by requiring mitigation of identified impacts resulting from shoreline modifications.

5. Where applicable, the City should base decisions on available scientific and technical information and a comprehensive analysis of site-specific conditions provided by the applicant, as stated in WAC 173-26-231.
6. Impaired ecological functions should be enhanced where feasible and appropriate while accommodating permitted uses, as stated in WAC 173-26-231. As shoreline modifications occur, the City will incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
7. In reviewing shoreline permits, the City should require steps to reduce significant ecological impacts according to the mitigation sequence in WAC 173-26-201(2)(e).

c. Regulations

1. All shoreline modification activities must be in support of a permitted shoreline use or to provide for human health and safety. Shoreline modification activities which do not support a permitted shoreline use are considered "speculative" and are prohibited by this SMP, unless it can be demonstrated that such activities are necessary to protect human health and safety, ecological functions, and the public interest.
2. Structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose or are not feasible. See Chapter 6 for definition of "feasible". Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation of proposed structures, and vegetation enhancement.
3. Shoreline modifications in flood-prone areas identified by FEMA on the Flood Rate Insurance Map shall comply with adopted floodplain regulations.
4. Stream channel modification (i.e., realignment) shall be prohibited as a means of shoreline stabilization or shoreline protection, unless it is the only feasible alternative and includes environmental enhancement.
5. All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.
6. Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.
7. Shoreline modification materials shall be only those approved by the City and applicable state agencies. No toxic (e.g., creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.
8. In channel migration zones, natural geomorphic and hydrologic processes shall not be limited and new development shall not be established where future shoreline modifications will be required and shall include appropriate protection of ecological function.



2. Shoreline Stabilization (Including Bulkheads)

a. Applicability

Shoreline stabilization includes structural or nonstructural actions taken to address erosion impacts to property, dwellings, businesses, or ~~essential~~ structures caused by processes, such as current, flood, wind, or wave action.

~~Pursuant to WAC 173-26-231, new structural stabilization measures shall not be allowed except when necessity is demonstrated to protect existing primary structures; in support of new nonwater dependent development, including single family residences, in support of water dependent development or to protect projects for the restoration of ecological functions or hazardous substance remediation projects, except when necessity is demonstrated, reviewing the when all conditions listed in WAC 173-26-231(3)(a)(iii)(B)(II), (III) or (IV), respectively, are met.~~

~~Replacement of an existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action or waves, pursuant to WAC 173-26-231(3)(a)(iii)(C).~~

Nonstructural methods include building setbacks, relocation of the structure to be protected, erosion and groundwater management, shoreline restoration/enhancement efforts, planning and regulatory measures to avoid the need for structural stabilization.

Structural methods include “hard,” “soft” or “hybrid” structural stabilization measures.

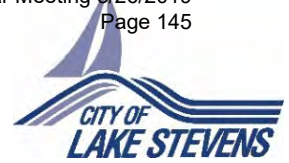
Hard Structural Shoreline Stabilization means erosion control practices using hardened structures that armor and stabilize the shoreline from further erosion. Hard structural shoreline stabilization typically uses concrete, boulders, dimensional lumber or other materials to construct linear, vertical or near-vertical faces. These include bulkheads, rip-rap, groins, and similar structures.

Soft Structural Shoreline Stabilization means erosion control and restoration practices that contribute to restoration, protection or enhancement of shoreline ecological functions. Soft shoreline stabilization typically includes a mix of gravels, cobbles, boulders, logs and native vegetation placed to provide stability in a non-linear, sloping arrangement. On lakes such as Lake Stevens, non-structural and soft structural stabilization measures can be cost-effective and practicable solutions.

Hybrid Structural Shoreline Stabilization means a structural stabilization practice that includes soft and hard structural components, including, but not limited to, those identified above.

Generally, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology, and biological functions.

Maintenance, Repair, and Replacement WAC 173-27-040(2)(b) defines normal maintenance and repair of existing structures and notes that many maintenance and repair activities are exempt from the requirement for a shoreline substantial development permit.



~~Pursuant to WAC 173-27-040(1) regarding application and interpretation of exemptions, exemptions shall be construed narrowly, any exempt project must still be carried out in compliance with policies and standards of the SMA and the local SMP, and the proof of exemption is on the applicant. If one portion of a project is not exempt, then the entire project is not exempt. Conditional use and variance permits may also still be required even though the activity does not need a substantial development permit.~~

Pursuant to WAC 173-26-231(3)(a)(iii)(C), in the context of shoreline stabilization, “replacement” means the construction of a newnew similar structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

b. Policies

1. Non-structural stabilization measures are preferred over soft structural measures. Soft stabilization measures are ~~strongly~~ preferred over hybrid measures and hybrid structural shoreline stabilization measures are ~~strongly~~ preferred over hard structural shoreline stabilization.

Proposals for hard-, hybrid and soft structural solutions, including bulkheads, should be allowed only when it is demonstrated that to be necessary to -protect an existing primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes. Hard structural shoreline stabilization measures should be allowed only when it is demonstrated that soft or hybrid structural measures would not provide support or protection for an existing primary structure or a legally existing shoreline use.

2. Bulkheads and other structural stabilizations should be located, designed, and constructed primarily to prevent damage to existing primary structures and minimize adverse impacts to ecological functions.
3. New development requiring bulkheads and/or similar protection to protect a primary structure should not be allowed. Shoreline uses should be located in a manner so that bulkheads and other structural stabilization are not likely to become necessary in the future.
4. Shoreline modifications individually and cumulatively shall not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.

c. Regulations

New Development

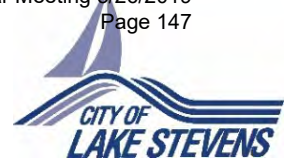
1. New primary structures shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization. New non-water dependent primary structures that would require shoreline stabilization that would cause significant adverse impacts to adjacent or down-current properties or restrict channel migration in Channel Migration Zones ~~are~~ prohibited.



2. New primary structures, including single-family residences, which include structural shoreline stabilization, will not be allowed unless all of the conditions below are met:
 - a. The need to protect the primary structure from damage due to erosion caused by natural processes, such as currents, waves, and by manmade processes such as boat wakes, is demonstrated through a geotechnical report.
 - b. The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.
 - c. Nonstructural measures, such as placing the primary structure farther from the shoreline, planting vegetation, low impact development measures, or installing on-site drainage improvements, are not feasible or not sufficient.
 - d. The structure will not result in a net loss of shoreline ecological functions.
3. New primary structures on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis by a geotechnical engineer or related professional licensed and in good standing in the State of Washington.

New or expanded shoreline stabilization measures

4. New stabilization measures are not allowed except to protect or support an existing primary structure and permitted shoreline use, as necessary for human safety, for the restoration of ecological functions, or for hazardous substance remediation pursuant to Chapter 70.105D RCW. The construction of a bulkhead for the primary purpose of retaining or creating dry land ~~that is not specifically authorized as a part of the permit~~ is prohibited.
5. New or replacement structural shoreline stabilization measures are allowed on Catherine Creek and Little Pilchuck Creek shorelines for necessary flood hazard reduction provided that all feasible steps are taken to minimize adverse impacts to the natural environment. The structures must be in conformance with a City-approved flood hazard reduction program.
6. New or enlarged (e.g., increase in height, width, length or depth) structural shoreline stabilization measures, including repairs that enlarge the structure by more than 10-percent, for a primary structure or residence and permitted shoreline use shall should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis (see definition in Chapter 6 and subsection c.8, below), that the structure is in danger from shoreline erosion caused by currents, waves, or boat wakes per WAC 173-26-231(3)(B). Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis by a licensed geotechnical engineer or related licensed professional, is not demonstration of need.
7. ~~7.—An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.~~
 - ~~The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.~~
 - ~~Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to~~



January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

- Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.
- Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high water mark.
- For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

7. Hard structural shoreline stabilization measures, such as bulkheads, are not allowed unless the applicant can demonstrate through a geotechnical analysis that soft structural measures such as vegetation or beach enhancement, or nonstructural measures, such as additional building setbacks, are not feasible to mitigate the danger from wave action and erosion.

8. Separate Section per WAC 73-26-231(D) Geotechnical reports prepared pursuant to this section~~The geotechnical report~~ must demonstrate that erosion rates projected within three years would result in damage to an existing primary structure. The report must also evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The project design and analysis must also evaluate vegetation enhancement and low impact development measures as a means of reducing undesirable erosion.

Where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.

98. Where structural shoreline stabilization measures are demonstrated to be necessary, as described in subsections c.6 and 7 above, the size of stabilization measures shall be limited to the minimum necessary. The Shoreline Administrator may require that the proposed structure be altered in size or design or impacts otherwise mitigated. Impacts to sediment transport shall be avoided or minimized.

109. The Shoreline Administrator shall require mitigation of adverse impacts to shoreline functions in accordance with the mitigation sequence defined in Chapter 3 Section B.4 of the General Provisions. The Shoreline Administrator may require the inclusion of vegetation conservation, as described in Chapter 3 Section B.11, as part of shoreline stabilization, where feasible. Any mitigation required shall be proportional to the impact of the proposed development. In order to determine acceptable mitigation, the Shoreline Administrator may require the applicant to provide necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with



a restoration plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.

1140. Shoreline stabilization measures that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM as long as the overriding intent is not to create dry land. Where the ecological restoration includes placement of new substrates, measures shall be taken to ensure that these substrates do not erode and reduce water depth of neighboring properties.

124. Following completion of shoreline modification activities, disturbed shoreline areas shall be restored to pre-project conditions or conditions set by the Shoreline Administrator. Vegetation conservation measures, including the planting of native vegetation along the shoreline, may be required. Plantings shall consist of native grasses, shrubs, and trees as approved by the Shoreline Administrator in keeping with preexisting or typical naturally occurring bank vegetation. Vegetation shall be fully reestablished within three years. All revegetation projects shall include a program for monitoring and maintenance. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants and/or vegetation until the plantings/vegetation is successfully reestablished.

General Regulations for Repair, Maintenance and Replacement

132. ~~Existing hard, hybrid or soft structural stabilization may be repaired, maintained and replaced if there is a demonstrated need to protect an existing primary structure from erosion caused by currents, tidal action and/or waves.~~ If the repair, maintenance or replacement activity changes the location of the stabilization or alters any dimension of the stabilization by more than 10 percent, it shall be treated as a new stabilization and the City may require mitigation in accordance with this Program.

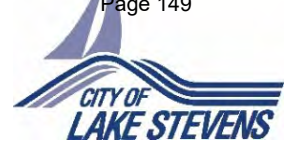
14a. ~~R~~The replacement structures should be designed, located, sized, and constructed to assure no net loss of ecological functions.

15e. -Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.

Replacement or Major Repair of Hard Structural Shoreline Stabilization

16. Replacement or major repair of a hard shoreline stabilization measure shall include the following activities over any 5-year period:

- a. A repair needed to a portion of an existing stabilization structure that has collapsed, eroded away or otherwise demonstrated a loss of structural integrity, or in which the repair work involves modification of the toe rock or footings, and the repair is 50 percent or greater than the linear length of the shoreline stabilization measure; or
- b. A repair to more than 75 percent of the linear length of the existing hard structural shoreline stabilization measure in which the repair work involves replacement of top or middle course rocks or other similar repair activities.



17. The City may only approve a major repair or replacement of an existing hard structural stabilization measure with a hard structural shoreline stabilization measure to protect existing primary structures or principal uses, including detached dwelling units, if conclusive evidence is provided to the City that the primary structure or use is in danger from shoreline erosion caused by currents or waves as determined by a geotechnical report specified under subsection c.8. above.

18. The applicant must submit the following for replacement or major repair of hard structural shoreline stabilization:

a. A geotechnical report consistent with subsection c.8. above which includes a written narrative consisting of the following:

i. An estimation of the time frames and rates of erosion and urgency associated with the specific situation.

ii. An assessment of the necessity for hard structural stabilization, considering site-specific conditions such as water depth, orientation of the shoreline, wave fetch, and location of the nearest structure.

iii. An assessment of erosion potential resulting from the action of waves or other processes operating at or waterward of the OHWM in the absence of the hard structural shoreline stabilization.

iv. An assessment of the feasibility of using nonstructural or soft structural stabilization measures in lieu of hard structural shoreline stabilization measures.

b. Design recommendations for minimizing impacts and ensuring that the replacement or repaired stabilization measure is designed, located, sized, and constructed to assure no net loss of ecological functions.

19b. Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

Minor Repair of Hard Structural Shoreline Stabilization

20. Minor repairs of hard shoreline stabilization include those maintenance and repair activities not otherwise addressed in subsection c.16 above. The City shall allow minor repair activities to existing hard structural shoreline stabilization measures. No geotechnical report or demonstration of need may be required.

Repair or Replacement of Soft Shoreline Stabilization, or Replacement of Hard Stabilization with Soft Shoreline Stabilization

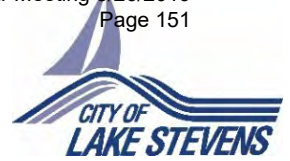
21. The City shall allow repair or replacement of soft shoreline stabilization, and replacement of hard shoreline stabilization with soft shoreline stabilization to mitigate the effects of wave action on shoreline erosion.

22. The applicant shall submit to the City, design recommendations for minimizing impacts and ensuring that the replacement or repaired stabilization measure is designed, located, sized, and constructed to assure no net loss of ecological functions. No geotechnical report or demonstration of need may be required.



Design of Shoreline Stabilization Measures

2343. Bulkhead design and development shall conform to all other applicable City and state agency policies and regulations, including the Washington State Department of Fish and Wildlife criteria governing the design of bulkheads.
2444. Gabions (wire mesh filled with concrete or rocks) are prohibited, except as a conditional use where it is determined that gabions are the least environmentally disruptive method of shoreline stabilization.
2545. Stairs and other allowed structures may be built as integral to a bulkhead but shall not extend waterward of the bulkhead or structure unless it is necessary to access the shoreline or a use or structure ~~is otherwise~~ allowed over water.
2646. Bulkheads shall be designed to permit the passage of surface water or groundwater without causing ponding or over-saturation of retained soil/materials of lands above the OHWM.
2747. Adequate toe protection and proper footings shall be provided to ensure bulkhead stability without relying on additional riprap.
2848. Materials and dimensional standards:
- a. New bulkheads and other shoreline stabilization structures shall not be constructed higher than 24 inches above the OHWM or, if the bulkhead is set back from the shoreline, 24 inches above grade at the base of the bulkhead or structure. On steep slopes, new bulkheads may be built taller than 24 inches high if necessary to meet the existing slope. Replacement bulkheads may be built to the height of the original bulkhead.
Exception: The Shoreline Administrator may waive this provision for flood hazard minimization measures conforming to this SMP.
 - b. While structural materials are not the preferred method of shoreline stabilization, if structural shoreline measures are allowed ~~according to subsections c.6, 7 and 12 above~~, the following are examples of acceptable materials for shoreline stabilization structures, listed in order of preference from top to bottom:
 - i. Large stones, with vegetation planted in the gaps. Stones should not be stacked steeper than 2 horizontal to 1 vertical slope.
 - ii. Timbers or logs. Note the prohibition against toxic wood treatments.
 - iii. Stacked masonry units (e.g., interlocking cinder block wall units).
 - iv. Cast-in-place reinforced concrete.
 - c. The following materials are not acceptable for shoreline stabilization structures:
 - i. Degradable plastics and other nonpermanent synthetic materials.
 - ii. Sheet materials, including metal, plywood, fiberglass, or plastic.
 - iii. Broken concrete, asphalt, or rubble.
 - iv. Car bodies, tires or discarded equipment.
 - v. Other materials deemed inappropriate by the Shoreline Administrator.
2949. Fill behind bulkheads shall be limited to an average of 1 cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered landfill



and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline substantial development permit.

Bioengineering

~~3029.~~ Bioengineering projects shall use native trees, shrubs, and grasses and/or ground cover, unless such an approach is not feasible.

~~3124.~~ All bioengineering projects shall include a program for monitoring and maintenance.

3. Over-Water Structures - Including Piers and Docks, Floats, and Boardwalks

a. Applicability

Over-water structures for moorage, boat-related, float plane-related, and other direct water-dependent uses or development, including docks, piers, boat launches, and swimming/diving platforms, inflatable recreational equipment, as well as public access boardwalks, fishing piers, and viewpoints, in shoreline areas shall be subject to the following policies and regulations. All over-water structures shall also conform to all applicable state and federal requirements.

b. Policies

1. Moorage associated with a single-family residence is considered a water-dependent use provided that it is designed and used as a facility to access watercraft (including float planes).
2. New moorage, excluding docks accessory to single-family residences, should be permitted only when the applicant/proponent has demonstrated that a specific need exists to support the intended water-dependent or public access use. To demonstrate “need”, the applicant shall provide a statement that clearly shows the intent to provide for a water-dependent or public access use as well as the provision of all other services and support (e.g. utilities, access, etc.) needed for the intended use.
3. To minimize continued proliferation of individual private moorage, reduce the amount of over-water and in-water structures, and reduce potential long-term impacts associated with those structures, shared moorage facilities are preferred over single-user moorage. New subdivisions of more than two (2) lots and new multi-family development of more than two (2) dwelling units should provide shared moorage.
4. Docks, piers, and other water-dependent use developments including those accessory to single-family residences, should be sited and designed to avoid adversely impacting shoreline ecological functions or processes, and should mitigate for any unavoidable impacts to ecological functions.
5. Moorage and other water-dependent use developments should be spaced and oriented in a manner that minimizes hazards and obstructions to public navigation rights and corollary rights thereto such as, but not limited to, fishing, swimming and pleasure boating.



6. Moorage and other water-dependent use developments should be restricted to the minimum size necessary to meet the needs of the proposed use. The length, width and height of over-water structures and other developments regulated by this section should be no greater than that required for safety and practicality for the primary use.
7. Moorage and other water-dependent use developments should be constructed of materials that will not adversely affect water quality or aquatic plants and animals in the long term.

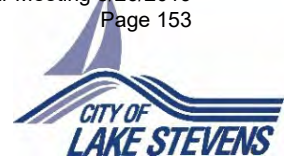
c. Regulations

General Regulations for Private and Public Structures

1. All new, reconstructed, repaired, or modified over-water structures shall be allowed only in support of an allowed water-dependent use and must comply with all other regulations as stipulated by State and Federal agencies. Non-water-dependent uses may use a dock constructed for a water-dependent use as long as they do not impede the water-dependent use. Over-water structures built solely for the purpose of a non-water-dependent use are prohibited.
2. All moorage and other over-water structures shall be designed and located so as not to constitute a hazard to navigation or other public uses of the water.
3. Proposed private over-water structures which do not comply with the dimensional standards contained in this chapter may only be approved if they obtain a shoreline variance. (See Chapter 7 Section E.)
4. No portion of the deck of a pier shall, during the course of the normal fluctuations of the elevation of the waterbody, protrude more than three (3) feet above the OHWM. Temporary cabanas without a permanent frame may be allowed. Temporary structures are allowed for only five months of the year (May 1 – September 30).
5. Docks, piers, and other developments for water-dependent uses shall be located at least ten (10) feet from the extended side property lines (extended at the same angle as the property line on shore), except for joint use structures. Where a ten (10) foot setback is not feasible, as determined by the Shoreline Administrator, a five (5) foot setback from the side property line may be permitted. All over-water structures shall be configured to minimize interference with rights of navigation.
6. No residential use may occur over water, including houseboats, live-aboards, or other single- or multi-family dwelling units.
7. All floats, ells, fingers, and lifts must be at least 30 feet waterward of the OHWM.

Exception: For docks shorter than 50 feet, the Shoreline Administrator may make an administrative exception to allow lifts within the first 30 feet if the applicant submits a specific request, reason for the request and documentation of the dock dimensions and proposed locations for lifts.

8. All pier and dock dimensions shall be minimized to the maximum extent feasible. The proposed length must be the minimum necessary to support the intended use.
9. Skirting that extends to the water is not permitted on any structure except to contain or protect floatation material.
10. All piers, docks, and similar structures shall at no time rest on the lake substrate.



11. All over-water structures and other water-dependent use developments shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe structures shall be removed or repaired promptly by the owner.
12. Lighting associated with over-water structures shall be beamed, hooded or directed to avoid causing glare on adjacent properties or waterbodies except for motion-detector lights. Illumination levels shall be the minimum necessary for safety. All lights, except motion-detector lights, shall be shielded and light directed to prevent directly lighting the water surface and light shining toward the uplands.
13. Any paint, stain or preservative applied on components of an overwater or in-water structure must be leach-resistant, completely dried or cured prior to installation. All materials that may come in contact with water shall be constructed of materials, such as untreated wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials shall not be treated with pentachlorophenol, creosote, chromate copper arsenate (CCA), or comparably toxic compounds as outlined in the latest edition of the Western Wood Preservers Institute Best Management Practices for the Use of Treated Wood in Aquatic and Sensitive Areas. Structures may also use other materials approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave or boat wake splash, rain or runoff.
14. Temporary moorages shall be permitted for vessels used in the construction of shoreline facilities. The design and construction of temporary moorages shall be such that upon termination of the project, the aquatic habitat in the affected area can be returned to its original (pre-construction) condition within one (1) year at no cost to the environment or the public.
15. New boathouses or other walled covered moorage are prohibited. Covered boat lifts and covered moorage with no sides in conformance with other provisions in this section may be allowed. The nonconforming use clause in Chapter 7 Section H shall apply to existing enclosed moorage structures.
16. If a dock is provided with a safety railing, such railing shall not exceed 36 inches in height and shall be an open framework that does not unreasonably interfere with shoreline views of adjoining properties.
17. Moorage facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during the day or night. Exterior finish shall be generally non-reflective.
18. Public boardwalks are allowed for public access in shoreline areas.
19. The Shoreline Administrator has flexibility in dock dimensional standards to a maximum width of 6 feet to accommodate disability (ADA) needs for single-family homeowners when the house is accessible to ADA standards (including an accessible entry and bathroom) and there is an ADA accessible pathway to the dock.
20. Alternative Design. The City shall approve new, replaced or additions to docks different from the standards below subject to Washington Department of Fish and Wildlife approval of an alternate project design limited to the following features: size of pilings, replacement area, and/or different decking requirements subject to a Hydraulic Permit Approval. With submittal of a building permit, the applicant shall

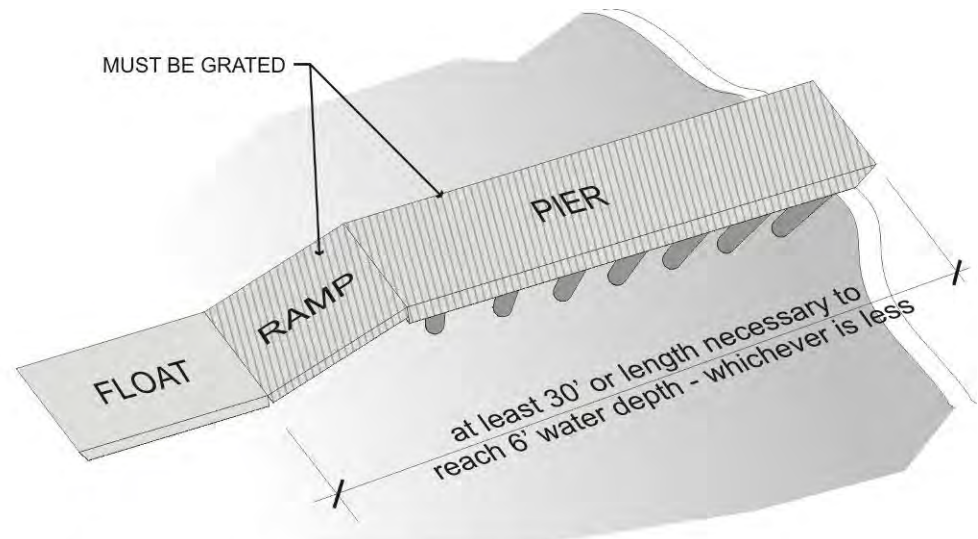
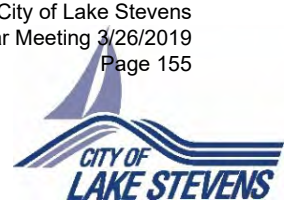


provide documentation that the Washington Department of Fish and Wildlife has approved the alternative proposal design.

New Private, Non-Commercial Piers

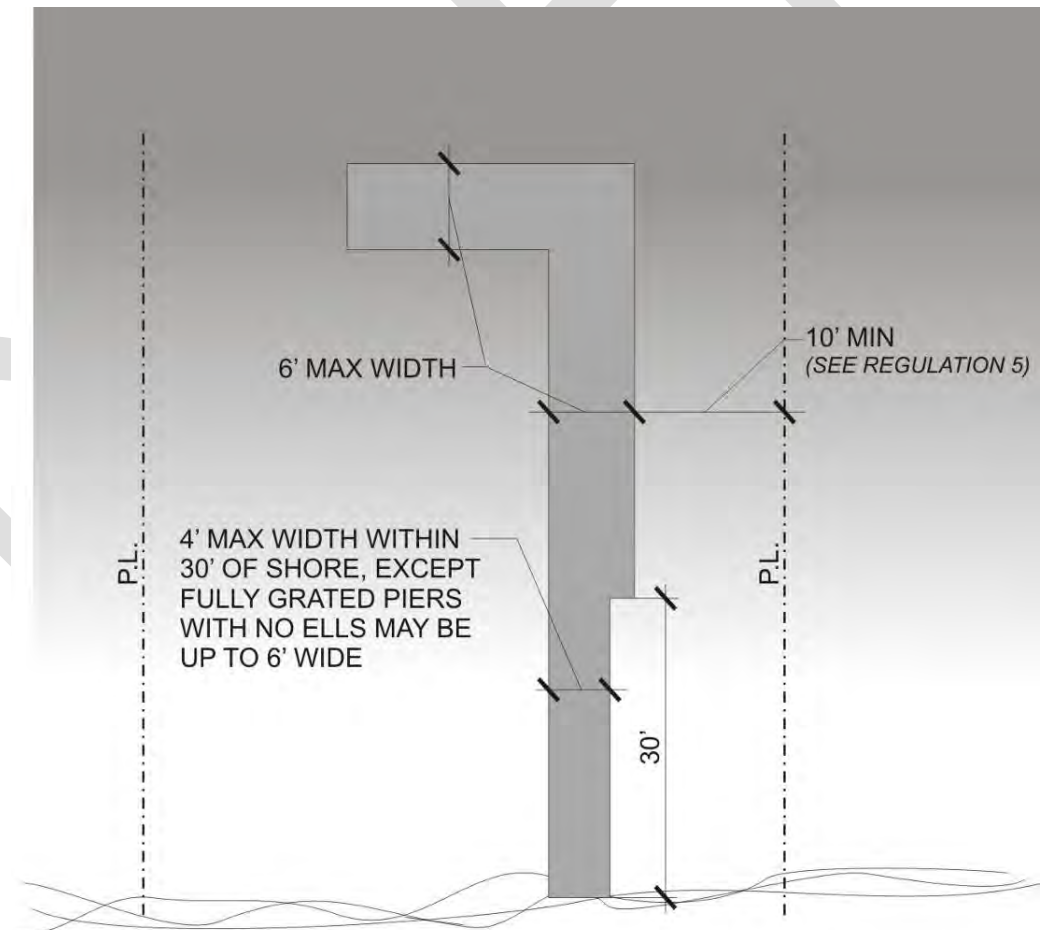
Regulations 21 – 3~~12~~ below apply specifically to residential and private recreational properties not used for commercial purposes.

21. A new private pier or dock may be permitted on lots owned for residential or for private recreational use, provided:
 - a. The applicant has demonstrated a need for moorage.
Exception: Docks accessory to a single-family residence are allowed without requiring a demonstrated need (WAC 173-26-231(3)(b))).
 - b. No more than one (1) pier is permitted for each single-family residence or private recreational lot not used for commercial purposes.
 - c. On waterfront lots subdivided to create additional waterfront lots, upland lots with waterfront access rights, or lots with waterfront multi-family development, joint-use piers shall be required.
22. A new, joint-use pier may be permitted on a community recreation lot shared by a number of waterfront or upland lots provided the applicant has demonstrated a need for moorage or other allowed water-dependent use or in the case of single-family residences, no demonstrated need is required.
23. New floating docks located within the first 30 feet of shoreline, measured waterward of the OHWM, are prohibited except where the float is located in water at least six (6) feet in depth, measured from the OHWM. Piers that terminate in a waterward float are allowed; provided that the landward edge of the float is over water with a depth of six (6) feet or more, measured from the OHWM, or is at least 30 feet waterward of the OHWM. All float tubs shall be fully encapsulated.
- 24. Development Standards for New Docks
 - a. Decking: All new docks require decking with a minimum of 40 percent open space within 30 feet of the shoreline. See regulations C.3.c.~~2728~~ to ~~2932~~ for dock replacement and repair requirements.
 - b. Piles. Piles shall be either steel, PVC, or untreated wood and shall be spaced a minimum of 12 feet apart, except when shown not to be feasible for site-specific engineering or design considerations.



Requirement to offset new floats from pier

Figure 1. Pier approach length. (See regulation 4.C.3.c.23.)



Residential dock width and geometric dimension requirements

Figure 2. Residential dock width and geometric dimension requirements.

- c. Length.
- i. The maximum waterward intrusion of any portion of the dock shall not extend beyond the average of the two most adjacent legally existing docks within 300 feet on either side of the proposed dock. If the most adjacent legally existing docks are 50 feet long or less, then any legally existing docks within 300 feet on either side of the proposed dock may be used to determine the average length for the proposed dock with documentation showing all dock lengths within 300 feet and identification of the two docks, one on each side of the proposed dock, being used to determine the average length. If no legal docks exist within 300 feet, the maximum length of the dock is the minimum necessary to reach a 5 ½ -foot water depth below the low water mark.

Exception: If the above dock limits do not allow the dock to reach an adequate depth to moor a boat, the Shoreline Administrator may approve a longer dock up to the minimum necessary to reach 5½ feet of depth, as measured from the low water mark. However, in no case shall a dock extend more than 200 feet from the shoreline, measured perpendicularly to the shoreline.

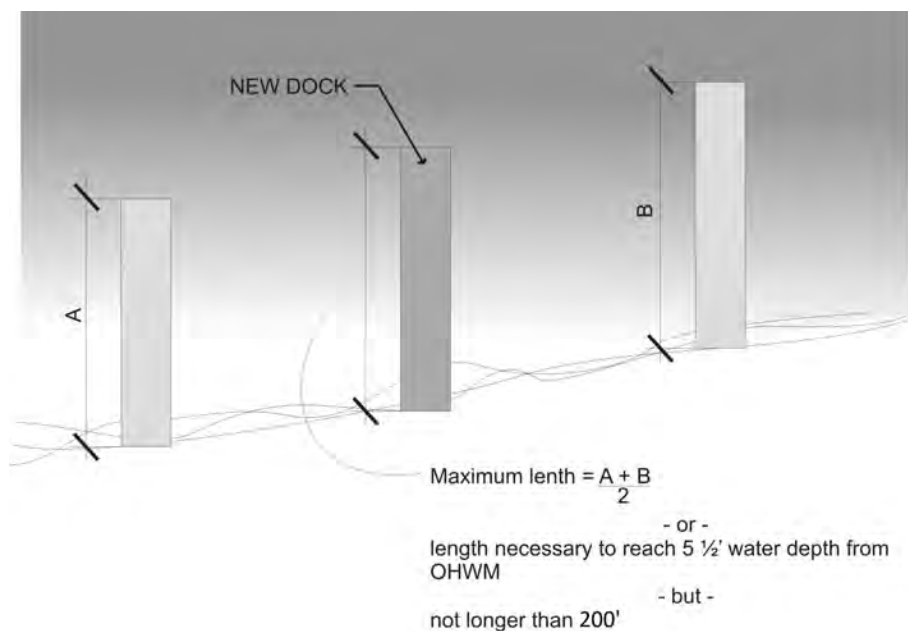


Figure 3. Allowable length of new docks. (See regulation 4.C.3.c.23.a.i.)

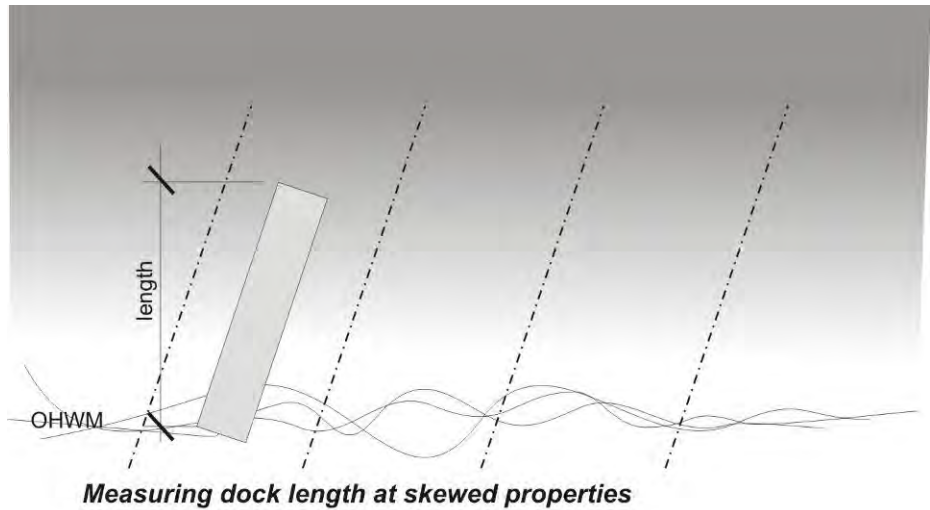
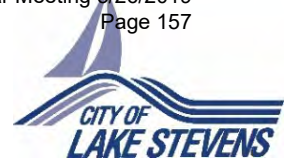


Figure 4. Dock length measurement.

- ii. The maximum length of ells, fingers, and floats is 20 feet.
- d. Width.
 - i. The maximum width of a dock walkway is 4 feet for the first 30 feet from shore and up to 6 feet for portions of walkways which extend more than 30 feet from the shore. Fully grated piers with no ells may be up to 6 feet wide their entire length, including within the first 30 feet from shore.
 - ii. The maximum width of ells and floats is 6 feet. Ells and floats shall be positioned beyond 30 feet from shore.
 - iii. Any additional fingers must be no wider than 4 feet if beyond 30 feet from shore.
 - iv. The maximum width of a ramp connecting a dock to a float is 4 feet.

Additions to Private Pier or Dock

~~256.~~ Additions to existing, legally conforming piers or docks may be permitted up to the size allowed for new piers as described in subsection c.24 above provided any additions in the nearshore 30 feet consists of decking allowing for a minimum of 40 percent open space. If the existing dock's dimensions are nonconforming, additions are prohibited.

~~2726.~~ When proposed additions to a private residential pier result in a pier that exceeds the maximum total length or width allowances for new docks as described in c.24 above, the addition may be proposed under a Variance application and subject to the following provisions:

- a. The applicant must remove any in-water structures rendered obsolete by the addition;
- b. The additional length of walkway must be no wider than 4 feet within the first 30 feet from shore and up to 6 feet for walkway sections located more than 30 feet from shore;



- c. The decking of all new pier elements include decking with a minimum of 40 percent open space as described in subsection c.24.a. above; and
- d. Any proposed new piles must comply with standards under subsection c.24.b. above.

Replacement or Repair of Existing Private Pier or Dock

27. Replacement or major repair proposals must comply with the following:

~~a32.~~ If a single-family residence has two or more existing docks and one requires replacement or repair as described in subsections c.285 to .2929 ~~below~~^{above}, then one dock must be removed as a condition of the replacement or repair. The remaining dock may be improved to the same dimensions as either existing dock.

~~2528.~~ Proposals involving replacement of the entire private pier or dock, or 50 percent or more of the pier support piles, can be replaced up to 100% of the area (square footage) of the existing pier or dock and shall comply with the following standards:

- a. Decking: All replacement piers must include decking with a minimum of 40 percent open space ~~as described in subsection c.24.a. above~~ within 30 feet of the shoreline. and for aAny pier element (i.e., pier walkway, ell, etc.) whether in the first 30-feet or beyond that exceeds (i.e., pier walkway, ell, etc.) greater than 6 feet widein width must including decking with a minimum of 40 percent open space for the entire portion of that element that is wider than 6 feet.
- b. Piles: Piles shall be either steel, concrete, PVC or similar, or untreated wood and shall be spaced a minimum of 10 feet apart, except when shown not to be feasible for site-specific design considerations. Other materials may be considered if recommended by a qualified professional, on a case by case approach, when approved by the Shoreline Administrator or designee. Replacement piles must be sized as described above under subsection 24.b, and must achieve the minimum 12-foot spacing to the extent allowed by site specific engineering or design considerations.
- c. Existing private piers or docks may be reconfigured consistent with the regulations in this section provided the reconfiguration is not wider than 6 feet within 30 feet of the shoreline; does not exceed the maximum allowed length; and does not create or increase nonconformity with respect to setbacks from side property lines.

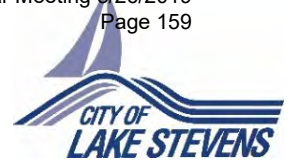
~~e. Width shall comply with "New Private, Non-Commercial Piers" standards (see Chapter 4 Section C.3.c.24.d).~~

29. Minor repair proposals must comply with the following:

Repair of Existing Private Pier or Dock

~~28a.~~ Repair proposals which replace less than 50 percent of the existing pier-support piles must comply with the following:

- ~~(1)a.~~ If the width of pier element is wider than 6 feet in the area where the piles will be replaced, the decking that would be removed in order to replace



the piles shall be replaced with decking with a minimum of 40 percent open space ~~for the entire portion of that element that is wider than 6 feet as described in subsection c.24.a. above.~~

~~b.(2)~~ Replacement piles ~~must be sized as described under subsection c.24.b. above, and must achieve the minimum 12-foot spacing to the extent allowed by site-specific engineering or design considerations~~ shall be either steel, concrete, PVC or similar, or untreated wood and shall be spaced a minimum of 10 feet apart, except when shown not to be feasible for site-specific design considerations. Other materials may be considered if recommended by a qualified professional, on a case by case approach, when approved by the Shoreline Administrator or designee. Pilings may be repaired by splicing.

~~29b.~~ Repair proposals which replace 50 percent or more of the decking on any pier element (i.e., pier walkway, ell, etc.) greater than 6 feet wide must use decking with 40 percent open space for the entire portion of that element that is wider than 6 feet ~~as described in subsection c.24.a. above.~~

~~30c.~~ If the cumulative repair proposed over a three-year period exceeds thresholds established in subsection c.285 above, the current repair proposal shall be reviewed under subsection c.285 above.

~~34d.~~ Other repairs to existing legally established piers and docks or moorage facilities where the nature of the repair is not described in the above subsections ~~shall may~~ be considered minor repairs by the Shoreline Administrator or designee and ~~may are~~ permitted, if consistent with all other applicable codes and regulations.

Watercraft Lifts, Lift Canopies, and Covered Moorage (see also regulation C.3.c.5)

~~303.~~ Watercraft lifts and associated canopies may be permitted as an accessory to residential development provided that:

- a. Watercraft lifts are movable equipment employed to temporarily lift watercraft above the water for protection and storage and are allowed only as an accessory to a dock and not as a separate structure.
- b. Residential piers may have a maximum of three watercraft lifts per single-family lot having legal use of the structure.
- c. All lifts are placed at least 30 feet waterward from the ordinary high water mark and within the limits of the dimensional standards for docks in this chapter.
- d. Lift canopies (covers over the raised craft) must not be constructed of permanent structural material. The bottom of a lift canopy is elevated above the lift to the maximum extent practicable, the lowest edge of the canopy must be at least 4 feet above the ordinary high water mark, and the top of the canopy must not extend more than 8½ feet above the adjacent pier.
- e. Lift canopies must be made of fabric material.
- f. Any platform lifts are fully grated or open allowing light to penetrate below the lift.



- g. The lifts and canopies comply with all other regulations as stipulated by State and Federal agencies.

314. Covered moorage with no sides may be permitted as an accessory to residential development provided that:

- a. Only one per dock;
- b. Dimensions no larger than a total of 240 square feet;
- c. Maximum height of roof at 8 1/2 feet above dock;
- d. Structure shall be located at least 30 feet waterward from the OHWM; and
- e. Flat roofs are prohibited.

Boat Launching Facilities

325. The maximum waterward intrusion of any portion of any launching ramp or lift station shall be the point where the water depth is six (6) feet below the ordinary high water mark.

336. Boat ramps are only permitted for public access, public or joint recreational uses, and emergency access. Any asphalt or concrete launch that solidly covers the substrate below the ordinary high water mark are not permitted accessory to private residential uses.

347. Launching rails are prohibited.

Recreational Floats/Swim Platforms

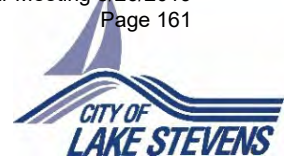
358. New recreational floats and swimming platforms for private properties are prohibited. Temporary inflatable recreational equipment (e.g., floating trampolines) is allowed from May 1 through September 30. Temporary inflatable recreational equipment shall be located a maximum of ten feet waterward from the end of the associated dock or no further than the minimum manufacturer's suggested setback for safety purposes. If there is no associated dock, the temporary inflatable recreational equipment shall be located a maximum of ten feet waterward from the average of the two most adjacent legally existing docks.

Public, Community and Commercial Over-Water Structures – including Docks, Piers and Boardwalks

369. Existing public, community and commercial over-water structures such as docks, piers, or boardwalks may be repaired and/or replaced in the same location as the existing structure.

3740. Public, community and commercial over-water structures may be expanded in size subject to the following:

- a. The existing structure is not large enough to support the intended use.
- b. The applicant must remove any in-water structures rendered obsolete by the expansion (e.g., portions of an existing dock that are no longer needed must be removed).



- c. Piles. Piles shall be either steel, concrete, PVC or similar, steel, or untreated wood and shall be spaced a minimum of 102 feet apart, except when shown not to be feasible for site-specific engineering or design considerations. Other materials may be considered if recommended by a qualified professional, on a case by case approach, when approved by the Shoreline Administrator or designee.
 - d. At no point shall any new portion of the pier exceed 12 feet in width.
 - e. All new dock portions shall consist of decking allowing for a minimum of 40 percent open space.
 - f. The length of the pier is the minimum necessary to accommodate the intended public usage of the pier.
3841. New public docks or piers may be permitted if increased public usage of existing structures has required the need for additional over-water cover. For new public docks or piers, floating piers located in the first 30 feet may be allowed as a conditional use if it is found to be necessary to support the launching of small watercraft (such as canoes, kayaks, or rowing shells).
3942. One new commercial dock or pier may be permitted per commercial waterfront lot, provided it is in support of a water-oriented use.
4043. New public, community and commercial over-water structures shall be subject to the standards under 3937.c through f above.
4144. Parcels for community docks may be allowed more than one dock, if stated in the originating covenants of the development and approved prior to the effective date of this Shoreline Master Program, up to one moorage space per residential lot. The slips are for residents only and not for rent or sale to nonresidents.

4. Fill

a. Applicability

Fill is the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land. Any fill activity conducted within shoreline jurisdiction must comply with the following provisions.

b. Policies

1. Fills waterward of OHWM should be allowed only when necessary to support allowed water-dependent or public access uses, cleanup and disposal of contaminated sediments, and other water-dependent uses that are consistent with this SMP.
2. Shoreline fill should be designed and located so there will be no significant ecological impacts and no alteration of local currents, surface water drainage, channel migration, or flood waters which would result in a hazard to adjacent life, property, and natural resource systems.



c. Regulations

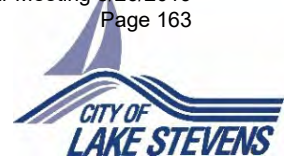
1. Fill waterward of OHWM requires a conditional use permit and may be permitted only when:
 - a. In conjunction with a water-dependent or public use permitted by this SMP;
 - b. In conjunction with a levee, bridge, or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or
 - c. As part of an approved shoreline restoration project.
2. Waterward of OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven not feasible.
3. Fill **prohibited** in floodplains where the fill would alter the hydrologic characteristics, flood storage capacity, or inhibit channel migration that would, in turn, increase flood hazard or other damage to life or property. Fill **prohibited** in floodway, except when approved by conditional use permit and where required in conjunction with a proposed water-dependent or other use specified in -subsection 4.c.2 above.
4. Fill shall be permitted only where it is demonstrated that the proposed action will not:
 - a. Result in significant ecological damage to water quality, fish, shellfish, and/or wildlife habitat; or
 - b. Adversely alter natural drainage and circulation patterns, currents, river flows or significantly reduce floodwater capacities.
 - c. Alter channel migration, geomorphic, or hydrologic processes.
5. Environmental cleanup action involving excavation/fill, as authorized by the Shoreline Administrator, may be permitted.
6. Sanitary fills shall not be located in shoreline jurisdiction.
7. Fill waterward of the ordinary high water mark that is for the purpose of restoring ecological functions is a permitted use and does not require a conditional use permit.

5. Dredging and Disposal

a. Applicability

Dredging is the removal or displacement of earth or sediment (e.g., gravel, sand, mud, silt and/or other material or debris) from a stream, river, lake, marine water body, or associated marsh, bog or swamp. Activities which may require dredging include the construction and maintenance of navigation channels, levee construction, recreation facilities, boat access, and ecological restoration.

Dredge material disposal is the depositing of dredged materials on land or into water bodies for the purpose of either creating new or additional lands for other uses or disposing of the by-products of dredging.



b. Exemptions

Pursuant to WAC 173-27-040, dredging or dredge disposal actions may be exempt from the requirement for a shoreline substantial development permit, but may still require a conditional use or variance permit.

c. Policies

1. Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.
2. When allowed, dredging and dredge material disposal should be limited to the minimum amount necessary.
3. Disposal of dredge material within a channel migration zone shall be discouraged.

d. Regulations

General

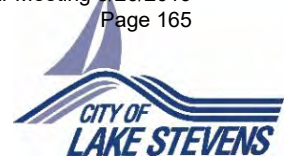
1. Dredging and dredge disposal shall be permitted only where it is demonstrated that the proposed actions will not:
 - a. Result in significant or ongoing damage to water quality, fish, and shoreline habitat;
 - b. Adversely alter natural drainage and circulation patterns, currents, river flows, channel migration processes or significantly reduce floodwater capacities; or
 - c. Cause other significant ecological impacts.
2. Proposals for dredging and dredge disposal shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.
3. Dredging and dredge disposal shall not occur in wetlands, except as authorized by conditional use permit as a shoreline restoration project.
4. Dredging and dredge disposal shall be carefully scheduled to protect ecological function (e.g., fish runs, spawning, benthic productivity, etc.) and to minimize interference with fishing activities.
5. Dredging and dredge disposal shall be prohibited on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
6. Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.
7. Dredging shall be permitted only:
 - a. For navigation or navigational access and recreational access;
 - b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;



- c. As part of an approved habitat improvement project;
 - d. To improve water quality;
 - e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;
 - f. To improve water flow or manage flooding only when consistent with an approved flood/stormwater comprehensive management plan; or
 - g. To clean up contaminated sediments.
8. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
9. New dredging activity is prohibited:
- a. In shoreline areas with bottom materials which are prone to significant sloughing and refilling due to currents, resulting in the need for continual maintenance dredging, except by conditional use permit; and
 - b. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish or wildlife.
10. Dredging for the primary purpose of obtaining material for landfill is prohibited.
11. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.
12. Maintenance dredging of established navigation channels, public access facilities and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

Regulations - Dredge Material Disposal

13. Depositing clean dredge materials in water areas shall be allowed only by conditional use permit for one or more of the following reasons:
- a. For wildlife habitat improvement or shoreline restoration; or
 - b. To correct problems of material distribution adversely affecting fish and wildlife resources.
14. Where the Shoreline Administrator requires, revegetation of land disposal sites shall occur as soon as feasible in order to retard wind and water erosion and to restore the wildlife habitat value of the site. Native species and other compatible plants shall be used in the revegetation.
15. Proposals for disposal in shoreline jurisdiction must show that the site will ultimately be suitable for a use permitted by this SMP.
16. The Shoreline Administrator may impose reasonable limitations on dredge disposal operating periods and hours and may require provision for buffers at land disposal or transfer sites in order to protect the public safety and other lawful interests from unnecessary adverse impacts.



17. Disposal of dredge material within a channel migration zone shall require a conditional use permit.

6. Shoreline Restoration and Ecological Enhancement

a. Applicability

Shoreline restoration and ecological enhancement are the improvement of the natural characteristics of upland or submerged shoreline using native materials. The materials used are dependent on the intended use of the restored or enhanced shoreline area. An Ecological Restoration Plan accompanies this SMP and recommends ecological enhancement and restoration measures.

b. Policies

1. The City should consider shoreline enhancement as an alternative to structural shoreline stabilization and protection measures where feasible.
2. All shoreline enhancement projects should protect the integrity of adjacent natural resources including aquatic habitats and water quality.
3. Where possible, shoreline restoration should use maintenance-free or low-maintenance designs.
4. The City should pursue the recommendations in the shoreline restoration plan prepared as part of this SMP update. The City should give priority to projects consistent with this plan.
5. Shoreline restoration and enhancement should not extend waterward more than necessary to achieve the intended results.

c. Regulations

1. Shoreline enhancement may be permitted if the project proponent demonstrates that no significant change to sediment transport or river current will result and that the enhancement will not adversely affect ecological processes, properties, or habitat.
2. Shoreline restoration and enhancement projects shall use best available science and best management practices.
3. Shoreline restoration and enhancement shall not significantly interfere with the normal public use of the navigable waters of the state without appropriate mitigation.
4. Shoreline restoration and ecological enhancement projects may be permitted in all shoreline environments, provided:
 - a. The project's purpose is the restoration of natural character and ecological functions of the shoreline, and
 - b. It is consistent with the implementation of a comprehensive restoration plan approved by the Shoreline Administrator, or the Shoreline Administrator finds that the project provides an ecological benefit and is consistent with this SMP.

5. The City may grant relief from SMP development standards and use regulations resulting from shoreline restoration projects consistent with criteria and procedures in WAC 173-27-215.



7. Dikes and Levees

a. Applicability

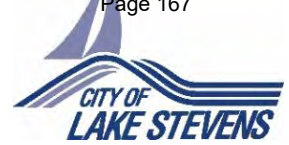
Dikes and levees are manmade earthen embankments utilized for the purpose of flood control, water impoundment projects, or settling basins.

b. Policies

1. Dikes and levees should be constructed or reconstructed only as part of a comprehensive flood hazard reduction program.
2. Environmental enhancement measures should be a part of levee improvements.

c. Regulations

1. Dikes and levees shall be designed, constructed, and maintained in accordance with Washington State Department of Fish and Wildlife Hydraulic Project Approval, federal levee criteria, and in consideration of resource agency recommendations.
2. Dikes and levees shall protect the natural processes and resource values associated with streamways and deltas, including, but not limited to, wildlife habitat.
3. Dikes and levees shall be limited in size to the minimum height required to protect adjacent lands from the projected flood stage.
4. Dikes and levees shall not be placed in the floodway, except for current deflectors necessary for protection of bridges and roads.
5. Public access to shorelines should be an integral component of all levee improvement projects. Public access shall be provided in accordance with public access policies and regulations contained herein.
6. Dikes and levees shall only be authorized by conditional use permit and shall be consistent with "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated September 16, 2005, as amended.
7. Dikes and levees shall be set back at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion, if feasible.
8. Proper diversion of surface discharge shall be provided to maintain the integrity of the natural streams, wetlands, and drainages.
9. Underground springs and aquifers shall be identified and protected.
10. Where feasible, the construction, repair, or reconstruction of dikes or levees shall include environmental restoration. The Lake Stevens Restoration Plan accompanying this SMP provides guidance the Shoreline Administrator will use in determining the amount and type of restoration required.



CHAPTER 5

Shoreline Use Provisions

A. Introduction

The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction.

B. Shoreline Use and Development Standards Matrices

The following matrices (Table 52 and Table 36) indicate the allowable uses and some of the standards applicable to those uses and modifications. A permitted use does not mean the use is exempt from a shoreline permit. All proposed shoreline uses require application to the City for a shoreline exemption or shoreline permit and application to the Washington Department of Fish and Wildlife for a Joint Aquatic Resources Permit Application (JARPA). In addition, all shoreline uses are subject to other provisions in this SMP. See especially, Section C “Policies and Regulations” below.

Where there is a conflict between the matrices and the written provisions in Chapters 3, 4, or 5 of this SMP, the written provisions shall apply. The numbers in the matrices refer to footnotes which may be found immediately following the matrix. These footnotes provide additional clarification or conditions applicable to the associated use or shoreline environment designation.

Table 52. Shoreline Use Matrix

SHORELINE USE	Natural	High-Intensity	Urban Conservancy ¹¹	Shoreline Residential	Aquatic ¹²
Agriculture	C ⁹	X	P	X	X
Aquaculture	X	X	X	X	X
Boating facilities ¹⁴	X	P	P	P	P
Commercial:					
Water-dependent	X	P	P ¹	X	X
Water-related, water-enjoyment	X	P	P ¹	X	X
Nonwater-oriented	X	C ⁴	X	X	X
Flood hazard management	X	P	P	P	C

P = May be permitted

C = May be permitted as a conditional use only

X = Prohibited; the use is not eligible for a variance or conditional use permit¹⁰

N/A = Not applicable



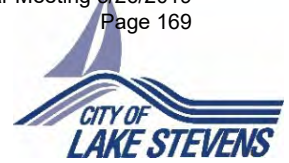
P = May be permitted
C = May be permitted as a conditional use only
X = Prohibited; the use is not eligible for a variance or conditional use permit¹⁰
N/A = Not applicable

SHORELINE USE

	Natural	High-Intensity	Urban Conservancy ¹¹	Shoreline Residential	Aquatic ¹²
Forest practices	X	X	X	P ⁸	X
Industrial:					
Water-dependent	X	P	X	X	X
Water-related, water-enjoyment	X	P	X	X	X
Nonwater-oriented	X	P ⁴	X	X	X
In-stream structures	C	C	C	C	C
Mining	X	X	X	X	X
Parking (accessory)	X	P ²	P ²	P ²	X
Parking (primary, including paid)	X	X	X	X	X
Recreation:					
Water-dependent	P ³	P	P	P	P
Water-enjoyment	P ³	P	P	P	X
Nonwater-oriented	X	P ⁴	P ⁴	P	X
Single-family residential	X	X	X	P	X
Multi-family residential	X	P	C ¹³	P	X
Land subdivision	P	P	P ⁵	P	X
Signs:					
On premise	X	P	P ⁶	X	X
Off premise	X	X	X	X	X
Public, highway	X	P	P	X	X
Solid waste disposal	X	X	X	X	X
Transportation:					
Water-dependent	X	P	P	C	P
Nonwater-dependent	X	P	C	C	C ⁷
Roads, railroads	C ⁷	P	P ⁷	P	C ⁷
Private non-commercial float plane landing and mooring facilities on Lake Stevens	X	X	X	X	P
Utilities (primary)	C ⁷	P ¹⁵	P ⁷	P ⁷	C ^{7, 16}
Uses not otherwise listed	C	C	C	C	C

Use Matrix Notes:

1. Park concessions, such as small food stands, cafes, and restaurants with views and seating oriented to the water, and uses that enhance the opportunity to enjoy publicly accessible shorelines are allowed.

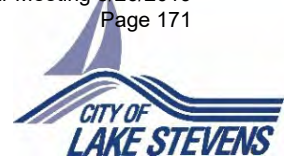


2. *Accessory parking is allowed in shoreline jurisdiction only if there is no other feasible option, as determined by the Shoreline Administrator.*
3. *Passive activities, such as nature watching and trails, that require little development with no significant adverse impacts may be allowed.*
4. *Nonwater-oriented uses may be allowed as a permitted use where the Shoreline Administrator determines that water-dependent or water-enjoyment use of the shoreline is not feasible due to the configuration of the shoreline and water body or due to the underlying land use classification in the comprehensive plan.*
5. *Land division is only allowed where the Shoreline Administrator determines that it is for a public purpose.*
6. *Signs are allowed for public facilities only.*
7. *Roadways and public utilities are allowed if there is no other feasible alternative, as determined by the Shoreline Administrator, and all significant adverse impacts are mitigated.*
8. *Forest practices for Class IV Conversion is allowed pursuant to Chapter 76.09 RCW Forest Practices.*
9. *Agricultural activities existing at the time of adoption of this SMP only.*
10. *For the treatment of existing nonconforming development, see Chapter 7 Section G.*
11. *Development in channel migration zones is allowed only by conditional use permit where it can be shown that such development would not prevent natural channel migration.*
12. *Except for the water-dependent uses, uses noted as allowed in the Aquatic environment are allowed only if allowed in the adjacent upland environment.*
13. *Multifamily residences may be allowed as part of a mix of uses, provided public access and ecological restoration are included as part of the project.*
14. *No new marinas allowed. See Chapter 5 Section C.3 for specific boating facilities regulations.*
15. *See Chapter 5 Section C.10 for specific regulations for utilities.*
16. *Publicly owned and operated aerators are allowed in the aquatic environment without a conditional use permit.*

Table 63. Shoreline Development Standards Matrix³

	Natural	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic
DEVELOPMENT STANDARDS^{3, 4} (See also section cited in parentheses)					
Commercial Development (Ch. 5 Sec. C.4)					
Lakes:					
Water-dependent setback	N/A	60'	60'	N/A ²	N/A
Water-related, water-enjoyment setback	N/A	60'	60'	N/A ²	N/A
Nonwater-oriented setback	N/A	60'	60'	N/A ²	N/A
Rivers and Streams:					
Water-dependent setback	N/A	160'	160'	N/A	N/A
Water-related, water-enjoyment setback	N/A	160'	160'	N/A	N/A
Nonwater-oriented setback	N/A	160'	160'	N/A	N/A
Industrial Development (Ch. 5 Sec. C.5)					
Rivers and Streams:					
Water-dependent	N/A	160'	N/A	N/A	N/A
Water-related and water-enjoyment	N/A	160'	N/A	N/A	N/A
Nonwater-oriented	N/A	160'	N/A	N/A	N/A
Accessory Parking (Ch. 3 Sec. B.6)					
Setbacks	N/A	70' ¹	70' ¹	75' ²	N/A
Recreational Development					
Water-dependent park structures setback	N/A	60'	60'	N/A	N/A
Water-related, water enjoyment park structures setback	N/A	60'	60'	N/A	N/A
Nonwater-oriented park structures setback (Ch. 5 Sec. C.7.c.4)	N/A	60' ¹	60' ¹	N/A	?
Miscellaneous					
New agricultural activities setback (Ch. 5 Sec. C.2.c.4)	N/A	N/A	20' ¹	N/A	N/A
Residential Development²					

Other provisions in this SMP also apply.



Development Standards Matrix Notes:

1. *The Shoreline Administrator may reduce this dimension if it determines that the type of development allowed within this SMP and other municipal, state, and federal codes cannot be accommodated within the allowed site development area by reconfiguring, relocating, or resizing the proposed development. Where the Shoreline Administrator reduces a requirement, compensatory mitigation, such as vegetation enhancement or shoreline armoring removal, must be provided as determined by the Shoreline Administrator.*
2. *See regulation 5.C.8.c for residential development standards.*
3. *The maximum height of structures in shoreline jurisdiction is 35 feet above grade measured as called for in the City's zoning code and with exceptions as noted in the City's zoning code.*
4. *Setbacks from the shoreline do not apply to development separated from the shoreline by a public roadway.*

C. Shoreline Use Policies and Regulations

1. General Policies and Regulations

a. Applicability

The following provisions apply to all uses in shoreline jurisdiction.

b. Policy

1. The City should give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon uses of the state's shoreline areas.
2. The City should ensure that all proposed shoreline development will not diminish the public health, safety, and welfare, as well as the land or its vegetation and wildlife, and should endeavor to protect property rights while implementing the policies of the Shoreline Management Act.
3. The City should reduce use conflicts by prohibiting or applying special conditions to those uses which are not consistent with the control of pollution and prevention of damage to the natural environment or are not unique to or dependent upon use of the state's shoreline. In implementing this provision, preference should be given first to water-dependent uses, then to water-related uses and water-enjoyment uses.
4. The City should encourage the full use of existing urban areas before expansion of intensive development is allowed.

c. Regulations

1. Developments that include a mix of water-oriented and nonwater-oriented uses may be considered water-oriented provided the Shoreline Administrator finds that the proposed development does give preference to those uses that are consistent with the control of pollution and prevention of damage to the natural environment, are dependent on a shoreline location, or enhance the public's ability to enjoy the shoreline.



2. All uses not explicitly addressed in the shoreline use matrix require a conditional use permit. The Shoreline Administrator should impose conditions to ensure that the proposed development meets the policies of this SMP.
3. All development and uses must conform to all of the applicable provisions in the SMP.
4. All development and uses shall conform to the shoreline use matrix and the development standards matrix in Section B of this chapter unless otherwise stated in this chapter.
5. In channel migration zones, natural geomorphic and hydrologic processes shall not be limited and new development shall not be established where future stabilization would be required to protect the development. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report).
6. As described in WAC 173-26-221(3)(c), appropriate development may be allowed in areas landward of roads because the road prevents active channel movement and flooding. This area is therefore not within a channel migration zone (refer to Channel Migration Zone Map, Figure No. 10.2 in the Inventory and Analysis Report).
7. Development of uses in flood-prone areas identified by FEMA on the Flood Rate Insurance Map shall comply with adopted floodplain regulations.

2. Agriculture

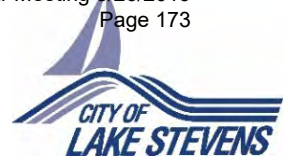
a. Applicability

Agriculture includes, but is not limited to, the commercial production of: horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, or seed; Christmas trees not subject to the excise tax imposed by Chapter 84.33. RCW; finfish in upland hatcheries; or livestock.

Uses and shoreline modifications associated with agriculture that are identified as separate use activities in this program, such as industry, shoreline stabilization, and flood hazard management, are subject to the regulations established for those uses in addition to the standards established in this section for agriculture.

b. Policies

1. The creation of new agricultural lands by diking, draining, or filling marshes, channel migration zones, and associated marshes, bogs, and swamps should be prohibited.
2. A vegetative buffer should be maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood hazard, and maintain habitat for fish and wildlife.
3. Animal feeding operations, retention and storage ponds, and feedlot waste and manure storage should be located out of shoreline jurisdiction and constructed to prevent contamination of water bodies and degradation of the adjacent shoreline environment.



4. Appropriate farm management techniques should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer and pesticide use and application.
5. Where ecological functions have been degraded, new agricultural development should be conditioned with the requirement for ecological restoration to ensure no net loss of ecological functions.

The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration. The extent of ecological restoration shall be proportionate to the impact of the new agricultural development.

c. Regulations

1. Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this SMP to ensure no net loss of ecological function.
2. New manure lagoons, confinement lots, feeding operations, lot wastes, stockpiles of manure solids, aerial spraying, and storage of noxious chemicals are prohibited within shoreline jurisdiction.
3. A buffer of natural or planted permanent native vegetation not less than 20 feet in width, measured perpendicular to the shoreline, shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and marshes, bogs, and swamps. The Shoreline Administrator shall determine the extent and composition of the buffer when the applicant applies for a permit or letter of exemption.
4. Stream banks and water bodies shall be protected from damage caused by concentration and overgrazing of livestock. Provide fencing or other grazing controls to prevent bank compaction, bank erosion, or the overgrazing of or damage to buffer vegetation. Provide suitable bridges, culverts, or ramps for stock crossing.
5. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.
6. Existing and ongoing agricultural uses may be allowed within a channel migration zone or floodway provided that no new restrictions to channel movement occur.
7. See Chapter 3 Section B.12.c.3-4 for water quality regulations related to the use of pesticides, herbicides, and fertilizers.
8. Agriculture in the natural environment is limited to those activities existing at the date of adoption of this SMP.

3. Boating Facilities

a. Applicability

Boating facilities include marinas, both dry storage and wet-moorage types; boat launch ramps; covered moorage; mooring buoys; and marine travel lifts.



A marina is a water-dependent use that consists of a system of piers, buoys, or floats to provide moorage for four or more boats. For regulatory purposes, commercial and community moorage facilities, yacht club facilities, and camp or resort moorage areas would also be reviewed as marinas. Publicly owned docks for transient moorage or small craft rental are not considered marinas. Boat launch facilities and supplies and services for small commercial and/or pleasure craft may be associated with marinas.

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

There are uses and activities associated with boating facilities that are identified in this section as separate uses (e.g., Commercial Development and Industrial Development, including ship and boat building, repair yards, utilities, and transportation facilities) or as separate shoreline modifications (e.g., piers, docks, bulkheads, breakwaters, jetties and groins, dredging, and fill). These uses are subject to the regulations established for those uses and modifications in addition to the standards for boating facilities established in this section.

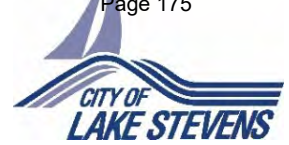
This section does not apply to residential moorage serving an individual single-family residence, including piers, docks, landing ramps, boat houses, float plane moorage, and moorage buoys serving a single-family residence. See Chapter 4 Section C.3 regarding single-family residential moorage facilities.

b. Policies

1. Boating facilities should be located, designed, and operated to provide maximum feasible protection and restoration of ecological processes and functions and all forms of aquatic, littoral, or terrestrial life—including animals, fish, shellfish, birds, and plants—and their habitats and migratory routes. To the extent possible, boating facilities should be located in areas of low ecological function.
2. Boating facilities should be located and designed so their structures and operations will be aesthetically compatible with the area visually affected and will not unreasonably impair shoreline views. However, the need to protect and restore ecological functions and to provide for water-dependent uses carries higher priority than protection of views.
3. Boat launch facilities should be provided at appropriate public access sites.
4. Existing public moorage and launching facilities should be maintained.

c. Regulations

1. It is the applicant's responsibility to comply with all other applicable state agency policies and regulations, including, but not limited to the following: the Department of Fish and Wildlife criteria for the design of bulkheads and landfills; Federal Marine Sanitation standards (EPA 1972) requiring water quality certification from the U.S. Army Corps of Engineers (Section 10); U.S. Army Corps of Engineers dredging standards (Section 404); and state and federal standards for the storage of fuels and toxic materials.



2. New boating facilities shall not significantly impact the rights of navigation on the waters of the state.
3. Accessory uses that support boating facilities, such as fuel service, pump out stations, or potable water stations, are allowed provided they meet all health and safety regulations.
4. Live aboard vessels, crafts and/or structures are prohibited.

Location

5. Boating facilities shall not be located where their development would reduce the quantity or quality of critical aquatic habitat or where significant ecological impacts would necessarily occur.
6. Accessory uses associated with a boating facility that require a building or structure, such as a marina office, grocery, cafe or restaurant, or boating rental or sales, shall be located as far landward as is feasible, with a minimum setback of 30 feet.

Design/Renovation/Expansion

7. Boating facilities shall be designed to avoid or minimize significant ecological impacts. The Shoreline Administrator shall apply the mitigation sequence defined in Chapter 3 Section B.4 in the review of boating facility proposals. On degraded shorelines, the Shoreline Administrator may require ecological restoration measures to account for new environmental impacts and risks to the ecology to ensure no net loss of ecological function.

The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be proportionate to the impact of the new or expanded proposed boating facility.

8. Boating facility design shall:
 - a. Provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water habitat.
 - b. Minimize interference with geohydraulic processes and disruption of existing shoreline ecological functions.
9. Dry moorage shall require a conditional use permit.
10. The perimeter of parking, dry moorage, and other storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas. See Chapter 14.76 LSMC for specific landscape requirements.
11. Moorage of floating homes is prohibited.
12. New covered moorage is prohibited except non-walled structures pursuant to Chapter 4 Section C.3.c.34.

Boat Launches

13. Launch ramps shall, where feasible, be located where:



- a. There are stable, non-erosional banks, where no or a minimum number of current deflectors or other stabilization structures will be necessary.
 - b. Water depths are adequate to eliminate or minimize the need for offshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement, and other river, lake, harbor, and channel maintenance activities.
 - c. There is adequate water mixing and flushing, and the facility is designed so as not to retard or negatively influence flushing characteristics.
14. Boat ramps shall be placed and kept as flush as possible with the foreshore slope to permit launch and retrieval and to minimize the interruption of hydrologic processes.

4. Commercial Development

a. Applicability

Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices, and private or public indoor recreation facilities. Commercial nonwater-dependent recreational facilities, such as sports clubs and amusement parks, are also considered commercial uses. This category also applies to institutional and public uses such as hospitals, libraries, schools, churches and government facilities.

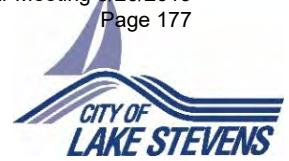
Uses and activities associated with commercial development that are identified as separate uses in this program include Mining, Industry, Boating Facilities, Transportation Facilities, Utilities (accessory), and Solid Waste Disposal. Piers and docks, bulkheads, shoreline stabilization, flood protection, and other shoreline modifications are sometimes associated with commercial development and are subject to those shoreline modification regulations in Chapter 4 in addition to the standards for commercial development established herein.

b. Policies

1. Multi-use commercial projects that include some combination of ecological restoration, public access, open space, and recreation should be encouraged in the High-Intensity Environment consistent with the City's Comprehensive Plan.
2. Where possible, commercial developments are encouraged to incorporate low impact development techniques into new and existing projects.

c. Regulations

1. Water-oriented commercial developments may be permitted as indicated in Chapter 5 Section B, "Shoreline Use and Development Standards Matrices."
2. Nonwater-oriented commercial developments may be permitted only where they are either separated from the shoreline and there is no opportunity for water-oriented uses or where all three (3) of the following can be demonstrated:
 - a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site's separation from the water.



- b. The proposed development does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.
 - c. The proposed development will be of appreciable public benefit by increasing ecological functions together with public use of or access to the shoreline.
- 3. Nonwater-oriented uses may be allowed as part of a mixed-use facility that includes water-dependent uses.
 - 4. Commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the shoreline's visual qualities, such as views to the waterfront and the natural appearance of the shoreline. To this end, the Shoreline Administrator may adjust the project dimensions and setbacks (so long as they are not relaxed below minimum standards without a shoreline variance permit) or prescribe operation intensity and screening standards as deemed appropriate.
 - 5. All new commercial development proposals will be reviewed by the Shoreline Administrator for ecological restoration and public access requirements consistent with Chapter 3 Section B.7. When restoration or public access plans indicate opportunities exist, the Shoreline Administrator may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

All new water-related and water-enjoyment development shall be conditioned with the requirement for ecological restoration and public access unless those activities are demonstrated to be not feasible.

All new nonwater-oriented development, where allowed, shall be conditioned with the requirement to provide ecological restoration and public access.

The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration and/or public access required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of a commercial development.

- 6. All commercial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment.
- 7. Commercial development and accessory uses must conform to the setback and height standards established in Section B "Development Standards Matrix" in this Chapter.
- 8. Low impact development (LID) techniques shall be incorporated where appropriate.

5. Industry

a. Applicability

Industrial developments and uses are facilities for processing, manufacturing, and storing of finished or semi-finished goods and include, but are not limited to such activities as log storage, log rafting, petroleum storage, hazardous waste generation, transport and storage, ship building, concrete and asphalt batching, construction, manufacturing, and warehousing. Excluded from this category and covered under other sections of the SMP are boating facilities, piers and docks, mining (including on-site processing of raw materials), utilities, solid waste disposal, and transportation facilities.



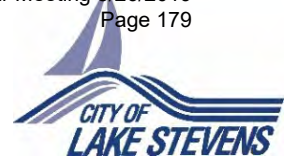
Shoreline modifications and other uses associated with industrial development are described separately in this SMP. These include dredging, fill, transportation facilities, utilities, piers and docks, bulkheads, breakwaters, jetties and groins, shoreline stabilization and flood protection, and signs. They are subject to their own regulations in Chapter 4 in addition to the provisions in this chapter.

b. Policies

1. Because Little Pilchuck Creek and Catherine Creek are non-navigable waterways, new nonwater-oriented industrial development should be allowed if ecological restoration is provided as a significant public benefit.
2. Where possible, industrial developments are encouraged to incorporate low impact development techniques into new and existing projects.

c. Regulations

1. The amount of impervious surface shall be the minimum necessary to provide for the intended use. The remaining land area shall be landscaped with native plants according to Chapter 3 Section B.11.c.5.
2. Water-dependent industry shall be located and designed to minimize the need for initial and/or continual dredging, filling, spoil disposal, and other harbor and channel maintenance activities.
3. Storage and disposal of industrial wastes is prohibited within shoreline jurisdiction; provided, that wastewater treatment systems may be allowed in shoreline jurisdiction if alternate, inland areas have been adequately proven infeasible.
4. At new or expanded industrial developments, the best available facilities practices and procedures shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective cleanup of those spills that do occur. The Shoreline Administrator may require specific facilities to support those activities as well as demonstration of a cleanup/spill prevention program.
5. Display and other exterior lighting shall be designed, shielded, and operated to avoid illuminating the water surface.
6. All industrial loading and service areas shall be located or screened to minimize adverse impacts to the shoreline environment (including visual impacts) and public access facilities.
7. Low impact development (LID) techniques shall be incorporated where appropriate.
8. Ship and boat building and repair yards shall employ best management practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Standards for BMPs are found in the City of Lake Stevens Surface Water Management Plan.
9. All nonwater-oriented industrial development shall provide ecological restoration sufficient to mitigate for any impacts to ecological function as a result of the development.



6. In-Stream Structures

a. Applicability

In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment or diversion, obstruction, or modification of water flow. They typically are constructed for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), recreational, or fisheries enhancement.

b. Policies

1. In-stream structures should provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and/or natural scenic vistas. Within the City of Lake Stevens, in-stream structures should be allowed only for the purposes of environmental restoration, maintenance of water levels, or water quality treatment.

c. Regulations

1. In-stream structures are permitted only for the purposes of environmental restoration, water quality management, or maintenance of water levels.
2. The Shoreline Administrator may require that projects with in-stream structures include public access, provided public access improvements do not create adverse environmental impacts or create a safety hazard.

7. Recreational Development

a. Applicability

Recreational development includes public and commercial facilities for recreational activities such as hiking, photography, viewing, fishing, boating, swimming, bicycling, picnicking, and playing. It also includes facilities for active or more intensive uses, such as parks, campgrounds, golf courses, and other outdoor recreation areas. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual.

Recreational uses and development can be part of a larger mixed-use project. For example, a resort will probably contain characteristics of, and be reviewed under, both the Commercial Development and the Recreational Development sections. Primary activities such as boating facilities, resorts, subdivisions, and hotels are addressed in separate categories in this chapter in sections C.3, C.4 and C.8.

Uses and activities associated with recreational developments that are identified as separate use activities in this SMP, such as boating facilities, piers and docks, residential development, and commercial development, are subject to the regulations established for those uses in addition to the standards for recreation established in this section.

Commercial indoor nonwater-oriented recreation facilities, such as bowling alleys and fitness clubs, are addressed as commercial uses.

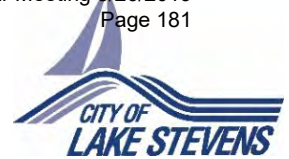


b. Policies

1. The coordination of local, state, and federal recreation planning should be encouraged to satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans.
2. Recreational developments and plans should promote the conservation of the shoreline's natural character, ecological functions, and processes.
3. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.
4. Water-dependent recreational uses, such as angling, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking and golf. Water-enjoyment uses should have priority over nonwater-oriented recreational uses, such as field sports.
5. Recreation facilities should be integrated and linked with linear systems, such as hiking paths, bicycle paths, easements, and scenic drives.
6. Where appropriate, nonintensive recreational uses may be permitted in floodplain areas. Nonintensive recreational uses include those that do not do any of the following:
 - a. Adversely affect the natural hydrology of aquatic systems.
 - b. Create any flood hazards.
 - c. Damage the shoreline environment through modifications such as structural shoreline stabilization or vegetation removal.
7. Opportunities to expand the public's ability to enjoy the shoreline in public parks through dining or other water-enjoyment activities should be pursued.

c. Regulations

1. Water-oriented recreational developments and mixed-use developments with water-oriented recreational activities may be permitted as indicated in Chapter 5 Section B, "Shoreline Use and Development Standard Matrices." In accordance with the shoreline use matrix and other provisions of this SMP, nonwater-oriented recreational developments may be permitted only where it can be demonstrated that all of the following apply:
 - a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features, or the site's separation from the water.
 - b. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.
 - c. The proposed use and development will appreciably increase ecological functions or, in the case of public projects, public access.
2. Accessory parking shall not be located in shoreline jurisdiction unless all of the following conditions are met:
 - a. The Shoreline Administrator determines there is no other feasible option.



- b. The parking supports a water-oriented use.
- c. All adverse impacts from the parking in the shoreline jurisdiction are mitigated.
- 3. All new recreational development proposals will be reviewed by the Shoreline Administrator for ecological restoration and public access opportunities. When restoration or public access plans indicate opportunities exist for these improvements, the Shoreline Administrator may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

All new nonwater-oriented recreational development, where allowed, shall be conditioned with the requirement to provide ecological restoration and, in the case of public developments, public access. The Shoreline Administrator shall consult the provisions of this SMP and determine the applicability and extent of ecological restoration and public access required.
- 4. Nonwater-oriented structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be set back from the OHWM at least 70 feet unless it can be shown that there is no feasible alternative.
- 5. See Chapter 3 Section 12.c.6-7 for water quality regulations related to the use of pesticides, herbicides, and fertilizers.

8. Residential Development

a. Applicability

Residential development means one or more buildings or structures, which are designed for and used or intended to be used to provide a place of abode, including single-family residences, duplexes, multi-family residences, mobile home parks, residential subdivisions, residential short subdivisions, and planned residential development, together with normal appurtenances common to a single-family residence pursuant to WAC 173-27-040(2)(g). Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

b. Policies

- 1. Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal. Residential development also includes multifamily development and the creation of new residential lots through land division. (WAC 173-26-241(3)(j)).
- 2. Residential development should be prohibited in critical areas including, but not limited to wetlands, steep slopes, floodways, and buffers.



3. The overall density of development, lot coverage, and height of structures should be appropriate to the physical capabilities of the site and consistent with the comprehensive plan.
4. Recognizing the single-purpose, irreversible, and space consumptive nature of shoreline residential development, new development should provide adequate setbacks or open space from the water to provide space for community use of the shoreline and the water, to provide space for outdoor recreation, to protect or restore ecological functions and ecosystem-wide processes, to preserve views, to preserve shoreline aesthetic characteristics, to protect the privacy of nearby residences, and to minimize use conflicts.
5. Adequate provisions should be made for protection of groundwater supplies, erosion control, stormwater drainage systems, aquatic and wildlife habitat, ecosystem-wide processes, and open space.
6. Sewage disposal facilities, as well as water supply facilities, shall be provided in accordance with appropriate state and local health regulations.
7. New residences should be designed and located so that shoreline armoring will not be necessary to protect the structure. The creation of new residential lots should not be allowed unless it is demonstrated the lots can be developed without:
 - a. Constructing shoreline stabilization structures (such as bulkheads).
 - b. Causing significant erosion or slope instability.
 - c. Removing existing native vegetation within 20 feet of the shoreline.

c. Regulations

Properties within Shoreline Jurisdiction on Lakes

1. A summary of regulations for residential properties within shoreline jurisdiction is presented in Table 74 below. Refer to written provisions within this section for exceptions and more detailed explanations. See also Chapter 3 Section B.11 for vegetation conservation provisions.

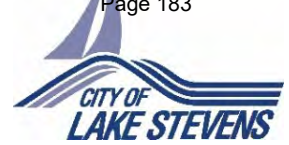
Table 74. Shoreline Regulations for Residential Properties on Lakes

	Regulation:
Standard Minimum Building Setback from OHWM	50 ft lake setback + 10 ft building setback ¹
Standard Minimum Deck Setback from OHWM	50 feet
Maximum Impervious Surface of Lot Area Above OHWM	40% ²

¹ As an alternative to the above standard lake and building setbacks, these setbacks for existing development may be established as set forth in subsection 23.a.ii below.

² See exception in subsection C.8.c.23.b for lots smaller than half the minimum size.

- ~~2. Legally constructed single family residences and appurtenant structures used for a conforming use, but that do not meet the regulations of this SMP for setbacks,~~



~~buffers, yards, areas, bulk, height, or density shall be considered conforming structures and shall be subject to the provisions in Chapter 7, Section G.~~

32. New residential development, including new structures, new pavement, and additions, within shoreline jurisdiction on lakes shall adhere to the following standards:

a. Setbacks:

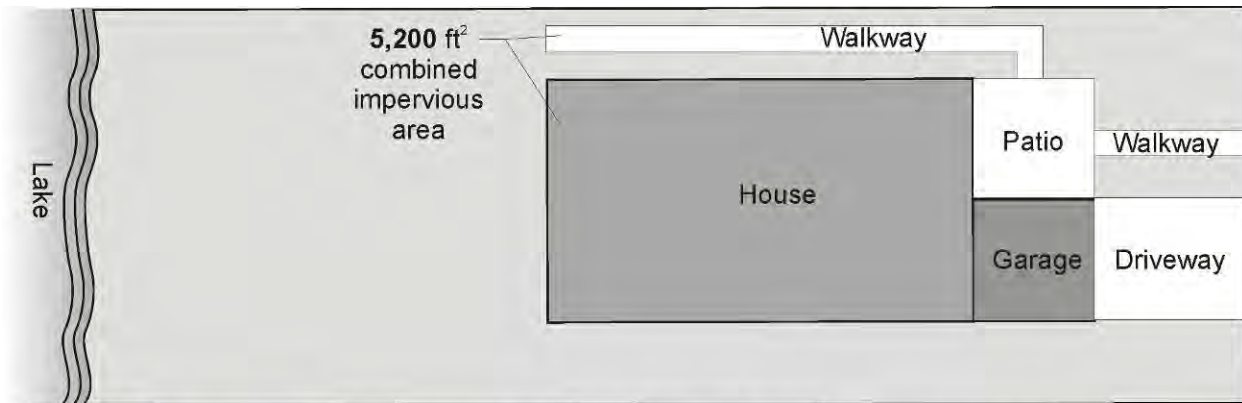
- i. New buildings: Set back all covered or enclosed structures with a minimum setback of 60 feet from the OHWM (consisting of 50 feet from the OHWM plus an additional 10 foot building setback).
- ii. Existing buildings: The setback is at the face of the existing single-family residence if less than the standard setback. The footprint of the existing structure may be expanded up to 600 square feet within the area between the standard setback and the face of the structure, pursuant to mitigation sequencing in Chapter 3 Section B.4.c.4, and including mitigation proportional (1:1) to the setback area impacted through planting of vegetation or low impact development techniques on the shore and up to 20 feet landward and in conformance with all other regulations including side setbacks and impervious surface requirements. Additional expansion may occur landward of the standard setback in conformance with all other regulations.
- iii. Building overhangs are allowed to extend no more than 18 inches into the building setback.
- iv. Patios and decks: Uncovered patios made with porous materials or above grade decks may extend a maximum of 10 feet into the building setback, up to within 50 feet of the OHWM. See Section d below for exception to this requirement.

- b. Maximum amount of impervious surface: The maximum amount of impervious surface for each lot, including structures and pavement shall be no greater than 40 percent of the total lot area above OHWM.

In calculating impervious surface, pavers on a sand bed may be counted as 50 percent impervious and wood decks with gaps between deck boards may be counted as permeable if over bare soil or loose gravel (such as pea gravel). Pervious concrete and asphalt should be designed and constructed to the standards of the 2012 Stormwater Management Manual for Western Washington, as Amended in December 2014 (Ecology Publication #14-10-055)-2005 Stormwater Manual, as amended, and the Puget Sound Partnership Low Impact Development Manual, as amended. To calculate the net impervious surface, multiply the area of the pavement by the percentage of imperviousness.

The City may determine the percentage of imperviousness for pavements that are not specified here.

EXCEPTION: Lots with total lot area above the OHWM at 50 percent or less than the minimum lot size may develop up to 50 percent impervious surface. These same lots may develop up to 60 percent impervious surface with the incentive in subsection 3.c below to provide shoreline vegetation.



Maximum amount of impervious surface is 40%. With a 13,000 square foot lot (65'x200'), 5,200 square feet of combined impervious surface is allowed.

Figure 5. Illustration of maximum impervious surface.

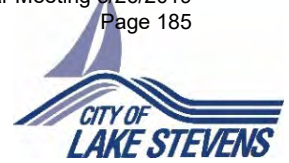
- c. Incentives to provide shoreline vegetation. The maximum amount of impervious surface area can be increased if native vegetation, including trees and shrubs, is included along the shoreline. For every five feet of vegetation depth (measured perpendicular to the shoreline) added along the OHWM, the percentage of total impervious surface area can increase by 2 percent, up to a maximum of 50 percent for total impervious surface area, with the exception that properties developing under the small lot exception in subsection 3.b above can increase impervious surface area up to 60 percent using this same incentive. Twenty-five percent of the native vegetated area may be left open for views and access. The vegetation provided cannot also be counted toward the incentive in d. below. If the property owner wants to take advantage of both incentives, the vegetation cannot be double counted.

All property owners who obtain approval for increase in the impervious surface cover in exchange for planting native vegetation must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

- i. Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions,
- ii. Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality, and
- iii. Includes a monitoring and maintenance program.

This plan shall be recorded as a covenant against the property after approval by the Shoreline Administrator. A copy of the recorded covenant shall be provided to the Shoreline Administrator.

- d. If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed within the shoreline setback provided the property owner agrees to not construct a bulkhead or install any hard shoreline stabilization to protect the deck in the future, and:



- i. Waterfront deck or patio covers less than 25 percent of the shoreline frontage (width of lot measured along shoreline) and native vegetation covers a minimum of 75 percent of the shoreline frontage. The waterfront deck would count toward total impervious surface calculations.
- ii. Within 25 feet of the shoreline, for every 1 square foot of waterfront deck or patio, 3 square feet of native vegetated area (not lawn) shall be provided along the shoreline. The vegetation provided cannot also be counted toward the incentive in c. above. If the property owner wants to take advantage of both incentives, the vegetation cannot be double counted.
- iii. The total area of the waterfront deck or patio along the shoreline shall not exceed 400 square feet.
- iv. The deck or patio is set back 5 feet from the OHWM.
- v. The deck or patio is no more than 2 feet above grade and is not covered.
- ~~vi. There are no permanent structures above the level of the deck within 20 feet of the property line.~~

~~evi. The All~~ property owners ~~who obtain approval for a waterfront deck or patio in exchange for removing a bulkhead and retaining or planting native vegetation must prepare, and agree to not construct a bulkhead or install hard shoreline stabilization to protect the deck in the future, and adheres~~ to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

- ~~(a)i.~~ Requires the preparation of a revegetation plan,
- ~~(b)ii.~~ Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions,
- ~~(c)iii.~~ Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect lake water quality, and
- ~~(d)iv.~~ Includes a monitoring and maintenance program.

This plan shall be recorded as a covenant against the property after approval by the Shoreline Administrator. ~~A~~ copy of the recorded covenant shall be provided to the Shoreline Administrator.

Lots with no bulkhead or if bulkhead is removed

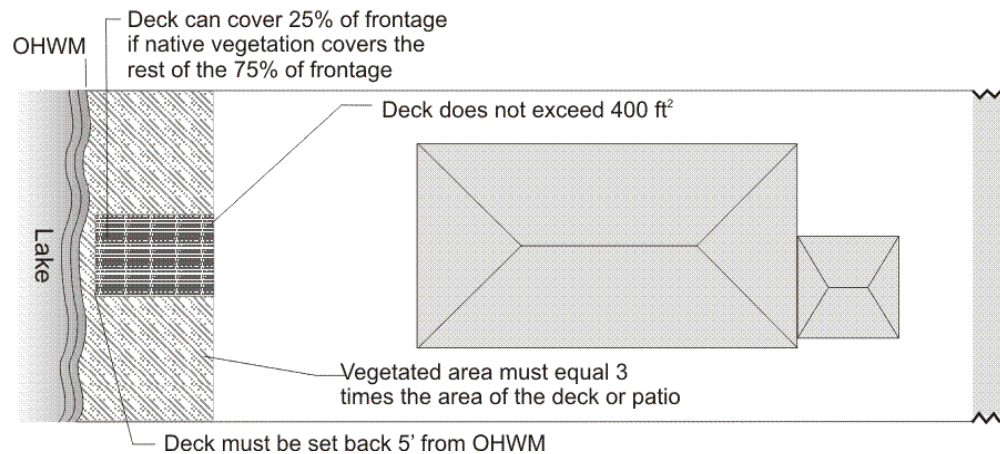
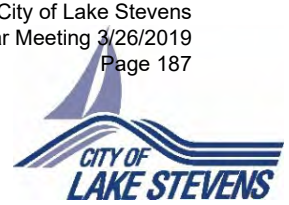


Figure 6. Waterfront deck bonus for lots with no bulkhead or if bulkhead is removed.

43. Non-enclosed garages and pavements for motorized vehicles (drives and parking areas) shall be set back at least 60 feet from the OHWM, unless the applicant demonstrates that such a configuration is not feasible.
54. Accessory uses and appurtenant structures not addressed in the regulations above shall be subject to the same conditions as primary residences.
65. The creation of new residential lots within shoreline jurisdiction on lakes shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:
 - a. The residence can be built in conformance with all applicable setbacks and development standards in this SMP.
 - b. Adequate water, sewer, road access, and utilities can be provided.
 - c. The intensity of development is consistent with the City's Comprehensive Plan.
 - d. The development will not cause flood or geological hazard to itself or other properties.
 - e. Land-division creating four or more new parcels shall provide Public Access (see Chapter 2 Section 4.c.5. and Chapter 3 Section B.7.).

In addition, new residential development on new lots that contain intact native vegetation shall conform to the vegetation conservation standards in Chapter 3 Section B.11.

76. The stormwater runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems in accordance with the City of Lake Stevens Surface Water Management Plan.
87. See the Chapter 3 Section B.11 for regulations related to clearing, grading, and conservation of vegetation.



8. A 4-foot wide path (or six-feet for ADA accessibility upon documentation of need) may be located in the lake setback to provide access to the shoreline or to a dock, contingent upon meeting no net loss of shoreline ecological function and the following provisions:
 - a. Within 20 feet of the ordinary high water mark, for every one square foot of path within the shoreline setback, three square feet of native vegetated area (not lawn) shall be provided or enhanced along the shoreline. No shoreline mitigation planting may be double counted for other existing or new impacts.
9. Landscape installation or site improvements, including but not limited to landscape walls and land disturbance (e.g., grading), shall be allowed, including within the shoreline setback, when in support of or in preparation for an allowed shoreline use.
 - a. All landscaping installations or site improvements within the shoreline setback shall comply with the policies and regulations regarding vegetation conservation contained in Chapter 3(B) 11 above and meet no net loss of shoreline ecological function. No shoreline mitigation planting may be double counted for other existing or new impacts.
 - b. Landscape walls shall not exceed four feet in height nor be placed closer than 20 feet landward of the ordinary high water mark.
 - c. For every lineal foot of wall within the shoreline setback, three square feet of native vegetated area (not lawn) shall be provided or enhanced 20 feet landward of the ordinary high water mark, along the shoreline.

Residential Properties within Shoreline Jurisdiction on Rivers and Streams

109. Table ~~8-5~~ below is a summary of regulations for residential properties within shoreline jurisdiction on rivers or streams:

Table ~~85~~. Regulations for Residential Properties within Shoreline Jurisdiction on Rivers or Streams

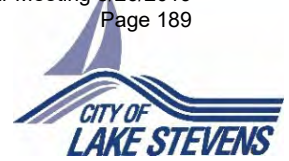
	Regulation:
Standard Minimum Building Setback	
Catherine Creek	150 ft stream setback + 10 ft building setback
Little Pilchuck Creek	150 ft stream setback + 10 ft building setback

1149. New residential development within shoreline jurisdiction on rivers and streams shall adhere to the following standards:

- a. Setbacks:



- i. Buildings on Catherine Creek and Little Pilchuck Creek: All covered or enclosed structures shall be set back a minimum of 160 feet. The Shoreline Administrator may revise this setback in accordance with levee reconstruction design. See Chapter 3 Section B.5.c.7.
 - ii. Patios and decks: Uncovered patios or decks no higher than 2 feet above grade may encroach into the building setback.
 - b. Maximum amount of impervious surface: In single-family zones, maximum impervious surface shall not exceed 40 percent of the lot for single-family and duplex residential developments. Other zones do not have a maximum impervious surface requirement.
 - c. Height: See Chapter 14.48 LSMC, Table 14.48-I for maximum height limitations within each zone.
1244. Also see regulations for Shoreline Stabilization and Docks and Floats in Chapter 4 for those structures.
1342. For the purposes of maintaining visual access to the waterfront, the following standards apply to accessory uses, structures, and appurtenances for new and existing residences.
- a. Fences: All streams shall have a wildlife-passable fence installed at the edge of the required SMP setback. Fencing shall consist of split rail cedar fencing (or other nonpressure treated materials approved by the Shoreline Administrator). The fencing shall also include sensitive area signage at a rate of one (1) sign per lot, or one (1) sign per one hundred (100) feet and along public right-of-way, whichever is greater.
 - b. Detached garages and vehicle (motorized and recreational) parking areas shall be set back at least 200 feet from the OHWM. If the Shoreline Administrator determines that the property is not sufficiently deep (measured perpendicularly from the shoreline) to allow construction of garages or parking areas outside of shoreline jurisdiction then (s)he may allow such elements to be built closer to the water, provided that the garage or parking area is set back from the water as far as physically possible.
1413. The stormwater runoff for all new or expanded pavements or other impervious surfaces shall be directed to infiltration systems in accordance with the City of Lake Stevens Surface Water Management Plan.
1544. The creation of new residential lots within shoreline jurisdiction on rivers and streams shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:
- a. The residence can be built in conformance with all applicable setbacks and development standards in this SMP.
 - b. Adequate water, sewer, road access, and utilities can be provided.
 - c. The intensity of development is consistent with the City's Comprehensive Plan.
 - d. The development will not cause flood or geological hazard to itself or other properties.



In addition, new residential development on new lots that contain intact native vegetation shall conform to the regulations of c.32 above. See also Chapter 3 Section B.11.

~~1645.~~ See Chapter 3 Section B.11 for regulations related to clearing, grading, and conservation of vegetation.

9. Transportation

a. Applicability

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, airports, heliports, float plane moorage, and other related facilities.

The various transport facilities that can impact the shoreline cut across all environmental designations and all specific use categories. The policies and regulations identified in this section pertain to any project, within any environment, that is effecting some change in present transportation facilities.

b. Policies

1. Circulation system planning on shorelands should include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the SMP.
2. Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline.
3. When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.

c. Regulations

General

1. Development of all new and expanded transportation facilities in shoreline jurisdiction shall be consistent with the City's Comprehensive Plan and applicable capital improvement plans.
2. All development of new and expanded transportation facilities shall be conditioned with the requirement to mitigate significant adverse impacts consistent with Chapter 3 Section B.4 of this SMP. Development of new or expanded transportation facilities that cause significant ecological impacts shall not be allowed unless the development includes shoreline mitigation/restoration that increases the ecological functions being impacted to the point where:
 - a. Significant short- and long-term risks to the shoreline ecology from the development are eliminated.
 - b. Long-term opportunities to increase the natural ecological functions and processes are not diminished.



If physically feasible, the mitigation/restoration shall be in place and functioning prior to project impacts. The mitigation/restoration shall include a monitoring and adaptive management program that describes monitoring and enhancement measures to ensure the viability of the mitigation over time.

Float Plane Facilities

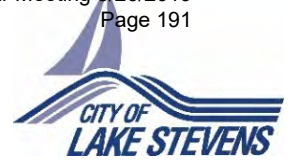
3. Use of a private, non-commercial dock for private float plane access or moorage on Lake Stevens shall be allowed for one float plane per residential lot.
4. Moorage for float planes shall meet all dock regulations in Chapter 4 Section C.3.
5. Float plane facilities and operation shall comply with FAA standards, including standards for fueling, oil spill cleanup, firefighting equipment, and vehicle and pedestrian separation.

Location

6. New nonwater-dependent transportation facilities shall be located outside shoreline jurisdiction, if feasible.
7. New transportation facilities shall be located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization, fill, bulkheads, groins, jetties, or substantial site grading. Transportation facilities allowed to cross over water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible. All bridges must be built high enough to allow the passage of debris and provide three feet of freeboard above the 100-year flood level.
8. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts. Culverts and similar devices shall be designed with regard to the 100-year storm frequencies and allow continuous fish passage. Culverts shall be located so as to avoid relocation of the stream channel.
9. Bridge abutments and necessary approach fills shall be located landward of wetlands or the OHWM for water bodies without wetlands; provided, bridge piers may be permitted in a water body or wetland as a conditional use.

Design/Construction/Maintenance

10. All roads and railroads, if permitted parallel to shoreline areas, shall provide buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.
11. Development of new and expanded transportation facilities shall include provisions for pedestrian, bicycle, and public transportation where appropriate as determined by the Shoreline Administrator. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the SMP.
12. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies if feasible, where adverse impact to the shoreline can be minimized by doing so.
13. Fill for development of transportation facilities is prohibited in water bodies and wetlands; except, such fill may be permitted as a conditional use when all structural



and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this SMP.

14. Development of new and expanded transportation facilities shall not diminish but may modify public access to the shoreline.
15. Waterway crossings shall be designed to provide minimal disturbance to banks.
16. All transportation facilities shall be designed, constructed, and maintained to contain and control all debris, overburden, runoff, erosion, and sediment generated from the affected areas. Relief culverts and diversion ditches shall not discharge onto erodible soils, fills, or sidecast materials without appropriate BMPs, as determined by the Shoreline Administrator.
17. All shoreline areas disturbed by construction and maintenance of transportation facilities shall be replanted and stabilized with native, drought-tolerant, self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained by the agency or developer constructing or maintaining the road until established. The vegetation restoration/replanting plans shall be as approved by the Shoreline Administrator.

10. Utilities

a. Applicability

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, and the like. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants, pipelines and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, and gas distribution lines and storage facilities. See Chapter 3 Section B.10, "Utilities (Accessory)," for on-site accessory use utilities.

Solid waste disposal means the discharge, deposit, injection, dumping, spilling, leaking, and/or placing of any solid or hazardous waste on any land area or in the water.

Solid waste includes solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material, agricultural wastes, auto wrecking yards with salvage and reuse activities, or wastes not specifically listed above.

b. Policies

1. New utility facilities should be located so as not to require extensive shoreline protection works.
2. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground, or alongside or under bridges.



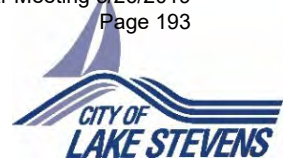
3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

c. Regulations

1. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The Shoreline Administrator may require the relocation or redesign of proposed utility development in order to avoid significant ecological impacts.
2. Utility production and processing facilities, such as power plants or parts of those facilities that are nonwater-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. In such cases, significant ecological impacts shall be avoided.
3. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimum harm to the shoreline and shall be located outside of the shoreline area where feasible. Utilities shall be located in existing rights-of-way and utility easements whenever possible.
4. Development of pipelines and cables on shorelines, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance or that cause significant ecological impacts shall not be allowed unless no other feasible option exists. When permitted, those facilities shall include adequate provisions to protect against significant ecological impacts.
5. Restoration of ecological functions shall be a condition of new and expanded nonwater-dependent utility facilities.

The Shoreline Administrator will consult the provisions of this SMP and determine the applicability and extent of ecological restoration required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of utility development.

6. On Lake Stevens, utility development shall, through coordination with local government agencies, provide for compatible, multiple uses of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant liability for the owner. On Little Pilchuck and Catherine Creek, connections to existing trails or access sites shall be provided, but new public access shall not be required.
7. New solid waste disposal sites and facilities are prohibited. Existing solid waste disposal and transfer facilities in shoreline jurisdiction shall not be expanded, added to or substantially reconstructed.
8. New electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible or if it is demonstrated that aboveground lines would have a lesser impact. Existing aboveground lines shall be moved underground during normal replacement processes.



9. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
10. Utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shoreline stabilization or flood protection works.
11. Utility production and processing facilities shall be located outside shoreline jurisdiction unless no other feasible option exists. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views, and shall avoid significant ecological impacts.
12. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances when permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.
13. Filling in shoreline jurisdiction for development of utility facility or line purposes is prohibited, except where no other feasible option exists and the proposal would avoid or minimize adverse impacts more completely than other methods. Permitted crossings shall utilize pier or open pile techniques.
14. Power-generating facilities shall require a conditional use permit.
15. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
16. Telecommunication towers, such as radio and cell phone towers, are specifically prohibited in shoreline jurisdiction.
17. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring, rather than open trenching, is the preferred method of utility water crossing.
18. Publicly owned and operated aerators are allowed in the aquatic environment for water quality purposes.



CHAPTER 6

Definitions

These definitions are only for use with the Shoreline Master Program and associated documents and for the shoreline-related land use codes in Title 14 of the Lake Stevens Municipal Code. Unless otherwise defined in this chapter, the definitions provided in LSMC 14.08.010 shall apply. If there is a conflict, the definitions in this chapter shall govern.

Accessory use. Any structure or use incidental and subordinate to a primary use or development.

Adjacent lands. Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Administrator. See Shoreline Administrator.

Agriculture land. Land used for commercial production (as shown by record of any income) of horticultural, viticultural, floricultural, dairy, apiary, or animal products, or of vegetables, Christmas trees, berries, grain, hay, straw, turf, seed, or livestock, and that has long-term (six years or longer) commercial significance for agricultural production.

Alteration. Any human-induced action which impacts the existing condition of a critical area. Alterations include but are not limited to grading; filling; dredging; draining; channelizing; cutting, pruning, limbing or topping, clearing, relocating or removing vegetation; applying herbicides or pesticides or any hazardous or toxic substance; discharging pollutants; grazing domestic animals; paving, construction, application of gravel; modifying for surface water management purposes; or any other human activity that impacts the existing vegetation, hydrology, wildlife or wildlife habitat. Alteration does not include walking, passive recreation, fishing or other similar activities.

Anadromous. Fish species, such as salmon, which are born in fresh water, spend a large part of their lives in the sea, and return to freshwater rivers and streams to spawn.

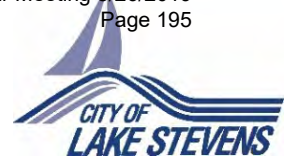
Appurtenance. A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. On a state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. (WAC 173-27-040(2)(g))

Aquatic. Pertaining to those areas waterward of the ordinary high water mark.

Aquaculture. The cultivation of fish, shellfish, and other aquatic animals or plants, including the incidental preparation of these products for human use.

Aquifer recharge area. Geological formations with recharging areas having an effect on aquifers used for potable water where essential source of drinking water is vulnerable to contamination.

Archaeological. Having to do with the scientific study of material remains of past human life and activities.



Associated Wetlands. Wetlands that are in proximity to and either influence, or are influenced by tidal waters or a lake or stream subject to the Shoreline Management Act. Refer to WAC 173-22-030(1).

Average grade level. See “base elevation.”

Base elevation. The average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle that will enclose the proposed structure, excluding eaves and decks.

Beach. The zone of unconsolidated material that is moved by waves and wind currents, extending landward to the shoreline.

Beach enhancement/restoration. Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other nonintrusive means as applicable.

Berm. A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the ordinary high water mark. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Best available science. Current scientific information, which is used to designate, regulate, protect, or restore critical areas and which is derived from a valid scientific process as set forth in WAC [365-195-900](#) through [365-195-925](#) and Section [14.88.235](#).

Best management practices (BMPs). The best available conservation practices or systems of practices and management measures that:

- a. Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins, and sediment; and
- b. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of critical areas.

Bioengineering. The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

Biofiltration system. A stormwater or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

Boathouse or Boat shelter. An over-water structure specifically designed or used for storage of boats with permanent walls and/or roofs. Boathouses have a roof and three solid walls and may include a large door on the waterward side to fully enclose the boathouse. Boat shelters have a roof and possibly one or two walls, but are not fully enclosed on three sides.

Bog.

- Shoreline Definition – A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues, and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.



- Critical Areas Definition – A wetland with limited drainage and generally characterized by extensive peat deposits and acidic waters. Vegetation can include, but is not limited to, sedges, sphagnum moss, eriogonums, shrubs, and trees.

Buffer or buffer area. Areas that are contiguous to and protect a critical area and are required for continued maintenance, functioning, and/or structural stability of a critical area.

Buffer management. An activity proposed by a public agency, public utility, or private entity, and approved by the Planning and Community Development Director, within a buffer required by this title, that is proposed to:

- (1) Reduce or eliminate a verified public safety hazard;
- (2) Maintain or enhance wildlife habitat diversity; or
- (3) Maintain or enhance a fishery or other function of stream, wetland, or terrestrial ecosystems.

Building height. The vertical distance measured from the mean elevation of the finished grade around the perimeter of the building to the highest point of the building.

Building Setback. An area in which structures, including but not limited to sheds, homes, buildings, and awnings shall not be permitted within, or allowed to project into. It is measured horizontally upland from and perpendicular to the ordinary high water mark.

Bulkhead. A solid wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

Buoy. An anchored float for the purpose of mooring vessels.

Channel. An open conduit for water, either naturally or artificially created; does not include artificially created irrigation, return flow, or stock watering channels.

Channel Migration Zone (CMZ). The area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings. For locations of CMZ, refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report.

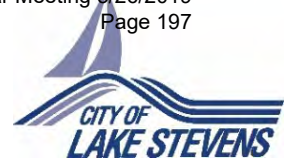
City. The City of Lake Stevens, Washington.

Classes, wetland. The wetland taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al. 1978).

Clearing. The destruction or removal of vegetation groundcover, shrubs and trees including root material removal and topsoil removal.

Community Access. A physical or visual approach to the shoreline available only to authorized users of a development, not the general public.

Community Dock. A shared over-water structure built for a residential subdivision or multi-family development to provide water-dependent activities, including multiple slips for moorage of one boat per



resident. More than one dock may be allowed if stated in the originating covenants of the development. The slips are for residents only and not for rent or sale to non residents.

Compensation. Replacement, enhancement, or creation of an undevelopable critical area equivalent in functions, values and size to those being altered by or lost to development.

Compensatory mitigation. Mitigation which compensates for the impact by replacing, enhancing, or providing substitute resources or environments.

Comprehensive Plan. The document, including maps, prepared under the Growth Management Act and adopted by the City Council, that outlines the City's goals and policies related to management of growth, and prepared in accordance with Chapter 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Chapter 36.70A RCW.

Conditional use. A use, development, or substantial development which is classified as a conditional use; or a use development, or substantial development that is not specifically classified within the SMP and is therefore treated as a conditional use.

Covered moorage. Boat moorage, with or without walls, that has a roof to protect the vessel.

Creation, wetland mitigation. Manipulation of the physical, chemical, or biological characteristics present to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Activities typically involve excavation of upland soils to elevation that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Establishment results in a gain in wetland acres.

Critical areas. Areas of the City that are subject to natural hazards or any landform feature that carries, holds, or purifies water and/or supports unique, fragile or valuable natural resources including fish, wildlife, and other organisms and their habitat. Critical areas include the following features: geologically hazardous areas, wetlands, streams, frequently flooded hazard areas, fish and wildlife conservation areas, aquifer recharge areas, and groundwater discharge areas.

Critical Areas Regulations, Non-Shoreline Jurisdiction. Refers to the City of Lake Stevens's Critical Areas Regulations, Chapter 14.88 LSMC (Ordinance 741 effective May 8, 2007 and updated by Ordinance 773 effective April 21, 2008).

Critical habitat. Habitat necessary for the survival of endangered, threatened, sensitive species as listed by the Federal Government or the State of Washington. Habitat for species listed on the candidate list, or monitored species as listed by the Federal Government or the State of Washington, may be considered critical habitat.

Current deflector. An angled stub-dike, groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.

Degraded wetland. A wetland in which the vegetation, soils, and/or hydrology have been adversely altered, resulting in lost or reduced functions and values.

Decking. Material used on the top of piers, docks, floats, or other overwater structures. Examples include boards and grating. Other materials that meet the 40 percent open space requirements would be comparable and useable if approved by Fish and Wildlife.



Department of Ecology. The Washington State Department of Ecology.

Developable area. Land outside of critical areas, their setback, and buffers.

Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any stage of water level.

“Development” does not include dismantling or removing structures if there is no other associated development or re-development- (RCW 90.58.030(3)(d)WAC 173-27-030(6)).

Development regulations. The controls in Title 14 LSMC placed on development or land uses by the City of Lake Stevens, including, but not limited to, zoning ordinances, Critical Areas Regulations, and all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, together with any amendments thereto.

Dock. A structure which abuts the shoreline and is used as a landing or moorage place for craft. A dock may be built either on a fixed platform or float on the water. See also “development” and “substantial development.”

Dredging. Excavation or displacement of the bottom or shoreline of a water body.

Ecological functions (or shoreline functions). The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

Ecosystem-wide processes. The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

Edge. Boundary of a wetland as delineated based on the criteria contained in this Shoreline Master Program.

EIS. Environmental Impact Statement.

Emergency.

- Shoreline Definition – An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the SMP. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the Shoreline Administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW or this SMP, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this SMP. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (RCW 90.58.030(3)(e)(iii)).



- Critical Areas Definition – An action that must be undertaken immediately or within a time frame too short to allow full compliance with Chapter 14.88 LSMC, in order to avoid an immediate threat to public health or safety, to prevent a imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

Emergent wetland. A wetland with at least 30 percent of its surface covered by erect, rooted, herbaceous vegetation at the uppermost vegetative strata.

Enhancement. Alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions.

Enhancement, wetland mitigation. Manipulation of the physical, chemical or biological characteristics of a wetland site, in order to heighten, intensify or improve functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or habitat improvement. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying the site elevation or the proportion of open water to influence hydroperiods, or some combination of these activities. Enhancement results in a benefit to some wetland functions and can lead to a decline in other wetland functions but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations or the proportion of open water to influence hydroperiods, or some combination of these activities.

Environment designation(s). See “shoreline environment designation(s).”

Erosion. The wearing away of land by the action of natural forces.

Erosion hazard areas. Lands or areas that, based on a combination of slope inclination and the characteristics of the underlying soils, are susceptible to varying degrees of risk of erosion.

Exemption. Certain specific developments listed in WAC 173-27-040 are exempt from the definition of substantial developments and are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the SMA and the local SMP. Conditional use and variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3)(e); WAC 173-27-040) See also “development” and “substantial development.”

Existing Development. Shoreline development which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Shoreline Master Program (SMP), or amendments thereto, but which is not consistent with at least one of the present regulations or standards of this SMP. See definition of “development.”

Exotic species. Plants or animals that are not native to the Puget Sound Lowlands region.

Extraordinary hardship. Prevention of all reasonable economic use of the parcel due to strict application of this chapter and/or programs adopted to implement this Shoreline Master Program.

Fair market value. The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development.



This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

Feasible. An action, such as a development project, mitigation, or preservation requirement, is feasible when it meets all of the following conditions:

- a. The action can be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results.
- b. The action provides a reasonable likelihood of achieving its intended purpose.
- c. The action does not physically preclude achieving the project's primary intended use.

In cases where these regulations require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Fill. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Fish and wildlife habitats (of local importance). A seasonal range or habitat element with which a given species has a primary association, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long-term. These might include areas of relative density or species richness, breeding habitat, winter range, and movement corridors. These also include habitats of limited availability or high vulnerability to alteration, such as cliffs and wetlands.

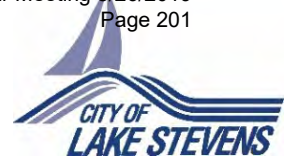
Floats. An anchored, buoyed object.

Floodplain. Any land area susceptible to be inundated by water from a flood.

Floodway. ~~The channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. As used in this title, the term refers to that area designated as a floodway on the Flood Insurance Rate Map prepared by the U.S. Federal Emergency Management Agency, a copy of which is on file in the Planning and Community Development Department. The area that has been established in effective Federal Emergency Management Agency (FEMA) flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.~~

Forested wetland. Wetlands with at least 20 percent of the surface area covered by woody vegetation greater than 30 feet in height.

Forest land. Land used for growing trees, not including Christmas trees, for commercial purposes (as shown by record of any income) that has long-term (six years or more) commercial significance.



Frequently flooded areas. Lands indicated on the most current FEMA map to be within the 100-year floodplain. These areas include, but are not limited to, streams, lakes, coastal areas, and wetlands.

Functions and values. Beneficial roles served by critical areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation, groundwater recharge and discharge, erosion control, wave attenuation, aesthetic value protection, and recreation. These roles are not listed in order of priority.

Gabions. Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Geologically hazardous areas. Lands or areas characterized by geologic, hydrologic, and topographic conditions that render them susceptible to varying degrees of potential risk of landslides, erosion, or seismic or volcanic activity; and areas characterized by geologic and hydrologic conditions that make them vulnerable to contamination of groundwater supplies through infiltration of contaminants to aquifers. They may pose a threat to the health and safety of citizens when used as sites for incompatible commercial, residential or industrial development.

Geotechnical report (or geotechnical analysis). A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local shoreline geology and processes. If the project is in a Channel Migration Zone, then the report must be prepared by a professional with specialized experience in fluvial geomorphology in addition to a professional engineer. (Refer to the Channel Migration Zone Map, Figure No. 10.2 in the June 9, 2009 Final Shoreline Inventory and Analysis Report).

Grade. See “base elevation.”

Grading. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grassy Swale. A vegetated drainage channel that is designed to remove various pollutants from stormwater runoff through biofiltration.

Guidelines. Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of shoreline master programs. Such standards also provide criteria for local governments and the Department of Ecology in developing and amending shoreline master programs. The Guidelines may be found under WAC 173-26 Part III.

Habitat. The place or type of site where a plant or animal naturally or normally lives and grows.



Height. See “building height.”

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 supplements, or as amended hereafter.

Hydrological. Referring to the science related to the waters of the earth including surface and groundwater movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition.

Landslide hazard areas. Areas that, due to a combination of slope inclination and relative soil permeability, are susceptible to varying degrees of risk of landsliding.

Land uses, high intensity. Land uses which are associated with moderate or high levels of human disturbance or substantial impacts including, but not limited to, a zone classification allowing four or more dwelling units per acre, active recreation, and commercial and industrial land uses.

Land uses, low intensity. Land uses which are associated with low levels of human disturbance or low habitat impacts, including, but not limited to, passive recreation and open space.

Letter of exemption. A letter or other official certificate issued by the City to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act- and this SMP.

Littoral. Living on, or occurring on, the shore.

Littoral drift. The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

Low Impact Development (LID) technique. A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions. Additional information may be found in the City of Lake Stevens Surface Water Management Plan in addition to the 2005 State Department of Ecology Storm Water Management Manual for Western Washington, as amended by Sections 1 through 6 of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit, as now or hereafter amended.

Low water mark. The lowest water level of Lake Stevens recorded by the City of Lake Stevens or Snohomish County over the previous three years.

LSMC. Lake Stevens Municipal Code, including any amendments thereto.

Marina. A system of piers, buoys, or floats to provide moorage for four or more boats.

May. Indicates the action is within discretion and authority, provided they conform to the provisions of this SMP and the SMA. (WAC 173-26-191(2))



Mineral resource lands. Lands primarily devoted to the extraction of gravel, sand, other construction materials, or valuable metallic or mineral substances.

Mitigation (or mitigation sequencing). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal or adverse impacts to critical areas or sensitive resources, including the following, which are listed in the order of sequence priority, with (a) being top priority.

- a. Avoiding the impact altogether by not taking a certain action or parts of an action.
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations.
- e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
- f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

Moorage facility. Any device or structure used to secure a boat, float plane or a vessel, including piers, docks, piles, lift stations or buoys.

Moorage pile. A permanent mooring generally located in open waters in which the vessel is tied up to a vertical column to prevent it from swinging with change of wind.

Multi-family dwelling (or residence). A building containing three or more dwelling units, including but not limited to townhouses, apartments and condominiums.

Must. A mandate; the action is required.

Native growth protection areas (NGPA). Areas where native vegetation is permanently preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering and protecting plants and animal habitat.

Native plants or native vegetation. These are plant species indigenous to the Puget Sound region that could occur or could have occurred naturally on the site, which are or were indigenous to the area in question.

Natural resource lands. Agriculture, forest, and mineral resource lands as defined in this chapter.

Nonconforming development or nonconforming structure. ~~A shoreline use or structure which was lawfully constructed or established prior to the effective date of this SMP provision, and which no longer conforms to the applicable shoreline provisions.~~ An existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program.

Nonconforming lot. A lot that met dimensional requirements of the applicable master program at the time of its establishment but now contains less than the required width, depth or area due to subsequent changes to the master program.



Nonconforming use. An existing shoreline use that was lawfully established prior to the effective date of the Shoreline Management Act or the applicable master program, but which does not conform to present use regulations due to subsequent changes to the master program.

Nonpoint pollution. Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

Nonwater-oriented uses. Those uses that are not water-dependent, water-related, or water-enjoyment.

Normal maintenance. Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. See also “normal repair.”

Normal protective bulkhead. Those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

Normal repair. To restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. (WAC 173-27-040) See also “normal maintenance” and “development.”

Off-site replacement. To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

OHWM. See “ordinary high water mark.”

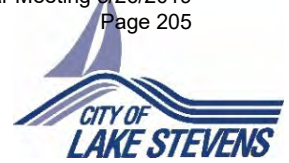
Open space. Areas of varied size which contain distinctive geologic, botanic, zoologic, historic, scenic or other critical area or natural resource land features.

Ordinary high water mark (OHWM). That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by the City or the Department of Ecology. Any area where the ordinary high water mark cannot be found, the ordinary high water mark shall be the line of mean high water. (RCW 90.58.030(2)(b) and (c))

Periodic. Occurring at regular intervals.

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. (RCW 90.58.030(1)(e))

Pesticide management plan. A guidance document for the prevention, evaluation, and mitigation for occurrences of pesticides or pesticide breakdown products in ground and surface waters.



Pier. An over-water structure, generally used to moor vessels or for public access, that is supported by piles and sits above the OHWM. A pier may be all or a portion of a dock.

Pier element. Sections of a pier including the pier walkway, the pier float, the ell, etc.

Practicable alternative. An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and having less impacts to critical areas. It may include an area not owned by the applicant which can reasonably be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

Primary Structure. A structure that is central to the fundamental use of the property and is not accessory to the use of another structure on the property. Examples include a single-family home, multi-family housing or commercial building.

Priority habitats. Areas that support diverse, unique, and/or abundant communities of fish and wildlife, as determined by the Washington Department of Fish and Wildlife Map Products 2006.

Priority species. Wildlife species of concern due to their population status and their sensitivity to habitat alteration.

Provisions. Policies, regulations, standards, guideline criteria or designations.

Public access. Public access is the ability of the general public to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. (WAC 173-26-221(4))

Public interest. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

Public water system. A water system that serves two or more connections.

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.

RCW. Revised Code of Washington.



Re-establishment, wetland mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches, or breaking drain tiles. Re-establishment results in a gain in wetland acres.

Regulated wetlands. Wetlands, including their submerged aquatic beds, and those lands defined as wetlands under the 1989 Federal Clean Water Act, 33 USC Section 251, et seq., and rules promulgated pursuant thereto and shall be those areas that are inundated or saturated by surface 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. Regulated wetlands generally include swamps, bogs, and similar areas. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands. Regulated wetlands do not include those constructed wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention/retention 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.

Rehabilitation, wetland mitigation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic function of a degraded wetland. Activities could involve breaching a dike or reconnecting wetland to a floodplain or returning tidal influence to a wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres

Repair or maintenance activities. An action to restore the character, size, or scope of a project only to the previously authorized condition.

Residential development. Development which is primarily devoted to or designed for use as a dwelling(s).

Restore. To significantly re-establish or upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. To restore does not mean returning the shoreline area to aboriginal or pre-European settlement condition.

Revetment. Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

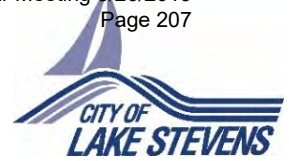
Riparian. Of, on, or pertaining to the banks of a river.

Riparian area. A transitional area between terrestrial and aquatic ecosystems and which is distinguished by gradients in biophysical conditions, ecological processes, and biota.

Riparian habitat. An ecosystem that borders a stream which is occasionally flooded and periodically supports predominantly hydrophytes.

Riparian zone. A transitional area between aquatic ecosystems (lakes, streams, and wetlands) and upland terrestrial habitats.

Riprap. A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.



Riverbank. The upland areas immediately adjacent to the floodway, which confine and conduct flowing water during non-flooding events. The riverbank, together with the floodway, represents the river channel capacity at any given point along the river.

Runoff. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Scrub-shrub wetland. A wetland with at least 30 percent of its surface area covered with woody vegetation less than 20 feet in height.

Sediment. The fine grained material deposited by water or wind.

Seismic hazard areas. Areas that, due to a combination of soil and groundwater conditions, are subject to severe risk of ground shaking, subsidence or liquefaction of soils during earthquakes.

SEPA (State Environmental Policy Act). SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process an EIS may be required to be prepared and public comments solicited.

Setback. A required open space, specified in this SMP, measured horizontally upland from and perpendicular to the ordinary high water mark. Setbacks are protective buffers which provide a margin of safety through protection of slope stability, attenuation of surface water flows, and landslide hazards reasonably necessary to minimize risk to the public from loss of life or well-being or property damage resulting from natural disasters; or an area which is an integral part of a stream or wetland ecosystem and which provides shading, input of organic debris and coarse sediments, room for variation in stream or wetland edge, habitat for wildlife and protection from harmful intrusion necessary to protect the public from losses suffered when the functions and values of aquatic resources are degraded.

Shall. A mandate; the action must be done. (WAC 173-26-191(2))

Shorelands. Those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology. (RCW 90.58.030(2)(d))

Shoreline Administrator. City of Lake Stevens Planning Director or his/her designee charged with the responsibility of administering the Shoreline Master Program.

Shoreline areas (and shoreline jurisdiction). The same as "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

Shoreline environment designation(s). The categories of shorelines established to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Shoreline environment designations include: Aquatic, High Intensity, Urban Conservancy, Natural, and Shoreline Residential.

Shoreline functions. See "ecological functions."



Shoreline jurisdiction. The term describing all of the geographic areas covered by the SMA, related rules and this SMP. See definitions of "shorelines", "shorelines of the state", "shorelines of state-wide significance" and "wetlands." See also the "Shoreline Management Act Scope" section in the "Introduction" of this SMP.

Shoreline Management Act (SMA). The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Shoreline master program, master program, or SMP. This Shoreline Master Program as adopted by the City of Lake Stevens and approved by the Washington Department of Ecology.

Shoreline modifications. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline permit. A substantial development, conditional use, revision, or variance permit or any combination thereof.

Shoreline property. An individual property wholly or partially within shoreline jurisdiction.

Shoreline restoration or ecological restoration. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Shoreline restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Shoreline sub-unit. An area of the shoreline that is defined by distinct beginning points and end points by parcel number or other legal description. These sub-units are assigned environment designations to recognize different conditions and resources along the shoreline.

Shorelines. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on areas of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream areas; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes. (RCW 90.58.030(2)(e))

Shorelines of the state. The total of all "shorelines" and "shorelines of state-wide significance" within the state.

Shorelines Hearings Board (SHB). A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government or Department of Ecology approval of shoreline master programs, rules, regulations, guidelines or designations under the SMA.

Shorelines of state-wide significance. A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply.

Should. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this SMP, against taking the action. (WAC 173-26-191(2))



Sign. A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

Significant ecological impact. An effect or consequence of an action if any of the following apply:

- a. The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.
- b. Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes described in (a) of this subsection under foreseeable conditions.
- c. Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

Significant vegetation removal. The removal or alteration of native trees, shrubs, or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive, non-native, or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Single-family dwelling or residence. A detached dwelling designed for and occupied by one family or duplex for two families including those structures and developments within a contiguous ownership which are a normal appurtenance.

SMA. The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Sphagnum. Any of a large genus of mosses that grow only in wet acidic soils and whose remains become compacted with other plant debris to form peat.

Stormwater. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

Stream. A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. See also “channel.” Streams are classified according to a locally appropriate stream classification system based on WAC [222-16-030](#). Streams also include open natural watercourses modified by man. Streams do not include irrigation ditches, waste ways, drains, outfalls, operational spillways, channels, stormwater runoff facilities or other wholly artificial watercourses, except those that directly result from the modification to a natural watercourse.

Streams are further characterized as S, F, Np, or Ns.

Structure. That which is built or constructed, or an edifice or building of any kind or any piece of work composed of parts joined together in some definite manner, and includes posts for fences and signs, but does not include mounds of earth or debris.



Subdivision. The division or redivision of land, including short subdivision for the purpose of sale, lease or conveyance.

Substantial development. Any development which meets the criteria of RCW 90.58.030(3)(e). See also definition of "development" and "exemption".

Substantially degrade. To cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment if:

- a. The damaged ecological function or functions significantly affect other related functions or the viability of the larger ecosystem; or
- b. The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or
- c. Scientific evidence indicates the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

Sub-unit. For the purposes of this SMP, a sub-unit is defined as an area of the shoreline that is defined by distinct beginning points and end points by parcel number or other legal description. These sub-units are assigned environment designations to recognize different conditions and resources along the shoreline.

Swamp.

- Shoreline Definition – A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.
- Critical Areas Definition – A wetland whose dominant vegetation is composed of woody plants and trees.

Temporary cabana. A temporary fabric covered shelter that is less than 10' x 10'.

Terrestrial. Of or relating to land as distinct from air or water.

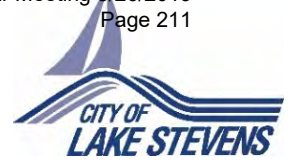
Transportation facilities. A structure or development(s), which aids in the movement of people, goods or cargo by land, water, air or rail. They include but are not limited to highways, bridges, causeways, bikeways, trails, railroad facilities, ferry terminals, float plane – airport or heliport terminals, and other related facilities.

Unavoidable and necessary impacts. Impacts that remain after a person proposing to alter critical areas has demonstrated that no practicable alternative exists for the proposed project.

Upland. Generally described as the dry land area above and landward of the ordinary high water mark.

Utility. A public or private agency which provides a service that is utilized or available to the general public (or a locationally specific population thereof). Such services may include, but are not limited to, stormwater detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

Utilities (Accessory). Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residence. Accessory utilities do not carry significant capacity to serve other users.



Variance. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this SMP and not a means to vary a use of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by the City's Hearing Examiner and the Department of Ecology.

Vessel. Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water.

Visual access. Access with improvements that provide a view of the shoreline or water, but do not allow physical access to the shoreline.

WAC. Washington Administrative Code.

Watercraft. A motorized or non-motorized recreational water vehicle that the rider rides in or stands on. Examples include but are not limited to motor boats, kayaks, canoes, jet skis, rowboats, rowing shells, sailboats, and paddle boats

Water-dependent use. A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include fishing, boat launching, swimming, float planes, and stormwater discharges.

Water-enjoyment use. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to:

- Parks with activities enhanced by proximity to the water.
- Docks, trails, and other improvements that facilitate public access to shorelines of the state.
- Restaurants with water views and public access improvements.
- Museums with an orientation to shoreline topics.
- Scientific/ecological reserves.
- Resorts with uses open to the public and public access to the shoreline; and
- Any combination of those uses listed above.

Water-oriented use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

Water quality. The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this SMP, the term "water quantity" refers only to development and uses regulated under SMA and affecting water quantity, such as impervious surfaces and stormwater handling practices. Water quantity, for purposes of this SMP, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:



- a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Watershed restoration plan. A plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed for which agency and public review has been conducted pursuant to Chapter 43.21C RCW, the State Environmental Policy Act. (WAC 173-27-040(o)(ii))

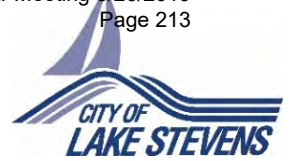
Watershed restoration project. A public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

- a. A project that involves less than ten miles of stream reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;
- b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or
- c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream. (WAC 173-27-040(o)(i))

Waters of the state: Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington. (RCW 90.48.020)

Weir: A structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment or other moving objects transported by water.

Wetland or 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 the Washington State Wetlands Identification and Delineation Manual.~~



Wetland category. See Appendix B Critical Areas Regulations Within Shoreline Jurisdiction.

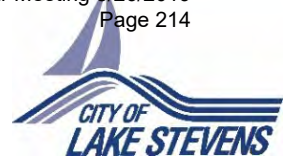
Wetland delineation. See Appendix B Critical Areas Regulations Within Shoreline Jurisdiction.

Wetland mitigation bank. A site where wetlands and buffers are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources.

Wetlands rating system. See Appendix B Critical Areas Regulations Within Shoreline Jurisdiction.

Zoning. The system of land use and development regulations and related provisions of the Lake Stevens City Code, codified under Title 14 LSMC.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.



CHAPTER 7

Administrative Provisions

A. Purpose and Applicability

1. The purpose of this chapter is to establish an administrative system designed to assign responsibilities for implementation of this SMP and to outline the process for review of proposals and project applications.
2. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act (SMA) (Chapter 90.58 Revised Code of Washington (RCW)) and to the policies and regulations of this SMP. Where inconsistencies or conflicts with other sections of the Lake Stevens Municipal Code (LSMC) occur, this section shall apply.

When considering development proposals on properties within shoreline jurisdiction, the City shall use a process designed to ensure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights.

3. If consistent with WAC 173-27-044 and -045, requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to: remedial actions; boatyard improvements to meet NPDES permit requirements; WSDOT facility maintenance and safety improvements; projects consistent with an environmental excellence program agreement; projects authorized through the Energy Facility Site Evaluation process.

B. Shoreline Permits

The procedures and requirements for development within specified areas implementing the Shoreline Management Act is summarized below including shoreline exemptions, shoreline substantial development permits, shoreline conditional use permits and shoreline variances. Supplemental application requirements for a shoreline substantial development permit are included in 7.C.1 below. Hearing procedures, effective dates and permit expirations are also summarized below.

The following is a summary of the procedures for shoreline permits:

1. Applicants shall apply for shoreline substantial development, variance, and conditional use permits on forms provided by the City.
2. Shoreline exemptions are a Type I Administrative Decisions without Public Notice review process and shall be processed and subject to the applicable regulations. Shoreline substantial development permits are a Type II Administrative Decisions With Public Notice review process and shall be processed and subject to the applicable regulations. Shoreline conditional use permits and variances are classified as Type III Quasi-Judicial, Hearing Examiner Decision review process and shall be subject to the applicable regulations.

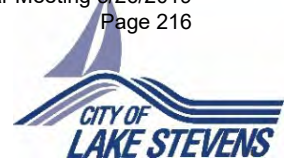


All applications, including exemptions, shall comply with WAC 173-27-140 Review Criteria for All Development, as amended:

- a. No authorization to undertake use or development on shorelines of the state shall be granted by the local government unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the master program.
- b. No permit shall be issued for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.
3. Public notice. A notice of application shall be issued for all shoreline permit applications with a Type II or Type III review, excepting that the public comment period for the notice of application for a shoreline permit shall be not less than thirty (30) days, per WAC 173-27-10(2)(e).
4. Application review. The Administrator shall make decisions on applications for shoreline exemptions and substantial development permits, and recommendations to the Hearing Examiner on applications for conditional use and variance permits based upon the policies and procedures of the Shoreline Management Act, and related sections of the Washington Administrative Code, and this SMP.
5. Hearing Examiner action. The Hearing Examiner shall review applications for a shoreline conditional use and shoreline variance permit and make decisions based upon:
 - a. This SMP;
 - b. The policies and procedures of the Shoreline Management Act and related sections of the Washington Administrative Code;
 - c. Written and oral comments from interested persons;
 - d. Reports from the Administrator; and
 - e. City regulations for the Hearing Examiner's Office.
6. Filing with Department of Ecology. All applications for an exemption, permit or permit revision shall be submitted to the Department of Ecology upon final decision by local government, as required by WAC 173-27-130 or as subsequently amended. -Final decision by local government shall mean the order or ruling, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals have lapsed.

After City approval of a shoreline conditional use or variance permit, the City shall submit the permit to the Department of Ecology for the Department's approval, approval with conditions, or denial, as provided in WAC 173-27-200. The Department shall transmit its final decision to the City and the applicant within thirty (30) calendar days of the date of submittal by the City.

~~When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.~~



After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the City shall mail the permit using return receipt requested mail to the Department of Ecology regional office and the Office of the Attorney General. Projects that require both conditional use permits and or variances shall be mailed simultaneously with any substantial development permits for the project. The permit and documentation of the final local decision shall be mailed together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

7. Hold on construction. Each permit issued by the City shall contain a provision that construction pursuant to the permit shall not begin and is not authorized until twenty-one (21) days from the date of filing ~~with the Department of Ecology~~, per WAC 173-27-190 or as subsequently amended. “Date of filing” is defined below:

- a. For projects that only require a substantial development permit: the date that Ecology receives the City decision.
- b. For a conditional use permit or variance: the date that Ecology’s decision on the conditional use permit or variance is transmitted to that applicant and the City.
- c. For substantial development permits simultaneously mailed with a conditional use permit or variance to Ecology: the date that Ecology’s decision on the conditional use permit or variance is transmitted to the applicant and the City. ~~of the City’s final decision on substantial development permits differs from date of filing for a conditional use permit or variance. In the case of a substantial development permit, the date of filing is the date the City transmits its decision on the permit to the Department of Ecology. In the case of a variance or conditional use permit, the “date of filing” means the date the Department of Ecology’s final order on the permit is transmitted to the City.~~

8. Duration of permits. Construction, or the use or activity, shall commence within two (2) years after approval of the permits. Authorization to conduct development activities shall terminate within five (5) years after the effective date of a shoreline permit. The Administrator may authorize a single extension before the end of either of these time periods, with prior notice to parties of record and the Department of Ecology, for up to one (1) year based on reasonable factors.
9. Compliance with permit conditions. When permit approval includes conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity.

C. Substantial Development Permits and Exemptions

1. Exemptions from a Substantial Development Permit

Certain developments are exempt from the requirement to obtain a substantial development permit pursuant to WAC 173-27-040. An exempt development is only exempt from a shoreline permit, but is still subject to other provisions in this SMP and any other applicable federal, state and local rules and regulations.



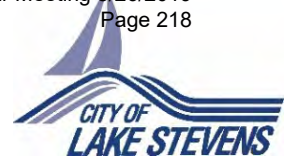
The process for review of shoreline exemptions is a Type I review Administrative Review Without Public Notice. The process begins with a complete application, followed by decision by the appropriate department. The administrative approval body is the department director. Appeals of the Director's decision on a Type I Shoreline permit are made to Superior Court under Chapter 36.70C RCW. The department director action is the final City decision on a Type I application.

Such developments still may require a variance or conditional use permit, and all development within the shoreline is subject to the requirements of this SMP, regardless of whether a substantial development permit is required. Developments which are exempt from requirement for a substantial development permit are identified in WAC 173-27-040 or as subsequently amended.

For the purposes of this chapter, the terms "development" and "substantial development" are as defined in RCW 90.58.030 or as subsequently amended.

The following is a short summary of the types of developments which do not require substantial development permits (see WAC 173-27-040 for detailed descriptions):

- a. Any development of which the total cost or fair market value, whichever is higher, does not exceed ~~five~~seven thousand ~~forty~~seven dollars (\$7,047), if such development does not materially interfere with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. For purposes of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials;
- b. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment;
- c. Construction of the normal protective bulkhead common to single-family residences. A "normal protective" bulkhead includes those structural, hybrid and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land;
- d. Emergency construction necessary to protect property from damage by the elements. An "emergency" is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with this chapter. Emergency construction does not include development of new permanent protective structures where none previously existed. As a general matter,



flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency;

- e. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels;
- f. Construction or modification of navigational aids such as channel markers and anchor buoys;
- g. Construction on shorelands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to Chapter 90.58 RCW. Construction authorized under this exemption shall be located landward of the ordinary high water mark;
- h. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single-family and multiple-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if the fair market value of the dock does not exceed: (A) twenty thousand dollars for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced; or (B) ten thousand dollars for all other docks in fresh waters. However, fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter;
- i. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater from the irrigation of lands;
- j. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
- k. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed or utilized primarily as a part of an agricultural drainage or diking system;
- l. Any project with a certification from the governor pursuant to Chapter 80.50 RCW;
- m. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if specific provisions are met;
- n. The process of removing or controlling aquatic noxious weeds, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed



control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW;

- o. Watershed restoration projects as defined in WAC 173-27-040(o) and included in Chapter 6 of this SMP. Local government shall review the projects for consistency with the shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving all materials necessary to review the request for exemption from the applicant. No fee may be charged for accepting and processing requests for exemption for watershed restoration projects as used in this section; or
- p. A public or private project that is designed to improve fish or wildlife habitat or fish passage, ~~when specific provisions apply that conforms to the provisions of RCW 77.55.181.~~
- q. The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

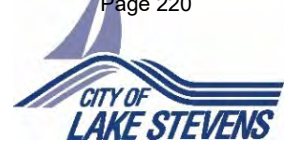
2. Shoreline Substantial Development Permits

Any person wishing to undertake substantial development within the shoreline shall submit materials as required for a Type II review and specific supplemental materials described below and shall apply to the Administrator for a shoreline permit, as required in this chapter and Chapter 90.58 RCW.

Supplemental Application Requirements for a Shoreline Development Permit (WAC 173-27-180)

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

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



- (a) Show both existing and proposed contours on a single map, clearly indicating which is which, and include subsections (f)(ii) through (xiii) of this section;
or
- (b) Provide two or more maps, one showing existing contours, including subsections (f)(ii) through (vi) of this section, and the other showing proposed contours, including subsections (f)(vii) through (xiii) of this section;
- ii. Dimensions, including height, size and location of existing and proposed structures and improvements, including but not limited to buildings, paved or gravel areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities;
- iii. Ordinary high water mark;
- iv. Beach type: sand, mud, gravel, etc.;
- v. Width of setback, side yards;
- vi. Delineate all critical areas including lakes, streams and wetland areas and their buffers and identify those to be altered or used as part of the development;
- vii. General indication of character of vegetation found on the site;
- viii. Proposed temporary and permanent fill areas (state quantity, source and composition of fill);
- ix. Proposed excavated or dredged areas (state quantity, composition and destination of material);
- x. A landscaping plan for the project, if applicable;
- xi. Plans for mitigation on or off the site for impacts associated with project, if applicable;
- xii. A depiction of impacts to views from existing residential uses and public areas, where applicable; and
- xiii. For variances, clearly show on plans where development could occur without approval of variance, the physical features and circumstances on the property that provide a basis for request and location of adjacent structures and uses.
- g. Total value of all construction and finishing work for which the permit will be issued, including all permanent equipment to be installed on the premises;
- h. Approximate dates of construction initiation and completion;
- i. Short statement explaining why this project needs a shoreline location and how the proposed development is consistent with the policies of the Shoreline Management Act of 1971;
- j. Listing of any other permits for this project from State, Federal or local government agencies for which the applicant has applied or will apply;
- k. Any additional material or comments concerning the application which the applicant wishes to submit may be attached to the application on additional sheets; and
- l. Owners of record within 300 feet of project site in electronic table format.



Substantial development permits require a Type II review Administrative Decision with Public Notice. The process begins with a complete application, followed by decision by the appropriate department. The administrative approval body is the department director. Appeals of the Director's decision on a Type II Shoreline permit are made to the State Shorelines Hearings Board. The department director action is the final City decision on a Type II application.

3. Substantial Development Permit Decision Criteria

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

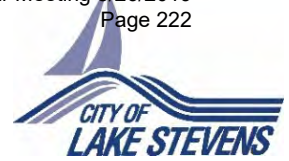
- a. A permit shall be granted only when the proposed development is consistent with the Lake Stevens Shoreline Master Program.
- b. A permit shall be granted only when the proposed development is consistent with the policy of RCW [90.58.020](#).
- c. Surface drilling for oil and gas is prohibited in the waters of Lake Stevens on all lands within 1,000 feet landward from the ordinary high water mark.
- d. A permit shall be denied if the proposed development is not consistent with the above enumerated policies.
- e. The granting of any shoreline substantial development permit by the City shall be subject to the conditions imposed by the Shorelines Hearings Board.

The following is from WAC 173-27-150 Review Criteria for Substantial Development Permits.

- f. A substantial development permit shall be granted only when the development proposed is consistent with:
 - i. The policies and procedures of the act;
 - ii. The provisions of this regulation; and
 - iii. The applicable master program adopted or approved for the area. Provided, that where no master program has been approved for an area, the development shall be reviewed for consistency with the provisions of Chapter [173-26](#) WAC, and to the extent feasible, any draft or approved master program which can be reasonably ascertained as representing the policy of the local government.
- g. Local government may attach conditions to the approval of permits as necessary to assure consistency of the project with the act and the local master program.

4. Appeals - Shorelines Hearings Board

Any decision made by the Administrator on a shoreline exemption or substantial development permit or by the Hearing Examiner on a conditional use or variance permit shall be final unless an appeal is made. Persons aggrieved by the grant, denial, rescission or modification of a permit may file a request for review by the Shorelines Hearings Board in accordance with the review process established by RCW 90.58.180 or as subsequently amended, and with the regulations of the Shorelines Hearings Board contained in Chapter 461-08 WAC or as subsequently amended. Pursuant to RCW 90.58.180, the request for



review must be filed with the Hearings Board within twenty-one (21) days of the date of ~~receipt of the decision~~filing, as provided for in RCW 90.58.140(6).

D. Conditional Use Permits

1. Shoreline Conditional Use Permits

- a. Purpose. The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of this SMP in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the City or the Department of Ecology to prevent undesirable effects of the proposed use and/or to assure consistency of the project with the Shoreline Management Act and this SMP. Uses which are specifically prohibited by this SMP may not be authorized pursuant to WAC 173-27-160.
- b. Process and Application. Shoreline conditional use permits are a Type III review Quasi-Judicial, Hearing Examiner Decision. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held. If required by the State Environmental Policy Act, a threshold determination will be issued by the SEPA Responsible Official. The threshold determination shall be issued prior to the issuance of staff's or Design Review Board's recommendation on the application. Following issuance of the Design Review Board recommendation, if applicable, a public hearing will be held before the city Hearing Examiner. The decision of the Hearing Examiner on a Type III Shoreline Permit application is appealable to the State Shorelines Hearings Board. The Hearing Examiner action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Type III application.
- c. Uses are classified as conditional uses if they are (1) specifically designated as conditional uses elsewhere in this SMP, or (2) are not specifically classified as a permitted or conditional use in this SMP but the applicant is able to demonstrate consistency with the requirements of WAC 173-27-160 and the requirements for conditional uses in section D.2 below.
- d. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted to other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of the Shoreline Management Act and shall not produce substantial adverse effects to the shoreline environment.

2. Shoreline Conditional Use Permit Criteria

Shoreline conditional use permits may be granted, provided the applicant can satisfy the criteria for granting conditional use permits as set forth in WAC 173-27-160 or as subsequently amended.

The following is from WAC 173-27-160 Review Criteria for Conditional Use Permits.



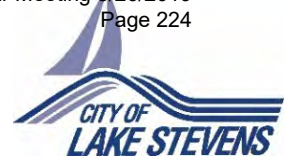
The purpose of a conditional use permit is to provide a system within the master program which allows flexibility in the application of use regulations in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use and/or assure consistency of the project with the act and the local master program.

- a. Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
 - i. That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
 - ii. That the proposed use will not interfere with the normal public use of public shorelines;
 - iii. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program;
 - iv. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
 - v. That the public interest suffers no substantial detrimental effect.
- b. In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- c. Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate consistency with the requirements of this section and the requirements for conditional uses contained in the master program.
- d. Uses which are specifically prohibited by the master program may not be authorized pursuant to either subsection (a) or (b) of this section.

E. Variances

1. Shoreline Variances

- a. Purpose. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional, or performance standards set forth in this SMP and where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of this SMP would impose unnecessary hardships on the applicant or thwart the Shoreline Management Act policies as stated in RCW 90.58.020. In all instances where a variance is granted, extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect. Variances from the use regulations of this SMP are prohibited.



- b. Application. Shoreline variances are a Type III review Quasi-Judicial, Hearing Examiner Decision. This process begins with a complete application, followed by notice to the public of the application and a public comment period, during which time an informational meeting may be held. If required by the State Environmental Policy Act, a threshold determination will be issued by the SEPA Responsible Official. The threshold determination shall be issued prior to the issuance of staff's or Design Review Board's recommendation on the application. Following issuance of the Design Review Board recommendation, if applicable, a public hearing will be held before the city Hearing Examiner. The decision of the Hearing Examiner on a Type III Shoreline Permit application is appealable to the State Shorelines Hearings Board. The Hearing Examiner action deciding the appeal and approving, approving with modifications, or denying a project is the final City decision on a Type III application.

2. Shoreline Variance Criteria

Shoreline variance permits may be authorized, provided the applicant can demonstrate satisfaction of the criteria for granting shoreline variances as set forth in WAC 173-27-170 or as amended.

The following is from WAC 173-27-170 Review Criteria for Variance Permits.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

- a. Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- b. Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), and/or landward of any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
 - ii. That the hardship described in (i) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not for example, from deed restrictions or the applicants own actions;
 - iii. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
 - iv. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
 - v. That the variance requested is the minimum necessary to afford relief; and



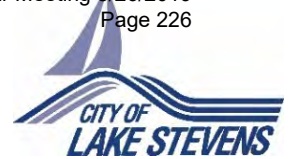
- vi. That the public interest will suffer no substantial detrimental effect.
- c. Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within any wetland as defined in RCW 90.58.030(2)(h), may be authorized provided the applicant can demonstrate all of the following:
 - i. That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
 - ii. That the proposal is consistent with the criteria established under subsection (b)(ii) through (vi) of this section; and
 - iii. That the public rights of navigation and use of the shorelines will not be adversely affected.
- d. In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.
- e. Variances from the use regulations of the master program are prohibited.

F. Revisions to Permits

When an applicant seeks to revise a shoreline substantial development, conditional use, or variance permit, the City shall request from the applicant detailed plans and text describing the proposed changes in the permit. If the Administrator determines that the proposed changes are within the scope and intent of the original permit, the revision may be approved, provided it is consistent with Chapter 173-27 WAC, the Shoreline Management Act (SMA), and this SMP. “Within the scope and intent of the original permit” means the following:

1. No additional over-water construction will be involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less.
2. Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit, provided that revisions involving new structures not shown on the original site plan shall require a new permit.
3. Landscaping may be added to a project without necessitating an application for a new permit if consistent with the conditions attached to the original permit and with this SMP.
4. The use authorized pursuant to the original permit is not changed.
5. No additional significant adverse environmental impact will be caused by the project revision.
6. The revised permit shall not authorize development to exceed height, lot coverage, setback, or any other requirements of this SMP except as authorized under a variance granted as the original permit or a part thereof.

If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the City shall require the applicant to apply for a new substantial



development, conditional use, or variance permit, as appropriate, in the manner provided for herein.

The following is from WAC 173-27-100 Revisions to Permits.

A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of Chapter 90.58 RCW. Changes which are not substantive in effect do not require approval of a revision.

When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

7. If local government determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the act, local government may approve a revision.
8. "Within the scope and intent of the original permit" means all of the following:
 - a. No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;
 - b. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;
 - c. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;
 - d. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;
 - e. The use authorized pursuant to the original permit is not changed; and
 - f. No adverse environmental impact will be caused by the project revision.
9. Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of Chapter 90.58 RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.
10. If the sum of the revision and any previously approved revisions under former WAC 173-14-064 or this section violate the provisions in subsection (2) of this section, local government shall require that the applicant apply for a new permit.
11. The revision approval, including the revised site plans and text consistent with the provisions of WAC 173-27-180 as necessary to clearly indicate the authorized changes, and the final



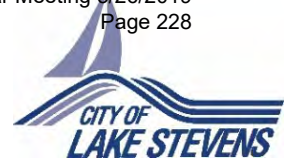
ruling on consistency with this section shall be filed with the department. In addition, local government shall notify parties of record of their action.

12. If the revision to the original permit involves a conditional use or variance, local government shall submit the revision to the department for the department's approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The department shall render and transmit to local government and the applicant its final decision within fifteen days of the date of the department's receipt of the submittal from local government. Local government shall notify parties of record of the department's final decision.
13. The revised permit is effective immediately upon final decision by local government or, when appropriate under subsection (6) of this section, upon final action by the department.
14. Appeals shall be in accordance with RCW 90.58.180 and shall be filed within twenty-one days from the date of receipt of the local government's action by the department or, when appropriate under subsection (6) of this section, the date the department's final decision is transmitted to local government and the applicant. Appeals shall be based only upon contentions of noncompliance with the provisions of subsection (2) of this section. Construction undertaken pursuant to that portion of a revised permit not authorized under the original permit is at the applicant's own risk until the expiration of the appeals deadline. If an appeal is successful in proving that a revision is not within the scope and intent of the original permit, the decision shall have no bearing on the original permit.

G. Existing Structures and Development

Per RCW 90.58.620, only residential ~~Existing single family homes, other~~ structures, ~~existing uses~~ and ~~their~~ appurtenances that were legally established prior to the effective date of this SMP are considered to be conforming to the SMP. Additions, expansion or reconstruction to these structures, ~~uses~~ and appurtenances must meet the provisions of this SMP. For purposes of this section, appurtenances do not include bulkheads, other shoreline modifications, or overwater structures.

1. "Existing structure or development" means a shoreline structure or development which was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Shoreline Master Program (SMP), or amendments thereto, but which is not consistent with present regulations or standards of this SMP.
2. Existing structures that were legally established and are used for a legal use but which do not meet the regulations for setbacks, buffers or yards; area; bulk; height or density may be maintained and repaired and may be enlarged or expanded provided that said enlargement does not increase the extent of noncompliance with the regulations by further encroaching upon or extending into areas where construction or use would not be allowed for new development or uses.
- ~~3. Existing developments that were legally established and are not consistent with regard to the use regulations of the master program may continue as legal existing uses. Such uses shall not be enlarged or expanded, except that existing single family residences that are located landward of the ordinary high water mark may be enlarged or expanded in compliance with~~



~~applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040(2)(g).~~

- ~~34.~~ An existing structure for which a variance has been issued shall be considered a legal existing structure and the requirements of this section shall apply as they apply to existing structures.
- ~~45.~~ An existing structure which is moved any distance must be brought into conformance with the regulations for setbacks, buffers or yards and other applicable regulations for new development and uses.
- ~~56.~~ If an existing development is damaged to the extent that reconstruction/replacement is warranted, it may be reconstructed/replaced to those configurations existing immediately prior to the time the development was damaged. In order for this reconstruction/replacement to occur, application must be made for all necessary permits within twenty-four months of the date the damage occurred, and all reconstruction/replacement must be completed within two years of permit issuance.

H. Nonconforming Uses and Lots

Continuance: Any legally established use nonconforming to the shoreline regulations in this document is permitted to remain in the form and location in which it existed on the effective date of nonconformance.

~~The following is from WAC 173-27-080 Nonconforming Use Standards.~~

- ~~1. "Nonconforming use" means a shoreline use which was lawfully constructed commenced or established prior to the effective date of the Shoreline Management Act or the Shoreline Master Program, or amendments thereto, but which does not conform to present regulations or standards of this SMP.~~
- ~~21.~~ Uses that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. Such uses shall not be enlarged or expanded, except that nonconforming single-family residences uses that are located landward of the ordinary high water mark may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or by the addition of normal appurtenances as defined in WAC 173-27-040(2)(g).
- ~~32.~~ A use which is listed as a conditional use but which existed prior to adoption or applicability of this SMP or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use.
- ~~43.~~ A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit. A conditional use permit may be approved only upon a finding that:
 - a. No reasonable alternative conforming use is practical; and
 - b. The proposed use will be at least as consistent with the policies and provisions of the Shoreline Management Act and this SMP and as compatible with the uses in the area as the preexisting use.



In addition such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of this SMP and the Shoreline Management Act and to assure that the use will not become a nuisance or a hazard.

4. If a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming. A use authorized pursuant to subsection (34) of this section shall be considered a conforming use for purposes of this section.
5. An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or this SMP but which does not conform to the present lot size standards may be developed if permitted by other land use regulations of the local government and so long as such development conforms to all other requirements of the applicable master program and the act.

I. Documentation of Project Review Actions and Changing Conditions in Shoreline Areas

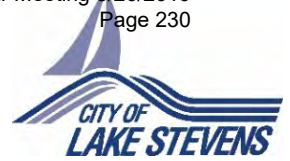
The City will keep on file documentation of all project review actions, including applicant submissions and records of decisions, relating to shoreline management provisions in this SMP. In addition, as stated in the Restoration Plan, the City will track information using the City's permit system or a separate spreadsheet as activities occur (development, conservation, restoration and mitigation). The information that will be tracked includes:

- New shoreline development
- Shoreline variances and the nature of the variance
- Compliance issues
- New impervious surface areas
- Number of pilings
- Removal of fill
- Vegetation retention/loss
- Bulkheads/armoring

The City may require project proponents to monitor as part of project mitigation, which may be incorporated into this process. This information will assist the City in monitoring shoreline conditions to determine whether both project specific and SMP overall goals are being achieved.

J. Amendments to This Shoreline Master Program

If the City or Department of Ecology determines it necessary, the City will review shoreline conditions and update this SMP within seven years of its adoption.



K. Severability

If any provision of this SMP, or its application to any person, legal entity, parcel of land, or circumstance is held invalid, the remainder of this SMP, or its application to other persons, legal entities, parcels of land, or circumstances shall not be affected.

L. Enforcement

1. Violations

- a. It is a violation of this SMP for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the shorelines of the City without first obtaining the permits or authorizations required for the use by this Chapter.
- b. It is a violation of this SMP for any person to use, construct, locate, or demolish any structure, land or property within shorelines of the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this SMP, provided that the terms or conditions are explicitly stated on the permit or the approved plans.
- c. It is a violation of this SMP to remove or deface any sign, notice, or order required by or posted in accordance with this SMP.
- d. It is a violation of this SMP to misrepresent any material fact in any application, plans or other information submitted to obtain any shoreline use or development authorization.
- e. It is a violation of this SMP for anyone to fail to comply with any other requirement of this SMP.

2. Duty to Enforce

- a. It shall be the duty of the Administrator to enforce this Chapter. The Administrator may call upon the police, fire, health, or other appropriate City departments to assist in enforcement.
- b. Upon presentation of proper credentials, the Administrator or duly authorized representative of the Administrator may, with the consent of the owner or occupier of a building or premises, or pursuant to lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the duties imposed by this SMP.
- c. This SMP shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.
- d. It is the intent of this SMP to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this SMP.
- e. No provision of or term used in the SMP is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.



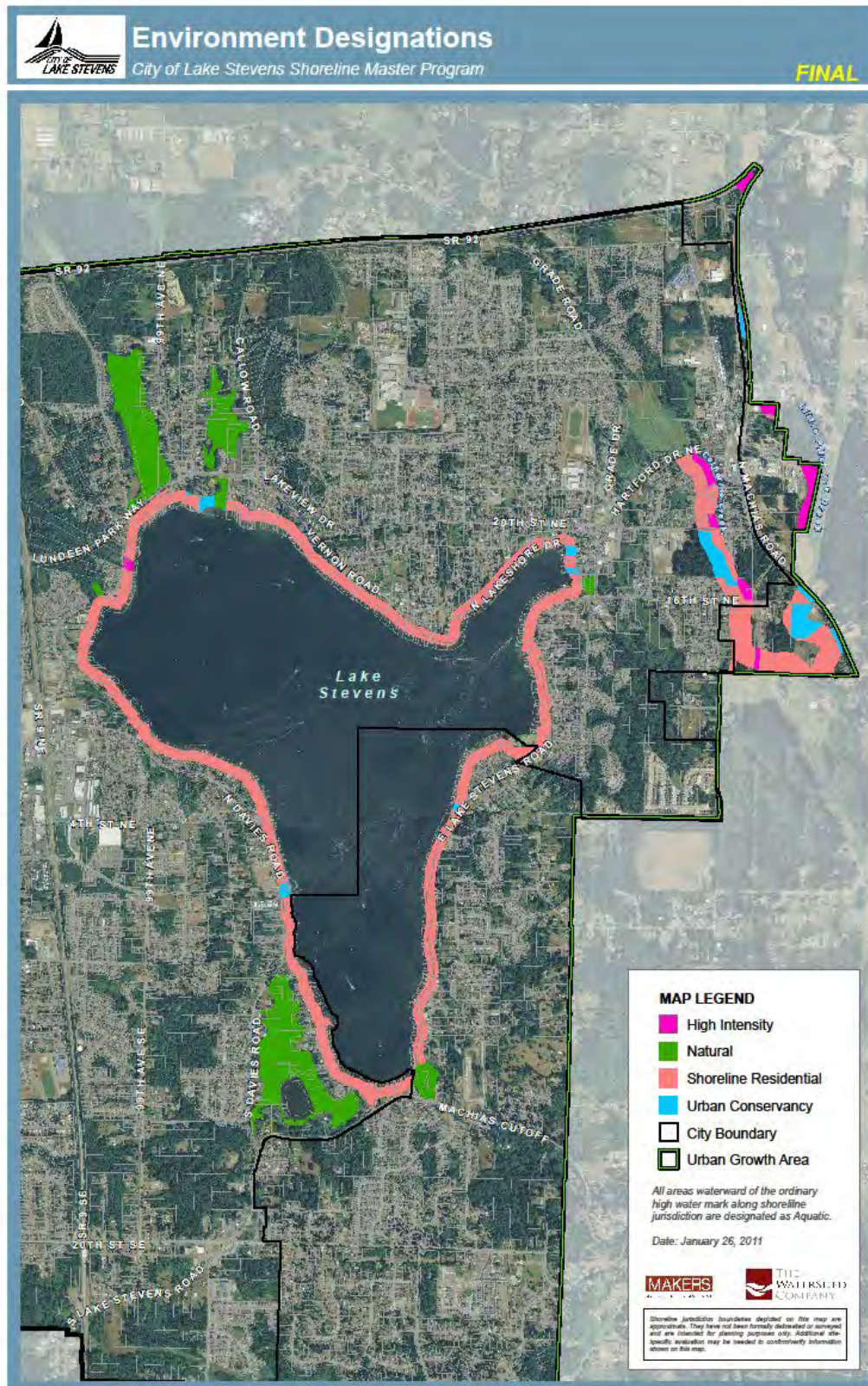
3. Investigation and Notice of Violation

- a. The Administrator or his/her representative shall investigate any structure, premises or use which the Administrator reasonably believes does not comply with the standards and requirements of this SMP.
- b. If after investigation the Administrator determines that the SMP's standards or requirements have been violated, the Administrator shall follow the procedures for enforcement action and penalties shall be as specified in WAC 173-27-240 through 173-27-310, which are hereby adopted by this reference.



Appendix A:

Shoreline Environment Designation Map





Appendix B:

Critical Areas Regulations Within Shoreline Jurisdiction

The regulations in Appendix B: Critical Areas Regulations Within Shoreline Jurisdiction are fully enforceable and considered part of the SMP regulations.

Sections:

Part 1. Purpose and Intent

1.A Purpose and Intent

Part 2. Definitions

2.A Definitions

Part ~~32~~. General Provisions

~~32~~.A Applicability

~~32~~.B Regulated Activities

~~32~~.C Allowed Activities

~~32~~.D Classification as a Critical Area

~~32~~.E Submittal Requirements

~~32~~.F Site/Resource-Specific Reports

~~32~~.G Mitigation/Enhancement Plan Requirements

3.H Alternative Mitigation

~~32~~.~~H~~ Mitigation Monitoring

~~32~~.~~J~~ Bonding (Security Mechanism)

3.K Maps and Inventory

~~32~~.~~L~~ Pesticide Management

~~32~~.~~M~~ Building Setbacks

~~32~~.~~N~~ Fencing and Signage

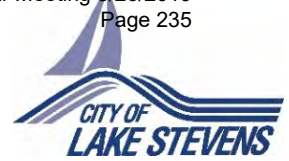
3.O Critical Area Tracts and Easements

~~2.M—Dedication of Open Space/Native Growth Protection Area~~

~~32~~.~~PN~~ Permanent Protection for Streams, Wetlands and Buffers

~~32~~.~~QQ~~ On-site Density Transfers for Critical Areas ~~on Sites Less than Five Acres~~

~~32~~.~~RP~~ Innovative Development Design



- ~~32.SQ~~ Dedication of Land and/or Easements in Lieu of Park Mitigation
- ~~32.TR~~ Assessment Relief

Part ~~43~~. Fish and Wildlife Conservation Areas

- ~~43.A~~ Classification
- ~~43.B~~ Determination of Boundary
- ~~4.C~~ Species/Habitats of Local Importance
- ~~43.DC~~ Allowed Activities
- ~~43.ED~~ Requirements
- ~~43.FE~~ Mitigation

Part ~~54~~. Frequently Flooded Areas

- ~~54.A~~ Classification
- ~~54.B~~ Determination of Boundary
- ~~54.C~~ Allowed Activities
- ~~54.D~~ Requirements
- ~~54.E~~ Mitigation

Part ~~65~~. Geologically Hazardous Areas

- ~~65.A~~ Classification
- ~~65.B~~ Determination of Boundary
- ~~65.C~~ Allowed Activities
- ~~65.D~~ Geological Assessment Requirements
- ~~65.E~~ Setback Buffer Requirements
- ~~65.F~~ Allowed Alterations
- ~~65.G~~ Prohibited Alterations
- ~~65.H~~ Mitigation

Part ~~76~~. Wetlands

- ~~7.A~~ Purpose
- ~~76.BA~~ Identification and Rating~~Classification~~
- ~~76.CB~~ Determination of Boundary
- ~~76.DC~~ Allowed Activities
- ~~76.ED~~ Requirements
- ~~76.FE~~ Mitigation



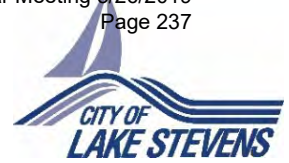
Part 8. Transfer of Development Rights

8.A Definitions

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

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

8.D Designation Process.



Part I. Purpose and Intent

~~14.88.0101.A~~ Purpose and Intent.

The purpose of this ~~chapter~~appendix is to designate, classify, and protect the critical areas within shoreline jurisdiction of the Lake Stevens community by establishing regulations and standards for development and use of properties which contain or adjoin shoreline jurisdictional critical areas for protection of the public health, safety, and welfare. The purpose and intent of this ~~chapter~~appendix is also to ensure that there is no net loss of the acreage or functions and values of shoreline jurisdictional critical areas regulated by this ~~chapter~~appendix. The regulations in this appendix are fully enforceable and considered part of the SMP.

- (a) A project proponent shall make all reasonable efforts to avoid and minimize impacts to shoreline jurisdictional critical areas and buffers in the following sequential order of preference according to the mitigation sequence described in SMP Chapter 3 Section B.4:

- ~~(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 shoreline jurisdictional 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 shoreline jurisdictional 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

~~14.88.1002.A~~ Definitions.

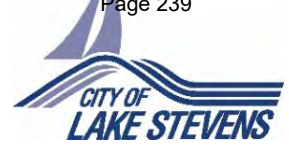
~~The definitions related to critical areas are included in Chapter 14.08. {Ord. 855, Secs. 3, 23, 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007; Ord. 590, 1998; Ord. 468, 1995}~~

For the purposes of this appendix, the definitions in Chapter 6 of this Shoreline Master Program shall apply.

Part III. General Provisions

~~14.88.2003.A~~ Applicability.

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



14.88.2103.B Regulated Activities.

Land use and development activities in shoreline jurisdictional critical areas shall ensure no net loss of critical area and functions. Regulated activities include, but are not limited to, the following activities consistent with WAC 173-26-221(2)(c)(i)(A).

- (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 ~~appendix~~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~~
 - ~~(2-1) The use or activity meets the performance standards found in the "requirements" sections of this ~~chapter~~appendix; 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.
 - (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.



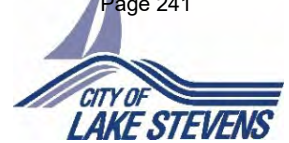
(10) Land that is located wholly within a critical area or its buffer may not be subdivided, unless specifically allowed elsewhere in this ~~chapter~~appendix.

~~{Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007}~~

14.88.2203.C Allowed Activities.

Unless specifically prohibited elsewhere in this appendix or SMP~~chapter~~, the following uses are allowed in any shoreline jurisdictional 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) Walkways and trails may be constructed within the outer 25 percent of the critical area buffers, except that trails may be located within the remainder of the critical area buffer when it is demonstrated through the site/resource-specific report that:
 - (1) No other alternative for the trail location exists which would provide the same educational and/or scientific research opportunities; and
 - (2) The critical area functions and values will not be diminished as a result of the trail; and
 - (3) The materials used to construct the trail are pervious and will not harm the critical area; and



- (4) Raised boardwalks using non-treated pilings may be acceptable.
- (5) Land disturbance is minimized to the greatest extent possible including removal of significant trees; and
- (6) Where possible, the number of trails allowed in critical area buffers shall be limited.
- (g) Navigation aids and boundary markers.
- (h) 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.
- (i) Normal maintenance, repair, or operation of existing structures, facilities, or improved areas.
- (j) 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~~Shoreline Administrator 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.
- (k) 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 the Title 14 of the Lake Stevens Municipal Code~~-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 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 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.
- (l) Stormwater Management Facilities. Dispersion outfalls, bioswales and other low impact facilities, may be allowed within the outer 25 percent of the buffer, when the location of such facilities will not degrade the function or values of the critical area based on the recommendation of a qualified professional for the specific critical area type.
- (m) 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~~this appendix~~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)~~

~~14.88.2353.E 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;~~

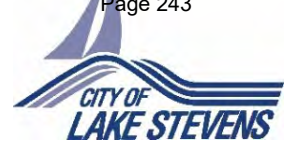
~~(ii) Change course based on the results and interpretation of new information that resolves uncertainties; and~~

~~(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)~~

~~14.88.2403.D Classification as a Critical Area.~~

~~Criteria for classification as a critical area will be listed under the applicable sections of this chapterappendix. (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)~~

14.88.2603.E Submittal Requirements.

To enable the City to determine compliance with this ~~appendix~~chapter, at the time of application submittal, the applicant shall file a SEPA Environmental Checklist (if use is subject to SEPA), site/resource-specific reports as specified in Section ~~14.88.270.3.F~~, all supplemental application requirements for a shoreline permit described in Chapter 7 of this SMP, and any other pertinent information requested by the Department of Planning and Community Development. The ~~Planning and Community Development Director~~Shoreline Administrator or designee may waive any of these submittal requirements if deemed unnecessary to make a compliance determination. ~~(Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)~~

14.88.2703.F Site/Resource-Specific Reports.

Unless waived per Section ~~14.88.260.3.E~~, all applications for land use or development permits proposed on properties containing or adjacent to shoreline jurisdictional 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 shoreline jurisdictional critical area report shall be based on the most current, accurate, and complete scientific or technical information available~~best available science~~. ~~(Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)~~

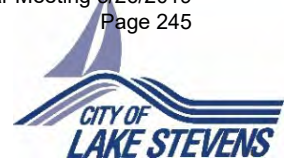
14.88.2753.G Mitigation/Enhancement Plan Requirements.

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 ~~14.88.278.3.J~~. The plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced shoreline jurisdictional 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. 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 the most current, accurate, and complete scientific or technical information available~~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 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 critical areas and buffers in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area by meeting appropriate ratio requirements; and
 - (4) Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on site, or in-kind and within the same stream reach, sub basin, or drift cell. Mitigation actions shall be conducted within the same sub drainage basin and on the same site as the alteration except as specifically provided for in Sections 14.88.440 and 14.88.840; 4.F and 7.F;
- (c) Performance standards, which shall include criteria for assessing project specific goals and objectives and whether or not the requirements of this chapter-appendix have been met;
- (d) Contingency plans which clearly define the course of action or corrective measures needed if performance standards are not met;
- (e) A legal description and a survey prepared by a licensed surveyor of the proposed development site and location of the critical area(s) on the site;
- (f) A scaled site plan that indicates the proposed timing, duration and location of construction in relation to zoning setback requirements and sequence of construction phases including cross-sectional details, topographic survey data showing percent slope, existing and finished grade elevations 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 14.88.2773.I and 14.88.278;3.J;
- (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~~)

14.88.2763.H Alternative Mitigation

The ~~Shoreline Administrator~~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~~appendix. The approval may allow deviations from the requirements of Parts IV and VII of this ~~chapter~~appendix 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 ~~SMC 14.88.440 and 14.88.840~~sections 4.F and 7.F of this appendix are met;
 - (2) The bank is certified under Chapter 173-700 WAC;
 - (3) The department determines that the mitigation bank provides appropriate compensation for the authorized impacts and that at minimum all proposals using a mitigation bank shall have made reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas and buffers through sequencing;
 - (4) The proposed use of credits is consistent with the terms and conditions of the bank's certification;
 - (5) The compensatory mitigation agreement occurs in advance of authorized impacts;
 - (6) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification; and
 - (7) The use of the mitigation bank will result in equivalent treatment of the functions and values of the critical area or buffer to offset the impacts on the project site such that the total net impact will be no net loss of critical area functions and values in the watershed in which the impacts will occur.
- (b) In-lieu fee mitigation shall be established in accordance with the guidance contained in "Guidance on In-lieu Fee Mitigation" (Washington State Department of Ecology, December 2012, or latest edition, Publication #12-06-012) based upon the following order of preference:
 - (1) A City or County approved program that that gives priority to sites that will expand or improve habitat for Lake Stevens and associated tributaries;
 - (2) A City or County approved program that utilizes receiving mitigation sites within the same sub-basin as the approved impact; and
 - (3) A City or County approved program that gives priority to sites within the same sub-basin and/or a predefined service area that includes the City of Lake Stevens.

14.88.2773.I Mitigation Monitoring.

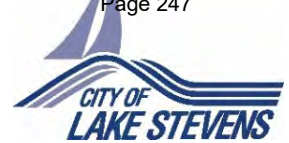


- (a) All compensatory mitigation projects shall be monitored for the period necessary to establish that performance standards have been met, but in no event for less than five years following the acceptance of the installation/construction by the ~~Planning and Community Development Director~~Shoreline Administrator or designee.
- (b) Monitoring reports on the 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~~Shoreline Administrator 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) Failure to meet the performance standards identified in the mitigation plan;
 - (3) Failure to provide adequate replacement for the functions and values of the impacted critical area; or if
 - (4) Additional monitoring is warranted.

~~{Ord. 773, Sec. 2, 2008}~~

14.88.2783.J 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 Shoreline Administrator or designee, 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(3.1)(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 Shoreline Administrator or designee may authorize a one-time temporary delay, up to 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 LSMC 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)

14.88.2803.K 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-Shoreline 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~~ appendix. In the event that any of the designations shown on the maps or inventory lists conflict with the criteria set forth in this ~~chapter~~ appendix, 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~~)

14.88.2833.L 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~~Shoreline Administrator 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 14.88.2703.F 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~~)

14.88.2853.M Building Setbacks.

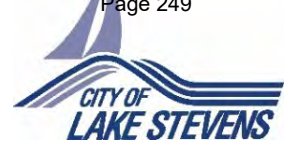
Unless otherwise provided, buildings and other structures shall be set back a distance of 10 feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following may be allowed in the building setback area:

- (a) Uncovered decks;
- (b) Building overhangs, if such overhangs do not extend more than 18 inches into the setback area;
- (c) Impervious ground surfaces, such as driveways and patios; provided, such improvements may be subject to water quality regulations as adopted; and
- (d) Fences and walls are exempt when the fence or wall further separate incompatible uses outside of the critical area and its associated buffer and when any temporary or permanent impacts are mitigated according to this chapterappendix and in compliance with other provisions of Title 14 LSMC, based on the recommendation of a qualified professional for the specific critical area type.

14.88.2873.N Fencing and Signage.

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 14.88.6706.H.

- (a) Fencing



- (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.
 - (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~~)

14.88.2903.O Critical Areas Tracts and Easements.

- (a) Unless otherwise required in this ~~chapter~~appendix, 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 Chapterappendix shall be designated on the face of the plat, short plat or other recorded drawing pursuant to Sections 14.16C.105 and 14.18.040 LSMC and shall be protected by one of the following methods:
- (1) Development proposals for subdivisions, short subdivisions, binding site plans and planned residential developments and similar land use actions that segregate property shall use separate critical area tracts to delineate and protect native growth protection areas. The critical area tract shall be held by each lot owner in the development in an undivided interest or held by a Homeowner's Association or other legal entity, which assures the ownership, maintenance, and protection of the tract; or
 - (2) For development proposals that do not segregate lots, the permit holder shall record a native growth protection area easement with the Snohomish County Auditor stating the location of and the limitations associated with all 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.

14.88.295-3.P Permanent Protection for Streams, Wetlands and Buffers.

All streams and wetlands under this ~~chapter~~SMP and their required buffers shall be permanently protected by designating them as native growth protection areas (NGPAs) in accordance with Section 14.88.290-3.O. NGPAs are to be left permanently undisturbed in a substantially or environmentally



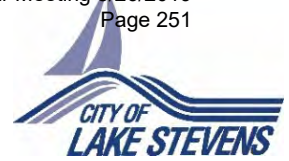
enhanced natural state. No clearing, grading, filling, building construction or placement, or road construction is allowed except the following:

- (a) On a case by case basis when supported by a critical areas assessment study, crossings for underground utility lines which utilize the shortest alignment possible and for which no alignment that would avoid such a crossing is feasible;
- (b) Removal of hazardous trees by the property owner, when based on a recommendation by a qualified arborist and an assessment of hazardous tree risk study and when approved by the City.
 - (1) Any trees removed in an NGPA shall be replaced per LSMC 14.76.120, at a 3:1 ratio or at a 1.5:1 ratio when 4-6-foot-tall native evergreen trees are planted with the total count being rounded up to the next whole number.
 - (2) Any tree removed should only be cut to a point that it does not present a danger to adjacent properties or structures but can provide wildlife habitat.
- (c) Existing legally (on-going) established structures, and non-native or ornamental landscaping, including, but not necessarily limited to, gardens, yards, pastures, and orchards, are not required to be designated as NGPAs. ~~{Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007}~~

3.Q On-site Density Transfer for Critical Areas.

On-site density transfers may be permitted in single-family zoning districts when shoreline jurisdictional critical areas are located on the property subject to the following provisions:

- (a) Only the area contained in the following critical areas and their associated buffers are eligible to be used in the density transfer calculation:
 - (1) Category II, III, and IV wetlands;
 - (2) 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 LSMC Chapter 14.36 for the zoning districts. The site density shall be calculated using the net area of the subject property divided by the minimum lot size of the applicable zone.
- (d) The overall density of the proposed site may be transferred from the undevelopable portion to the developable part of the site and the development when the development is not using other allowed reductions or modifications to critical areas and buffers defined in this appendix~~Chapter 14.88~~ LSMC.
- (e) The development shall meet applicable policies, setbacks and other standards of the City except:
 - (1) Lot sizes may be modified to not less than 6,000 square feet in the WR and SR zones, not less than 4,500 square feet in the UR zone and not less than 3,000 square feet in the HUR zone;
 - (2) Lot widths of Chapter 14.48 Table-I may be modified to not less than 50 feet in the WR and SR zones, and not less than 40 feet in the UR and HUR zones;



- (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.
- (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}~~

14.88.2983.R 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~~ 4.A through 4.F, Fish and Wildlife Conservation Areas, and Sections 7.A through 7.F, Wetlands under a shoreline variance process.

- (a) An innovative development design will be considered in conjunction with the primary land use project approval or building permit approval, when the project 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 Shoreline Administrator 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 14.88.2703.F 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 appendix and SMP ~~chapter~~;
 - (2) Applicants for innovative development design 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~~ appendix and SMP;
 - (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 2012 Technical Guidance Manual for Low Impact Development or as amended. ~~{Ord. 773, Sec. 2, 2008}~~

14.88.3003.S 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 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 ~~appendix~~, 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)~~Shoreline Administrator.~~

~~14.88.310 Demonstration of Denial of All Reasonable Economic Uses.~~

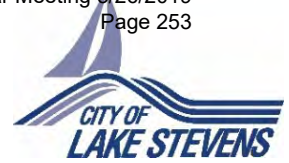
~~In order to conduct a regulated activity in a critical area where the applicant is claiming that denial of authorization of such an activity would deny all reasonable economic uses of the property, the applicant must demonstrate that such is the case. If a regulated activity is allowed within a critical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

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

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

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

- ~~(a) If proposed in a wetland, stream, creek, river, lake or other surface water, that the proposed project is water-dependent or requires access to the wetland as a central element of its basic function; or~~
- ~~(b) If proposed in a critical area not listed in subsection (a) of this section, that it is not water-dependent but has no practicable alternative; and~~



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



~~(7) Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures; and~~

~~(8) Scheduling the prohibited activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities. (Ord. 903, Sec. 53, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)~~

~~14.88.330 Nonconforming Activities.~~

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

~~(a) No such activity shall be expanded, modified, or substituted in any way that increases the extent of its nonconformity without a permit issued pursuant to the provisions of this chapter;~~

~~(b) Except for cases of discontinuance as part of normal agricultural practices, if a nonconforming activity is discontinued for 180 days, any resumption of the activity shall conform to this chapter;~~

~~(c) If a nonconforming use or activity is destroyed by human activities or a natural occurrence, it shall not be resumed except in conformity with the provisions of this chapter;~~

~~(d) Activities or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming activities. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)~~

~~14.88.3403.T 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

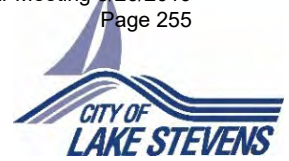
~~**14.88.400** Lake Stevens is a Fish and Wildlife Conservation Area. The shoreline setback in Chapter 5, Section 8.c.3.a shall be used in place of any buffer required for a Fish and Wildlife Conservation Area in all environment designations except the "Natural" designation. Parcels in the "Natural" designation shall use the Fish and Wildlife Conservation Area buffers in this appendix.~~

4.A 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 14.88.415.4.C.
- (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~~ Shoreline Administrator 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;



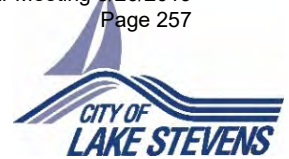
- (iv) The Washington Department of Fish and Wildlife has issued a hydraulic project approval, pursuant to RCW 77.55.100, which includes a determination that the stream segment in question is not used by fish; and
 - (v) No fish are discovered in the stream segment in question during a stream survey 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~~)

14.88.4104.B Determination of Boundary.

- (a) The boundaries of fish and wildlife conservation areas shall be determined by the ~~Planning and Community Development Director~~Shoreline Administrator 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~~Shoreline Administrator 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~~)

14.88.4154.C 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 appendixchapter.
 - (iii) Provide species or habitat location(s) on a map.
- (2) Submitted proposals will be reviewed by the ~~Planning and Community Development Director~~Shoreline Administrator 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 appendixchapter. Approved nominations will become designated a species or habitat of local importance and will be subject to the provisions of this appendixchapter.
- (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)~~

14.88.4204.D 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 14.88.4304.E have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities listed in Section 14.88.220.3.C.
- (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~~Shoreline Administrator 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)~~

14.88.4304.E 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:

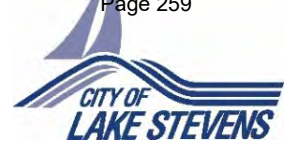


- (1) For ravines with banks greater than 10 feet in depth, maintain the existing or native vegetation within the ravine and a strip 25 feet from the top of the bank;
- (2) Where there is no ravine or the bank is less than 10 feet in depth, maintain existing or native vegetation on both sides of the stream as measured from the ordinary high water mark (OHWM), in accordance with Table ~~14.88-14.1~~, which sets forth the required buffer widths based on classification of stream types:

Table ~~14.88-14.1~~: 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~~Shoreline Administrator 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 ~~14.88.2753.G~~ 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~~Shoreline Administrator may waive the buffer along the undergrounded stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.
 - (4) Stream buffer widths may be modified by averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Stream buffer width averaging shall only be allowed when the applicant demonstrates the following:
 - (i) A site-specific evaluation and documentation of buffer adequacy is based on consideration of the most current, accurate, and complete scientific or technical information available~~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).~~
- ~~(fg)~~ 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)~~

14.88.4404.F 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 14.88.275-3.G.

- (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 14.88.430-4.E. Where such mitigation leads to, or would in the opinion of the ~~Planning and Community Development Director~~Shoreline Administrator 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 most current, accurate, and complete scientific or technical information available~~best available science~~ and pursuant to Section 14.88.298 if 3.R if the innovative development design will achieve protection equivalent to or better than the standard provisions of this ~~appendix~~chapter. Approval of the innovative site design will be considered in combination with criteria listed in Section 14.88.298 if 3.R 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

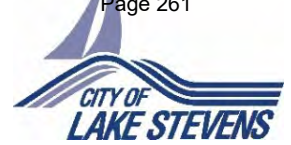
14.88.5005.A Classification.

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)~~

14.88.5105.B 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~~Shoreline Administrator or designee shall confirm this determination. (~~Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007~~)

14.88.5205.C 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 14.88.5305.D have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities allowed per Section 14.88.220.3.C.
- (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~~)

14.88.5305.D 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~~)

14.88.5405.E 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

14.88.6006.A 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.

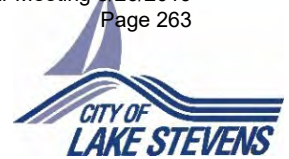
- (i) Class 3, class U (unstable) includes severe erosion hazards and rapid surface runoff areas;
- (ii) Class 4, class UOS (unstable old slides) includes areas having severe limitations due to slope; and
- (iii) Class 5, class URS (unstable recent slides).

- (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~~)

14.88.6106.B Determination of Boundary.

Determination of a boundary of a geologically hazardous area shall be made by the ~~Planning and Community Development Director~~Shoreline Administrator, 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~~)

14.88.6206.C 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 14.88.6306.D have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities allowed per Section 14.88.220.3.C.
- (b) Any other use allowed per the zone and shoreline environment designation; provided, that it meets the requirements of Section 14.88.6306.D 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~~)
- (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)).

14.88.6306.D 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.

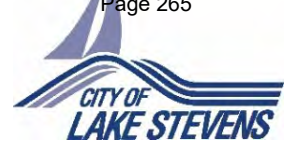
- (a) The geological assessment shall be submitted with the minimum required content as set forth in subsection (d) of this section and in the format established by the ~~Planning and Community Development Director~~Shoreline Administrator, and shall be consistent with the following:
 - (1) A geotechnical 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 ~~6.A14.88.600~~.
 - (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~~)

14.88.6406.E 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~~)

14.88.6506.F Allowed Alterations.

Unless associated with another critical area, the ~~Planning and Community Development Director~~Shoreline Administrator 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 the following and the request is made through a shoreline variance process:~~

- (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 appendix~~ 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}~~

14.88.6606.G 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 14.88.2203.C. The required buffer for such slopes shall be determined through the site-specific geological assessment, but in no case shall be less than 25 feet from the top of slopes of 25 percent and greater.
- (b) Any proposed alteration that would result in the creation of, or which would increase or exacerbate existing geological hazards, or which would result in substantial unmitigated geological hazards either on or off site shall be prohibited. ~~{Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007}~~

14.88.6706.H Mitigation.

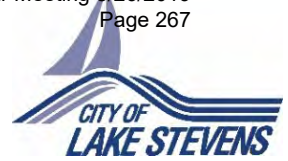
- (a) In addition to the other requirements of this ~~appendix~~chapter, as part of any approval of development on or adjacent to geologically hazardous areas or within the setback buffers required by this section:

(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 14.88.290.3.O.
- (ii) Any geologically hazardous area or required setback buffer that is allowed to be altered subject to the provisions of this ~~chapter~~appendix 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~~appendix, 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~~

~~14.88.8007.A Purpose~~

The purposes of this ~~appendixChapter~~ 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 ~~appendixChapter~~ 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 ~~appendixChapter~~.

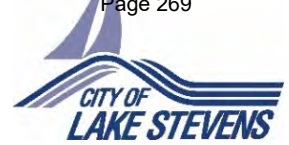
~~1.88.8057.B Identification and Rating.~~

- (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 ~~appendixChapter~~. Wetland delineations are valid for five years; after such date, the City shall



determine whether a revision or additional assessment is necessary. 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) Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology) and in accordance with WAC 173-22-035, which contains the definitions and methods for determining whether the criteria below are met.
- (1) Category I. Category I wetlands represent unique or rare wetland types; are more sensitive to disturbance than most wetlands; are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or provide a high level of functions. In Lake Stevens Category I wetlands may include:
 - (i) Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;
 - (ii) Bogs;
 - (iii) Mature and old-growth forested wetlands larger than 1 acre; and
 - (iv) Wetlands that perform many functions well (scoring 23 points or more).
 - (2) Category II. In Lake Stevens Category II wetlands may include wetlands with a moderately high level of functions (scoring between 20 and 22 points) that are difficult though not impossible to replace and provide high levels of some functions.
 - (3) Category III. In Lake Stevens Category III wetlands may include:
 - (i) Wetlands with a moderate level of functions (scoring between 16 and 19 points);
 - (ii) Can often be adequately replaced with a well-planned mitigation project; and
 - (iii) Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
 - (4) Category IV. In Lake Stevens Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. These wetlands may provide some important functions, and should be protected to some degree.



- (c) Illegal modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

14.88.8107.C Determination of Boundary.

- (a) The ~~Planning and Community Development Director~~Shoreline Administrator or designee, relying on a field investigation supplied by an applicant and applying the wetland definition provided in this ~~chapter~~appendix, 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 14.88.275.3.G, 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~~Shoreline Administrator 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~~Shoreline Administrator shall, at the applicant's expense, obtain expert services to render a final delineation.
- (c) The ~~Planning and Community Development Director~~Shoreline Administrator, 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~~The Shoreline Administrator 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 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~~)

14.88.8207.D 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 14.88.8307.E and 14.88.8407.F have been met and mitigation adequate to alleviate any other impacts has been proposed.

- (a) Those uses listed in Section 3.C.14.88.220
- (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.~~

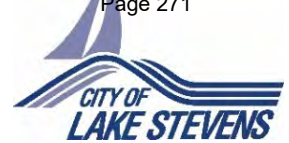
(a) All isolated Category IV wetlands less than 4,000 square feet:

- ~~(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.

14.88.8307.E Requirements.

- (a) Buffers. Wetland buffers shall be required for all regulated activities adjacent to regulated wetlands as provided in Table ~~14.88-#7-1~~, unless modified elsewhere in this ~~chapter~~appendix.
 - (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.
- (2) To facilitate long-range planning using a landscape approach, the ~~Planning and Community Development Director~~ Shoreline Administrator or designee may pre-assess wetlands using the rating system and establish appropriate wetland buffer widths for such wetlands. The Shoreline 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.
- (b) The buffer widths in Table ~~14.88-III-7-1~~ 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-III-7-1~~ Wetland Buffer Requirements

Wetland Category	Buffer Condition*	Buffer width in feet based on habitat scores		
		3-5	6-7	8-9
Category I	Standard	75	110	225
	No Mitigation	100	150	300
Category I (High Value)	Standard	190		225
	No Mitigation	250		300
Category II	Standard	75	110	225
	No Mitigation	100	150	300
Category III	Standard	60	110	225
	No Mitigation	80	150	300
Category IV	Standard	40		
	No Mitigation	50		

* The buffer condition directly affects the required buffer width. A standard buffer width is to be used when the buffer is vegetated or will be planted to comply with ~~SMC 14.88.830~~ Section 7.E(b) and Table ~~14.88-III-7-2~~; 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-7-2~~ Required Measures to minimize impacts to wetlands (measures are required if applicable to a specific proposal)

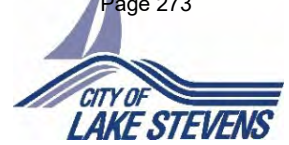
Disturbance	Required Measures to Minimize Impacts
Lights	• Direct lights away from wetland



Noise	• Locate activity that generates noise away from wetland • If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source • 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
Toxic runoff	• Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered • Establish covenants limiting use of pesticides within 150-feet of wetland
Stormwater runoff	• Retrofit stormwater detention and treatment for roads and existing adjacent development • Prevent channelized flow from lawns that directly enters the buffer • Use Low Intensity Development techniques (for more
Change in water regime	• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	• Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion • Place wetland and its buffer in a separate tract or protect with a conservation easement
Dust	• Use best management practices to control dust

(c) Increased Wetland Buffer Widths. The ~~Planning and Community Development Director~~Shoreline Administrator 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) 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.



- (d) Wetland Buffer Averaging. Wetland buffer widths may be modified by averaging with the shoreline variance process. 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;
 - (2) The buffer is increased adjacent to the higher functioning area and decreased adjacent to lower-functioning area; and
 - (3) The total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging.
- (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.
- ~~(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, Shoreline Administrator or designee shall be reduced by no more than 25 percent of the required buffer.~~
- ~~(1) The buffer area meets buffer area planting in Section 14.88.2753.J 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; 3.E; 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 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 LSMC 14.88.840 Section 7.F; 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 5 or less points for wildlife habitat in accordance with the rating system applied in Section 14.88.800, 7.A, and mitigation is provided based on Section 14.88.840(7.F)(b) and Table 14.88-III-7-2, when determined appropriate based on the evaluation criteria in Section 14.88.840(7.F)(f).~~

~~(f) 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)3.R.~~

14.88.8407.F 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. A watershed plan must be submitted if off-site mitigation is proposed;

(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-7-3;~~

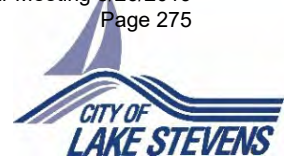
(5) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands.

(i) This provision may be used when:

a. The bank is certified under Chapter 173-700 WAC;

b. ~~The Planning and Community Development Director~~The Shoreline Administrator 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(1.A)(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~~appendix, 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~~Shoreline Administrator may vary these standards if the applicant can demonstrate and the ~~Planning and Community Development Director~~Shoreline Administrator 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. The shoreline variance process shall be used to review any changes in recommended replacement ratios.
 - (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~~Shoreline Administrator 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.



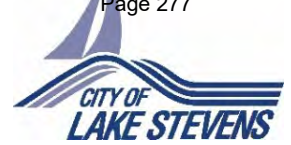
- (e) All wetland restoration, creation and/or enhancement projects required pursuant to this ~~chapter~~ appendix either as a permit condition or as the result of an enforcement action shall follow a mitigation plan prepared in conformance to the requirements of Section ~~14.88.275.3.G~~, Mitigation/Enhancement Plan Requirements.
- (f) Mitigation ratios for the replacement of impacted wetlands shall be as listed in Table ~~14.88-IV7-3~~. However, Table ~~14.88-IV7-3~~ 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-IV7-3~~: Wetland Mitigation Ratios

Affected Wetland	Mitigation Type and Ratio		
Category	Re-establishment Wetland Creation	or Rehabilitation	Enhancement Only
Category IV	1.5:1	3:1	6:1
Category III	2:1	4:1	8:1
Category II	3:1	6:1	12:1
Category I – Forested	6:1	12:1	24:1
Category I – Score Based	4:1	8:1	16:1
Category I – Bog	Not possible	considered 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 ~~14.88.2983.R~~ if the innovative development design will achieve protection equivalent to or better than the standard provisions of this ~~Chapter~~ appendix. Approval of the innovative site design will be considered in combination with criteria listed in Section ~~14.88.2983.R~~ 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-Shoreline Administrator 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~~VIII. Transfer of Development Rights

14.88.9008.A 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~~)

14.88.9108.B 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~~appendix. 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~~)

14.88.9208.C Qualifications for Designation of Land as a Critical Area Sending or Receiving District.

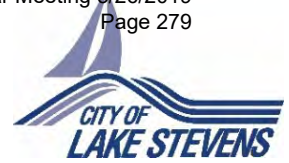
- (a) All areas classified as a critical area by this ~~chapter appendix~~ shall be considered critical area sending districts. Additionally, land that does not qualify as a critical area but which has been determined by City Council to be land suitable for a public purpose may be designated as critical area sending districts by the ~~Planning and Community Development Director~~Shoreline Administrator 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~~Shoreline Administrator with the concurrence of the majority ownership of the land. (~~Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007~~)

14.88.9308.D Designation Process.

- (a) Critical area sending or receiving districts are considered overlay zones allowed per Section 14.88.920.8.C, 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~~)

14.88.9408.E 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)~~

14.88.9508.F Calculating Transferable Development Rights.

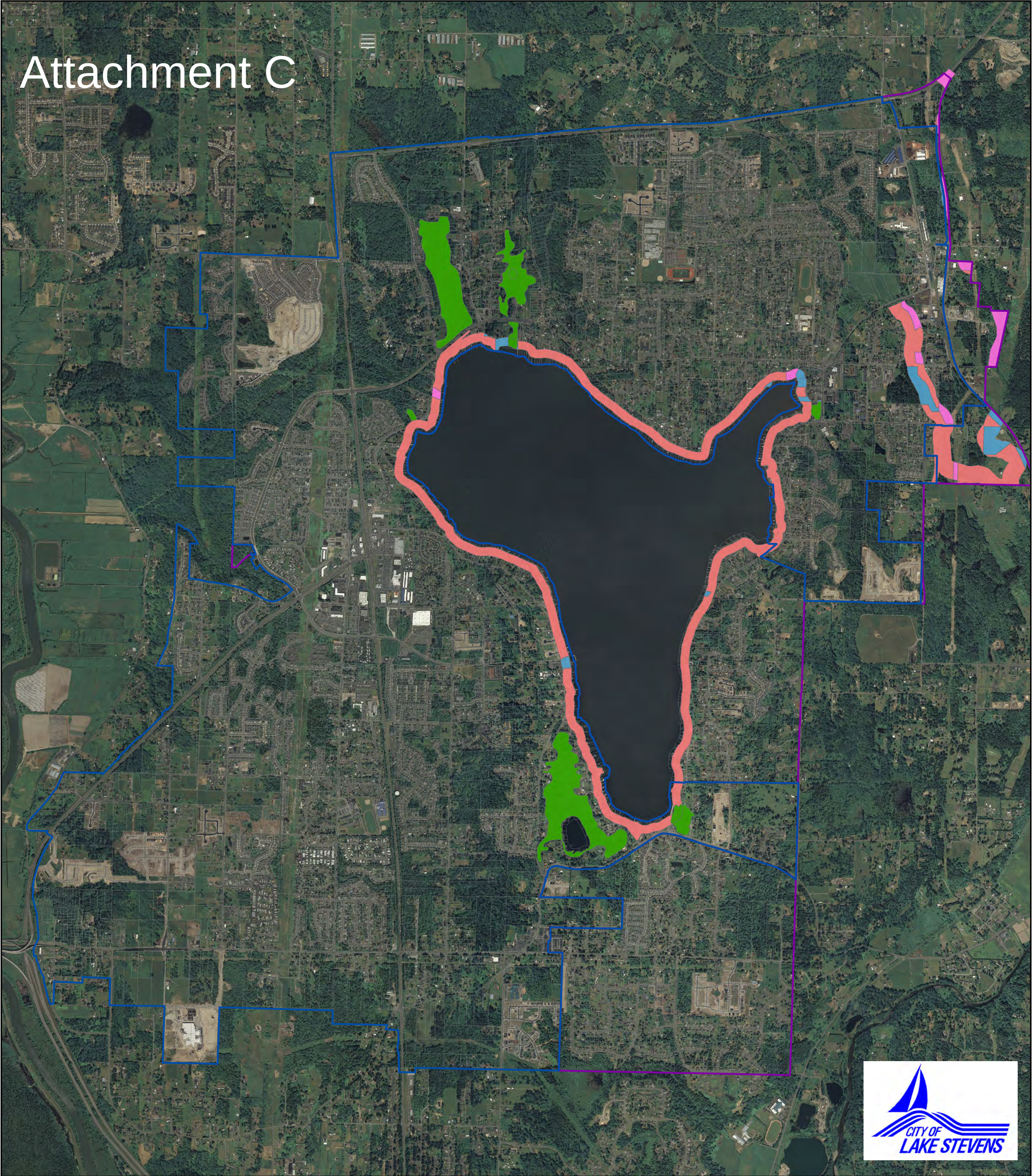
- (a) Maximum transferable development rights shall be calculated for each parcel or portion of a parcel by calculating the theoretical development capacity were the land not classified as a critical area. Theoretical development capacity is calculated based on the requirements of this title, in particular 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)~~

Attachment C



City of Lake Stevens Shoreline



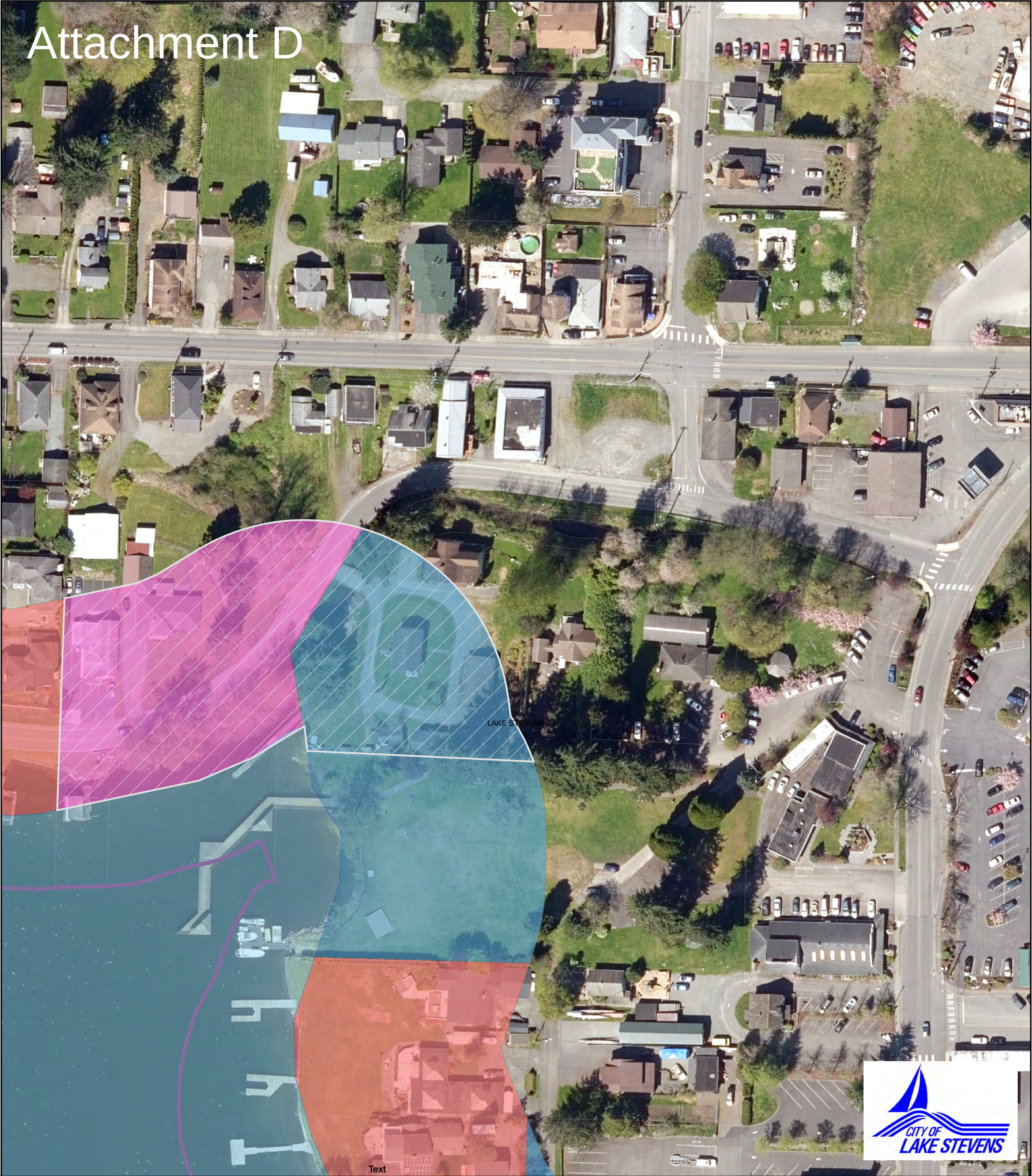
Boundaries and Features

Boundary		Shoreline Environment	
	City of Lake Stevens		High Intensity
	Unincorporated UGA		Natural
			Shoreline Residential
			Urban Conservancy

All information and maps are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, and timeliness, merchantability and fitness for or the appropriateness of use rests solely on the requestor. The City of Lake Stevens makes no warranties, express or implied as to the use of the information obtained here. There are no implied warranties of merchantability or fitness for a particular use. The requestor acknowledges and accepts all limitations including the fact that the data, information, and maps are dynamic and in a constant state of maintenance, correction, and update.

Data Sources: Snohomish County (2013), City of Lake Stevens (2013) June 2013

Attachment D



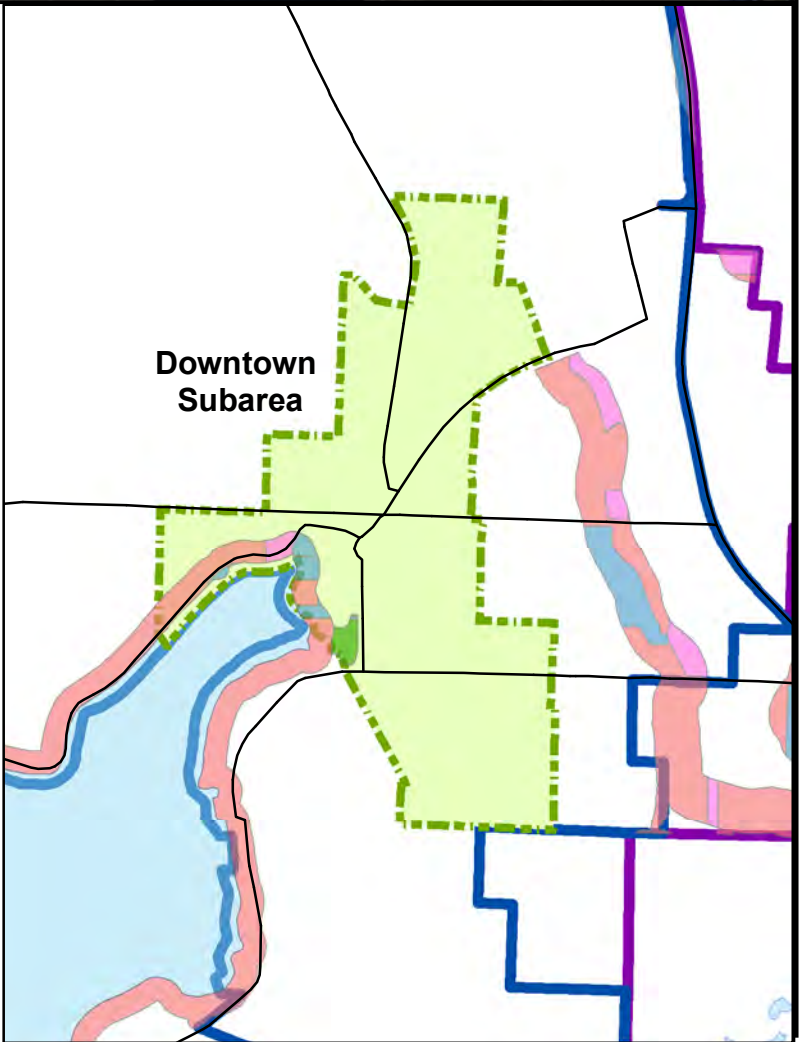
Downtown Shoreline Update

Boundaries and Features

Boundaries		Shoreline Environments	
	Lake Stevens		High Intensity
	UGA		Natural
			Shoreline Residential
			Urban Conservancy
			Area changed from Shoreline Residential

All information and maps are provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, and timeliness, merchantability and fitness for or the appropriateness of use rests solely on the requestor. The City of Lake Stevens makes no warranties, express or implied as to the use of the information obtained here. There are no implied warranties of merchantability or fitness for a particular use. The requestor acknowledges and accepts all limitations including the fact that the data, information, and maps are dynamic and in a constant state of maintenance, correction, and update.

Data Sources: Snohomish County (2013), City of Lake Stevens (2013) June 2013





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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: March 26, 2019

Subject: Public Hearing for the proposed Southeast Island Annexation through an interlocal agreement with Snohomish County and assigning a City of Lake Stevens Comprehensive Plan and Zoning Designations.

Contact Joshua Machen, AICP, Planning Manager
Person/Department: Russ Wright, Community Dev. Director

Budget none
Impact:

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. Hold a public hearing on the Southeast Island Annexation, consider public comment on the proposed annexation and proposed assignment of land use and zoning designations.
2. Adopt Ordinance No. 1053 annexing the properties contained within the Southeast Island Annexation and adopt Comprehensive Plan Designation and Zoning for the annexed parcels, requiring the assumption of a proportionate share of all existing City indebtedness.

DISCUSSION:

The city has identified an area within the Lake Stevens UGA that meets the alternative requirements under Washington State law for an island annexation. The City of Lake Stevens City Council adopted Resolution 2018-026 (Attachment A) initiating the annexation process with Snohomish County. The city has identified the area as the Southeast Island Annexation area (Exhibits A & B of Resolution 2018-026). The Southeast Island Annexation is within area #6 identified in the city's Annexation Plan adopted by Resolution 2016-021. Staff has proposed that the Comprehensive Plan Designation for this area be Medium Density Residential (MDR) and that the zoning be Urban Residential (UR 7200) and Suburban Residential (SR 9600) This zoning designation is consistent with the current zoning designation in Snohomish County.

The property is approximately 37.5 acres and is currently developed with approximately 24 single-family homes in an established subdivision in the southwest corner. There is currently a subdivision being constructed in the northeast corner. In accordance with Washington State law, a city may initiate negotiations with a county regarding an Island Annexation if the area to be annexed has more than 60-percent contiguous boundaries with the city. The proposed annexation area has a contiguous border with the city of Lake Stevens that is more than 70-percent.

Earlier this evening the City entered into an interlocal agreement with Snohomish County to complete this island annexation. The agreement will ensure uninterrupted services to the subject properties while allowing for the transfer of governance.

If the ordinance is passed, the staff will submit the annexation to the Snohomish Boundary Review Board for their review and final acceptance.

Attachments:

A. – Ordinance 1053 w/exhibits

**City of Lake Stevens
Lake Stevens, WA**

ORDINANCE NO. 1053

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON ANNEXING APPROXIMATELY THIRTY-SEVEN AND ONE HALF (37.5) ACRES KNOWN AS THE “SOUTHEAST ISLAND ANNEXATION,” THROUGH AN INTERLOCAL AGREEMENT WITH SNOHOMISH COUNTY INTO CITY REVISED CODE OF WASHINGTON (RCW) 35A.14.460; ASSIGNING ZONING AND COMPREHENSIVE PLAN DESIGNATIONS UPON ANNEXATION; REQUIRING ASSUMPTION OF A PROPORTIONATE SHARE OF CITY INDEBTEDNESS AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The Lake Stevens City Council (Council) adopted Ordinance No. 937 establishing the 2015 – 2035 Comprehensive Plan that sets planning goals, policies and implementation strategies for the Lake Stevens Urban Growth Area (UGA) pursuant to Chapter 36.70A RCW; and

WHEREAS, the City of Lake Stevens (City) and Snohomish County entered an updated Interlocal Agreement related to Annexation and Urban Development in the Lake Stevens UGA recorded under Auditors File No. 200511100706 on November 10, 2005; and

WHEREAS, the City Council has reviewed the City’s annexation strategy to determine whether it is consistent with current practices, policies and procedures and thus, the City Council adopted Resolution 2016-21; and

WHEREAS, pursuant to RCW 35A.14.460 the City Council held a public hearing on January 22, 2019, adopted Resolution 2018-026 INITIATING THE ANNEXATION OF THE Southeast Island Annexation property through an interlocal agreement with Snohomish County and designating comprehensive plan and zoning for the proposed “Southeast Island” annexation area; and

WHEREAS, the proposed annexation area is within the city's Urban Growth Area and its boundaries are at least 60 percent contiguous with the city's boundaries; and

WHEREAS, on March 26, 2019 the Lake Stevens City Council and the Snohomish County Council held a public hearing and adopted a resolution and ordinance authorizing the signing of an Interlocal agreement authorizing the annexation; and

WHEREAS, on March 26, 2019 the Lake Stevens City Council and the Snohomish County Council signed an interlocal agreement for the Southeast Island Annexation (Exhibit A); and

WHEREAS, the annexation area being contiguous with the existing City limits and within unincorporated Snohomish County, and may generally be described as an area of approximately thirty-seven and one half (37.5) acres, surrounded by the Lake Stevens city limits except on the east side, which area is located south and east of South Lake Stevens Road, legally described in Exhibit B and shown on the Southeast Island Annexation map Exhibit C.; and

WHEREAS, the Lake Stevens City Council held two separate public hearings related to zoning pursuant to RCW 35a.14.330 and 340 and determined that the area will be zoned UR 7,200 and SR 9,600, upon annexation with a land use designation of MDR (Medium Density Residential); and

WHEREAS, the City will file a Notice of Intent to Annex, with the Snohomish County Boundary Review Board on March 27, 2019; and

WHEREAS, the City Council conducted an additional duly noticed public hearing on March 26, 2019, to consider the proposed annexation and the assignment of zoning and comprehensive plan designation by the adoption of this Ordinance No. 1053,

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

SECTION 1. Annexation. The property described in attached Exhibit B and depicted in attached Exhibit C, is hereby annexed into the City of Lake Stevens.

SECTION 2. The area legally described in attached Exhibits B and C shall be required to assume it's proportionate share of the general indebtedness of the City of Lake Stevens at the time of the effective date of such annexation.

SECTION 3. The area described in attached Exhibits B and C, shall be designated in the City's Comprehensive Plan as MDR (Medium Density Residential) and the on the City's Official Zoning Map as Urban Residential 7,200 (UR 7,200) and Suburban Residential (SR 9,600) as depicted in attached Exhibit D.

SECTION 4. Filing with County Council. Upon passage of this ordinance, the city shall file a certified copy of its Notice of Intent to Annex with the Snohomish County Boundary Review Board.

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

SECTION 6. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force five (45) days after the date of approval and publication as required by law.

SECTION 7. Upon passage of this ordinance a certified copy shall be transmitted to the Clerk of the Snohomish County Council as required by RCW 35A.14.440.

PASSED by the City Council of the City of Lake Stevens this _____ day of _____.

John Spencer, Mayor

ATTEST/AUTHENTICATION:

By: _____
Kathy Pugh, City Clerk

APPROVED AS TO FORM:

Greg A. Rubstello, City Attorney

Exhibit A

INTERLOCAL AGREEMENT BETWEEN THE CITY OF LAKE STEVENS AND SNOHOMISH COUNTY CONCERNING THE SOUTHEAST ISLAND ANNEXATION AND THE ORDERLY TRANSITION OF SERVICES AND RESPONSIBILITY FOR CAPITAL PROJECTS PURSUANT TO RCW 35A.14.460

1. PARTIES

This Interlocal Agreement ("Agreement" or "ILA") is made by and between the City of Lake Stevens ("City"), a Washington municipal corporation, and Snohomish County ("County"), a political subdivision of the State of Washington, collectively referred to as the "Parties," pursuant to Chapter 35A.14 RCW (Annexation by Code Cities), Chapter 36.70A RCW (Growth Management Act), Chapter 36.115 RCW (Governmental Services Act), Chapter 43.21C RCW (State Environmental Policy Act), Chapter 36.70B RCW (Local Project Review), Chapter 58.17 RCW (Subdivisions), Chapter 82.02 RCW (Excise Taxes), and Chapter 39.34 RCW (Interlocal Cooperation Act).

2. PURPOSE

- 2.1 Primary purpose. The primary purpose of this Agreement is to set forth the terms of the Parties' agreement to the annexation ("Annexation") to the City of territory located within the Southeast Island Annexation area, which area is referred to herein as the "Annexation Area," pursuant to RCW 35A.14.460. The territory included in the Annexation Area is depicted in Exhibit A to this Agreement, incorporated herein by this reference. As required under RCW 35A.14.460(1) the Annexation Area is completely within the City's Urban Growth Area designated under RCW 36.70A.110 and more than sixty-percent of the Annexation Area boundary is contiguous with the City.
- 2.2. Orderly transition of services and capital projects. The City and County recognize the need to facilitate an orderly transition of services and capital projects from the County to the City at the time of the Annexation.

3. GENERAL AGREEMENT REGARDING ANNEXATION

- 3.1 Applicability of Master Annexation ILA. The Parties recognize the existence of a certain *Interlocal Agreement Between the City of Lake Stevens and Snohomish County Concerning Annexation and Urban Development Within the Lake Stevens Urban Growth Area*, effective October 26, 2005, and recorded under Auditor's File #200511100706 ("Master Annexation ILA"), that addresses certain actions related to annexation. The Parties agree and intend that the Master Annexation ILA shall have applicability, force, and effect with respect to the Annexation contemplated herein, except where specifically amended in Section

4.1 of this Agreement, where specific issues are identified that are not contained in the Master Annexation ILA.

- 3.2 Snohomish County Tomorrow Annexation Principles. The County and the City intend that this Agreement, together with the Master Annexation ILA, be interpreted in a manner that furthers the objectives articulated in the Snohomish County Tomorrow Annexation Principles. For the this purpose, the Snohomish County Tomorrow Annexation Principles means that document adopted by the Snohomish County Tomorrow Steering Committee on February 28, 2007, and supported by the Snohomish County Council in Joint Resolution No. 07-026 passed on September 5, 2007. The Snohomish County Tomorrow Annexation Principles are attached to this Agreement as Exhibit B, and incorporated herein by this reference.
- 3.3 Annexation approval. The City and County agree that following execution of this Agreement, the City shall pursue the annexation of the territory described in Exhibit A by adoption of an ordinance pursuant to RCW 35A.14.460(4).

4. AMENDMENT TO THE MASTER ANNEXATION ILA AND ADDITIONAL AGREEMENTS

- 4.1 Amendment to Section 9.1 of the Master Annexation ILA. Section 9.1 of the Master Annexation ILA is amended as follows to address a drainage facility maintenance covenant for drainage facility #3238 on the County's drainage inventory.

Section 9.1 of the Master Annexation ILA is amended as follows:

9.1 Legal control and maintenance responsibilities. If the annexed area includes surface water drainage improvements or facilities the COUNTY currently owns or maintains, the CITY and COUNTY agree to negotiate the disposition of legal control and maintenance responsibilities by the end of the calendar year in which the annexation becomes effective. The COUNTY agrees to provide a list of regional facilities prior to the start of negotiations. Residential detention or other surface water facilities over which the COUNTY holds maintenance easements, covenants, or any other rights or obligations, will transfer to the CITY upon annexation. If the COUNTY's current Annual Construction Program or Surface Water Management Division budget includes major surface water projects in the area to be annexed, the CITY and the COUNTY will determine how funding, construction, programmatic and/or subsequent operational improvements will be assigned for these improvements.

- 4.2 Additional agreements. Nothing in this Agreement limits the Parties from entering into interlocal agreements on issues not covered by, or in lieu of, the terms of this Agreement.

5. THIRD PARTY BENEFICIARIES

There are no third party beneficiaries to this Agreement, and this Agreement shall not be interpreted to create any third party beneficiary rights.

6. DISPUTE RESOLUTION

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 jurisdiction shall be responsible for the costs of their 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. The City and County agree to mediate any disputes regarding the annexation process or responsibilities of the parties prior to the Boundary Review Board hearing on the Annexation, if possible.

7. HONORING EXISTING AGREEMENTS, STANDARDS AND STUDIES

In the event a conflict exists between this Agreement and any agreement between the City and the County in existence prior to the effective date of this Agreement, the terms of this Agreement shall govern the conflict.

8. 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. The County and City retain the ultimate authority for land use and development decisions within their respective jurisdictions. By executing this Agreement, the County and City do not intend to abrogate the decision-making responsibility or police powers vested in them by law.

9. EFFECTIVE DATE, DURATION AND TERMINATION

- 9.1 Effective Date. This Agreement shall become effective following the approval of the Agreement by the official action of the governing bodies of the Parties and the signing of the Agreement by an authorized representative of each Party hereto.
- 9.2 Duration. This Agreement shall be in full force and effect through December 31, 2020. If the Parties desire to continue the terms of the Agreement after the Agreement is set to expire, the Parties may either negotiate a new agreement or extend this Agreement through the amendment process.

- 9.3 Termination. Either party may terminate this Agreement upon ninety (90) days advance written notice to the other party. Notwithstanding termination of this Agreement, the County and City are responsible for fulfilling any outstanding obligations under this Agreement incurred prior to the effective date of the termination.

10. INDEMNIFICATION AND LIABILITY

- 10.1 Indemnification of County. The City shall protect, save harmless, indemnify and defend, at its own expense, the County, its elected and appointed officials, officers, employees and agents, from any loss or claim for damages of any nature whatsoever arising out of the City's performance of this Agreement, including claims by the City's employees or third parties, except for those damages caused solely by the negligence or willful misconduct of the County, its elected and appointed officials, officers, employees, or agents.
- 10.2 Indemnification of City. The County shall protect, save harmless, indemnify, and defend at its own expense, the City, its elected and appointed officials, officers, employees and agents from any loss or claim for damages of any nature whatsoever arising out of the County's performance of this Agreement, including claims by the County's employees or third parties, except for those damages caused solely by the negligence or willful misconduct of the City, its elected and appointed officials, officers, employees, or agents.
- 10.3 Extent of liability. In the event of liability for damages of any nature whatsoever arising out of the performance of this Agreement by the City and the County, including claims by the City's or the County's own officers, officials, employees, agents, volunteers, or third parties, caused by or resulting from the concurrent negligence of the County and the City, their officers, officials, employees and volunteers, each party's liability hereunder shall be only to the extent of that party's negligence.
- 10.4 Hold harmless. No liability shall be attached to the City or the County by reason of entering into this Agreement except as expressly provided herein. The City shall hold the County harmless and defend at its expense any legal challenges to the City's requested mitigation and/or failure by the City to comply with Chapter 82.02 RCW. The County shall hold the City harmless and defend at its expense any legal challenges to the County's requested mitigation or failure by the County to comply with Chapter 82.02 RCW.

11. SEVERABILITY

If any provision of this Agreement or its application to any person or circumstance is held invalid, the remainder of the provisions and the application of the provisions to other persons or circumstances shall not be affected.

12. EXERCISE OF RIGHTS OR REMEDIES

Failure of either party to exercise any rights or remedies under this Agreement shall not be a waiver of any obligation by either party and shall not prevent either party from pursuing that right at any future time.

13. RECORDS

The Parties shall maintain adequate records to document obligations performed under this Agreement. The Parties shall have the right to review each other's records with regard to the subject matter of this Agreement, except for privileged documents, upon reasonable written notice.

The City and the County each acknowledges, agrees and understands that the other party is a public agency subject to certain disclosure laws, including, but not limited to Washington's Public Records Act, chapter 42.56 RCW. This Agreement and all public records associated with this Agreement shall be retained and be available from both the City and the County for inspection and copying where required by the Public Records Act, Chapter 42.56 RCW.

14. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Parties concerning the Annexation, except as set forth in Section 4 of this Agreement.

15. GOVERNING LAW AND STIPULATION OF VENUE

This Agreement shall be governed by the laws of the State of Washington. Any action hereunder must be brought in the Superior Court of Washington for Snohomish County.

16. CONTINGENCY

The obligations of the City and County in this Agreement are contingent on the availability of funds through legislative appropriation and allocation in accordance with law. In the event funding is withdrawn, reduced or limited in any way after the effective date of this Agreement, the City or County may terminate the Agreement under Subsection 9.3 of this Agreement, subject to renegotiation under those new funding limitations and conditions.

17. FILING

A copy of this Agreement shall be filed with the Lake Stevens City Clerk and recorded with the Snohomish County Auditor's Office or as otherwise allowed or required under state law.

18. ADMINISTRATORS AND CONTACTS FOR AGREEMENT

The Administrators and contact persons for this Agreement are:

Russ Wright
Community Development Director
City of Lake Stevens
1812 Main St.
Lake Stevens, WA 98258
(425) 334-1012

Eileen Canola
Snohomish County
Department of Planning and Development Services
3000 Rockefeller Ave.
Everett, WA 98201
(425) 262-2253

IN WITNESS WHEREOF, the parties have signed this Agreement, effective on the later date indicated below.

Dated this _____ day of _____ 20____.

CITY OF LAKE STEVENS
BY:

SNOHOMISH COUNTY
BY:

John Spencer
Mayor

Dave Somers
County Executive

Date: _____

Date: _____

ATTEST:

ATTEST:

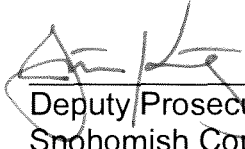
City Clerk

Clerk of the County Council

Approved as to form only:
Office of the City Attorney
Prosecuting Attorney

Attorney for the City of Lake Stevens

Approved as to form only:
Snohomish County

 3/7/19

Deputy Prosecuting Attorney for
Snohomish County

Exhibit B

SOUTHEAST ISLAND ANNEXATION LEGAL DESCRIPTION

That portion of the Southeast quarter and Southwest of Section 19, Township 29 North, Range 6 East, W.M., in Snohomish County, Washington, described as follows:

Beginning at the southeast corner of Tract B of Stich's Lake Stevens Garden Tracts, Volume 6 of Plats, Page 43, records of Snohomish County;

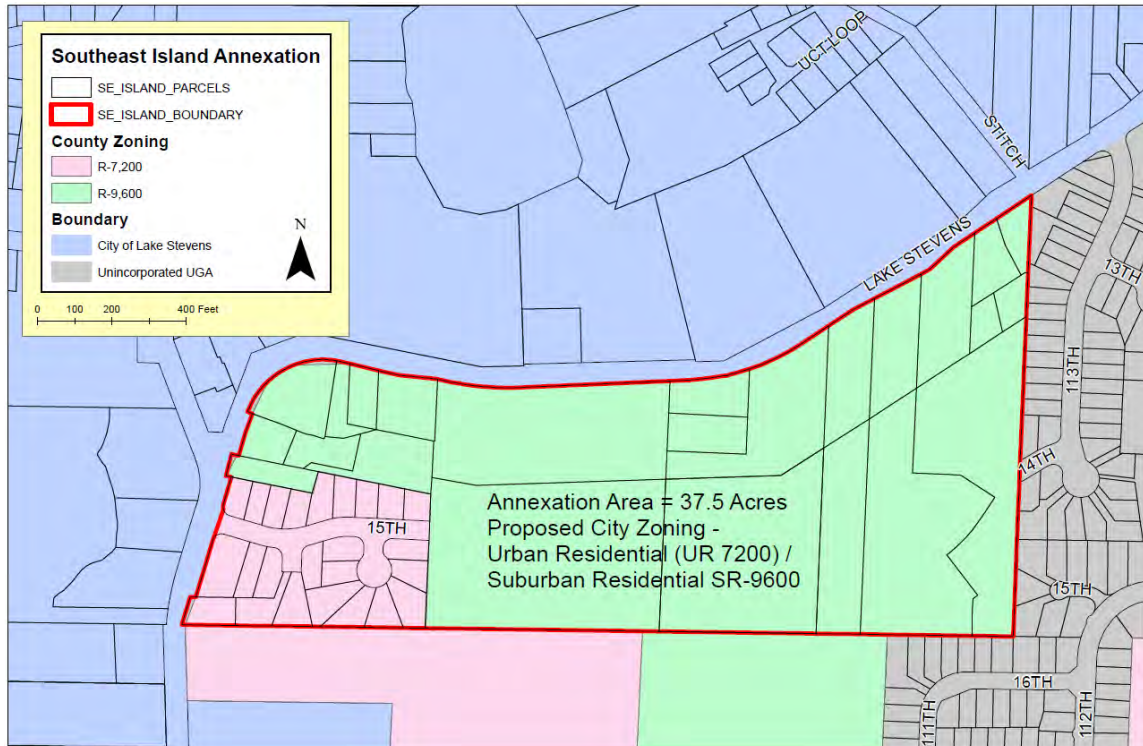
Thence along the south line of Tracts B, C, D and E of said Stich's Lake Stevens Garden Tracts, and Lots 11, 10, 9, 8, 4, and 3 of Watermarke Plat, as recorded under Auditor file number 200703145208, to the east margin of South Lake Stevens Road;

Thence northerly and easterly along said easterly and southerly margin of said South Lake Stevens Road to the northeast corner of Tract B of said Stich's Lake Stevens Garden Tracts also being the northeast corner of Lot 1 of City of Lake Stevens Short Plat number SP-274(5-78) as recorded under Auditors File number 198005120219;

Thence southerly along the east line of said Tract B and Lots 1 and 4 of said City of Lake Stevens SP-274(5-78) to the southeast corner of said Tract B and the True Point of Beginning.



Exhibit C





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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: March 26, 2019

Subject: Adoption of Resolution 2019-09, Accepting the 60 Percent Adrian Annexation Petition and Issuing a Revised Notice of Intent to Annex and adopt Comprehensive Plan Designation and Zoning for the annexed parcels

Contact Dillon Roth, Planner
Person/Department: _____

Budget None
Impact: _____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Approve Resolution 2019-09 to:

1. Accept the 60 percent Adrian Annexation petition to issue a revised notice of intent to annex and
2. Require that upon annexation the simultaneous adoption of land use and zoning designations and require the assumption of a proportionate share of existing City indebtedness.

DISCUSSION:

On October 23, 2018 the City Council passed resolution 2018-29 at a public hearing accepting the 60% petition and initiating a Notice of Intent to annex and assigning zoning/land use designations. During the annexation review process, Snohomish County requested the annexation be expanded to include parcels 29060900302400 and 29060900303300, the ballfield and Centennial Trail parcels respectively, and the adjacent Machias road right-of-way (Attachment 2). Both parcels are owned by Snohomish County and ownership would be transferred as a separate process. Both parcels would have a land use and zoning designation of Public/Semi-Public. This is the first of two public hearings needed to formally adopt the zoning and land use designations of the additional parcels.

Resolution 2018-09 will initiate a revised Notice of Intent to Annex, which will be submitted to the County and Boundary Review Board. After the Board has reviewed the annexation, the City Council will have the final decision whether or not to annex and assign zoning and land use designations.

ATTACHMENTS

Attachment 1 – 60% Annexation Petition

Attachment 2 – Draft Resolution 2018-29 with Exhibits



60% PETITION FOR ANNEXATION OF ADRIAN ANNEXATION

DECLARATION

1. We, the undersigned, are owners of real property lying outside of the corporate limits of the city of Lake Stevens, Washington, but contiguous thereto and designated as part of the Lake Stevens Urban Growth Area.
2. We, the undersigned, representing in excess of 60% of the assessed value of the properties with the area depicted on Exhibit A and described in Exhibit B, do hereby petition the City Council of the City of Lake Stevens to annex this property into the city's corporate limits pursuant to RCW 35A.14.120 and subject to the following conditions set by Lake Stevens City Council in Resolution 2018-09 adopted on March, 26, 2019:
 - Assumption of a proportionate share of the City's bonded indebtedness.
 - The City Council is considering the designation of the property within the Comprehensive Plan as Medium Density Residential (MDR) with Urban Residential (UR) zoning for parcel 29060900300500. Parcels 29060900303300 and 29060900302400 will receive a Public/Semi-Public Comprehensive Plan and Zoning designation.

AUTHORIZATION

Name of Property Owner (Print Clearly)	Signature of Property Owner	Date Signed	Property Address or Assessors Parcel Number	Acres
PATTI A. ADRIAN	<i>Patti A. Adrian</i>	3/13/19	29060900300500	5.38
Ed W. Adrian	<i>Ed W. Adrian</i>	3-13-19		

NOTE: EACH SIGNATURE PAGE MUST CONTAIN THE DECLARATION AND CONDITIONS SO DESCRIBED ABOVE, AS WELL AS A COPY OF BOTH EXHIBITS ATTACHED THERETO

WARNING: Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Who can I call for more information?

Questions regarding the annexation process or land use and zoning contact Lake Stevens Planning and Community Development at (425) 212-3315.

**City of Lake Stevens
Lake Stevens, WA**

RESOLUTION NO. 2019-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE STEVENS ACCEPTING A 60% ANNEXATION PETITION TO THE CITY PURSUANT TO RCW 35A.14.120; PROVIDING NOTICE OF INTENT TO ANNEX TO THE SNOHOMISH COUNTY BOUNDARY REVIEW BOARD, ASSIGNING PROPOSED ZONING AND COMPREHENSIVE PLAN DESIGNATIONS UPON ANNEXATION; AND REQUIRING ASSUMPTION OF A PROPORTIONATE SHARE OF CITY INDEBTEDNESS.

WHEREAS, The Lake Stevens City Council (Council) adopted Ordinance No. 937 establishing the 2015 – 2035 Comprehensive Plan that sets planning goals, policies and implementation strategies for the Lake Stevens Urban Growth Area (UGA) pursuant to Chapter 36.70A RCW; and

WHEREAS, the City of Lake Stevens (City) and Snohomish County entered an updated Interlocal Agreement related to Annexation and Urban Development in the Lake Stevens UGA recorded under Auditors File No. 200511100706 on November 10, 2005; and

WHEREAS, the City Council has reviewed the City's annexation strategy to determine its consistency with current practices, policies and procedures and passed Resolution 2016-21; and

WHEREAS, pursuant to RCW 35A.14.120 the City Council adopted resolution 2018-027 accepting a 10% petition, authorizing the circulation of a 60% petition for annexation and designating comprehensive plan and zoning for the proposed "Adrian" annexation area pursuant to RCW 35A.14.120; and

WHEREAS, pursuant to RCW 35A.14.120, the applicant obtained the signatures of property owners representing more than 60% of the current total assessed value of all parcels within the proposed annexation area legally described in Exhibit A; and

WHEREAS, Snohomish County during a review of the annexation boundaries requested an expansion of the annexation to include parcels 29060900302400 and 29060900303300 and the adjacent Machias Road right-of-way.

WHEREAS, the annexation area being contiguous with the existing City limits, lies within unincorporated Snohomish County, and may generally be described as an area of approximately 20.5-acres, bounded on the north and west by the current city limits, and on the east by Machias Road, as depicted in the map attached as Exhibit B. Said unincorporated annexation area is within the City's Urban Growth Area and includes the abutting right-of-way; and

WHEREAS, on March 26, 2019 a properly noticed public hearing was held pursuant to RCW 35A.14.130 and all persons who wished to provide testimony were heard.

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

SECTION 1. Subject to Sections 2-4 below, the Lake Stevens City Council hereby submits a revised "Notice of Intent to Annex" pursuant to RCW 35A.14.120 for the area legally described in attached Exhibit A and depicted in Exhibit B.

SECTION 2. The area legally described in attached Exhibits A and B shall be required to assume it's proportionate share of the general indebtedness of the City of Lake Stevens at the time of the effective date of such annexation.

SECTION 3. The area described in attached Exhibits A and B, if annexed, shall be designated in the City's Comprehensive Plan as Medium Density Residential and on the City's Zoning Map as Urban Residential for parcel 29060900300500. A Comprehensive Plan designation of Public/Semi-Public and a Zoning designation of Public/Semi-Public for parcels 29060900302400 and 29060900303300.

SECTION 4. A certified copy of this resolution, together with a copy of the 60% annexation petition shall be filed with the Snohomish County Boundary Review Board in accordance with its procedures.

PASSED by the City Council of the City of Lake Stevens this 26th day of March 2019.

John Spencer, Mayor

ATTEST:

Kathy Pugh, City Clerk

APPROVED AS TO FORM:

City Attorney

Exhibit A

CITY OF LAKE STEVENS ANNEXATION LEGAL DESCRIPTION

That portion of the Southwest quarter of Section 9, Township 29 North, Range 6 East, W.M., in Snohomish County, Washington, described as follows:

Commencing at the Southeast corner of the Southwest quarter of said Section 9;

Thence West along the south line of said Section 9, 14 feet plus or minus, to the easterly right-of-way of North Machias Road and the True Point of Beginning;

Thence continuing West along the south line of said Section 9, 156 feet plus or minus, to the westerly right-of-way of Burlington Northern Santa Fe Railroad (Abandoned);

Thence Northerly along said westerly right-of-way of Burlington Northern Santa Fe Railroad (Abandoned) 770 feet plus or minus, to the intersection with the South line of the North 1/2 of the SE 1/4 of the SW 1/4 of said Section 9;

Thence continuing along the said westerly right-of-way of Burlington Northern Santa Fe Railroad (Abandoned), 350 feet plus or minus;

Thence Southwesterly 500 feet plus or minus, to a point, being 274.8 feet East from the West line on the South line of the North 1/2 of the SE 1/4 of the SW 1/4 of said Section 9,

Thence West along the said South line of the North 1/2 of the SE 1/4 of the SW 1/4, 274.8 feet to the West line of the SE 1/4 of the SW 1/4 of said Section 9;

Thence North along the said West line of the SE 1/4, of the SW 1/4, 648 feet plus or minus, to the south right-of-way of 16th Street NE;

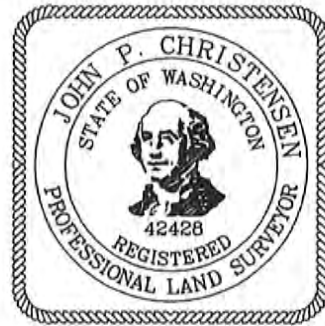
Thence West along the south right-of-way of said 16th Street NE, 481 feet plus or minus, to a point 20 feet south of a point 892.63 feet, as measured along the south line, from the Southwest corner of the Northwest quarter of the Southwest quarter of said Section 9;

Thence North being at right angle to the said south line of the Northwest quarter of the Southwest quarter, 470 feet plus or minus, to the North line of the South 450 feet of said Northwest quarter of the Southwest quarter;

Thence East along said north line, 393 feet plus or minus, to the intersection with the westerly right-of-way of Burlington Northern Santa Fe Railroad (Abandoned);

Thence continuing East along said north line, 195 feet plus or minus, to the intersection with the easterly right-of-way of North Machias Road;

Thence southeasterly along the easterly right-of-way of said North Machias Road, 2,170 feet plus or minus, to the intersection with the south line of said Section 9 and the True Point of Beginning.



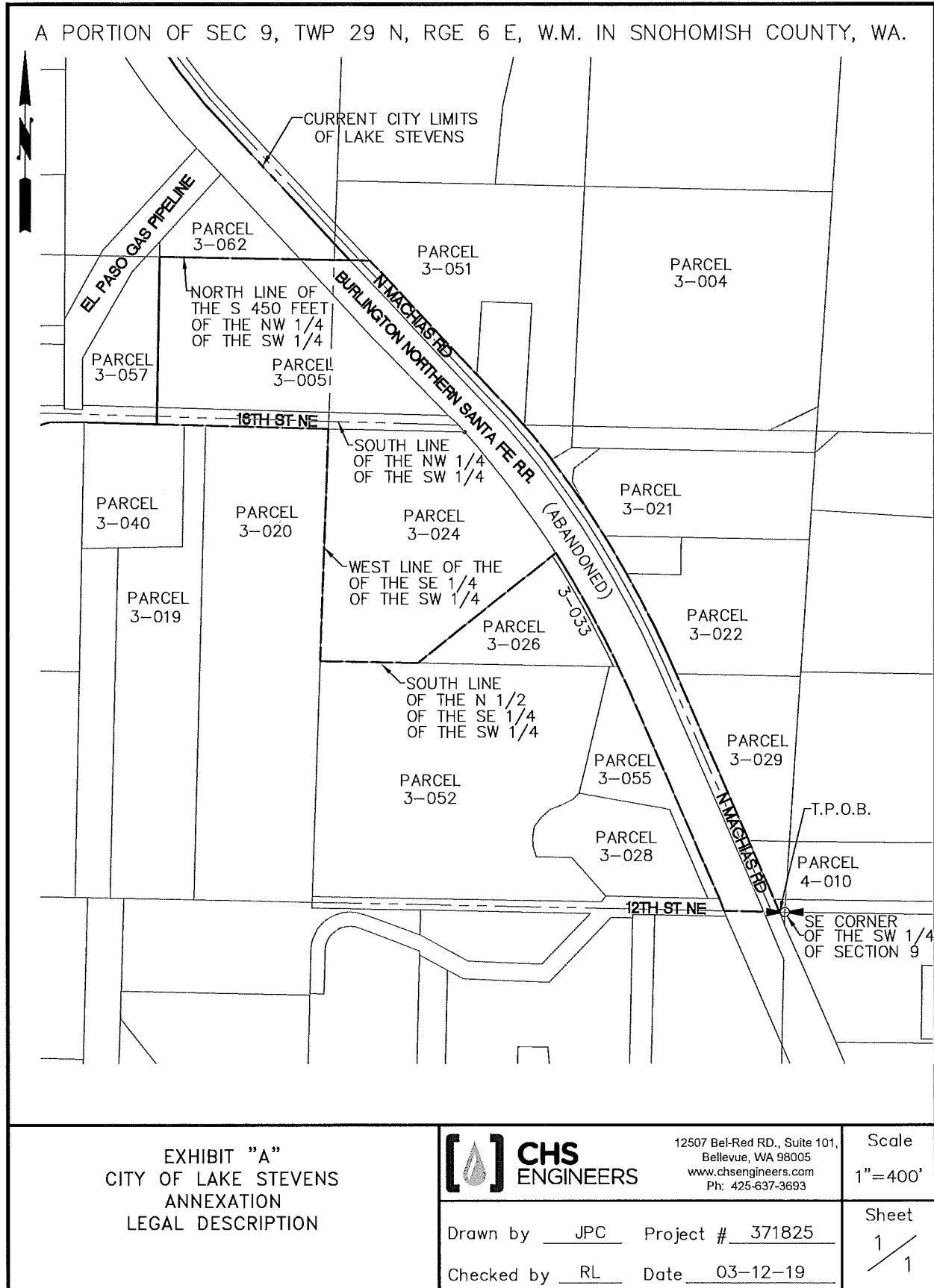


EXHIBIT "A"
CITY OF LAKE STEVENS
ANNEXATION
LEGAL DESCRIPTION



12507 Bel-Red RD., Suite 101,
Bellevue, WA 98005
www.chsengineers.com
Ph: 425-637-3693

Scale
1"=400'

Drawn by JPC Project # 371825
Checked by RL Date 03-12-19

Sheet
1
1



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 26 March 2019

Subject: Public Works Decant Facility design

Contact	Aaron Halverson, Capital Projects	Budget	\$150,000
Person/Department:	Coordinator, Public Works	Impact:	

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Authorize the Mayor to execute a Professional Services Agreement with PACE Engineers, Inc. for the design phase of a Decant Facility to provide necessary engineering and permitting services. The contract amount is \$140,300 however Public Works is requesting \$150,000 to include management reserve.

SUMMARY/BACKGROUND: This contract with PACE Engineering will provide the civil design, structural design, landscape design, permitting assistance and survey for the Public Works decant facility.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: \$150,000

ATTACHMENTS:

- ▶ A: Professional Services Agreement

ATTACHMENT A

PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF LAKE STEVENS, WASHINGTON AND PACE ENGINEERING, 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 PACE Engineering, a Washington Corporation, ("Consultant").

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performances contained herein, the parties hereto agree as follows:

ARTICLE I. PURPOSE

The purpose of this Agreement is to provide the City with consultant services regarding design and engineering of decant facility 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 A:

Terra Associates

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 \$140,300.00 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

To the Consultant:

PACE Engineering, Inc.
Attn: Robin Nelson
11255 Kirkland Way, Suite 300
Kirkland, WA 98033

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 _____, 201____.

CITY OF LAKE STEVENS

PACE ENGINEERING, INC.

By: _____
John Spencer, Mayor

By: _____

Robin Nelson, Senior Principal Engineer

Approved as to Form:

By: _____
Greg Rubstello, City Attorney

Exhibit A

Scope of Work for Professional Civil Engineering Services City of Lake Stevens Decant Facility

Prepared By PACE Engineers, Inc.

March 20, 2019

Project Understanding

It is the City's wish to construct a new, covered decant facility on property owned by the City of Lake Stevens at 12703 31st Place NE Lake Stevens. Decant water from the operations will be covered and flows diverted to the City's existing sewer system. The facility will be designed to allow adequate separation of the liquid from the solids as well as drying of the solids. It is envisioned that the decant facility will have 3 covered bays along with a covered vehicle storage area along the back that also serves as the drainage corridor for the decant water. It is envisioned that the covers for the facility will be a premanufactured metal building mounted upon reinforced concrete stem walls. The liquid stream from the dewatering process will be captured and flow through coalescing.

Scope of Work

A detailed proposal consisting of specific work tasks follows. This proposal includes the necessary engineering and permitting services to develop this project as a shovel ready project. At this point, tasks for bidding support and construction management and inspection are not included in this scope of work but could be added at a future date. The scope and budget for the design phase of this project are based on our current understanding of the project and input from the City and will be performed on a time and materials basis according to this scope of work. The schedule is presented in Exhibit A and the labor rates presented in Exhibit B.

PACE will be the prime consultant for the entire Scope of Work and will oversee and administer all of the work. PACE will provide the civil design, structural design, landscape design, permitting assistance and survey. PACE will subcontract with Terra Associates for soils and geotechnical, Wetlands Resources for the Cultural Resources Review and Follett Engineering (FE), for electrical design. No other disciplines are anticipated to be needed to complete the project.

SCOPE OF WORK

DESIGN PLANS AND SPECIFICATIONS

Task 1 — Project Kickoff Meeting / Project Management

PACE will provide administration and coordination of the project. The following items are included in this task:

1. Attend an in-person project Kick-off Meeting.
2. Attend regular coordination meetings with the City; follow up each meeting with email buffeted minutes.
3. Direction and coordination with subconsultants.
4. In-house project administration, scheduling, and direction of design team staff.

Lake Stevens Decant Facility
Scope of Work
Page 2

5. Preparation of monthly invoices, monthly status progress reports by task, and financial summaries by task.
6. Ensure QA/QC is performed for each major deliverable sent to the City.
7. The following in-person meetings are anticipated:
 - a. Meeting with engineering and operations staff for initial site visit.
 - b. Meeting with City staff to evaluate the schematic design alternatives.
 - c. Meeting with City staff to review 90% plans.

Task 2 — Topographic Survey

This task includes survey work and site mapping required to make sure that grades work and that the new facility matches well with the existing improvements including required turning radiuses and parking of existing vehicles. We anticipate using either Pacific Coast Surveys, Inc. or PACE Engineers for the survey work. They will gather topographic information and locate existing features including locatable utilities, buildings, structures, edge of pavement, critical areas and surface conditions for the site. A basemap will be produced at a 1"=20' scale.

Task 3 — Schematic Design Options and Recommendations

Following Task 2, PACE will develop up to 3-schematic options for the City to consider. The following items are included in this task:

1. Develop up to 3 — schematic options (plan view only) showing a proposed layout and configuration of the site.
2. Prepare a Tech Memo describing the options including the following items:
 - a. Grade considerations
 - b. Utility considerations
 - c. Permitting considerations
 - d. Operational considerations
 - e. Cost opinions of each option
3. Following the review of the Tech Memo the City will select their preferred alternative.

Task 4 — Preliminary Design (30% PS&E)

Following the selection of the preferred option by the City, PACE will prepare preliminary design of the preferred design concept for presentation to and review by City staff prior to moving into the detailed design process. This will ensure that all City requirements are identified and included in the design. The following items are included in this task:

1. Preliminary design of the decant bays, vehicle storage, relocated material bays and required landscaping.
2. Preliminary stormwater flow control and water quality facility sizing including the required evaluation on the feasibility of low impact development (LID) techniques for flow control and water quality treatment (see Geotechnical Task 5).
3. Preliminary utility design (water, sewer, electrical and storm).
4. Preliminary Stormwater Plan/Report in accordance with Ecology requirements.
5. Preliminary design of the site to accommodate the new facilities including turning movement diagrams.
6. Identification of all required permits.
7. Preliminary design of any required environmental mitigation.
8. Opinion of probable construction costs.

Lake Stevens Decant Facility
Scope of Work
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Task 5 — Geotechnical Report

Terra Associates will provide geotechnical engineering. The following geotechnical site assessments and analysis are anticipated in this task:

1. Assessment of the subsurface conditions for the construction of the new decant facility. It is envisioned that one soil boring drilled between 10 feet and 15 feet below the existing ground surface (bgs) will be completed. Laboratory tests on collected soil samples will be used to classify the soil types and characterize the engineering properties.

Our analyses will include evaluating the collected field exploration data and lab testing data and provide the following:

- Exploration logs and site plan showing approximate exploration locations
 - Infiltration feasibility test results (refer to item 2 below)
 - Laboratory test results
 - Groundwater considerations
 - Suitable foundation types and geotechnical design parameters
 - Allowable soil bearing pressure(s) for shallow foundation design criteria
 - Seismic design criteria in accordance with the current International Building Code (IBC)
 - Earthwork and grading, cut, and fill recommendations
2. Determine the feasibility of the soils to infiltrate or use LID techniques for any required flow control or water quality improvements. This analysis includes measuring and calculating soil infiltration rates in general accordance with the DOE 2014 SWMMWW shown in Section III-3.3.4 Steps for the Design of Infiltration Facilities - Simplified Approach, Section III-3.3.5 Site Characterization Criteria, and Section III-3.3.6 Design Saturated Hydraulic Conductivity — Guidelines and Criteria utilizing the Small-Scale Pilot Infiltration Test (PIT).

The procedure for a small-scale PIT consists of:

- Excavating a test pit with a horizontal surface area between 12 to 32 square feet to the estimated elevation of the proposed infiltration facility;
- Installing a vertical measuring rod to measure the ponded water depth;
- Using a 3-inch or 4-inch rigid pipe to convey water to the pit and reduce side-wall erosion or excessive disturbance of the pond bottom;
- Pre-soak by adding water to the pit for at least 6 hours, maintaining a water level at least 12 inches above the bottom of the pit;
- Adding water to the pit at a rate that will maintain a 6 to 12-inch water level above the bottom of the pit over a full hour;
- Recording cumulative volume and flow rates to maintain the water level at 6 inches and 12 inches;
- After one hour, turning off the water and recording the infiltration rate until the pit is empty;
- Over-excavating the pit to check on shallow restrictive layers or if groundwater has continued to flow deep into the subsurface;

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Scope of Work
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- Calculating the saturated hydraulic conductivity; and,
- Applying appropriate correction factors to determine the site-specific design infiltration rate.

Task 6 - Cultural Resources Review (Wetland Resources)

Following the selection of the preferred alternative, the PACE Team will conduct a cultural resource review for the project area in accordance with Executive Order 05-05. Specific Tasks include:

1. **Background Research.** The Project Archaeologist will conduct requisite background archival research at DAHP, the University of Washington, within its own archives, and online to identify recorded and potential archaeological and historic resources in and around the project area. Background review will also include review of the history of development and disturbance within the project corridor, soils types, etc.
2. **Field Survey and Subsurface Testing.** This task includes 100% pedestrian survey of the Area of Potential Effect (APE) and subsurface testing at no more than 40 meter intervals
3. **Report/Graphics Preparation.** The report will include all background research, field methods, maps, photographs, and results and will meet the requirements of EO 05-05, DAHP, and Section 106 of the National Historic Preservation Act (NHPA).

Task 7 – Electrical Design — Follett Engineering (FE)

Our subconsultant, Follett Engineering, will provide the electrical design as necessary. We assume that we are providing only 110V power and lights to the new structures. The following items are included in this task:

1. Schematic Layout and cost estimates for the 30% plans
2. Electrical plans, specifications and cost estimates for the 90% plans.
3. Electrical plans, specifications and cost estimates for the 100%

Task 8 – Structural Design (to be included in the 90% Design)

This task will include structural design and details for the new structure to be constructed on site. PACE structural engineers will develop code-required forces, including wind and seismic loads, to be used for the structural analysis. During this phase of the design, PACE will coordinate with potential metal canopy and metal structure vendors/fabricators. It is assumed that the canopy structure over the decant bays and the material storage facility will be builder-designed. Specific items are as follows:

1. Schematic layout and cost estimate for the 30% plans
2. Slab & stem wall design for the decant bays
3. Slab & stem wall design for the material bays
4. Slab & stem wall design for the vehicle storage bay
5. Design criteria and specifications for the metal structures
6. Column and roof design for decant facility
7. Specifications and estimate of probable construction cost
8. Revisions to the 90% plans based on City review comments
9. Review Geotechnical Report and incorporate design criteria

Task 9 - 90% Plans, Specifications and Estimates

Lake Stevens Decant Facility
Scope of Work
Page 5

PACE will provide 90% design plans based upon City review comments from the 60% plan review and other information gathered in the design process. At this stage we will also have developed a complete set of project specifications. We will utilize contract documents and general provisions from past City projects and will create specific technical specifications as needed. We anticipate that the bid documents will be based on the latest Washington State Department of Transportation "Standard Specifications for Road, Bridge and Municipal Construction".

The following items are included in this task:

1. Development and submittal of 90% plans.
2. Development and submittal of draft specifications.
3. Prepare final Stormwater Site Plan/Report based on City comments to the preliminary Plan/Report and the final plans
4. Development and submittal of updated estimate of probable construction costs.
5. Address City comments.

Task 10 - 100% Contract Documents

Based upon City and Ecology comments of the 90% Plans and Specifications, PACE will finalize the 100% ready-to-bid Plans and Specifications. The following items are included in this task:

1. Development and submittal of 100% plans and specifications
2. Development and submittal of final estimate of probable construction costs.

Task 11 - Maintenance and Operations (O&M) Plan

PACE will prepare an O&M plan for the decant facility in accordance with City criteria.

Task 12 - QA (Quality Assurance)

In order to assure that the final plans and specifications are complete, accurate, and appropriate, PACE will conduct a Quality Control review of all documents prior to submittal to the City. This review will be assigned to a senior level principal who has not been associated with the project. The review will consist of a complete sheet-by-sheet and contract document review to assure the City that the documents meet the "standard level of care" of our industry.

Task 13 — Grant Assistance

PACE will assist the City with the grant applications. This will be submitted to the State of Washington Department of Ecology Stormwater Financial Assistance Grant Program. The application will be available in August 2019 and due in October 2019. This will be applicable to the funding year 2021. Funds will be available the summer of 2020.

DESIGN WORK PRODUCTS

- Monthly invoices and status reports
- Schematic design options and Tech Memo.
- Topographic survey of the site
- Geotechnical Report
- Cultural Resources Report
- 30% Design and Cost Estimate

Lake Stevens Decant Facility
Scope of Work
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- Stormwater Plan/Report
- 90% Plans and Specifications, and Construction Cost Estimate.
- 100% Plans and Specifications, and Cost Estimate.
- Operations and Maintenance Plan for the decant facility

ASSUMPTIONS

- City staff to provide GIS basemap of the site and its facilities and utilities.
- City staff to provide existing facility plans and reports for the site.
- Other than the Cultural Resources Review, City staff will be responsible for permits, SEPA and any grant applications. PACE to provide limited support on these items as provided in Task 9.
- City to excavate and make water available for the "standard test pit" for the infiltration analysis.

PROJECT DESIGN COSTS

The costs associated with the above-described work are not to exceed \$140,300 without prior written authorization from client.



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: March 26, 2019

Subject: Amend LSMC 7.18 re Tow Truck Businesses

Contact

Person/Department: Jeffrey Beazizo, Police Commander

Budget

Impact: N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Adopt Ordinance 1051 amending LSMC 7.18 – Tow Truck Businesses, and approving the City of Lake Stevens Tow Rotation Agreement including authorizing the Lake Stevens Police Department to sign Tow Rotation Agreement Forms between the City of Lake Stevens and Tow Operators.

SUMMARY/BACKGROUND:

Currently, the City of Lake Stevens City Clerk approves tow operators to be on the established tow rotational lists which is used by Lake Stevens Police Department. The City of Lake Stevens City Clerk verifies the tow operators have the required business license with a tow endorsement and insurance, and sends a letter to SNO911, asking the tow operator to be added to the tow rotational list. When a tow is requested from the LSPD or citizen, this rotational list is used.

There are two main issues related to this:

1. There are no professional standards required to be placed on the tow rotation for Lake Stevens. Under this proposal, tow operators would be required to comply with all requirements set forth in chapters 204-91A and 308-61 WAC, and chapters 46.52, 46.55, 46.79, 46.80, 46.12, 46.16, and 46.37 RCW. The Tow Operator would be required to be licensed by the Washington State Department of Licensing (“DOL”) as a registered tow truck operator (“RTTO”) during the term of this Agreement.
2. The tow operators currently on the tow rotational list can charge the citizens any amount for their services to include towing and storing the vehicles as there is no set fee limit. The City receives numerous complaints regarding the fees charged by tow operators, poor service performed by the tow operators and tow operators refusing to provide services to Lake Stevens Police Department based on vehicle descriptions (refuse junk or hulk vehicles left on public highways). The tow rates and fees for services under this Agreement would not exceed the allowable rates and fees established by WAC 204-91A-140.

The Lake Stevens Police Department, in partnership with the City Clerk and Washington State Patrol Commercial Vehicle Division, would establish a Tow Operator program to work with tow operators to provide education and compliance with the Agreement, WACs and RCWs.

APPLICABLE CITY POLICIES: N/A

BUDGET IMPACT: N/A

ATTACHMENTS:

- ▶ Exhibit A: Ordinance 1051
- ▶ Exhibit B: Lake Stevens Police Department Tow Rotation Agreement

EXHIBIT A

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 1051

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING
LSMC 7.18 TOW TRUCK BUSINESSES USED BY THE CITY, PROVIDING FOR
SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE AND PROVIDING FOR
SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the City, through its Police Department, frequently has the need to call upon the services of a person engaged in the towing, impound and storage of vehicles (“tow operator”); and

WHEREAS, the City adopted Ordinance 907 establishing a new LSMC Chapter 7.18 entitled “Tow Truck Businesses Used by the City” which provides for referral of tow truck operators within the City limits and provides regulations relating to impound and storage facilities for tow truck businesses; and

WHEREAS, the fees associated with towing, impound and storage of vehicles impounded at the direction of the City are billed to the registered owner(s) of the vehicle; and

WHEREAS, the Police Department has received a significant number of citizen complaints regarding the fees charged by tow operators for City-initiated tow services; and

WHEREAS, the City has determined that it is in the best interest of the City and its citizens to establish a formal working relationship with tow operators to ensure the provision of prompt, effective and safe tow services at the lowest cost to citizens; and

WHEREAS, tow operators who meet the requirements set forth in the Tow Rotation Agreement will receive City-initiated calls for service on a rotational basis; and

WHEREAS, in order to ensure the minimum response times, a tow operator will be assigned to a specific tow zone for the City and will only receive calls for service from within the assigned zone, unless the Police Department makes a request for an out of zone tow operator due to departmental or situational needs.

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

Section 1. Lake Stevens Municipal Code 7.18 is amended as follows:

Chapter 7.18
TOW TRUCK BUSINESSES USED BY THE CITY

Sections:

- 7.18.010 Purpose.
- 7.18.020 Definitions.
- 7.18.030 List of Qualified Tow Truck Operators.
- 7.18.040 Qualifications.

7.18.050 Practices and Procedures.

7.18.060 Appeals.

7.18.010 Purpose.

The purpose of this chapter is to provide for impartial referral of City business to tow truck operators who are best qualified to serve the interests of persons within the City limits and to provide for regulations relating to impound and storage facilities for tow truck businesses whether referred by the City or not. This chapter supplements the regulation of tow truck operators by the Washington State Department of Licensing and the Washington State Patrol pursuant to Chapter 46.55 RCW. Any inconsistencies between state regulations and this chapter shall be resolved in favor of the state regulations. (Ord. 907, Sec. 1, 2014)

7.18.020 Definitions.

(a) "Police Department" means the City of Lake Stevens Police Department, and any of its uniformed officers, including on-duty reserve officers.

(b) "Tow truck" means a motor vehicle which is equipped for and used in the business of towing vehicles with equipment as approved by the Washington State Patrol.

(c) "Tow truck business" means the transporting upon public streets and highways of the City of vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(d) "Tow truck operator" means any person who engages in the impounding, transporting or storage of unauthorized vehicles, or the disposal of abandoned vehicles. (Ord. 907, Sec. 1, 2014)

(e) "Tow Rotation Agreement" means the agreement which Tow Operators must enter into and abide by in order to be placed on the Lake Stevens tow rotation list.

7.18.030 List of Qualified Tow Truck Operators.

(a) The Police Department shall establish and maintain a list of tow truck operators who meet the qualifications of this chapter and who are willing to accept police impounds and police referrals subject to the conditions of this chapter.

(b) To be placed on the list of tow truck operators, applicants must enter into a Tow Rotation Agreement in the form provided by Lake Stevens Police Department and be in compliance with all elements of the Tow Rotation Agreement during the term of the agreement. City of Lake Stevens and Lake Stevens Police Department may amend the agreement from time to time as necessary to reflect changes in legal requirements by the city and by state laws.

(bc) Whenever police officers are called upon to impound a vehicle or refer a vehicle owner to a tow truck operator, the officers shall use the Police Department list of qualified tow truck operators referred to herein. The officers shall impartially rotate through all operators on the list and shall make reasonable attempts to provide an equal opportunity for business to all such operators; provided, that nothing herein shall be construed as granting any tow truck operator a vested right to do police impounds or other police-related towing services and nothing contained herein shall give rise to claims or liability against the City for failure to strictly adhere to the policies and procedure contained herein.

(ed) Nothing herein shall preclude any vehicle owner or operator from requesting services from a tow truck operator of such owner or operator's choice, unless, in the opinion of the Police Department, the accommodation of such request would result in undue delay, an impact or potential impact to public safety, or a hazardous situation or condition.

(de) The list of qualified tow truck operators shall be reviewed by the Police Department at least annually to determine if the operators are still in compliance with the requirements of this chapter and the Tow Operator Agreement. A willful violation of any of the requirements of this chapter shall be cause for the Police Chief to suspend a tow truck operator from the list. Written notice of such suspension, and the terms thereof, shall be immediately sent to the tow truck operator provided to the Tow Operator in accordance with the terms of the Tow Operator Agreement. If any tow truck operator suffers three or more suspensions in a five-year period, the Police Chief may permanently remove such operator from the list. A suspension or removal from the list is subject to appeal as provided in Section 7.18.060. (Ord. 907, Sec. 1, 2014)

7.18.040 Qualifications.

In order to qualify to be placed on the list of qualified tow truck operators, and to maintain qualification, for the Police Department's list or to conduct any business within the City limits, a tow truck business must comply with or satisfy all of the following requirements:

(a) The tow truck business must hold a current business license from the City of Lake Stevens, provided tow truck businesses located outside of the Lake Stevens City limits while towing vehicles at the request of the owner of said vehicle into, out of, or within the City of Lake Stevens shall not be required to have a Lake Stevens business license. (Reference Section 4.04.040(b)(7))

(b) The tow truck operator must have a current registration with the State Department of Licensing. The Tow Truck Operator must meet all of the requirements set out in the Tow Operator Agreement.

(c) The tow truck business must have a registered office address within 10 miles of the City limits of the City of Lake Stevens.

(d) The tow truck business must maintain a secure storage/redemption yard within 10 miles of the City limits of the City of Lake Stevens. Such storage/redemption yard shall comply with the State Department of Licensing requirements for registered disposers (WAC 308-61-110). All vehicles impounded within the City of Lake Stevens must be taken to said yard unless otherwise requested by the vehicle owner. Repeated losses or thefts of property from stored vehicles may result in suspension or removal of the tow truck operator from the Police Department's list.

(e) The tow truck business must have at least two tow trucks available for Lake Stevens business. Such tow trucks shall have a minimum manufacturer's gross weight of 18,000 pounds and shall be equipped with dual tires on the rear axle or duplex type tires, sometimes referred to as "super single," with a load rating that is comparable to the dual tire rating. Tow trucks shall meet all regulations of the State Department of Licensing; provided, however, tow truck businesses that do not wish to qualify for the Police Department's list but otherwise wish to conduct tow truck business within the City limits shall not be required to have at least two tow trucks available for Lake Stevens business; provided, further, tow truck businesses who tow vehicles at the request of the owner or operator of said vehicle shall not be required to comply with subsections (c), (d) and (e) of this section. (Ord. 907, Sec. 1, 2014)

7.18.050 Practices and Procedures.

In order to continue its qualified status on the Police Department's list, a tow truck operator shall comply with the following practices and procedures with respect to all business obtained through Police Department calls or referrals: all terms of the Tow Rotation Agreement.

(a) The tow truck operator must consistently abide by the fee schedule filed with the State Department of Licensing and there shall be no supplemental fees or additional charges which do not appear on the schedule.

(b) The response time between the initial telephone call from the Police Department to a tow truck operator and the arrival of the tow truck at the location of a vehicle within the City, shall not exceed 60 minutes. If for any reason a tow truck operator is unable, or fails, to respond within such time limits, it may forfeit its turn on the rotation list and the Police Department may contact another tow truck operator. Consistent refusal or failure to respond to calls from the Police Department may result in suspension or removal from the list.

(c) A tow truck operator shall advise the Police Department when it receives a private call for a tow and the circumstances indicate that the tow is for a vehicle which has been involved in an accident or other such incident on a public roadway, or when an accident or incident on private property has resulted in bodily injury or death.

(d) A tow truck operator will notify the Police Department before moving any vehicle involved in an accident or incident on a public highway, or where it appears to the tow truck operator that the driver of the vehicle to be moved is under the influence of intoxicants or drugs or is otherwise incapacitated.

(e) When the Police Department is in charge of an accident scene or other such incident, a tow truck operator shall not respond to such scene unless its services have been specifically requested by the Police Department or by the vehicle operator/owner or his agent.

(f) The tow truck operator shall be available 24 hours a day, seven days a week for the purpose of receiving calls and releasing vehicles.

(g) The tow truck operator shall notify the Police Department of the release of impounded vehicles within 24 hours after the release of such vehicles. Notification to the Police Department will be made in such manner as is prescribed by the Chief of Police.

(h) The interiors of the tow trucks will be reasonably clean.

(i) Tow truck drivers will clean accident/incident scenes of all glass and debris.

(j) All equipment used in conjunction with a tow truck must be in compliance with the manufacturer's basic boom rating. (Ord. 907, Sec. 1, 2014)

7.18.060 Appeals.

If the Police Chief suspends or removes a tow truck operator from the City's list, as provided in this chapter, written notice of the same shall be immediately sent to the tow truck operator at its place of business. The suspension or removal shall not be effective for a period of 10 days following the date thereof. If within the 10-day period, the tow truck operator files a written appeal with the City Clerk, the effectiveness of the order of suspension or removal shall be stayed until the City Land Use Hearing Examiner holds a hearing on the appeal. The City Land Use Hearing Examiner is hereby delegated authority to conduct said appeal hearings. The tow truck operator shall be given notice of the hearing date. The City Hearing Examiner may affirm, modify or reverse an order of suspension or removal. The Police Chief must demonstrate by a preponderance of the evidence that the tow truck operator is in violation of any provisions of this chapter. The decision of the City Hearing Examiner shall be immediately effective and shall be final. (Ord. 907, Sec. 1, 2014)

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance as now or hereafter amended, or its application to any person or circumstances, is held 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, and its application to other persons or circumstances shall not be affected.

Section 3. Effective Date and Summary Publication. This ordinance shall take effect and be in full force and effective five days after its summary publication by ordinance title only in the City's official newspaper.

PASSED by the City Council of the City of Lake Stevens, at its regular meeting thereof and
APPROVED by the Mayor, this 26th day of March, 2019.

John Spencer, Mayor

ATTEST:

Kathy Pugh, City Clerk

APPROVED AS TO FORM:

Greg Rubstello, City Attorney

First Reading and Adoption: March 26, 2019

Date of Publication: _____

Effective Date: _____

EXHIBIT B

PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF LAKE STEVENS, WASHINGTON AND FOR TOWING SERVICES

This Tow Rotation Agreement (“Agreement”) is entered into by and between the City of Lake Stevens (“City”), a political subdivision of the State of Washington, and _____ (the “Tow Operator”).

1. Purpose of Agreement. The purpose of this Agreement is to establish the conditions by which the Tow Operator will receive and maintain eligibility on the Police Department Tow Rotation list.
2. Term of Agreement. This Agreement shall be effective upon signature of both parties (the “Effective Date”) and shall terminate two (2) years from the Effective Date, unless this Agreement is otherwise terminated pursuant to Section 19. Upon the Effective Date the Tow Operator will be placed on the Lake Stevens Police Department Tow Rotation list and be eligible to receive calls for service from the Police Department. After _____ (Date), the City’s obligations under this Agreement are contingent upon local legislative appropriation of necessary funds for this specific purpose in accordance with the City Charter and applicable law.
3. Tow Operator Requirements.
 - a. The Tow Operator agrees to comply with the requirements of this Agreement in order to receive and maintain eligibility on the Lake Stevens Police Department tow rotation list.
 - b. The Tow Operator shall comply with all requirements set forth in chapters 204-91A and 308-61 WAC, and chapters 46.52, 46.55, 46.79, 46.80, 46.12, 46.16, and 46.37 RCW, or as amended.
 - c. The Tow Operator shall be licensed by the Washington State Department of Licensing (“DOL”) as a registered tow truck operator (“RTTO”) during the term of this Agreement.
 - d. The Tow Operator shall have a valid City of Lake Stevens business license.
 - e. The Tow Operator must have a valid “Letter of Appointment” from the Washington State Patrol during the term of this Agreement.
 - f. For each tow truck driver and class of tow vehicle, the Tow Operator shall ensure that all licenses, endorsements, and permits, as applicable, are valid during the term this Agreement.
 - g. The Tow Operator shall be listed by firm name in the “Yellow Pages.”
 - h. At its place of business, the Tow Operator must have and maintain a sign visible to members of the public advertising its location. Such sign shall comply with all state, county and local sign ordinances.

- i. The Tow Operator must be open for business and attended by an employee capable of releasing stored/impounded vehicles, Monday through Friday 8am through 5pm, excluding state and legal holidays.
 - j. The Tow Operator shall maintain its business location within the tow zone designated in Section 7(c) of this Agreement.
4. Tow Truck Drivers.
- a. The Tow Operator shall ensure that its tow truck drivers are qualified, competent, trained and proficient in the use of the tow truck used and its related equipment.
 - b. The Tow Operator and all drivers, employees, agents or contractors shall use reasonable courtesy when dealing with members of the public, law enforcement and communications center employees.
 - c. If a new tow truck driver is being trained, an experienced tow truck driver must accompany the trainee at no additional charge to Lake Stevens Police Department or citizen.
5. Dispatch and Response Times.
- a. The Tow Operator shall respond to calls twenty-four (24) hours a day, seven (7) days a week, within the maximum response time limits established by this Agreement.
 - b. At the request of the Lake Stevens Police Department, the Tow Operator shall immediately dispatch one or more properly equipped tow truck(s) of the class required to tow the vehicle, perform vehicle recovery (e.g., rollover, down embankment, etc.), provide service (e.g., fuel, flat tire change, etc.), etc.
 - c. The Tow Operator agrees that between the hours of 7A.M. and 10 P.M. it will dispatch a driver within five (5) minutes of receiving a Lake Stevens Police Department or Police Dispatch designee request for service; between the hours of 10 P.M. – 7 A.M. it will dispatch a driver within fifteen (15) minutes of receiving a Lake Stevens Police Department or Police Dispatch designee request for service.
 - d. The tow truck driver must arrive at the requested location within twenty-five (25) minutes of being dispatched (“Maximum Response Time”). If due to distance, traffic, or weather conditions the tow truck driver’s arrival will exceed the Maximum Response Time he or she must immediately notify the Lake Stevens Police Department of the delay. Upon receiving notification of the delay, the Lake Stevens Police Department may extend the Maximum Response Time and allow additional time to respond.
 - e. If the Tow Operator is either unable to dispatch, respond or meet the Maximum Response Time, the operator shall advise Lake Stevens Police Department dispatch, at the time of request. If after accepting the call, the Tow Operator determines that it is unable to dispatch, respond or meet the Maximum Response Time it must call Lake Stevens Police Department immediately and advise Lake Stevens Police Department the Tow Operator is unable to fulfill the request for service.

- f. A failure to respond to towing or service calls, notify Lake Stevens Police Department of any fulfillment problems, and/or repeated failures to meet Maximum Response Time requirements, shall be grounds for the City of Lake Stevens to immediately terminate this Agreement.

6. Storage Areas.

- a. The Tow Operator shall be responsible for the safekeeping and prevention of vandalism of all vehicles and contents which are stored/impounded at the request of the Lake Stevens Police Department.
- b. The Tow Operator shall be available twenty-four (24) hours a day, seven (7) days a week, to release vehicles to persons whose vehicles have been placed in the Tow Operator's storage area.

7. Tow Zone.

- a. The Lake Stevens Police Department utilizes the Tow Zone boundaries established by the Washington State Patrol pursuant to WAC 204-91A-160 to facilitate the distribution of calls and meet the needs of the Lake Stevens Police Department with regards to response time and availability of tow services. A copy of the 2015 Tow Zones is attached as Exhibit A.
- b. If the Washington State Patrol modifies the boundaries established pursuant to WAC 204-91A-160, the Lake Stevens Police Department will provide written notice to the Tow Operator and an updated Exhibit A. Such new Tow Zone boundaries shall be effective as of the date they become effective for the Washington State Patrol.
- c. The Tow Operator is assigned to Tow Zone Four (4), and will only receive calls for service from within this assigned Tow Zone. The Lake Stevens Police Department may request the Tow Operator operate outside of this assigned Tow Zone due to departmental or situational needs.

8. Tow Rotation List.

- a. The Tow Operator agrees to provide towing services to members of the Lake Stevens Police Department upon request.
- b. A Lake Stevens Police Department or Police Dispatch designee request to the Tow Operator shall constitute one turn on the tow rotation list, after which the Tow Operator will be moved to the bottom of the tow rotation list. This includes when the Tow Operator fails to answer the phone, is unable to respond, is unable to perform the required service, refuses to respond or provide service, or is canceled due to inability to meet the Maximum Response Time.
- c. If the Lake Stevens Police Department or Police Dispatch designee determines that the Tow Operator is not needed, the Lake Stevens Police Department may cancel the request at any time, up to and including arrival on scene and standby time. In such a case, the Tow Operator will not be entitled to charge, and the vehicle owner/agent will not be required to pay, any fees, but the Tow Operator will be placed back at the top of the list.

- d. A Tow Operator's response to a Lake Stevens Police Department call may be canceled by the vehicle's owner or agent any time prior to the Tow Operator taking possession of the vehicle. In such a case, the Tow Operator will not be entitled to charge, and the vehicle owner will not be required to pay, any fees, but the Tow Operator will be placed back at the top of the list.
- e. Nothing in this Agreement shall prohibit the Lake Stevens Police Department, an officer, supervisor, or scene commander, from requesting a specific Tow Operator (within or outside of the Tow Zone where an incident occurs) if he or she determines that a tow operator at the top of the rotation list does not have the resources necessary to clear a hazard/incident. In such an instance, the specific tow operator selected will be placed at the bottom of the list and the tow operators which were bypassed will remain in the same order on the list.

9. Tow Rates and Storage Fees.

- a. The tow rate and fees for services under this Agreement shall not exceed the allowable rate established by WAC 204-91A-140. Allowable towing and storage fees may be adjusted annually as set forth in WAC 204-91A-140(2) and as adjusted on October 15th of each year by the Washington State Patrol. If these rates are adjusted, the Lake Stevens Police Department will provide the Tow Operator with written notice of such rate and fee change.
- b. If the Tow Operator has a rate for services performed as a result of a private call that are less than the rate specified in WAC 204-91A-140, then that rate shall be applied to all services arising from Lake Stevens Police Department originating calls.

10. Inspections. The Lake Stevens Police Department may, but is not required to, conduct inspections of the Tow Operator's facility, tow trucks, and personnel to ensure compliance with this Agreement.

11. Indemnification. The Tow Operator shall defend, indemnify and hold the City of Lake Stevens, its officers, officials, employees and volunteers, and the State, if State funds are provide for any portion of this agreement, 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 of Lake Stevens.

The above indemnification obligations shall include, but are not limited to, all claims against the City of Lake Stevens and, if applicable, the State by an employee or former employee of the Tow Operator or its subcontractors, and the Tow Operator, by mutual negotiation, expressly waives all immunity and limitation on liability, as respects only the City of Lake Stevens and, if applicable, the State, under any industrial insurance act, including Title 51 RCW, other Worker's Compensation act, disability benefit act, or other employee benefit act of any jurisdiction which would otherwise be applicable in the case of such claim.

The indemnification, protection, defense and save harmless obligations contained herein shall survive the expiration, abandonment or termination of this Agreement.

Nothing contained within this provision shall affect and/or alter the application of any other provision contained within this Agreement.

12. **Insurance.** The Tow Operator shall procure and maintain insurance, as required in this Section, without interruption from commencement of the Tow Operator's work through the term of the contract and for thirty (30) days after the Physical Completion date, unless otherwise indicated herein.

- a. **Insurance Term** The Tow Operator shall procure and maintain insurance, as required in this Section, without interruption from commencement of the Tow Operator'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** The Tow Operator's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of the Tow Operator to the coverage provided by such insurance, or otherwise limit the Public Entity's recourse to any remedy available at law or in equity.
- c. **Minimum Scope of Insurance** The Tow Operator's required insurance shall be of the types and coverage as stated below:
 1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be at least as broad as Insurance Services Office (ISO) form CA 00 01.
 2. Commercial General Liability insurance shall be as least at broad as 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. City shall be named as an additional insured under the Tow Operator's Commercial General Liability insurance policy with respect to the work performed for the City using ISO Additional Insured endorsement CG 20 10 10 01 and Additional Insured-Completed Operations endorsement CG 20 37 10 01 or substitute endorsements providing at least as broad coverage.
 3. On Hook Liability insurance underwritten by an insurance company deemed acceptable to the City.
 4. Garage Keepers Liability insurance underwritten by an insurance company deemed acceptable to the City.
 5. Cargo insurance underwritten by an insurance company deemed acceptable to the City.
 6. Workers' Compensation & Employer's Liability (Stop Gap) coverage as required by the Industrial Insurance laws of the State of Washington, including Employer's or Stop Gap Liability coverage.
- d. **Minimum Amounts of Insurance** The Tow Operator shall maintain the following insurance limits:
 1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial 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.
 3. On Hook Liability insurance shall be written with limits no less than \$150,000 each occurrence.
 4. Garage Keepers Liability insurance shall be written with limits no less than \$150,000 each occurrence.
 5. Cargo insurance shall be written with limits no less than \$50,000 each occurrence.
 6. Employer's Liability (Stop Gap) insurance shall be written with limits no less than \$1,000,000 per occurrence.
- e. **Public Entity Full Availability of Tow Operator Limits** If the Tow Operator 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 Tow Operator, irrespective of whether such limits maintained by the Tow Operator 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 Tow Operator.
- f. **Other Insurance Provision** The Tow Operator'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 Public Entity. Any insurance, self-insurance, or self-insured pool coverage maintained by the Public Entity shall be excess of the Tow Operator's insurance and shall not contribute with it.
- g. **Acceptability of Insurers** Insurance coverage shall be provided by companies authorized to do business within the state of Washington. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.
- h. **Verification of Coverage** The Tow Operator shall furnish the Public Entity with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsements, evidencing the insurance requirements of the Tow Operator before commencement of the work. Upon request by the Public Entity, the Tow Operator shall furnish certified copies of all required insurance policies, including endorsements, required in this contract and evidence of all subcontractors' coverage.
- i. **Subcontractors' Insurance** The Tow Operator shall cause each and every Subcontractor to provide insurance coverage that complies with all applicable requirements of the Tow Operator-provided insurance as set forth herein, except the Tow Operator shall have sole responsibility for determining the limits of coverage required to be obtained by Subcontractors. The Tow Operator 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**.

- j. **Notice of Cancellation** The Tow Operator shall provide the Public Entity and all Additional Insureds for this work with written notice of any policy cancellation within two business days of their receipt of such notice.
 - k. **Failure to Maintain Insurance** Failure on the part of the Tow Operator to maintain the insurance as required shall constitute a material breach of contract, upon which the Public Entity may, after giving five business days notice to the Tow Operator 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 Public Entity on demand, or at the sole discretion of the Public Entity, offset against funds due the Tow Operator from the Public Entity.
13. No Guarantee. Nothing in this Agreement shall constitute a guarantee to provide a minimum amount of work or a promise request services from the Tow Operator.
14. Independent Contractor. The Tow Operator agrees that it will perform the services under this Agreement as an independent contractor and not as an agent, employee, or servant of the City of Lake Stevens. This Agreement neither constitutes nor creates an employer-employee relationship. The parties agree that the Tow Operator is not entitled to any benefits or rights enjoyed by employees of the City of Lake Stevens. The Tow Operator specifically has the right to direct and control Tow Operator's own activities in providing the agreed services in accordance with the specifications set out in this Agreement. The City of Lake Stevens shall only have the right to ensure performance. Nothing in this Agreement shall be construed to render the parties hereto partners or joint ventures.
15. Amendment. No changes or additions shall be made in this Agreement except as agreed to by both parties, reduced to writing and executed with the same formalities as are required for the execution of this Agreement.
16. Subcontracting and Assignment. The Tow Operator shall not subcontract, assign, or delegate any of the rights, duties or obligations covered by this Agreement without prior express written consent of the City of Lake Stevens. Any attempt by the Tow Operator to subcontract, assign, or delegate any portion of the Tow Operator's obligations under this Agreement to another party in violation of the preceding sentence shall be null and void and shall constitute a material breach of this Agreement.
17. Compliance with Other Laws. The Tow Operator shall comply with all other applicable federal, state and local laws, rules, and regulations in performing services under this Agreement.
18. Suspension of Work. The City of Lake Stevens may, at any time, remove the Tow Operator from the tow rotation effective immediately, or as otherwise determined by the City of Lake Stevens. A Tow Operator may be placed back on the tow rotation after a notice of breach or termination from the City of Lake Stevens under Section 19 of this Agreement.
19. Termination.
- a. This Agreement shall immediately terminate if the Tow Operator's Letter of Appointment from Washington State Patrol is suspended, revoked, or terminated by the Washington State Patrol.

- b. This Agreement shall immediately terminate if the Tow Operator's RTTO license issued by the Department of Licensing is suspended, revoked, or terminated by DOL.
 - c. This Agreement may be terminated by the City of Lake Stevens if the Tow Operator breaches any of its obligations hereunder and fails to cure the same within five (5) business days of written notice to do so by the City of Lake Stevens.
 - d. Either party may terminate this Agreement for any reason upon thirty (30) days' written notice to the other party.
20. Notices. All notices and other communications shall be in writing and shall be sufficient if given, and shall be deemed given, on the date on which the same has been mailed by certified mail, return receipt requested, postage prepaid, addressed as follows:

If to the City of Lake Stevens: City of Lake Stevens
Attn: City Clerk
1812 Main Street (Physical Address)
PO Box 257 (Mailing Address)
Lake Stevens, Washington 98258

If to the Tow Operator:

21. Interpretation. This Agreement and each of the terms and provisions contained herein are deemed to have been explicitly negotiated by the parties. 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 of 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.
22. Complete Agreement. This Agreement constitutes the entire understanding of the parties. Any written or verbal agreements that are not set forth herein or incorporated herein by reference are expressly excluded.
23. Conflicts between Attachments and Text. Should any conflicts exist between any attached exhibit or schedule and the text or main body of this Agreement, the text or main body of this Agreement shall prevail.
24. No Third-Party Beneficiaries. The provisions of this Agreement are for the exclusive benefit of the City of Lake Stevens and the Tow Operator. This Agreement shall not be deemed to have conferred any rights, express or implied, upon any third parties.
25. Governing Law; Venue. This Agreement shall be governed by the laws of the State of Washington. The venue of any action arising out of this Agreement shall be in the Snohomish County Superior Court, State of Washington.

26. Severability. Should any clause, phrase, sentence or paragraph of this agreement be declared invalid or void, the remaining provisions of this Agreement shall remain in full force and effect.

27. Authority. Each signatory to this Agreement represents that he or she has full and sufficient authority to execute this Agreement on behalf of the City of Lake Stevens or the Tow Operator, as the case may be, and that upon execution of this Agreement it shall constitute a binding obligation of the City of Lake Stevens or the Tow Operator, as the case may be.

28. Survival. Those provisions of this Agreement that by their sense and purpose should survive expiration or termination of the Agreement shall so survive.

IN WITNESS WHEREOF, the parties hereto have caused this Tow Rotation Agreement to be duly executed.

CITY OF LAKE STEVENS

TOW OPERATOR

By: _____
Gene Brazel, City Administrator

By: _____

Printed Name / Title

DATE: _____

Tow Operator Company Name

DATE: _____

EXHIBIT A
TOW ZONE MAP

of Steamboat Slough to Possession Sound. This zone will have the northbound lanes of I-5 to the south right-of-way of 4th St, and both north and southbound lanes of SR529 to the north right-of-way of the Steamboat Slough Bridge.

Tow Zone Four

Beginning at the north right-of-way of the Lowell-Larimer Road at its intersection with the Seattle Hill Road; then northwesterly along the north right-of-way of the Lowell-Larimer Road to the east right-of-way of its intersection with the Lowell-Snohomish River Road; then northerly along the west bank of the Snohomish River to the south right-of-way of SR2; then east along the south right-of-way of SR2 to the east right-of-way of SR204; then northeasterly along the east right-of-way of SR204 to the west right-of-way of SR9; then north along the west right-of-way of SR9 to the north right-of-way of SR92; cross over to the east right-of-way of SR9; then cross over SR92 to the south right-of-way; then northeasterly along the south right-of-way of SR92 to the south right-of-way of its intersection with 44th St NE; then easterly along the south right-of-way of 44th St NE in a direct line to the east right-of-way of the Robe-Menzell Road; then southeasterly along the east right-of-way of the Robe Menzell Road to the east right-of-way of the Lake Roesiger Road; then southerly along the east right-of-way of the Lake Roesiger Road to the south right-of-way of 36th St SE to the east right-of-way of 171st Ave SE; then southerly along the east right-of-way of 171st Ave SE to the south right-of-way of 100th St SE to its intersection with SR2; cross over SR2; then westerly along the south right-of-way of SR2 to 127th Ave SE; then southerly along the east right-of-way of 127th Ave SE crossing the Old Snohomish Monroe Hwy; then south to the Snohomish River; then downstream to the north right-of-way of 130th St SE; then westerly in a direct line to the north right-of-way of SR9; then northwesterly along the north right-of-way of Lowell-Larimer Road to the zone beginning at the Seattle Hill Road.

Tow Zone Five

From Possession Sound easterly along the north bank of the Steamboat Slough to 28th St NE (Sunnyside Blvd); then easterly along the south right-of-way of 28th St NE to 71st Ave NE; then easterly along the south right-of-way of the Soper Hill Road to SR9; then northerly along the west right-of-way of SR9 to the north right-of-way of its intersection with SR92; then cross over SR9 and northerly along the west right-of-way of SR9 to the north right-of-way of its intersection with 108th St NE; cross west over SR9 and north along the west right-of-way of SR9 to the south right-of-way of 172nd St NE; then westerly along the south right-of-way of 172nd St NE to its intersection with the East Lake Goodwin Road; then westerly along the south right-of-way of the Lakewood Road to Marine Drive; then westerly along the south right-of-way of 188th St NW to Puget Sound.

Tow Zone Ten

Beging at the Snohomish-Chelan County line in a direct line westerly to the north right-of-way of the intersection of the Lake Roesiger and Robe Menzell Roads; then northwesterly along the east right-of-way of the Robe Menzell Road to the south right-of-way of 44th St NE to the south right-of-way of SR92; then westerly along the south right-of-way of SR92 to the east right-of-way of SR9; then north along the

east right-of-way of SR9 to the north right-of-way of 108th St NE; then easterly along the north right-of-way of 108th St NE to the north right-of-way of 99th Ave NE; then northeasterly in a direct line to the north right-of-way of the intersection of 148th St NE and the Burn Road; then northeasterly in a direct line to the north right-of-way of the intersection of 146th Dr NE and the Jordan Road; then easterly in a direct line to the north right-of-way of the bridge at the North Fork of the Sauk River; then in a direct line to the Snohomish-Chelan County line.