

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 JOINT MEETING WITH PARKS BOARD AND
WORKSHOP MEETING AGENDAS
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street NE, Lake Stevens**

Tuesday, January 24, 2017 – 5:30 p.m.

JOINT CITY COUNCIL/PARKS BOARD MEETING:

Russ / Jim

- 2016 Accomplishments (20 minutes)
- 2017 Work Plan (20 minutes)

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

Tuesday, January 24, 2017 – 7:00 p.m.

NOTE:

WORKSHOP ON VOUCHERS AT 6:45 P.M.

CALL TO ORDER:	7:00 P.M.	Mayor
PLEDGE OF ALLEGIANCE		Council President
ROLL CALL:		
APPROVAL OF AGENDA:		Council President
GUEST BUSINESS:		
OATH OF OFFICE	Police Officer Chris Shedler	Mayor
EMPLOYEE RECOGNITIONS	Mary Swenson; Employee 10 Year Anniversary Recognitions	Mayor
COUNCIL BUSINESS:	Review of City Council Retreat	Council President
MAYOR'S BUSINESS:		
CITY DEPARTMENT REPORT:	Update	
CONSENT AGENDA:	*A Approve 2016 Vouchers	Barb

Lake Stevens City Council Regular Meeting Agenda

January 24, 2017

- *B Approve 2017 Vouchers Barb
- *C Approve City Council Workshop Meeting Minutes of December 13, 2016 Barb
- *D Approve City Council Regular Meeting Minutes of January 10, 2017 Barb
- *E Approve Small Public Works Contract with All Phase Brush & Land Clearing for Tree Removal Services Mick
- *F Approve Amendment No. 1 to Professional Services Agreement with Mary Swenson Mayor

PUBLIC HEARINGS:

PUBLIC HEARING FORMAT:

- 1. Open Public Hearing Mayor
- 2. Staff presentation
- 3. Council's questions of staff
- 4. Public comments
- 5. Close public comments portion of hearing Mayor
- 6. Close Public Hearing Mayor
- 7. COUNCIL MOTION/DELIBERATION/ACTION
Council Action Options:
 - a. Approve
 - b. Deny
 - c. Continue
 - d. Remand

- 1. Second Reading and Approval Ordinance 972 re International Building Code Stacie, Mark & Fire Marshall
- 2. First Reading of Ordinance 985 re Stormwater Amendments Stacie
- 3. First Reading of Ordinance 984 re Critical Areas Russ
- 4. Approve Grade Road Development Agreement Russ

ACTION ITEMS:

- *A Authorize Appointment of Civil Service Commissioner Mayor

DISCUSSION ITEM:

EXECUTIVE SESSION:

Litigation Update Grant

ADJOURN

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

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

NOTICE:

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



LAKE STEVENS CITY COUNCIL
PARK BOARD
STAFF REPORT

Council Agenda January 24, 2017
Date: _____

Subject: Joint City Council / Park Board Workshop

Contact	Russ Wright	Budget	None
Person/Department:	Community Development Director	Impact:	
	James Haugen		
	Parks and Recreation Coordinator		

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Joint discussion of park topics with the City Council and Park Board.

DISCUSSION ITEMS:

1. **2017 Work Program** – the 2017 Work Program includes review of 11 items (Attachment A). The Park Board will provide recommendations on the proposed activities in coordination with city staff and county staff. The Park Board will coordinate with the City Council, Arts Commission, Snohomish County and affected community groups on parks and recreation planning issues. Staff will work with the Park Board and Public Works Department to develop an Adopt-A-Park program to engage service and community groups to help maintain city parks. The Park Board will provide recommendations on municipal code and comprehensive plan amendments that affect park uses. The Park Board will address special tasks as they arise related to parks and recreation as they occur – an example would be reviewing Eagle Scout projects. Attachment B includes a quick summary of some higher profile parks projects that are underway or planned for 2017.

APPLICABLE CITY POLICIES:

Review of municipal code and comprehensive plan by City Council and Park Board

BUDGET IMPACT:

Direct budget impacts will require project specific funding to be approved by the Council as needed.

ATTACHMENTS:

A – 2017 Parks Work Program

B – Park Projects



2017 PARK BOARD WORK PROGRAM

PROJECT	PROCESS	SCHEDULE	PROJECT MANAGER
1. Cavalero Community Park – Continued coordination on Cavalero Community Park with Snohomish County and affected user groups.	Coordinate with user groups and provide input as needed.	On-going	Jim / Russ
2. Coordination with other groups – Continued coordination with the City Council, Arts Commission, Snohomish County and affected community groups.	Specific tasks will be defined as project proceeds	On-going	Jim
3. Frontier Heights Acquisition – Coordinate with affected Public and Private groups related to the transition and/or re-development of Frontier Heights Park.	Complete Transfer of Frontier Heights	1 st Quarter	Jim
4. Coordinate Parks Improvements <ul style="list-style-type: none"> • Eagle Ridge Community Garden • North Cove Park • Hartford Trail • Lundeen Park • Catherine Creek • 20th Street SE Ballfields 	Continued oversight of capital parks projects	On-going	Jim / Russ / Jill
5. Community Outreach for play structures	Coordinate to determine appropriate play structures for Eagle Ridge Park, Frontier Heights and Lundeen Park.	2 nd Quarter	Jim / Park Board
6. North Cove Park Master Plan	<ul style="list-style-type: none"> • Temporary Plaza Improvements • Develop a master plan for North Cove Park as an early action of the Downtown Lake Stevens Subarea Plan. 	2 nd Quarter	Russ



2017 PARK BOARD WORK PROGRAM

<p>6. Recreation Program</p>	<p>Develop joint programming of recreational activities with the School District and Arts Commission.</p>	<p>On-going</p>	<p>Jim</p>
<p>7. Adopt-a-Park – Establish / Redefine an Adopt-a-Park Program for the city in coordination with the Public Works Department, Community Service Groups and other interested organizations.</p>	<p>Specific tasks will be defined as project proceeds</p>	<p>1st Quarter</p>	<p>Jim</p>
<p>8. Code Review – Review and/or make recommendations on proposed municipal code amendments including park impact fees, review of Title 10 Parks and Recreation, recommendations on open spaces, commercial park uses, etc.</p>	<p>Specific tasks will be defined as project proceeds</p>	<p>TBD</p>	<p>TBD</p>
<p>9. Trail Master Plan – Develop a framework for a Trail Master Plan to include a power line trail, shoreline access and pedestrian connections.</p>	<p>Specific tasks will be defined as project proceeds</p>	<p>TBD</p>	<p>Jim / Russ</p>
<p>10. Bonneville Field – Explore municipal annexation of Bonneville Field as a city park dedicated to sports uses.</p>	<p>Specific tasks will be defined as project proceeds</p>	<p>3rd Quarter</p>	<p>Russ</p>
<p>11. Special Tasks – Review and/or make recommendations on special parks & recreation projects as they arise throughout the year</p>	<p>Specific tasks will be defined as project proceeds</p>	<p>Ongoing</p>	<p>Varies</p>

2017 Schedule will be every month unless additional meeting are required and requested with advance notice.

Attachment B

Lundeen Park

The sign installation will be completed in February.

Removal of trees and stumps continues and once completed, the landscaping will begin.

Drainage, grading and irrigation work is being moved to 2018



Eagle Ridge

A community garden will be sited in the Park with the help of the Being Neighborly group and the Snohomish Conservation District.



Frontier Heights

Work towards the transfer of the Frontier Heights Park to the City continues with the planned voting process to begin in February. A final park design is being developed.



Cavelero Park

The final Skatepark design has been determined. Final park design is being finished with permit application scheduled for March. The BMX group is developing Track layout and plans and are working to be included in the same permit process.



North Cove Park

Develop a Master Plan for North Cove Park that will include a public plaza, natural amphitheater and improved access to Lake Stevens. The city will construct early actions following the demolition of the existing City Hall.





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Parks & Recreation 2016

1. Lundeen
 - a. Trees – Removed from roadway. 57 Cottonwood trees removed, 16 remaining
 - b. Vic Center remodeled
 - c. Picnic shelter painted
 - d. Fence – Kid fence in place, old fence removed
 - e. Working on a Park landscape plan
 - f. Sign – Sited and developing a landscape design for sign
 - g. Irrigation – Sprinkler plan developed
2. Eagle Ridge
 - a. Community Garden designed – Snohomish Conservation District
 - b. Community Garden supply bids are being procured – Being Neighborly group
3. Frontier Heights
 - a. Attended two HOA Board meetings
 - b. BPA, Seattle City Light – completing consent to use permits as requested information is received. Power voltage, distance to ground
 - c. PUD - \$250 document setup fee for additional parking on north side and \$250/year use fee
 - d. HOA presentation February 7th, meeting with promotion committee
 - e. Vote to follow
4. Cavelero
 - a. Held three community meetings to design Skatepark and Park
 - b. Ongoing Skatepark meetings with County and Grindline
 - c. Completed \$500,000 State Grant application
 - d. Need for an Interlocal Agreement
5. Recreation
 - a. Met with School District on their community programs. The plan is to work together to have a joint School and City recreation program. Working on the spring and summer programs. Need for an Interlocal Agreement
6. Other
 - a. Kids Oasis –Met with School District facility use coordinator and playground equipment suppliers to develop plan to upgrade existing playground with community partners
 - b. Met with both rowing clubs
 - c. Working with three Boy Scouts on Eagle Scout projects

- d. Coordinated efforts with the Family Center and Being Neighborly group to maintain gardens and landscape
- e. RCO – Three intent grant applications
- f. Attending/organizing all City Council Parks subcommittee meetings
- g. Attending/organizing all Parks and Recreation Planning Board meetings
- h. Arts & Parks Foundation – Additional meetings are being planned, \$1,000 deposited to the Foundation.
- i. Adopt-a-community – Forms updated, four groups have been updated
- j. Arts Commission – Attending all Board meetings
- k. Senior Center - Attending all Board meetings, working on determining finance needs
- l. Finances – Working with finance department
- m. Bench/memorial program – Creating a program using City of Marysville and Everett program plans. Two benches are in the early stages
- n. Facebook page in place when ready to launch
- o. Met with the LSJAA Board and will be meeting with the Soccer Club to look at fields on 20th and also Frontier Heights.
- p. Working with the local Disc Golf on disc course needs. Two tournaments are scheduled for January 28th and 29th. Saturday's event is the 13th annual Freeze In The Trees. They expect 80 participants and hope to raise over \$1,000 to donate to the Food Bank. Sunday's event is for Team Disc Golf. This is a league made up of 8 teams in Snohomish, Skagit, and Whatcom counties.
- q. Moved office to Lundeen Park



CITY DEPARTMENT REPORT
JANUARY 24, 2017 CITY COUNCIL MEETING

Police Department

- Missing 18 year old – As you know, Ben Keita was found, deceased. Our Detectives are still working this case, as well as trying to work with the family, to help them process this tragedy.
- Personnel Issues
 - We continue to work with HR, to work through numerous personnel issues:
 - Officer Schedler finished his FTO program last week, and is now on his own and assigned to a squad.
 - Adam Bryant, a lateral from Arizona, will be starting on February 1st. He will enter Field Training, which will last about 8-9 weeks.
 - Steve Warbis has been selected as the new Detective. Because of staffing within patrol, he will not take the position until Officer Bryant is closer to completing Field Training.
 - Promoted a new Patrol Sergeant, to replace the Detective Sergeant when they were selected (Sergeant Thomas).
 - Selected the new Detective Sergeant (Sergeant Miner)
 - We are now in the process of filling the Records Supervisor position, as well as the command positions.
 - We will begin interviewing entry level candidates, to start the process of backfilling the newly created traffic officer position.
- Notes of Interest:
 - Our “cones and cops” event at the Trestle Station was a huge success. We had a great turn out of citizens and some great interaction.
 - I am now on the Board of Directors for SNOFAC. This will help us in shaping regional law enforcement issues.
 - I am also on the Family Center Advisory Council. This will help in our joint efforts to impact the homeless community issues.
 - We held a PSC committee meeting on 1-18-17. Topics included: (1) Walking through a major case in order to see the complexities facing our Detectives as they manage these cases, and (2) Going over a proposed Organizational plan for LSPD.

Public Works Department

- Temporary City Hall status
 - The modular unit is under construction and delivery is possible by late May/early June.

- This weekend, two cedar trees are scheduled to be taken down. The neighboring property has been notified. These trees are in the location where the temporary City Hall structure is to be placed
- A temporary restroom has been placed along the west side of the Doublewide modular unit (where Planning and Public Works' offices are located. This unit will remain until staff moves into the temporary City Hall facility.
- The driveway to existing City Hall has been blocked off to allow for the placement of conduits that are needed to connect the computer data lines between the existing structures and for the future connection to the temporary City Hall. When performing the trench excavation it was discovered that there are three layers of road surfaces that were placed over approximately that last 70 years.
- Lundeen Park – the hazardous trees located near neighboring houses have been removed and only 16 remain in the central area of the parking lot. These are planned to be removed under the next tree removal contract.
- 36th Street NE Bridge foundation repairs were completed during the recent cold dry spell and the roadway is now fully reopened. This work was performed under the Marshbank Construction emergency contract. Work had been delayed in October when high water flows prevented the work to be performed.
- Five radar feedback signs are planned to begin installation citywide this month with completion by mid-February. The sign placements were requested of the City and warrant analysis was performed by staff to validate locations. Installation will be performed by the PW crew.

Human Resources Department

- HR is currently assisting the Police Department for the recruitment of a new Police Records Supervisor.
- HR assisted Public Works with interviews for a new Public Works Crew Worker II last Thursday. We had three in-house candidates.
- HR will begin recruiting for a new Public Works Crew Worker I this week.
- I attended the WCIA's annual meeting last Friday the 20th. New officers were elected.
- A new Lateral Police Officer, Adam Bryant, starts on February 1st.
- HR will be assisting the Police Department with Commander candidate interviews in February.
- HR is working on the City's final OSHA Form 300 reports for 2016.

Information Services Department

- Install new network equipment for PW Shop
- Repair Fire district ESO tablet
- Finish deploying new City cell phones
- Update all of Lake Stevens Fire's cellphones in preparation for Text Archiving
- Finalize network configuration between the City and County to transmit fingerprints data
- Compile Report for software tools to meet CJIS Audit Requirements (ADAudit Plus, Varonis software)
- Encryption Software for police files compliance
- Review and update PC's with required patches for the City and Fire
- Replace Station 83 Radio Room's PC
- Coordinate installation of Fiber between City Hall and new Planning Network Hub with Wave and NewTech Cabling
- Continue to migrate users to Exchange online

**BLANKET VOUCHER APPROVAL
 2016**

Payroll Direct Deposits		
Payroll Checks		
Tax Deposit(s)		
Electronic Funds Transfers	ACH	\$30,963.44
Claims	41731-41803	\$323,505.35
Void Checks	41002	(\$32,655.71)
Previous period voucher	41695	\$746.20
Total Vouchers Approved:		\$322,559.28

This 24th day of January 2017:

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

 Finance Director/Auditing Officer

 Mayor

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

 Councilmember



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Accounts Payable Checks and EFTs for period of 12/31/2016 to 12/31/2016

Invoice	AccountCode	Item Description	Amount	
Ace Hardware		Check 41731	12/31/2016	\$175.00
52887	001-007-559-30-31-01	Batteries/Staples/Powershot stapler	\$52.04	
53176	001-008-521-20-31-01	Rain X/Batteries	\$76.18	
52992	001-008-521-20-31-01	Jigsaw Blade 3 inch	\$13.06	
53212	001-008-521-20-31-01	Turtle Wax/Simple Green	\$33.72	
Business Card		Check 41732	12/31/2016	\$11,744.81
9185.0588235294 1	001-001-511-60-31-00	Appreciation plaque - Low	\$86.96	
3880.0588235294 1	001-001-511-60-43-00	Deposit for Council Retreat facility	\$250.00	
3880.0588235294 1	001-001-511-60-43-00	Registration for 2017 City Action Days	\$1,800.00	
3880.0588235294 1	001-001-511-60-43-00	Registration for Natl League of Cities	\$2,950.00	
4396.0588235294 1	001-001-511-60-43-00	Water for City Council	\$7.99	
9185.0588235294 1	001-005-517-90-41-00	Supplies for Wellness event-Crock-Tail	\$75.93	
9185.0588235294 1	001-005-517-90-41-00	Cards for Employee Wellness Points 2016	\$135.00	
4396.0588235294 1	001-006-518-80-31-00	computer cables	\$59.25	
8484.0588235294 1	001-007-558-50-31-00	Planttags/labels	\$77.40	
8484.0588235294 1	001-007-558-50-41-03	LUA2016-0173 NOA	\$16.62	

Invoice	AccountCode	Item Description	Amount
8484.0588235294 1	001-007-558-50-41-03	LUA2016-0034 NPH	\$9.55
8484.0588235294 1	001-007-558-50-41-03	LUA2016-0184 NOA	\$25.83
8484.0588235294 1	001-007-558-50-41-03	LUA2016-0169 NOA	\$33.36
8026.0588235294 1	001-007-558-70-41-00	Registration for Economic Alliance mtg - Ashe	\$30.00
8026.0588235294 1	001-007-558-70-41-00	Downtown Subarea lunch mtg	\$76.15
2956.0588235294 1	001-008-521-20-31-00	Book - The Ideal Team Player	\$21.93
8877.0588235294 1	001-008-521-20-31-00	Wreath	\$54.44
7638.0588235294 1	001-008-521-20-31-01	2 Olympus Digital Voice Recorders	\$136.88
8877.0588235294 1	001-008-521-20-31-01	Dell optical USB drive	\$71.88
8877.0588235294 1	001-008-521-20-31-01	Certificate Frames	\$70.73
8877.0588235294 1	001-008-521-20-31-01	HeartStart FRx Defibrillator	\$3,084.81
4396.0588235294 1	001-008-521-20-31-01	Tole charge PT63	\$2.75
8877.0588235294 1	001-008-521-20-31-04	Exploreer Belts returned	(\$56.97)
8877.0588235294 1	001-008-521-20-31-04	Belts - Explorer	\$63.62
8877.0588235294 1	001-008-521-20-41-00	Database searches	\$54.45

Invoice	AccountCode	Item Description	Amount
8877.0588235294 1	001-008-521-20-42-00	Postage	\$70.00
7638.0588235294 1	001-008-521-20-43-00	Parking at training - Miner	\$20.00
8877.0588235294 1	001-008-521-20-43-00	Parking - PDR training	\$6.00
8877.0588235294 1	001-008-521-20-43-00	Meal at training - Starkenburg/LeBlanc	\$26.91
8877.0588235294 1	001-008-521-20-43-00	Parking PDR training	\$6.00
7638.0588235294 1	001-008-521-20-43-00	Hotel - Reid training	\$312.76
8877.0588235294 1	001-008-521-20-43-00	Hotel - LeBlanc/Starkenburg Training	\$908.00
5428.0588235294 1	001-008-521-21-31-00	Boat parts	\$85.15
8877.0588235294 1	001-008-521-22-40-00	Transcription cases 2016-21267 & 20381	\$312.05
5428.0588235294 1	001-008-521-50-48-00	Lumber/fasteners	\$50.27
5428.0588235294 1	001-008-521-50-48-00	Lumber	\$53.76
5428.0588235294 1	001-008-521-50-48-00	Almond leather	\$73.08
5428.0588235294 1	001-008-521-50-48-00	Jigsaw blade/lumber	\$259.60
8060.0588235294 1	001-010-576-80-31-00	Citrus Cleaner	\$41.98
8060.0588235294 1	001-010-576-80-31-00	Dog waste bags for park dispensers	\$117.00

Invoice	AccountCode	Item Description	Amount
8060.75	001-012-572-20-31-00	Damaged Library Solar lights return	(\$222.02)
8060.75	101-016-543-30-43-00	Parking at WSCC Seattle	\$12.00
8060.75	101-016-544-90-31-02	UAF iPad Pro case	\$31.95
8060.0588235294 1	101-016-544-90-31-02	Book - Roadside Design Guide	\$306.00
8060.75	101-016-544-90-31-02	Stanley FatMax tape measures	\$35.92
8060.75	101-016-544-90-31-02	Boot scraper	\$15.99
8060.75	410-016-531-10-31-02	Stanley FatMax tape measures	\$35.91
8060.75	410-016-531-10-31-02	UAF iPad Pro case	\$31.94
8060.75	410-016-531-10-31-02	Boot scraper	\$16.00
Carquest Auto Parts Store		Check 41733	12/31/2016
	001-010-576-80-31-00	Door Handle PW1	\$5.32
	101-016-544-90-31-02	Door Handle PW1	\$5.33
	410-016-531-10-31-02	Door Handle PW1	\$5.33
Cemex Inc		Check 41734	12/31/2016
9434754313	101-016-542-67-41-00	Street sweeping disposal	\$1,295.22
9434754313	410-016-531-10-41-03	Street sweeping disposal	\$1,295.22
City of Everett		Check 41735	12/31/2016
	410-016-531-10-41-01	Laboratory Analysis-fecal coliform	\$240.00
City of Marysville		Check 41736	12/31/2016
	001-008-523-60-51-00	Prisoner Medical Dec 2016	\$100.00
	001-008-523-60-51-00	Prisoner Housing SCORE Nov 2016	\$840.00
	001-008-523-60-51-00	Prisoner Housing Yakima Nov 2016	\$2,518.50
	001-013-512-50-41-00	Court Citations Dec 2016	\$10,508.47

Invoice	AccountCode	Item Description	Amount	
Comcast		Check 41737	12/31/2016	\$136.18
991976.75	001-013-518-90-49-03	Internet service at VIC	\$136.18	
Comdata Corporation		Check 41738	12/31/2016	\$143.08
20269581	001-008-521-20-32-00	Fuel	\$143.08	
Crux Diving Inc		Check 41739	12/31/2016	\$56,355.75
1018	001-013-518-20-48-00	Aerator removal project	\$56,355.75	
Crystal and Sierra Springs		Check 41740	12/31/2016	\$296.67
5249844010117	001-007-558-50-31-01	Bottled water - Dec 2016	\$15.60	
5249844010117	001-007-559-30-31-01	Bottled water - Dec 2016	\$15.60	
5249844010117	001-013-518-20-31-00	Bottled water - Dec 2016	\$52.40	
5249844010117	101-016-544-90-31-02	Bottled water - Dec 2016	\$106.54	
5249844010117	410-016-531-10-31-02	Bottled water - Dec 2016	\$106.53	
Dell Marketing LP		Check 41741	12/31/2016	\$1,247.15
10134177552	510-006-594-18-64-00	OptiPlex 7440 PC 4T4JND2	\$1,247.15	
Dept of Labor and Industries		Check 0	12/31/2016	\$30,504.06
	001-000-281-00-00-00	Q4 2016 Workers Comp Insurance	\$30,151.50	
	001-008-521-20-24-00	Q4 2016 Workers Comp Insurance	\$44.22	
	001-010-576-80-24-00	Q4 2016 Workers Comp Insurance	\$102.74	
	001-013-518-30-24-00	Q4 2016 Workers Comp Insurance	\$0.13	
	101-016-542-30-24-00	Q4 2016 Workers Comp Insurance	\$102.74	
	410-016-531-10-24-00	Q4 2016 Workers Comp Insurance	\$102.73	
Dept of Revenue		Check 0	12/31/2016	\$459.38
42705	001-008-521-20-31-01	Use taxes - Dec 2016	\$275.89	

Invoice	AccountCode	Item Description	Amount
42705	001-013-518-90-49-06	Excise taxes - Dec 2016	\$183.49
Dept of Revenue		Check 41742	12/31/2016
			\$1,494.51
	633-000-589-30-00-01	Q4 2016 Leasehold Excise taxes	\$1,494.51
Dept of Transportation		Check 41743	12/31/2016
			\$75.00
	101-016-542-30-49-01	Contract Specificaton Writing Training-Emerson	\$37.50
	410-016-531-10-49-01	Contract Specificaton Writing Training-Emerson	\$37.50
Dicks Towing Inc		Check 41744	12/31/2016
			\$251.16
152616	001-008-521-80-40-01	Evidence towing case 2016-25936	\$125.58
143080	001-008-521-80-40-01	Evidence towing case 2016-25753	\$125.58
Envirotech Services Inc		Check 41745	12/31/2016
			\$3,262.80
	101-016-542-66-31-00	Delcer - MeltDown Apex	\$3,262.80
Everett Safe and Lock Inc		Check 41746	12/31/2016
			\$301.05
50082	101-016-544-90-31-02	Keys	\$72.61
50086	101-016-544-90-31-02	Keys	\$77.91
50086	410-016-531-10-31-02	Keys	\$77.92
50082	410-016-531-10-31-02	Keys	\$72.61
Everett Stamp Works		Check 41747	12/31/2016
			\$20.58
20439	001-001-511-60-31-00	Name Plate - PETERSHAGEN	\$20.58
Everett Steel		Check 41748	12/31/2016
			\$192.51
159190	101-016-542-66-31-00	Steel Flat Bar/SQ Tube/Steel Angle- Snow Plow	\$192.51
Feldman and Lee		Check 41749	12/31/2016
			\$9,000.00
42734	001-011-515-91-41-00	Public Defender services - December 2016	\$9,000.00
Financial Consulting Solutions Group		Check 41750	12/31/2016
			\$922.50

Invoice	AccountCode	Item Description	Amount
	001-004-514-23-41-00	Strategic Financial Plan Consulting	\$922.50
Firstline Communications		Check 41751	12/31/2016
			\$847.08
140742	510-006-518-80-49-00	5 Licenses for Mitel Phone System	\$847.08
Gall LLC		Check 41752	12/31/2016
			\$298.22
6697375	001-008-521-20-26-00	Emblem/Patch returned	(\$9.74)
6687700	001-008-521-20-26-00	Jacket - Miner	\$307.96
GCR Tire & Service		Check 41753	12/31/2016
			\$609.48
	001-010-576-80-31-00	Replacement Tire - PW31	\$101.58
	101-016-542-30-48-00	Tire repair PW31	\$152.37
	101-016-544-90-31-02	Replacement Tire - PW31	\$101.58
	410-016-531-10-31-02	Replacement Tire - PW31	\$101.58
	410-016-531-10-48-00	Tire repair PW31	\$152.37
Grainger		Check 41754	12/31/2016
			\$1,053.45
9307465550	001-010-576-80-31-00	Shop First Aid Kit Supply	\$14.18
9305008808	001-010-576-80-31-00	Circular Saw Blade	\$42.51
9308692731	001-010-576-80-31-00	Instant cold Packets	\$12.73
9306102261	001-010-576-80-31-00	Circular Saw Blades	\$9.31
9308692707	001-010-576-80-31-00	First Aid Kit supplies	\$7.95
9308692723	001-010-576-80-31-00	First Aid kit supplies	\$3.18
9308692749	001-010-576-80-31-00	First Aid kit supplies	\$9.39
9305926603	001-013-594-18-60-02	Furniture Glides - City hall move	\$51.07
9304559546	101-016-542-66-31-00	Ice Melt	\$163.89
9305008790	101-016-544-90-31-01	Dry Erase Sheet	\$36.85
9305008782	101-016-544-90-31-01	Dry Erase markers	\$17.04

Invoice	AccountCode	Item Description	Amount
9308692715	101-016-544-90-31-02	First aid kit supplies	\$16.76
9308692707	101-016-544-90-31-02	First Aid Kit supplies	\$7.96
9316458240	101-016-544-90-31-02	Engine Oil/measuring container	\$79.73
9308692715	101-016-544-90-31-02	First aid kit supplies	\$16.75
9308692749	101-016-544-90-31-02	First Aid kit supplies	\$9.40
9308692731	101-016-544-90-31-02	Instant cold Packets	\$12.73
9305926611	101-016-544-90-31-02	Forklift Lifting Straps	\$14.14
9308692749	101-016-544-90-31-02	First Aid kit supplies	\$9.40
9306102261	101-016-544-90-31-02	Circular Saw Blades	\$9.32
9307465550	101-016-544-90-31-02	Shop First Aid Kit Supply	\$14.19
9305008808	101-016-544-90-31-02	Circular Saw Blade	\$42.52
9306102279	101-016-544-90-31-02	Chemical Cartridge/6000 Series Mask	\$64.12
9308692723	101-016-544-90-31-02	First Aid kit supplies	\$3.19
9305008782	410-016-531-10-31-01	Dry Erase markers	\$17.03
9305008790	410-016-531-10-31-01	Dry Erase Sheet	\$36.85
9306102279	410-016-531-10-31-02	Chemical Cartridge/6000 Series Mask	\$64.11
9306102261	410-016-531-10-31-02	Circular Saw Blades	\$9.32
9316458240	410-016-531-10-31-02	Engine Oil/measuring container	\$79.74
9307465550	410-016-531-10-31-02	Shop First Aid Kit Supply	\$14.19
9305008808	410-016-531-10-31-02	Circular Saw Blade	\$42.51
9319003142	410-016-531-10-31-02	Water Hose	\$66.61
9308692723	410-016-531-10-31-02	First Aid kit supplies	\$3.19
9308692731	410-016-531-10-31-02	Instant cold Packets	\$12.74
9305926611	410-016-531-10-31-02	Forklift Lifting Straps	\$14.14

Invoice	AccountCode	Item Description	Amount
9308692707	410-016-531-10-31-02	First Aid Kit supplies	\$7.96
9308692715	410-016-531-10-31-02	First aid kit supplies	\$16.75
Granite Construction Supply		Check 41755	12/31/2016
			\$877.90
	001-010-576-80-31-00	HI VIS Beanie/HI VIS Gloves	\$41.22
	001-010-576-80-31-01	Clothes - Mechanic	\$66.06
	001-010-576-80-31-01	Head Coverings - Beanie	\$25.91
	101-016-542-64-31-00	Street Signs	\$104.54
	101-016-542-64-31-00	Street Signs	\$93.91
	101-016-542-90-31-01	Head Coverings - Beanie	\$25.92
	101-016-542-90-31-01	Clothes - Mechanic	\$66.07
	101-016-544-90-31-02	HI VIS Beanie/HI VIS Gloves	\$41.23
	101-016-544-90-31-02	Road Flares	\$279.82
	410-016-531-10-31-00	Clothes - Mechanic	\$66.07
	410-016-531-10-31-00	Head Coverings - Beanie	\$25.92
	410-016-531-10-31-02	HI VIS Beanie/HI VIS Gloves	\$41.23
Griffen Chris L		Check 41756	12/31/2016
			\$1,012.50
	001-011-515-91-41-00	Public Defender services	\$300.00
620189023	001-011-515-91-41-00	Public Defender services	\$262.50
	001-011-515-91-41-00	Public Defender services	\$225.00
	001-011-515-91-41-00	Public Defender services	\$225.00
Group Health Coop		Check 41757	12/31/2016
			\$569.00
71822739	001-008-521-20-41-00	New employee health screening	\$569.00
HB Jaeger Co LLC		Check 41758	12/31/2016
			\$1,320.57
	001-013-594-18-60-02	Pipe lube/couplers	\$8.27

Invoice	AccountCode	Item Description	Amount
	001-013-594-18-60-02	PVC conduit/fittings/Pipe lube/shears	\$739.77
	001-013-594-18-60-02	Poly Pipe/couplers/Stiffener	\$189.24
	001-013-594-18-60-02	PVC sewer pipe	\$212.09
723882	001-013-594-18-60-02	Water pipe - Permit Center remodel	\$117.85
722696	410-016-531-10-31-02	8 inch PVC for Vault	\$53.35
HERC Rentals Inc		Check 41759	12/31/2016
	001-013-594-18-60-02	Rental for excavator	\$1,280.37
	001-013-594-18-60-02	Transport fee for excavator	\$103.74
Honey Bucket		Check 41760	12/31/2016
550219410	001-010-576-80-45-00	ADA Compliant Honeybucket rental- Boat Launch	\$214.00
Industrial Supply Inc		Check 41761	12/31/2016
590842	001-010-576-80-31-00	Belting/ 2 Ply	\$61.00
591336	001-010-576-80-31-00	Lifting Straps	\$24.36
591458	101-016-542-67-41-00	Gutter Broom	\$244.72
590981	101-016-542-67-41-00	Gutter Broom	\$244.72
591336	101-016-544-90-31-02	Lifting Straps	\$24.37
590842	101-016-544-90-31-02	Belting/ 2 Ply	\$61.01
590986	101-016-544-90-31-02	Type 2 Fuel cans	\$101.87
591336	410-016-531-10-31-02	Lifting Straps	\$24.37
590986	410-016-531-10-31-02	Type 2 Fuel cans	\$101.86
590842	410-016-531-10-31-02	Belting/ 2 Ply	\$61.00
591458	410-016-531-10-41-03	Gutter Broom	\$244.72
590981	410-016-531-10-41-03	Gutter Broom	\$244.72
J Thayer Company Inc		Check 41762	12/31/2016

Invoice	AccountCode	Item Description	Amount	
	001-003-514-20-31-00	Paper Towel	\$7.57	
	001-004-514-23-31-00	Colored paper	\$10.88	
	001-007-558-50-31-00	Wall Calendar	\$54.91	
	001-007-558-50-31-00	Box File Storage	\$35.88	
	001-007-558-50-31-00	Wall Calendar	\$21.66	
	001-007-558-50-31-00	Paper/Post-it notes	\$119.21	
	001-008-521-20-31-00	Return dry rease board	(\$272.20)	
	001-008-521-20-31-00	Keyboard/Markers/Supplies	\$253.68	
	001-008-521-20-31-00	Paper/Paper Pads	\$38.41	
	001-008-521-20-31-00	HP color laserjet	\$91.42	
	001-008-521-20-31-01	Laserjet Pro	\$125.22	
	001-010-576-80-31-00	Color Tabs/Caclulators	\$4.09	
	001-013-518-20-31-00	Paper	\$11.32	
	001-013-518-20-31-00	AA Batteries	\$22.86	
	001-013-518-20-31-00	Napkins	\$9.64	
	101-016-544-90-31-02	Color Tabs/Caclulators	\$4.10	
	410-016-531-10-31-02	Color Tabs/Caclulators	\$4.09	
Jeffrey D. Goldman		Check 41763	12/31/2016	\$200.00
1281	001-008-521-20-41-00	Polygraph- PE16-0422	\$200.00	
Lake Stevens Mini Mart		Check 41764	12/31/2016	\$179.72
	001-008-521-21-32-00	Boat fuel	\$179.72	
Lemay Mobile Shredding		Check 41765	12/31/2016	\$9.30
4505235	001-008-521-20-31-01	Dec 2016 shredding	\$9.30	
Marshbank Construction Inc		Check 41766	12/31/2016	\$2,742.14

Invoice	AccountCode	Item Description	Amount
	304-016-595-20-61-00	Emergency Grade Road Stabilization	\$2,742.14
Marshbank Construction Acct 17620012767		Check 41767	12/31/2016
	304-016-595-20-61-00	Retainage-Marshbank Construction	\$144.32
Monroe Correctional Complex		Check 41768	12/31/2016
	001-010-576-80-48-00	DOC Work Crew - Nov 2016	\$72.66
	001-013-518-20-48-00	DOC Work Crew - Dec 2016	\$40.08
	001-013-518-20-48-00	DOC Work Crew - Nov 2016	\$222.16
	101-016-542-30-48-00	DOC Work Crew - Nov 2016	\$318.81
	101-016-542-30-48-00	DOC Work Crew - Dec 2016	\$335.37
	410-016-531-10-48-00	DOC Work Crew - Dec 2016	\$83.57
Neopost USA Inc		Check 41769	12/31/2016
15012440	001-008-521-20-31-00	Labels/Ink cartridge	\$203.63
Northend Truck Equipment Inc		Check 41770	12/31/2016
1033492	101-016-542-66-31-00	Rubber edges for bottom of snow plow	\$1,023.66
O Reilly Auto Parts		Check 41771	12/31/2016
2960309403	101-016-544-90-31-02	ME-Mechanic Tools	\$4,413.39
2960309403	410-016-531-10-31-02	ME-Mechanic Tools	\$4,413.38
Office of The State Treasurer		Check 41772	12/31/2016
43070	633-000-589-30-00-03	December 2016 State Court Fees	\$144.00
43070	633-000-589-30-00-07	December 2016 State Court Fees	\$5,150.45
43070	633-000-589-30-00-08	December 2016 State Court Fees	\$3,162.27
43070	633-000-589-30-00-09	December 2016 State Court Fees	\$979.88
43070	633-000-589-30-00-12	December 2016 State Court Fees	\$302.80

Invoice	AccountCode	Item Description	Amount	
43070	633-000-589-30-00-13	December 2016 State Court Fees	\$9.71	
43070	633-000-589-30-00-14	December 2016 State Court Fees	\$82.32	
43070	633-000-589-30-00-15	December 2016 State Court Fees	\$445.76	
43070	633-000-589-30-00-16	December 2016 State Court Fees	\$45.49	
43070	633-000-589-30-00-17	December 2016 State Court Fees	\$45.01	
43070	633-000-589-30-00-18	December 2016 State Court Fees	\$255.17	
Ogden Murphy Wallace		Check 41773	12/31/2016	\$901.35
731105	001-011-515-30-41-00	Attorney services - Mobilitie Consortium	\$901.35	
Outcomes by Levy LLC		Check 41774	12/31/2016	\$5,282.57
	001-013-511-70-40-00	Legislative/Regulatory Consulting - Dec 2016	\$5,282.57	
Pacific Power Batteries		Check 41775	12/31/2016	\$82.33
87996	101-016-544-90-31-02	Pocket spot lights/Duracell	\$41.17	
87996	410-016-531-10-31-02	Pocket spot lights/Duracell	\$41.16	
Perteet Engineering Inc		Check 41776	12/31/2016	\$44,959.72
	001-013-594-18-60-02	Lake Stevens City Campus Phase 1-Site Plan	\$34,474.53	
	301-016-544-40-41-00	20th Street Se Phase II-Segment 1	\$2,135.96	
	301-016-544-40-41-00	20th Stree SE Phase II-Segment 1	\$8,349.23	
Platt Electric Supply		Check 41777	12/31/2016	\$498.29
	001-008-521-20-31-01	Ballast & Sockets at Police Station	\$193.62	
	101-016-544-90-31-02	Wire finder	\$152.34	
	410-016-531-10-31-02	Wire finder	\$152.33	
Prothman Company		Check 41778	12/31/2016	\$16,407.02
	001-002-513-11-41-00	Municipal consulting - Swenson	\$5,030.52	

Invoice	AccountCode	Item Description	Amount
	001-002-513-11-41-00	Municipal consulting - Swenson	\$4,268.32
	001-002-513-11-41-00	Municipal consulting - Swenson	\$2,842.36
	101-016-542-30-41-02	Municipal consulting - Swenson	\$576.15
	101-016-542-30-41-02	Municipal consulting - Swenson	\$1,019.70
	101-016-542-30-41-02	Municipal consulting - Swenson	\$865.20
	401-070-535-10-41-00	Municipal consulting - Swenson	\$38.41
	401-070-535-10-41-00	Municipal consulting - Swenson	\$57.68
	401-070-535-10-41-00	Municipal consulting - Swenson	\$67.98
	410-016-531-10-41-01	Municipal consulting - Swenson	\$576.80
	410-016-531-10-41-01	Municipal consulting - Swenson	\$679.80
	410-016-531-10-41-01	Municipal consulting - Swenson	\$384.10
Public Safety Testing Inc		Check 41779	12/31/2016
			\$425.00
	001-005-521-11-41-00	Recruiting Assistance Q4 2016	\$425.00
Puget Sound Energy		Check 41780	12/31/2016
			\$509.03
3723810.0625	001-008-521-50-47-00	Natural gas - N Lakeshore Dr	\$202.32
24316495.0625	001-010-576-80-47-00	Natural gas - City Shop	\$102.24
24316495.0625	101-016-543-50-47-00	Natural gas - City Shop	\$102.24
24316495.0625	410-016-531-10-47-00	Natural gas - City Shop	\$102.23
Republic Services 197		Check 41781	12/31/2016
			\$3,269.38
	001-010-576-80-31-00	Dumpster services - City Shop	\$886.52
	001-010-576-80-31-00	Dumpster svcs - Lundeen Park	\$248.30
	001-010-576-80-45-00	Dumpster rental - Lundeen Park	\$13.64
	001-013-518-20-31-00	Dumpster services - City Hall	\$115.87
	001-013-518-20-45-00	Dumpster rental - City Hall	\$16.20

Invoice	AccountCode	Item Description	Amount
	101-016-542-30-45-00	Dumpster Rental - City Shop	\$107.91
	101-016-544-90-31-02	Dumpster services - City Shop	\$886.52
	410-016-531-10-31-02	Dumpster services - City Shop	\$886.52
	410-016-531-10-45-00	Dumpster Rental - City Shop	\$107.90
Sherwin-Williams Co		Check 41782	12/31/2016
	101-016-542-66-31-00	Strainers for De Icer	\$7.36
	101-016-542-66-31-00	Strainers for De Icer	\$34.63
Six Robblees Inc		Check 41783	12/31/2016
	001-010-576-80-31-00	ME-Torque wrench 1115/U-Joint puller 1116/Harmonic Balancer 1	\$402.57
	001-010-576-80-31-00	ME-Mechanic Tools Fleet Tire repair	\$143.38
	101-016-542-66-31-00	Tire chains	\$287.99
	101-016-542-66-31-00	Markers & Tire chain parts	\$162.39
	101-016-544-90-31-02	ME-Mechanic Tools Fleet Tire repair	\$143.39
	101-016-544-90-31-02	ME-Torque wrench 1115/U-Joint puller 1116/Harmonic Balancer 1	\$402.57
	410-016-531-10-31-02	ME-Torque wrench 1115/U-Joint puller 1116/Harmonic Balancer 1	\$402.56
	410-016-531-10-31-02	ME-Mechanic Tools Fleet Tire repair	\$143.39
Snohomish County Human Service		Check 41784	12/31/2016
	001-013-566-00-51-00	Liquor Excise Board Profits & Excise Taxes	\$2,019.13
Snohomish County PUD		Check 41785	12/31/2016
157287610	001-008-521-50-47-00	200558690 Police N Lakeshore Drive	\$105.38
157286248	001-010-576-80-47-00	202513354 Park lighting	\$19.45
157285944	001-010-576-80-47-00	205395999 Visitor Center	\$289.18
100283751	001-010-576-80-47-00	200748721 Parks	\$51.58
117873945	001-010-576-80-47-00	201513934 Parks	\$16.14

Invoice	AccountCode	Item Description	Amount
147544288	001-010-576-80-47-00	202340527 Yard	\$10.28
107933751	001-012-572-20-47-00	200206977 Library	\$805.18
150832614	001-012-575-30-47-00	202289237 Museum	\$47.38
114559284	001-012-575-50-47-00	200860922 Community Center	\$941.03
150832614	001-012-575-51-47-00	202289237 Grimm House	\$47.38
107932888	001-013-518-20-47-00	200206019 City Hall	\$411.68
154084281	001-013-518-20-47-00	201956075 War Memorial	\$24.86
107933751	001-013-518-20-47-00	200206977 Library water meter	\$127.99
107933973	001-013-518-20-47-00	200321172 Permit Center	\$388.22
100283963	001-013-518-20-47-00	200245215 Family Center	\$410.77
121194492	001-013-518-20-47-00	201783685 Annex	\$217.37
107933436	101-016-542-63-47-00	203115522 Street Light meter	\$185.38
160483024	101-016-542-63-47-00	202648101 Street Lights - Soper Hill Annexation	\$1,066.97
163692477	101-016-542-63-47-00	203582010 Street Lights	\$111.73
124508914	101-016-542-63-47-00	204719074 Catherine Creek Bridge lights	\$21.42
140924951	101-016-542-63-47-00	201973682 Street Lights	\$44.73
104595314	101-016-542-63-47-00	203731153 Traffic Signal	\$107.13
160482950	101-016-542-63-47-00	202624367 Street Lights	\$10,181.03
160483089	101-016-542-63-47-00	202670725 Street Lights	\$1,181.12
154086937	101-016-542-63-47-00	201860178 Traffic Signal	\$220.75
107935479	101-016-542-63-47-00	200363505 Traffic Signal	\$88.68
147544288	101-016-542-63-47-00	202340527 Yard	\$10.28
104595312	101-016-542-63-47-00	203730189 Traffic Signal	\$80.67
137622637	101-016-542-63-47-00	201595113 Street Lights	\$237.21

Invoice	AccountCode	Item Description	Amount
147544288	410-016-531-10-47-00	202340527 Yard	\$10.29
Snohomish County PW S		Check 41786	12/31/2016
			\$1,038.40
	101-016-542-30-41-02	Bridge Inspection	\$133.79
	101-016-542-64-48-00	Sign & Signal repair	\$904.61
Snohomish County PW V		Check 41787	12/31/2016
			\$6,824.85
	001-008-521-20-48-00	Vehicle Repair & Maint Dec 2016	\$6,824.85
Snohomish County Sherrifs Office		Check 41788	12/31/2016
			\$9,482.61
	001-008-523-60-51-00	Prisoner medical - Nov 2016	\$9,286.19
	001-008-523-60-51-00	Prisoner medical - Oct 2016	\$192.17
	001-008-523-60-51-00	Prisoner medical - Nov 2016	\$4.25
Snohomish County Treasurer		Check 41789	12/31/2016
			\$190.97
42705	633-000-589-30-00-06	December 2016 Crime Victims Compensaton	\$190.97
Sound Publishing Inc		Check 41790	12/31/2016
			\$1,595.72
	001-007-558-50-41-03	LUA2016-0185 Ridgeline Properties	\$82.68
	001-007-558-50-41-03	Rec Park Trailers/Rec Vehicles Planning Commission	\$41.40
	001-007-558-50-41-03	Updates to Chapter 14.88 LSMC Critical Areas	\$44.84
	001-007-558-50-41-03	LUA2016-0169 The Refuge Site Plan	\$67.20
	001-007-558-50-41-03	LUA2016-0184 Gaines Short Plat	\$63.76
	001-007-558-50-41-03	LUA2016-0180 Tier I Marijuana/Brightside Farms	\$65.48
	001-007-558-50-41-03	LUA2016-0189 Lyons Gate II	\$122.24
	001-007-558-50-41-03	LUA2016-0025 Clearing & Grading Land USe Code Amd	\$84.40
	001-007-558-50-41-03	LUA2016-0034 Autumn Crest Preliminary Plat	\$79.24
	001-007-558-50-41-03	LUA2016-0171 Stormwater land Use Code Amendment	\$82.68
	001-007-558-50-41-03	2012 DOE Stormwater Manual	\$43.12

Invoice	AccountCode	Item Description	Amount
	001-007-558-50-41-03	Grading & Clearing Permits	\$44.84
	001-007-558-50-41-03	LUA2016-0174 Lyons Gate I Preliminary Plat	\$91.28
	001-007-558-50-41-03	Temp Limit on Bldg Heights Downtown Planning Commission	\$43.12
	001-007-558-50-41-03	LUA2016-0173 Himalaya Short Plat	\$65.48
	001-007-558-50-41-03	LUA2016-0111 Bldg & Construction & Fire Code Amendments	\$175.68
	001-013-518-30-41-01	Ordinances 975/978-983	\$153.20
	001-013-518-30-41-01	Meeting Cancellation-City Council	\$20.76
	001-013-518-30-41-01	Special City Council mtg 12/20/16	\$62.16
	001-013-518-30-41-01	Joint mtg/Planning Commission/City Council	\$41.40
	001-013-518-30-41-01	City Council Vacancy	\$100.00
	101-016-542-30-41-01	Traffic Counting Equipment RFB	\$20.76
State Auditors Office		Check 41791	12/31/2016
			\$6,592.27
	001-004-514-23-41-00	Audit Period 15-15	\$808.68
	001-004-514-23-41-00	Audit period 15-15 Number 47019	\$5,783.59
Stericycle Inc		Check 41792	12/31/2016
			\$10.36
3003695140	001-008-521-20-41-00	Hazardous waste disposal	\$10.36
Stilly Auto Parts Napa LLC		Check 41793	12/31/2016
			\$8,320.80
806823	001-010-576-80-31-00	ME-Tools for new mechanic	\$2,773.60
806823	101-016-544-90-31-02	ME-Tools for new mechanic	\$2,773.60
806823	410-016-531-10-31-02	ME-Tools for new mechanic	\$2,773.60
Stowe Robert		Check 41794	12/31/2016
			\$1,820.00
	001-007-558-70-41-00	Review 20th St Broker RFPs	\$1,820.00
Terra Services Inc		Check 41795	12/31/2016
			\$13,511.31
	001-007-558-50-41-00	Temporary services - Planning Admin	\$732.60

Invoice	AccountCode	Item Description	Amount
	001-007-558-50-41-00	Temporary services - Planning Admin	\$439.56
	001-007-558-50-41-00	Temporary services - Planning Admin	\$732.60
	001-007-558-50-41-00	Temporary services - Planning Admin	\$732.60
	001-007-558-50-41-00	Temporary services - Planning Admin	\$586.08
	001-007-559-30-41-00	Temporary services - Planning Admin	\$439.56
	001-007-559-30-41-00	Temporary services - Planning Admin	\$732.60
	001-007-559-30-41-00	Temporary services - Planning Admin	\$732.60
	001-007-559-30-41-00	Temporary services - Planning Admin	\$732.60
	001-007-559-30-41-00	Temporary services - Planning Admin	\$586.08
	001-010-576-80-41-00	Temporary services - PW Admin	\$156.12
	001-010-576-80-41-00	Temporary services - PW Admin	\$124.90
	001-010-576-80-41-00	Temporary services - PW Admin	\$156.12
	001-010-576-80-41-00	Temporary services - PW Admin	\$144.41
	001-010-576-80-41-00	Temporary services - PW Admin	\$93.67
	001-010-576-80-41-00	Temporary services - PW Admin	\$31.22
	001-013-518-20-41-00	Temporary services - PW Admin	\$72.21
	001-013-518-20-41-00	Temporary services - PW Admin	\$78.06
	001-013-518-20-41-00	Temporary services - PW Admin	\$62.45
	001-013-518-20-41-00	Temporary services - PW Admin	\$46.84
	001-013-518-20-41-00	Temporary services - PW Admin	\$15.61
	001-013-518-20-41-00	Temporary services - PW Admin	\$78.06
	101-016-542-30-41-02	Temporary services - PW Admin	\$702.54
	101-016-542-30-41-02	Temporary services - PW Admin	\$421.52
	101-016-542-30-41-02	Temporary services - PW Admin	\$562.03

Invoice	AccountCode	Item Description	Amount	
	101-016-542-30-41-02	Temporary services - PW Admin	\$649.85	
	101-016-542-30-41-02	Temporary services - PW Admin	\$702.54	
	101-016-542-30-41-02	Temporary services - PW Admin	\$140.51	
	410-016-531-10-41-01	Temporary services - PW Admin	\$499.58	
	410-016-531-10-41-01	Temporary services - PW Admin	\$624.48	
	410-016-531-10-41-01	Temporary services - PW Admin	\$124.90	
	410-016-531-10-41-01	Temporary services - PW Admin	\$374.69	
	410-016-531-10-41-01	Temporary services - PW Admin	\$624.48	
	410-016-531-10-41-01	Temporary services - PW Admin	\$577.64	
Verizon Northwest		Check 41796	12/31/2016	\$4,116.07
9777543412	001-001-513-10-42-00	Wireless phone services Dec 2016	\$71.33	
9777543412	001-002-513-11-42-00	Wireless phone services Dec 2016	\$202.61	
9777543412	001-003-514-20-42-00	Wireless phone services Dec 2016	\$55.39	
9777543412	001-005-518-10-42-00	Wireless phone services Dec 2016	\$52.56	
9777543412	001-006-518-80-42-00	Wireless phone services Dec 2016	\$177.59	
9777543412	001-007-558-50-42-00	Wireless phone services Dec 2016	\$230.67	
9777543412	001-007-559-30-42-00	Wireless phone services Dec 2016	\$114.07	
9777543412	001-008-521-20-42-00	Wireless phone services Dec 2016	\$1,581.76	
9777543412	001-010-576-80-42-00	Wireless phone services Dec 2016	\$197.61	
9777543412	101-016-543-30-42-00	Wireless phone services Dec 2016	\$197.61	
9777543412	410-016-531-10-42-00	Wireless phone services Dec 2016	\$197.62	
9777543412	510-006-518-80-31-00	Wireless phone equipment	\$1,037.25	
Washington State Criminal Justice		Check 41797	12/31/2016	\$170.00
201127619	001-008-521-40-49-01	Law Enforcement Records Training-LeBlanc/Starkenburg	\$170.00	

Invoice	AccountCode	Item Description	Amount	
Washington State Dept of Enterprise Svcs		Check 41798	12/31/2016	\$35.61
73155939	001-008-521-20-31-00	Business cards - Schedler	\$35.61	
Washington State Dept of Natural Resources		Check 41799	12/31/2016	\$17.40
9115459	001-010-576-80-31-02	Forest Land Assessment-Eagle Ridge Park	\$17.40	
Washington State Patrol		Check 41800	12/31/2016	\$744.00
	633-000-589-30-00-10	Weapons permits background checks	\$360.00	
	633-000-589-30-00-10	Weapons permits background checks	\$384.00	
Weed Graafstra & Associates Inc		Check 41801	12/31/2016	\$13,425.75
159	001-011-515-30-41-00	Legal services - General Matters	\$13,425.75	
West Marine Pro		Check 41802	12/31/2016	\$2,338.24
1983	001-008-521-21-31-00	Deck CableClam	(\$21.82)	
963	001-008-521-21-31-00	Bird Deterrent supplies	\$78.34	
1985	001-008-521-21-31-00	Mooring Hook/Spot Light	\$91.90	
336	001-008-521-21-31-00	Boat fenders	\$15.42	
819	001-008-521-21-31-00	GT22 HW-Tm part for boat	\$176.12	
816	001-008-521-21-31-00	Garmin GPS Mapping & Radar equipment for Boat	\$1,998.28	
Zachor and Thomas Inc PS		Check 41803	12/31/2016	\$21,700.72
672	001-011-515-30-41-01	Prosecutor Retainer - Dec 2016	\$10,569.36	
671	001-011-515-30-41-01	Prosecutor Retainer - Nov 2016	\$11,131.36	
Total Disbursements			\$354,468.79	



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**BLANKET VOUCHER APPROVAL
 2017**

Payroll Direct Deposits	1/13/2017	\$163,479.52
Payroll Checks	41726-41728, 41730	\$10,051.92
Tax Deposit(s)	1/13/2017	\$68,637.13
Electronic Funds Transfers	ACH	\$119,054.80
Claims	41729, 41804-41827	\$529,648.40
Void Checks		
Total Vouchers Approved:		\$890,871.77

This 24th day of January 2017:

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

 Finance Director/Auditing Officer

 Mayor

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

 Councilmember



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Checks to be Approved for 1/6/2017 to 1/19/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total		
Advantage Building Services	41804							Check Total	\$793.25
		1/19/2017	2788	001-007-558-50-41-00	PL-Professional Servic	Janitorial Services	\$30.00		
				001-007-559-30-41-00	PB-Professional Srv	Janitorial Services	\$30.00		
				001-008-521-20-41-00	LE-Professional Services	Janitorial Services	\$315.00		
				001-010-576-80-41-00	PK-Professional Services	Janitorial Services	\$20.00		
				001-012-575-50-41-00	CS-Community Center - Cleaning	Janitorial Services	\$120.00		
				001-013-518-20-41-00	GG-Professional Service	Janitorial Services	\$280.00		
				101-016-542-30-41-02	ST-Professional Service	Janitorial Services	\$20.00		
				410-016-531-10-41-01	SW-Professional Services	Janitorial Services	\$20.00		
		621-000-389-20-00-05	Retainage -Public Bldg Maint	Retainage-Advantage svcs		(\$41.75)			
ArchiveSocial	41805							Check Total	\$2,388.00
		1/19/2017	2619	510-006-518-80-49-00	License Renewal - Annual Maint	2017 Social Media Archiving	\$2,388.00		
ASCAP	41806							Check Total	\$341.00
		1/19/2017	2017	001-013-518-20-49-00	GG-Miscellaneous	2017 Annual License Fee	\$341.00		
Assoc of Washington Cities	41807							Check Total	\$21,561.00
		1/19/2017	2017	001-013-518-90-49-04	GG-AWC	2017 AWC Membership Fee	\$21,561.00		
Assoc of Washington Cities EFT	0							Check Total	\$114,557.34
		1/19/2017	01/01/2017	001-000-283-00-00-00	Payroll Liability Medical	Medical Insurance Premium	\$114,557.33		
				001-013-518-30-20-00	GG-Benefits	Medical Insurance Premium	\$0.01		
Atlas Business Solutions Inc	41808							Check Total	\$612.00
		1/19/2017	INV258991	001-008-521-20-41-00	LE-Professional Services	2017 ScheduleAnywhere Subscription	\$612.00		
Gene Brazel	41809							Check Total	\$18.54
		1/19/2017	1/18/17 req	001-002-513-11-43-00	AD-Travel & Meetings	MAG meeting - Brazel	\$18.54		
Co Op Supply	41810							Check Total	\$104.46
		1/19/2017	613884/4	001-013-594-18-60-02	GG - City Hall Demo	Straw Bale	\$104.46		
Contractors Supply Corporation	41811							Check Total	\$614.77
		1/19/2017	45776	001-010-576-80-31-00	PK-Operating Costs	ME-Tools for New Mechanic	\$204.92		
				101-016-544-90-31-02	ST-Operating Cost	ME-Tools for New Mechanic	\$204.92		
				410-016-531-10-31-02	SW-Operating Costs	ME-Tools for New Mechanic	\$204.93		
Crystal and Sierra Springs	41812							Check Total	\$77.48
		1/19/2017	16015194010717	001-008-521-20-31-01	LE-Operating Costs	Bottled Water	\$77.48		



Checks to be Approved for 1/6/2017 to 1/19/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total
Dept of Retirement (Deferred Comp)	0						\$2,370.00
		1/19/2017	01/13/17	001-000-282-00-00-00	Payroll Liability Retirement	Employee Portion-State Deferre	\$2,370.00
Electronic Federal Tax Pmt System EFTPS	0						\$68,637.13
		1/19/2017	01/13/17	001-000-281-00-00-00	Payroll Liability Taxes	Federal Payroll Taxes	\$68,389.75
			Roundy	001-000-281-00-00-00	Payroll Liability Taxes	Federal Payroll Taxes	\$247.38
Firstline Communications	41813						\$847.08
		1/19/2017	140803	510-006-518-80-49-00	License Renewal - Annual Maint	5 Licenses for Mitel Phone System	\$847.08
Jamar Technologies	41814						\$22,995.60
		1/19/2017	0034070	101-016-595-64-63-00	ST-Traffic Control-Capital	Traffic Counting equipment	\$22,995.60
Lake Stevens Chamber of Commerce	41815						\$1,500.00
		1/19/2017	Jan 2017	001-013-518-90-49-01	GG-Chamber of Commerce	Jan 2017 Contribution for VIC operations	\$1,500.00
Lake Stevens Police Guild	41816						\$1,003.00
		1/19/2017	01/13/17	001-000-284-00-00-00	Payroll Liability Other	Employee Paid Union Dues	\$1,003.00
Lake Stevens Sewer District	41817						\$996.00
		1/19/2017	1/2017	001-008-521-50-47-00	LE-Utilities	Sewer - N Lakeshore Dr	\$83.00
					LE-Utilities	Sewer - Police Station	\$83.00
				001-010-576-80-47-00	PK-Utilities	Sewer - Lundeen Park	\$166.00
				001-012-572-20-47-00	CS-Library-Utilities	Sewer - Library	\$83.00
				001-013-518-20-47-00	GG-Utilities	Sewer - City Hall	\$166.00
					GG-Utilities	Sewer - Family Center	\$83.00
					GG-Utilities	Sewer - Vacant Houses 20th St SE	\$166.00
					GG-Utilities	Sewer - Permit Center	\$83.00
	101-016-543-50-47-00			ST-Utilities	Sewer - 99th Ave SE Property	\$83.00	
Lemay Mobile Shredding	41818						\$131.31
		1/19/2017	4505236	001-013-518-20-31-00	GG-Operating	Shredding services	\$131.31
Lexipol LLC	41819						\$5,785.00
		1/19/2017	18897	001-008-521-20-41-01	LE-Prof Serv-Lexipol	2017 Law Enforcement Policy Manual updates	\$5,785.00
Nationwide Retirement Solution	0						\$1,725.00
		1/19/2017	01/13/17	001-000-282-00-00-00	Payroll Liability Retirement	Employee Portion-Nationwide	\$1,725.00
Nelson Trucking Co Inc	41820						\$3,213.64
		1/19/2017	17818101	001-013-594-18-60-02	GG - City Hall Demo	Moving Fire cabinets	\$3,213.64



Checks to be Approved for 1/6/2017 to 1/19/2017

Name	Ck #	Date	Invoice #	Account #	Account Desc	Item Desc	Check Total		
Pitney Bowes	41821	Check Total							\$112.48
		1/19/2017	3302623453	001-013-518-20-45-00	GG-Equipment Rental	Postage machine rental	\$112.48		
Roy Robinson Inc	41822	Check Total							\$84,670.80
		1/19/2017	2005547	520-008-594-21-63-00	Capital Equipment	GMC Sierra 1500 PU 2014 3GTU2TEC5EG369018	\$31,062.80		
			2005548	520-008-594-21-63-00	Capital Equipment	Subaru Legacy Sedan 2015 4S3BNE67F3042516	\$27,896.00		
			2005549	520-008-594-21-63-00	Capital Equipment	Chevrolet Impala Sedan 2014 2G1155S38E9317718	\$25,712.00		
SCCFOA	41823	Check Total							\$75.00
		1/19/2017	2017	001-003-514-20-49-00	CC-Miscellaneous	2017 SCCFOA membership	\$25.00		
				001-004-514-23-49-00	FI-Miscellaneous	2017 SCCFOA membership	\$50.00		
Snohomish County Cities	41729	Check Total							\$200.00
		1/12/2017	00228	001-013-518-20-49-00	GG-Miscellaneous	2017 SCC membership	\$200.00		
Snohomish County PUD	41824	Check Total							\$600.00
		1/19/2017	1900020643	101-016-544-90-31-02	ST-Operating Cost	2017 Bulk Water Use Fee	\$600.00		
Barbara Stevens	41825	Check Total							\$15.99
		1/19/2017	1/10/17 Req	001-001-513-10-43-00	Executive - Travel & Mtgs	Supplies for Executive Appreciation Reception	\$15.99		
Washington Cities Insurance Authority	41826	Check Total							\$380,723.00
		1/19/2017	40066	001-004-514-23-46-00	FI-Insurance	2017 Liability & Program ASsessments	\$113.00		
				001-008-521-20-46-00	LE-Insurance	2017 Liability & Program ASsessments	\$258,691.00		
				001-010-576-80-46-00	PK-Insurance	2017 Liability & Program ASsessments	\$5,037.00		
				001-013-518-20-46-00	GG-Insurance	2017 Liability & Program ASsessments	\$104,415.00		
				101-016-543-30-46-00	ST-Insurance	2017 Liability & Program ASsessments	\$6,290.00		
Washington Recreation and Park Assn	41827	Check Total							\$269.00
		1/19/2017	1727	001-007-558-50-49-01	PL-Staff Development	2017 WRPA Annual Conference Registration-Haugen	\$269.00		
Washington State Support Registry	0	Check Total							\$402.46
		1/19/2017	01/13/17	001-000-284-00-00-00	Payroll Liability Other	Employee Paid Child Support	\$402.46		
Total							\$717,340.33		



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

Tuesday, December 13, 2016

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

CALL TO ORDER: 6:33 p.m. by Mayor John Spencer

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

ELECTED OFFICIALS ABSENT: None.

STAFF MEMBERS PRESENT: Interim City Administrator Mary Swenson, Finance Director/City Clerk Barb Stevens, Community Development Director Russ Wright, Public Works Director Mick Monken, Police Chief John Dyer, Human Resources Director Steve Edin, Deputy City Clerk Kathy Pugh and City Attorney Grant Weed

Mayor Spencer opened the Workshop meeting and said that the purpose of tonight's meeting is to begin a discussion on whether City Hall will stay in the downtown area or move to the Chapel Hill property.

Community Development Director Russ Wright commented that the City needs to make a decision on where to site the new city hall so other important decisions can be made. He reviewed the advantages and disadvantages of siting the new city hall in the vicinity of the current location, known as Downtown Lake Stevens vs. siting the new facility in the area of Chapel Hill, where the new library facilities and police department buildings are anticipated to be built.

The decision on siting of the new city hall affects how the City will move forward in establishing the new city hall and other municipal buildings and services. Director Wright reviewed a Decision Statement matrix that contains an analysis of suggested objectives in selecting a new site, together with a district-level analysis of the two proposed sites.

Discussion ensued with Councilmember McDaniel commenting that the City's Downtown Subarea consultant has consistently recommended that city hall should be located in the downtown and act as an anchor, and that there needs to be time for public input. She added that this recommendation is not reflected in the analysis in the staff report provided to Council and further, that the City did pay the consultant \$250,000 for their input and recommendations. Councilmember McDaniel also expressed concern that a decision to site City Hall at the Chapel Hill location is being encouraged in part to assist the Library with passage of its bonds in February. She strongly encouraged waiting to see if the Library bonds pass in February before making any decisions on where to site city hall and that a decision on siting should not be made this evening.

Mayor Spencer suggested there also needs to be a conversation about whether the City should be part of the subarea planning.

Councilmember Welch commented that transportation availability needs to be considered, and that most transportation goes to the Chapel Hill area now. He also suggested that City Hall is more available online, and that in-person visits are becoming less necessary.

Councilmember Holder said the city needs a good, functional community center, or a convention center. She added that people go downtown for recreation, and if there is a larger park area with amenities, more people will come to the downtown area.

Discussion ensued regarding possible uses for the current city property.

Councilmember Tageant would like to receive more public comment and to make sure that the Council is making a good decision.

Councilmember Hilt agreed with Councilmember McDaniel's concerns. He views the vision as moving the City's administrative function to Chapel Hill and developing the downtown area with cultural amenities.

Mayor Spencer commented that there can be more time for the decision, and also that the downtown plan does not hinge entirely on where City Hall is located.

The Workshop meeting was adjourned at 6:59 p.m.

John Spencer, Mayor

Kathy Pugh, Deputy City Clerk

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

Tuesday, January 10, 2017
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

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

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

ELECTED OFFICIALS ABSENT: None

STAFF MEMBERS PRESENT: City Administrator Gene Brazel, Finance Director/City Clerk Barb Stevens, Community Development Director Russ Wright, Public Works Director Mick Monken, Police Chief John Dyer, Human Resources Director Steve Edin, Deputy City Clerk Kathy Pugh, City Attorney Grant Weed, Senior Planner Stacie Pratschner, Economic Development Coordinator Jeanie Ashe, Senior Engineer Adam Emerson, Building Official Mark Sniffen, Sgt. Ron Brooks

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

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

Roll Call: All present.

New Councilmember Oath of Office: Mayor Spencer said that Councilmember Petershagen was administered the oath of office on December 22, 2016, but tonight is an opportunity for Councilmember Petershagen to be publicly sworn into office. City Attorney Grant Weed administered the Oath of Office to incoming Councilmember Gary Petershagen.

Recognitions: Mayor Spencer recognized former City Councilmember Sam Low who resigned his City Council position after being elected to the Snohomish County Council.

Mayor Spencer next recognized outgoing Board and Commission members. Commission and board members recognized were Jennifer Oldenburg – 8 years on the Arts Commission, Danny Pitocco – 6 years on the Civil Service Commission, Tom Matlack – 3 years on the Planning Commission, Jim Kelley – 3 years on the Park Board, and LeeAnn Balbirona – 1 year on the Library Board. Only Kelly DuByne, who served on the Design Review Board for six years, was in attendance and received her Certificate of Appreciation.

Mayor Spencer announced a brief at 7:09 p.m. The meeting was reconvened at 7:17 p.m.

Approval of Agenda: Council President Todd Welch said that the recognition of Interim City Administrator Mary Swenson will be rescheduled as she is not able to attend this evening. Additional changes to the agenda include removing (A) Vouchers, (C) City Council Workshop Meeting Minutes of December 13, 2016, and (J) Commercial Broker Agreement from the

Consent Agenda to Action Items; The Public Hearing and Adoption of Ordinance 972 re International Building Code will be a First Reading, and an Executive Session for real property with no action to follow is being added to the agenda. Also Employee Recognitions are being rescheduled to the January 24, 2017 meeting.

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

Guest Business:

Cindy Whitsell Frazier, 1407 Mitchell Drive, Lake Stevens, expressed the Historical Society's concern that the Museum may be torn down. She noted that the Historical Society has received no notice regarding this potential event. The Historical Society believes it can be a vital part of the change that is coming to the downtown area. She referred to an article distributed to Council earlier and read selected portions of it.

David Gross, 8510 152nd Avenue NE, Lake Stevens, spoke of the legacy left by Jim Mitchell teaching the community's history to the children. The children learn the history of the community by visiting the Museum. If the Museum is relocated it will be very difficult to reach Lake Stevens children of all ages, the community at large and visitors. He supports preserving the history provided by the museum for not only the past, the present, but also the future.

Karen Wolff, 1411 128th Drive NE, Lake Stevens, commented that Mayor Spencer has worked hard at bringing about transparency and trust to the community. This included retaining a consultant to assist with looking at the town and community and provide input as to how the City can better redesign the downtown area while maintaining the spirit of the community. Citizens were invited to participate and provide input in the fall meetings, but since approximately the end of October there has been no activity. She expressed concern that since those last meetings, it appears that City Hall may move the site of the new building from the downtown and possibly share a building with the new library. She said there is good space available downtown that could be used for a new City Hall. Ms. Wolff said it appears decisions are being made but the public is not being kept informed.

Mayor Spencer responded to the concerns of the Historical Society and said that their concerns are being heard. From his standpoint the Historical Society will not be left behind. Mayor Spencer said the opportunity for people to learn about the history of the City will continue to be available, although the exact design of how that will be done has not yet been determined. Lake Stevens will have a historical museum.

Regarding the consultant for the downtown plan Mayor Spencer said that is continuing and on January 25, 2017 public meetings will begin again. Mayor Spencer said that no decision has been made on whether City Hall will stay downtown or be located on the property next to where the library will go. That will come out of the downtown planning process. Mayor Spencer further commented it is important for the City Council to have a dialogue regarding location of a new City Hall and to understand the pros and cons of any potential siting of a new city hall. Mayor Spencer said that the City will not build a city hall that is part of the library. Snolsle intends to build a stand-alone library that will serve the community for the next 20-30 years.

Council Business:

- Councilmember Daughtry: Boy Scout troop presentation, Public Works and Economic Development Subcommittees, Snohomish County Committee for Improved Transportation (SCCIT).
- Gary Petershagen: no report.
- Councilmember Hilt: reported that in 2016 the Snohomish Health District attempted to reorganize and “right size” itself; the last piece of that is to relocate to a smaller building that better suits its needs in terms of the smaller number of employees. The current building is much larger than needed and the solution is to sell the building. The current building was purchased by contributions from Snohomish County and member cities and that clouds the title. Member organizations will be asked to relinquish their proportionate share of the title to the building to the Health District so that a sale can be moved forward. City Attorney Weed further explained the history of the building purchase and the process needed to sell the building. Councilmember Hilt added there will be a question and answer opportunity next month and he will advise of that date, and that he believes the City’s contribution was about \$20,000, but that will be confirmed.
- Councilmember Welch: Legislative Agenda for Snohomish County Cites breakfast, Parks Subcommittee.
- Councilmember McDaniel: Fire Commission meeting.
- Councilmember Holder: Parks Subcommittee, Park Board Meeting and parks update, Family Center, Economic Development Subcommittee.
- Marcus Tageant: Economic Development Subcommittee, Lake Stevens Chamber of Commerce Board meeting, Legislative Agenda for Snohomish County Cites breakfast, Public Works Subcommittee.

Election of Officers:

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Daughtry, to nominate Councilmember Hilt as President. There were no other nominations. On vote the motion carried and Councilmember Hilt was elected President (7-0-0-0).

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Hilt, to nominate Councilmember Tageant as Vice President. There were no other nominations. On vote the motion carried and Councilmember Tageant was elected Vice President (7-0-0-0).

Boards and Commissions Liaisons:

Councilmember Hilt distributed proposed assignments for liaisons for Boards and Commissions. He reviewed that he added NLC to the bottom of the list with AWC and said that Councilmember McDaniel would like to participate on the Economic Development/Chamber subcommittee.

Councilmember McDaniel suggested it would be good to have a liaison to the Historical Society/Museum meetings.

MOTION: Councilmember Tageant moved, Councilmember Daughtry seconded, to approve the Council liaison assignments as proposed. On vote the motion carried (7-0-0-0).

There was consensus to make any additional changes at the upcoming retreat.

Mayor's Business: Mayor Spencer introduced and welcomed Gene Brazel, the City's new City Administrator. Mayor Spencer next congratulated the Finance Department on a successful audit, with no exceptions given. Mayor Spencer reported on a meeting he attended with a representative from the Lutheran Children's Services about the Lake Stevens Family Center. Also, he attended the Lake Stevens Chamber meeting today, as well as the Snohomish County Tomorrow Executive Staff meeting. Mayor Spencer updated that he is in the process of preparing a draft agenda for the upcoming retreat, which will be circulated to Council for review and input.

City Department Report. None.

Consent Agenda:

MOTION: Moved by Councilmember Hilt, seconded by Councilmember Welch, to approve the amended Consent Agenda. On vote the motion carried (7-0-0-0).

MOTION: Councilmember Tageant moved, Councilmember Welch seconded, to approve the Amended Consent Agenda: (A) [Removed to Action Items]; (B) City Council-Joint Planning Commission Meeting Minutes of December 13, 2016; (C) [Removed to Action Items]; (D) City Council Regular Meeting Minutes of December 13, 2016; (E) City Council Special Meeting Minutes of December 20, 2016; (F) Resolution 2017-01 Accepting a Cash Donation from Anonymous Donor; (G) Interlocal Agreement with Grant County for Cooperative Purchasing; (H) Resolution 2017-02 Authorizing Purchase Under Special Market Conditions; (I) Interlocal Agreement with Snohomish Health District re Funding; and (J) [Removed to Action Items]. On vote the motion carried (7-0-0-0).

Public Hearing:

Building & Construction and Fire Code Amendments, and First Reading of Ordinance

No. 972: Deputy City Clerk Kathy Pugh opened the Public Hearing and read the rules of procedure for the record.

Senior Planner Stacie Pratschner presented the staff report and said this is the first reading and public hearing of the proposed amendments to LSMC Sections 14.80 and 1481, and when adopted these amendments will bring the Lake Stevens Municipal Code Sections 14.80 and 14.84 into compliance with the 2015 International Building Code. Staff recommends Council leave the public hearing open to allow additional comments as this is a First Reading of Ordinance 972, and that a second reading of Ordinance 972 be held at the January 24, 2017 Council meeting. Planner Pratschner then responded to Councilmembers' questions regarding process.

Community Director Wright commented that the State Code Council makes recommendations for which specific appendices jurisdictions do adopt, but each city has discretion to look at each individual element of both the building and fire codes and make a decision as to whether they want to do some local amendments. In this case the City has requested some local amendments to the fire code appendices.

Building Official Mark Sniffen commented he made no significant changes to the building code, with the exception of adding the International Property Maintenance Code, to LSMC Section 14.80; this is a tool the code enforcement officers will be able to use. He then commented on

adoption of the Energy Code and changes to it, as well as other changes that were made. Building Official Sniffen then responded to Councilmembers' questions, and said the City does not have a choice on adoption of the International Energy Code as it is mandated by the State.

Fire Marshall Mike Messer reviewed the amendments to LSMC 14.84. The International Fire Code (IFC) 2015 is required by the State to be used since July 2015. The City has been using that code since that date. The City can make minor amendments to the IFC so long as those amendments serve to strengthen the code. Fire Marshall Messer distributed a handout prepared for the Board of Fire Commissioners, which outlined the proposed code changes. Fire Marshall Messer commented the City has outgrown the fire code as it is presently written. Proposed amendments to Appendix C relating to hydrant placement clarify what is already in City code. He cited examples of the amendments and why they are being recommended. He then responded to Councilmembers' questions, and discussion ensued as to the language utilized and how the code would be interpreted and applied.

Mayor Spencer invited public comment.

Patrick McCourt, 10515 20th St SE, Lake Stevens, commended Fire Marshal Messer for cooperatively working with him so he could work on his developments; cost is driven by the need to comply with city codes that are established on an international basis, and there is not a lot of flexibility. Mr. McCourt commented the topography of the area creates unique challenges due to the lake and drainage into the lake. Mr. McCourt complimented both the Building Department and the Fire Marshal, saying they have excellent staff to work with. Mr. McCourt supports the proposed amendments and also Councilmember Tageant's concerns regarding "strict interpretation" in the fire code.

Mayor Spencer invited additional public comment and there was none. Mayor Spencer then closed both the Public Comments and the Public Hearing.

There was Council direction for staff to work with both the Council and stakeholders, including Master Builders, to further refine the language keeping in mind tonight's public comment and Council's questions this evening.

MOTION: Councilmember Hilt moved, Councilmember Welch seconded, to complete the first reading of Ordinance 972 amending LSMC Sections 14.80 Building & Construction Code and 14.84 Fire Code. On vote the motion carried (7-0-0-0).

Action Items:

Authorize Mayor to Enter Into Professional Services Agreement with Mary Swenson for Consultant Services: Mayor Spencer said approval of the Professional Services Agreement with Mary Swenson will assist the City in achieving its identified goals and facilitate a smooth transition as new City Administration Gene Brazel takes over. Ms. Swenson has made key legislative and congressional contacts and will continue to be an asset to the City as it moves forward.

MOTION: Moved by Councilmember Tageant, seconded by Councilmember Hilt, to authorize the Mayor to enter into a Professional Services Agreement with Mary Swenson for Consultant Services.

Councilmember Holder clarified that Ms. Swenson's services will be more legislative in nature. Mayor Spencer confirmed this with the exception of preparing and briefing Council on personnel compensation comparables.

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

2016 Vouchers: Councilmember McDaniel requested clarification on the voucher payable to the Lake Stevens Chamber of Commerce in the total of \$746.20.

Finance Director Stevens replied that voucher has been pulled and will be brought back once additional backup documentation is located. The voucher was for the catering following the dedications of the Visitor Information Center and the Fish Roundabout art last summer.

MOTION: Councilmember Welch moved, Councilmember Tageant, to approve the 2016 Vouchers (Payroll Direct Deposits of \$313,092.32, Payroll Checks 41620-41621, 41646-41647 totaling \$9,680.93, Tax Deposits of \$121,488.69, Electronic Funds Transfers [ACH] of \$94,629.97, Claims Check Nos 41622-41645 and 41648-41694 and 41696-41725 totaling \$249,177.60, Void Check No. 41609 in the amount of \$9,433.02, Total Vouchers Approved: \$778,636.49 On vote the motion carried (7-0-0-0).

December 13, 2016 City Council Workshop Minutes: Councilmember McDaniel requested amendments to the minutes to reflect more accurately what was discussed.

Mayor Spencer said he understood Councilmember McDaniel's concerns are that the workshop meeting minutes reflect her comments that the City is moving a little fast on the location of a new City Hall, that it is the consultant's recommendation that the new city hall be located in the downtown area and that this is not reflected in staff's analysis that was presented.

Councilmember McDaniel added that many people cannot attend the Council meetings and it is important the minutes be an accurate reflection of what is said and by whom. She would like to see more detail in the comments.

Mayor Spencer responded that going forward workshop meetings will be recorded so that there is no question of accuracy.

Councilmember McDaniel thought that workshop meeting minutes are electronically recorded; Deputy Clerk Pugh responded that historically Lake Stevens has not recorded its workshop meetings.

Councilmember Tageant said that going forward the City can record workshop meetings.

Councilmember Hilt recalled this was discussed at the 2016 Retreat and said he believes it is important to have an accurate record of what is discussed vs. a complete transcript.

Mayor Spencer asked Councilmember McDaniel asked if she is comfortable with the amendments to the December 13, 2016 minutes in the form he proposed.

Councilmember McDaniel agreed with those amendments and also requested the minutes reflect that the City has spent \$250,000 on the downtown consultant, and additionally that there

was discussion that the City is contemplating locating at Chapel Hill in part as a show of support for the Library's two bond issues scheduled for the February ballot.

Councilmember Holder said she does not recall discussing the actual price paid to the consultant, but that she does recall discussing the consultant's recommendation that the city hall be located in the downtown area.

Councilmember Hilt suggested the minutes be reviewed by staff and made more robust, and that they be brought back for consideration at the January 24, 2017 meeting.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Tageant, that the minutes of the December 13, 2016 City Council Workshop Minutes be referred to the Clerk for clarification. On vote the motion carried (7-0-0-0).

Approve Commercial Broker Agreement: Mayor Spencer said this item was removed from the Consent Agenda because Property No. 2 in the agreement is a property that an adjacent property owner has been talking with the City about purchasing for quite some time. This is the property that is slated in part for a regional Stormwater facility, and is located on 20th Street SE, close to 79th. Mayor Spencer invited a motion approving the Commercial Broker Agreement, either with that piece of property removed from the agreement, or that the Mayor have the authority to remove it from the Agreement. Mayor Spencer asked Economic Development Coordinator Ashe if this property is something that is part of the agreement, or does it have to be removed by Council action tonight?

Economic Development Coordinator Ashe responded the City has as an option to remove that property listing at any time from the Commercial Broker Agreement.

Mayor Spencer invited a motion to remove that piece of property from the Commercial Property Agreement and to authorize the Mayor to proceed with negotiation with the adjacent property owner, based upon appraisal of the property for the purpose of purchase and sale.

Councilmember Daughtry confirmed that portions of the property would continue to be used as a retention pond.

MOTION: Moved by Councilmember Daughtry, seconded by Councilmember Holder, to allow the Mayor to make decisions on which parcels go into the Commercial Property Agreement, and more specifically to remove the parcel in question, and to move ahead with allowing the Mayor to enter into an agreement with the commercial broker for taking care of those parcels of property. On vote the motion carried (7-0-0-0).

Councilmember Tageant expressed his concern that the City should negotiate a better than 6% commission on this agreement, especially in light of the amount of money spent for advertising on the 20th Street SE corridor.

Ms. Ashe responded that she did not try to negotiate a lower commission due to the difficulty in assembling properties. She added this is not just marketing, it includes creating a communication strategy with the City to approach homeowners about entering into an agreement to sell their property. She noted this is a two-fold benefit in that the City gets to create the vision it has for the 20th Street SE corridor by assembling the properties so that they have value and also it helps to sell the property. The City's properties alone do not have any

value because of their size and zoning. They will bring a higher value to the City from the development point of view when they are assembled. She clarified that the properties do have value but as they sit they are zoned Light Manufacturing and Commercial Retail/Professional Services and all of the City-owned properties are half an acre or less in size. Each property by itself will not accommodate a significant development.

Mayor Spencer clarified that the City is asking each neighboring parcel owner to sell their property so that multiple properties can be assembled together and then sold to a developer as part of a large bundle.

Director Wright responded to Councilmember Petershagen's question as to who determines what is an acceptable sales price, saying that the land would be valued based upon an appraisal, and that the City cannot sell for less than market value except in limited circumstances.

Councilmember McDaniel expressed concern that if the vacant houses on the city-owned property remain vacant, or in some cases torn down but the debris remains, they pose public safety issues and are an eyesore.

Mayor Spencer assured that the City will address this concern.

Discussion Item:

Grade Road Development Agreement: Planning and Community Development Director Russ Wright presented the staff report and said this information is brought forward at this time for Council's information. Council previously approved a resolution to surplus the Grade Road site, which is comprised of approximately 22 acres. A potential purchaser has come forward, but is interested in entering into a development agreement with the City, which would phase in the project. The proposed project is being proposed in three phases: (1) construction of an assisted living facility and a memory care center, (2) construction of a commercial medical office space of up to 30,000 square feet in size, and (3) construction of approximately 150 additional residential units. Developer Wright reviewed the purpose of a development agreement is to give certainty to the buyer and/or potential developer in the future as to phasing in the regulations that are in effect at the time their application is made, including any fee sharing obligations for public improvements. The proponent's concerns include pending changes with the City's code, including the land disturbance, critical areas and stormwater codes, and they are hoping to vest their project to the codes that are currently in effect. Director Wright said that there are three tools, under both state and case law, that will vest a project to the rules that are in effect at the time of application, including a development agreement, a building permit or a subdivision. Director Wright also added there is new case law that may affect how Stormwater regulations will vest to projects; staff is working with legal counsel on this.

Executive Session: Mayor Spencer announced an executive session to discuss real property, with no action to follow, beginning at 9:08 for 15 minutes.

The regular meeting reconvened at 9:24

Adjourn:

Moved by Councilmember Tageant, seconded by Councilmember Welch to adjourn the meeting at 9:24 p.m. On vote the motion carried (7-0-0-0).

John Spencer, Mayor

Kathy Pugh, Deputy City Clerk



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Date: **Agenda** 24 January 2017

Subject: 2017-2019 On-Call Tree Removal Services

Contact	Mick Monken	Budget	Not to Exceed
Person/Department:	Public Works	Impact:	\$225,000

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Authorize the Mayor to execute a contract with All Phase Brush & Land Clearing for on-call tree removal services for a contract amount not to exceed \$225,000 through 31 December 2019.

SUMMARY/BACKGROUND: There are thousands of trees under the jurisdiction of the City and throughout each year the City needs tree removal services to address danger trees, blow downs, and damaged trees. The City staff performs some of the tree removals for the smaller trees and those within a contained area where risk to the public and private property is very minimal. In cases where the risk is high, the City uses outsourced services.

The selection of the recommended service provider was performed through a competitive bidding process. In December 2016, the City sought bids from professional tree removal services using the MRSC small works roster. A total of four bids were received. The lowest responsive bid was selected.

The contract is a not to exceed \$225,000 over three years. This allows for staff to call on these services as the need arises throughout the defined three year period resulting in a significant improved service delivery timeframe.

BUDGET IMPACT: Not to exceed \$225,000 through 2019 of which \$75,000 is allocated annually.

ATTACHMENTS:

- ▶ Exhibit A: Small Public Works Contract

SMALL PUBLIC WORKS CONTRACT (Under \$300,000)

THIS SMALL PUBLIC WORKS CONTRACT (“Contract”) is made and entered into this _____ day of _____, 2017, by and between the City of Lake Stevens, Washington, a Washington State municipal corporation (“City”), and All Phase Brush & Land Clearing, a Washington Sole Proprietor; licensed to do business in Washington State] (“Contractor”).

WHEREAS, the City desires to accomplish certain public works entitled 2017-2019 On Call Tree Removal Services (“the Project”) having an estimated cost \$300,000 or less; and

WHEREAS, the City solicited written Bid Proposals for the Project; and

WHEREAS, the City received and reviewed written Bid Proposals for the Project, and has determined that Contractor is the lowest responsible bidder; and

WHEREAS, the Contractor and the City desire to enter into this Contract for the Project in accordance with the terms and conditions of this Contract.

NOW, THEREFORE, in consideration of the terms, conditions and agreements contained herein, the City and Contractor agree as follows:

1. Scope of Work—the Project.

The Contractor shall perform, carry out and complete the 2017-2019 On Call Tree Removal Services (“Project”) in accordance with this Contract and the incorporated Contract Documents specified in Section 2. The Project shall be completed no later than 31 December 2019.

2. Contract Documents.

The following documents are incorporated into the Contract by this reference:

- A. Plans and Contract Drawings.
- B. Scope of Work.
- C. Proposal/Bid Submittal (attached).
- D. 2016 or _____ Standard Specifications for Road, Bridge, and Municipal Construction (WSDOT/APWA) (“Standard Specifications”) (referenced but not attached).
- E. WSDOT Amendments to the Standard Specifications (referenced but not attached).
- F. 2010 APWA Supplement General Special Provisions (referenced but not attached).

- G. City of Lake Stevens Engineering Standards (referenced but not attached).

- H. Addenda (if any).

- I. Payment and Performance Bond (attached).

- J. Retainage Bond (attached) (optional-see Section 5).

In the event of any inconsistencies or conflicts between the language of this Contract and these incorporated documents, the language of the Contract shall prevail over the language of the documents.

3. Commencement of Work.

Work shall not proceed under this Contract until the Contractor has met the following conditions:

- A. Contract has been signed and fully executed by the parties.
- B. The Contractor has provided the City with the certificates of insurance required under Section 22.
- C. The Contractor has obtained a City of Lake Stevens Business License.
- D. The Contractor has provided the City with satisfactory documentation that Contractor is licensed and bonded as a contractor in the Washington State.

These conditions shall be satisfied within ten (10) calendar days of the City's Notice of Award of the Contract to the Contractor. Upon satisfaction of these conditions, the City shall issue a Notice to Proceed and Contractor shall commence work within five (5) calendar days of the date of said Notice.

4. Time is of the Essence/Liquidated Damages.

Time is of the essence in the performance of this Contract. The Contractor shall diligently pursue the Project work to physical completion by the date specified in Section 1. If said work is not completed within the time specified, the Contractor agrees to pay the City as liquidated damages the sum set forth in Section 1-08.9 of the Standard Specifications for each and every calendar day said work remains uncompleted after expiration of the specified time.

5. Payment for Project.

- A. Total Contract Sum for Project. Excluding approved changes orders, the City shall pay the Contractor for satisfactory completion of the Project under the Contract a total Contract Sum not to exceed \$225,000.00 (two hundred and twenty five thousand dollars) in accordance with the bid price in the bid Proposal or proposal price in the Proposal and including all applicable Washington State Sales Tax. The total Contract Sum includes all expenses and costs incurred in planning, designing and constructing the Project, including, but not limited to, applicable sales and use taxes,

costs and expenses for overhead, profit, labor, materials, supplies, permits, subcontractors, consultants, and professional services necessary to construct and complete the Project.

B. Payments shall be for Performance of Project Work. Payments for work provided hereunder shall be made following the performance of such work, unless otherwise permitted by law and approved in writing by the City. No payment shall be made for any work rendered by the Contractor except as identified and set forth in this Contract.

C. Right to Withhold Payments if Work is Unsatisfactory. If during the course of the Contract, the work rendered does not meet the requirements set forth in the Contract, the Contractor shall correct or modify the required work to comply with the requirements of the Contract. The City shall have the right to withhold payment for such work until it meets the requirements of the Contract.

D. Payments. Subject to F below, progress payments shall be based on the timely submittal by the Contractor of the City's standard payment request form. The form shall be appropriately completed and signed by the Contractor. Applications for payment not signed and/or completed shall be considered incomplete and ineligible for payment consideration. The City shall initiate authorization for payment after receipt of a satisfactorily completed payment request form and shall make payment to the Contractor within approximately thirty (30) calendar days thereafter.

E. Payments for Alterations and/or Additions. Requests for change orders and/or payments for any alterations in or additions to the work provided under this Contract shall be in accordance with the change order process set forth in Section 1-04.4 of the Standard Specifications.

F. Final Payment. Pursuant to RCW Chapter 60.28, a sum equal to five percent (5%) of the monies earned by the Contractor will be retained from payments made by the City to the Contractor under this Contract. This retainage shall be used as a trust fund for the protection and payment (1) to the State with respect to taxes imposed pursuant to RCW Title 82 and (2) the claims of any person arising under the Contract.

Monies retained under the provisions of RCW Chapter 60.28 shall, at the option of the Contractor, be:

1. Retained in a fund by the City; or
2. Deposited by the City in an escrow (interest-bearing) account in a bank, mutual savings bank, or savings and loan association (interest on monies so retained shall be paid to the Contractor). Deposits are to be in the name of the City and are not to be allowed to be withdrawn without the City's written authorization. The City will issue a check representing the sum of the monies reserved, payable to the bank or trust company. Such check shall be converted into bonds and securities chosen by the Contractor as the interest accrues.

At or before the time the Contract is executed, the Contractor shall designate the option desired. The Contractor in choosing option (2) agrees to assume full responsibility to pay all costs that may accrue from escrow services, brokerage charges or both, and further agrees to assume all risks in connection with the investment of the retained percentages in securities. The City may also, at its option, accept a bond in lieu of retainage.

Release of the retainage will be made sixty (60) calendar days following the Final Acceptance of the Project provided the following conditions are met:

1. A release has been obtained from the Washington State Department of Revenue.
2. Affidavits of Wages Paid for the Contractor and all Subcontractors are on file with the Contracting Agency (RCW 39.12.040).
3. A certificate of Payment of Contributions Penalties and Interest on Public Works Contract is received from the Washington State Employment Security Department.
4. Washington State Department of Labor and Industries (per Section 1-07.10 of the Standard Specifications) shows the Contractor is current with payments of industrial insurance and medical premiums.
5. All claims, as provided by law, filed against the retainage have been resolved.
6. If requested by the City, the Contractor shall provide the City with proof that insurance required under Section 22 remains in effect.

G. Final Acceptance. Final Acceptance of the Project occurs when the Public Works Director has determined that the Project is one hundred percent (100%) complete and has been constructed in accordance with the Plans and Specifications.

H. Payment in the Event of Termination. In the event this Contract is terminated by either party, the Contractor shall not be entitled to receive any further amounts due under this Contract until the work specified in the Scope of Work is satisfactorily completed, as scheduled, up to the date of termination. At such time, if the unpaid balance of the amount to be paid under the Contract exceeds the expense incurred by the City in finishing the work, and all damages sustained by the City or which may be sustained by the City or which may be sustained by the reason of such refusal, neglect, failure or discontinuance of Contractor performing the work, such excess shall be paid by the City to the Contractor. If the City's expense and damages exceed the unpaid balance, Contractor and his surety shall be jointly and severally liable therefore to the City and shall pay such difference to the City. Such expense and damages shall include all reasonable legal expenses and costs incurred by the City to protect the rights and interests of the City under the Contract.

I. Maintenance and Inspection of Financial Records. The Contractor and its subcontractors shall maintain reasonable books, accounts, records, documents and other evidence pertaining to the costs and expenses allowable, and the consideration paid under this Contract, in accordance with reasonable and customary accepted accounting practices. All such books of account and records required to be maintained by this Contract shall be subject to inspection and audit by representatives of the City and/or of the Washington State Auditor at all reasonable times, and the Contractor shall afford the proper facilities for such inspection and audit to the extent such books and records are under control of the Contractor, and all Project Contracts shall similarly provide for such inspection and audit rights. Such books of account and records may be copied by representatives of City and/or of the Washington State Auditor where necessary to conduct or document an audit. The Contractor shall preserve and make available all such books of account and records in its control for a period of three (3) years after final payment under this Contract, and Bunker Repair Project subcontracts shall impose similar duties on the subcontractors.

6. **Term of Contract.**

The term of this Contract shall commence upon full execution of this Contract by the City and Contractor and shall terminate December 31, 2019, unless sooner terminated by either party under Section 7 or applicable provision of the Contract.

7. Termination of Contract.

A. Except as otherwise provided under this Contract, either party may terminate this Contract upon ten (10) working days' written notice to the other party in the event that said other party is in default and fails to cure such default within that ten-day period, or such longer period as provided by the non-defaulting party. The notice of termination shall state the reasons therefore and the effective date of the termination.

B. The City may also terminate this Contract in accordance with the provisions of Section 1-08.10 of the Standard Specifications.

8. Status of Contractor.

The Contractor is a licensed, bonded and insured contractor as required and in accordance with the laws of the State of Washington. Contractor is acting as an independent contractor in the performance of each and every part of this Contract. No officer, employee, volunteer, and/or agent of either party shall act on behalf of or represent him or herself as an agent or representative of the City. Contractor and its officers, employees, volunteers, agents, contractors and/or subcontractors shall make no claim of City employment nor shall claim against the City any related employment benefits, social security, and/or retirement benefits. Nothing contained herein shall be interpreted as creating a relationship of servant, employee, partnership or agency between Contractor and the City.

9. Permits.

The Contractor will apply for, pay for and obtain any and all City, county, state and federal permits necessary to commence, construct and complete the Project. All required permits and associated costs shall be included in the Total Contract Sum for Project.

10. Business License Required.

The Contractor shall obtain a City of Lake Stevens business license prior to commencement of work under this Contract.

11. Work Ethic.

The Contractor shall perform all work and services under and pursuant to this Contract in a timely, professional and workmanlike manner.

12. City Ownership of Work Products.

All work products (reports, maps, designs, specifications, etc.) prepared by or at the request of Contractor regarding the planning, design and construction of the Project shall be the property of the City. Contractor shall provide the City with paper and electronic copies of all work products in possession or control of Contractor at the request of final payment from Contractor or upon written request from the City.

13. Job Safety.

A. General Job Safety. Contractor shall take all necessary precautions for the safety of employees on the work site and shall comply with all applicable provisions of federal, state and local regulations, ordinances and codes. Contractor shall erect and properly maintain, at all times, as required by the conditions and progress of the work, all necessary safeguards for the protection of workers and the public and shall post danger signs warning against known and unusual hazards.

B. Trench Safety Systems. The Contractor shall ensure that all trenches are provided with adequate safety systems as required by RCW Chapter 49.17 and WAC 296-155-650 and -655. The Contractor is responsible for providing the competent person and registered professional engineer required by WAC 296-155-650 and -655.

14. Prevailing Wages.

Contractor shall pay its employees, and shall require its subcontractors to pay their employees, prevailing wages as required by and in compliance with applicable state and/or federal law and/or regulations, including but not limited to RCW Chapter 39.12 and RCW Chapter 49.28. Prior to final payment under this Contract, Contractor shall certify in writing that prevailing wages have been paid for all work on the Project as required and in accordance with applicable law and/or regulations.

15. Taxes and Assessments.

The Contractor shall be solely responsible for compensating its employees, agents, and/or subcontractors and for paying all related taxes, deductions, and assessments, including, but not limited to, applicable use and sales taxes, 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 Contract.

16. Nondiscrimination Provision.

During the performance of this Contract, the Contractor shall comply with all applicable equal opportunity laws and/or regulations and shall not discriminate on the basis of race, age, color, sex, sexual orientation, religion, national origin, creed, veteran status, marital status, political affiliation, or the presence of any sensory, mental or physical handicap. This provision shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, selection for training, and the provision of work and services under this Contract. The Contractor further agrees to maintain notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Contractor understands that violation of this provision shall be cause for immediate termination of this Contract and the Contractor may be barred from performing any services or work for the City in the future unless the Contractor demonstrates to the satisfaction of the City that discriminatory practices have been eliminated and that recurrence of such discriminatory practices is unlikely.

17. The Americans with Disabilities Act.

The Contractor shall comply, and shall require its subcontractors to comply, with the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 et seq. (ADA), and its implementing regulations, and Washington State's anti-discrimination law as contained in RCW Chapter 49.60 and its implementing regulations, with regard to the work and services provided pursuant to this Contract. The ADA provides comprehensive civil rights to individuals with disabilities in the area of employment, public accommodations, public transportation, state and local government services, and telecommunications.

18. Compliance With Law.

The Contractor shall perform all work and services under and pursuant to this Contract in full compliance with any and all applicable laws, rules, and regulations adopted or promulgated by any governmental agency or regulatory body, whether federal, state, local, or otherwise.

19. Guarantee of Work.

A. The Contractor guarantees and warrants all of its work, materials, and equipment provided and utilized for this Project to be free from defects for a period of one (1) year from the date of final acceptance of the Project work. The Contractor shall remedy any defects in its Project work, and the materials, and equipment utilized in the Project and pay for any damages resulting therefrom which shall appear within a period of one (1) year from the date of final acceptance of the Project work unless a longer period is specified. The City will give notice of observed defects with reasonable promptness.

B. The guarantee/warranty period shall be suspended from the time a significant defect is first documented by the City until the work or equipment is repaired or replaced by the Contractor and accepted by the City. In the event that fewer than ninety (90) calendar days remain in the guarantee period after acceptance of such repair or replacement (after deducting the period of suspension above), the guarantee period shall be extended to allow for at least ninety (90) calendar days guarantee of the work from the date of acceptance of such repair or equipment.

C. The Contractor shall also provide the City with manufacturer's warranties for all components, materials and equipment installed as part of the Project.

D. Any repairs or replacement required during the warranty period shall be performed within 30 calendar days following notification by the City.

20. Contractor's Risk of Loss.

It is understood that the whole of the work under this Contract is to be done at the Contractor's risk, and that Contractor has familiarized himself with all existing conditions and other contingencies likely to affect the work, and has made his bid accordingly, and that he shall assume the responsibility and risk of all loss or damage to materials or work which may arise from any cause whatsoever prior to completion.

21. Indemnification and Hold Harmless.

A. The Contractor shall indemnify, defend and hold the City, its elected officials, agents, officers and/or employees and volunteers harmless from and against any and all claims, demands, liabilities, losses, costs, damages or expenses of any nature whatsoever (including all costs and attorneys' fees) to or by third parties arising from, resulting from or connected with the work and services performed or to be performed under this Contract by the Contractor and/or its directors, officers, agents, employees, consultants, and/or subcontractors to the fullest extent permitted by law and subject to the limitations provided below.

B. The Contractor's duty to indemnify the City shall not apply to liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the City or its elected officials, agents, officers and/or employees.

C. The Contractor's duty to indemnify the City for liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the concurrent negligence of (a) the City and/or its elected officials, agents, officers and/or employees, and (b) the Contractor and/or its directors, officers, agents, employees, consultants, and/or subcontractors, shall apply only to the extent of negligence of Contractor and/or its directors, officers, agents, employees, consultants, and/or subcontractors.

D. 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 Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor'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.

E. Nothing contained in this section or Contract shall be construed to create a liability or a right of indemnification by any third party.

F. The provisions of this section shall survive the expiration or termination of this Contract with respect to any event occurring prior to such expiration or termination.

22. **Insurance.**

A. **Insurance Term.**

The Contractor shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise, as required in this Section, without interruption from or in connection with the performance commencement of the Contractor's work through the term of the work hereunder by the Contractor, its agents, representatives, employees or subcontractors contract and for thirty (30) days after the Physical Completion date, unless otherwise indicated herein.

B. **No Limitation.**

Contractor's maintenance of insurance, its scope of coverage and limits as required herein shall not be construed to limit the liability of the Contractor 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.**

Contractor'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 written on at least as broad as Insurance Services Office (ISO) form CA Automobile 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. **Commercial General Liability** insurance shall be written on at least as broad as ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, stop gap liability, independent contractors, products-completed operations, personal injury and advertising injury, and liability assumed under an insured contract. The Commercial

General Liability insurance shall be endorsed to provide the 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 Contractor'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 of coverage.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington

4. Required. Builders Risk insurance covering interests of the City, the Contractor, Subcontractors, and Sub-contractors in the work. Builders Risk insurance shall be on a special perils policy form and shall insure against the perils of fire and extended coverage and physical loss or damage including flood, earthquake, theft, vandalism, malicious mischief, and collapse. The Builders Risk insurance shall include coverage for temporary buildings, debris removal and damage to materials in transit or stored off-site. This Builders Risk insurance covering the work will have a deductible of \$5,000 for each occurrence, which will be the responsibility of the Contractor. Higher deductibles for flood and earthquake perils may be accepted by the City upon written request by the Contractor and written acceptance by the City. Any increased deductibles accepted by the City will remain the responsibility of the Contractor. The Builders Risk insurance shall be maintained until final acceptance of the work by the City.

5. Required. Contractors Pollution Liability insurance covering losses caused by pollution conditions that arise from the operations of the Contractor. Contractors Pollution Liability insurance shall be written in an amount of at least \$1,000,000 per loss, with an annual aggregate of at least \$1,000,000. Contractors Pollution Liability shall cover bodily injury, property damage, cleanup costs and defense including costs and expenses incurred in the investigation, defense, or settlement of claims.

If the Contractors Pollution Liability insurance is written on a claims-made basis, the Contractor warrants that any retroactive date applicable to coverage under the policy precedes the effective date of this contract; and that continuous coverage will be maintained or an extended discovery period will be exercised for a period of three (3) years beginning from the time that work under the contract is completed.

The City shall be named by endorsement as an additional insured on the Contractors Pollution Liability insurance policy.

If the scope of services as defined in this contract includes the disposal of any hazardous materials from the job site, the Contractor must furnish to the City evidence of Pollution Liability insurance maintained by the disposal site operator for losses arising from the insured facility accepting waste under this contract. Coverage certified to the Public Entity under this paragraph must be maintained in minimum amounts of \$1,000,000 per loss, with an annual aggregate of at least \$1,000,000.

Pollution Liability coverage at least as broad as that provided under ISO Pollution Liability-Broadened Coverage for Covered Autos Endorsement CA 99 48 shall be provided, and the Motor Carrier Act Endorsement (MCS 90) shall be attached.

D. Minimum Amounts of Insurance.

The Contractor 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 \$3,000,000 each occurrence, \$3,000,000 general aggregate and a \$2,000,000 products-completed operations aggregate limit.
3. Required. Builders Risk insurance shall be written in the amount of the completed value of the project with no coinsurance provisions.
4. Required. Contractors Pollution Liability shall be written in the amounts set forth above.

E. City of Lake Stevens Full Availability of Contractor Limits.

If the Contractor maintains higher insurance limits than the minimums shown above, the City of Lake Stevens shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by the Contractor, irrespective of whether such limits maintained by the Contractor are greater than those required by this contract or whether any certificate of insurance furnished to the City of Lake Stevens evidences limits of liability lower than those maintained by the Contractor.

F. Other Insurance Provisions.

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

G. Acceptability of Insurers.

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 Contractor 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 Automobile Liability and Commercial General Liability insurance of the Contractor before commencement of the work. Throughout the term of this Contract, upon request by the City of Lake Stevens, the Contractor shall furnish certified copies of all required insurance policies, including endorsements, required in this contract and evidence of all subcontractors' coverage.

Required. Before any exposure to loss may occur, the Contractor shall file with the City a copy of the Builders Risk insurance policy that includes all applicable conditions, exclusions, definitions, terms and endorsements related to this Project.

Required. Before any exposure to loss may occur, the Contractor shall file with the City a copy of the Pollution Liability insurance that includes all applicable conditions, exclusions, definitions, terms and endorsements related to this Project.

I. Contractor's Insurance for Other Losses.

The Contractor shall assume full responsibility for all loss or damage from any cause whatsoever to any tools, Contractor's employee owned tools, machinery, equipment, or motor vehicles owned or rented by the Contractor, or the Contractor's agents, suppliers or subcontractors as well as to any temporary structures, scaffolding and protective fences.

J. Subcontractors.

The Contractor shall include all subcontractors as insured under its policies or shall furnish separate certifications and endorsements for each subcontractor. All coverage for subcontractors shall be subject to all of the same insurance requirements as stated herein for the Contractor.

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. The Contractor shall ensure that the City of Lake Stevens is an additional insured on each and every Subcontractor's Commercial General liability insurance policy using an endorsement at least as broad as ISO Additional Insured endorsement CG 20 38 04 13.

K. Waiver of Subrogation.

The Contractor and the City waive all rights against each other, any of their subcontractors, lower tier subcontractors, agents and employees, each of the other, for damages caused by fire or other perils to the extent covered by Builders Risk insurance or other property insurance obtained pursuant to the Insurance Requirements Section of this Contract or other property insurance applicable to the work. The policies shall provide such waivers by endorsement or otherwise.

L. Notice of Cancellation of Insurance.

The Contractor shall provide the City and all Additional Insureds for this work with written notice of any policy cancellation within two business days of their receipt of such notice.

M. Failure to Maintain Insurance.

Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five (5) business days' notice to the Contractor 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 Contractor from the City.

23. Assignment and Subcontractors.

- A. The Contractor shall not assign this Contract or any interest herein, nor any money due to or to become due hereunder, without first obtaining the written consent of the City.
- B. The Contractor shall not subcontract any part of the services to be performed hereunder without first obtaining the consent of the City and complying with the provisions of this section.
- C. In the event the Contractor does assign this Contract or employ any subcontractor, the Contractor agrees to bind in writing every assignee and subcontractor to the applicable terms and conditions of the Contract documents.
- D. The Contractor shall, before commencing any work, notify the City in writing of the names of any proposed subcontractors. The Contractor shall not employ any subcontractor or other person or organization (including those who are to furnish the principal items or materials or equipment), whether initially or as a substitute, against whom the City may have reasonable objection. Each subcontractor or other person or organization shall be identified in writing to the City by the Contractor prior to the date this Contract is signed by the Contractor. Acceptance of any subcontractor or assignee by the City shall not constitute a waiver of any right of the City to reject defective work or work not in conformance with the contract documents. If the City, at any time, has reasonable objection to a subcontractor or assignee, the Contractor shall submit an acceptable substitute.
- E. The Contractor shall be fully responsible for all acts and omissions of its assignees, subcontractors and of persons and organization directly or indirectly employed by it and of persons and organizations for whose acts any of them may be liable to the same extent that it is responsible for the acts and omissions of person directly employed by it.
- F. The Contract does not and shall not create or be construed to create any relationship, contractual or otherwise, between the City and any subcontractor or assignee. Nothing in the Contract shall create any obligation on the part of the City to pay or to assure payment of any monies due any subcontractor or assignee.

24. Severability.

- A. If a court of competent jurisdiction holds any part, term or provision of this Contract 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 Contract did not contain the particular provision held to be invalid.
- B. If any provision of this Contract 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.

25. Integration and Supersession.

This Contract sets forth all of the terms, conditions, and Contracts of the parties relative to the Project, and supersedes any and all such former Contracts which are hereby declared terminated and of no further force and effect upon the execution and delivery hereof. There are no terms, conditions, or Contracts with respect thereto except as provided herein, and no amendment or modification of this Contract shall be effective unless reduced to writing and executed by the parties. In the event of any conflicts or

inconsistencies between this Contract and the Declaration, the terms of this Contract shall control in all cases.

26. Non-Waiver.

A waiver by either party hereto of a breach of the other party hereto of any covenant or condition of this Contract 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 Contract, covenant or condition of this Contract, 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 Contract, covenant, condition or right.

27. Survival.

Any provision of this Contract which imposes an obligation after termination or expiration of this Contract shall survive the term or expiration of this Contract and shall be binding on the parties to this Contract.

28. Contract Representatives and Notices.

This Contract shall be administered for the City by the City Clerk and shall be administered for the Contractor by the Contractor's Contract Representative, Rick W. Carlson. Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties at their addresses as follows:

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: 425.334.1012

To Contractor:

Rick W. Carlson
All Phase Brush & Land Clearing
8831 Trapline Road
Everson, WA 98247
Telephone: 360.220.1091

or to such addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

29. Third Parties.

The City and Contractor are the only parties to this Contract and are the only parties entitled to enforce its terms. Nothing in this Contract gives, is intended to give, or shall be construed to give or provide, any right or benefit, whether directly or indirectly or otherwise, to third persons.

30. Governing Law.

This Contract shall be governed by and construed in accordance with the laws of the State of Washington.

31. Venue.

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

32. Attorney Fees.

Should either the City or the Contractor commence any legal action relating to the provisions of this Contract or the enforcement thereof, the prevailing party shall be awarded judgment for all costs of litigation including, but not limited to, costs, expert witnesses, and reasonable attorney fees.

33. Authority.

The person executing this Agreement on behalf of Contractor represents and warrants that he or she has been fully authorized by Contractor to execute this Agreement on its behalf and to legally bind Contractor to all the terms, performances and provisions of this Agreement. The person executing this Contractor on behalf of the City represents and warrants that he or she has been fully authorized by the City to execute this Contractor on its behalf and to legally bind the City to all the terms, performances and provisions of this Contractor.

34. Counterparts.

This Contract 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 Contract.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed the day and year first hereinabove written.

City of Lake Stevens

All Phase Brush & Land Clearing

By: _____
John Spencer, Mayor

By: _____

Printed Name & Title

Attest:

Kathy Pugh, Deputy City Clerk

Approved as to Form:

Grant K. Weed, City Attorney

Acknowledgement of Waiver of Contractor’s Industrial Insurance Immunity:

City

Contractor

ATTACHMENTS:
Scope of Work
Bid Submission
Bid Tabulation

SCOPE OF WORK:

The contractor(s) selected will assume full responsibility for treatment and removal of trees. This may include but not be limited to the following:

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

City will mark trees and conduct one, or more, site walks with the contractor preparatory to the performance of work. The contractor is expected to perform as a team member with the City and to adapt to developing circumstances on any given project.

Cost Basis: Based on the unit cost provided in this proposal, the contractor is to develop a cost proposal for each City work request issued (assignment) to the contractor or by mutual agreement between the City and the contractor, to perform work on a time and material job (T&M) with a maximum limited amount of "not to exceed".

Authorization to perform an assignment: Based upon an agreed upon cost for an assignment, the City will issue a Work Order that includes:

City of Lake Stevens

Bid Proposal for 2016-2019 On-call Tree Removal Service

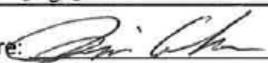
Project No. 16083

The following bid proposal is for the removal of danger trees under the direction of the City. Most cases the debris created from the tree removal is to be left at the site. There will be on some occasions that will require the debris to be picked up and removed from the location.

Item	Description	Unit Price
Non-emergency – for work performed within the “Regular Hours of Work” (7:00 am to 7:00 pm)		
1.	Cutter - (Per Hour) (Includes mobilization, labor, equipment, and material necessary for the contractor to perform the services to trim, cut, and fall a City identified danger tree.)	\$ <u>75.00</u>
2.	Assistant – (Per Hour) (Includes labor, equipment, and material necessary for the assistant to support the Cutter)	\$ <u>35.00</u>
3.	Removal of debris hourly rate (Lump Sum) (Includes mobilization, equipment, material, off site haul with labor, and disposal of debris. Labor to perform the collection, process, and loading of debris at the site is paid under Item 2)	\$ <u>150.00</u>
	Sub-TOTAL Item 1 + 2 +3)	\$ <u>560.00</u>
	Washington State Sales tax (8.6%)	\$ <u>48.16</u>
	NON- EMERGENCY TOTAL BID (Item 1 + 2 + 3)	\$ <u>560.00</u>

Item	Description	Unit Price
Emergency Rate — for work performed outside the "Regular Hours of Work" (7:00 am to 7:00 pm)		
1.	Cutter - (Per Hour) (Includes mobilization, labor, equipment, and material necessary for the contractor to perform the services to trim, cut, and fall a City identified danger tree.)	\$ <u>75.00</u>
2.	Assistant – (Per Hour) (Includes labor, equipment, and material necessary for the assistant to support the Cutter)	\$ <u>35.00</u>
3.	Removal of debris hourly rate (Lump Sum) (Includes mobilization, equipment, material, off site haul with labor, and disposal of debris. Labor to perform the collection, process, and loading of debris at the site is paid under Item 2)	\$ <u>350.00</u>
	Sub-TOTAL Item 1 + 2 +3)	\$ <u>460.00</u>
	Washington State Sales tax (8.6%)	\$ <u>39.56</u>
	EMERGENCY TOTAL BID (Item 1 + 2 + 3)	\$ <u>460.00</u>

I am familiar and Bonded for the services required to complete this work and submit this bid understanding the terms of the attached sample small works contract. If awarded this bid, I will be able to respond to a call for services within 24 hours or less from the City's issuance of Notice to Proceed for a specific identified danger tree.

Company: Allphase Brush & Land Clearing Email: Rick.Allphase@gmail.com
 Address: 8831 TRAPLINE RD City: EVERSON Zip: 98247
 Phone: 360 220-1091 / 220-9168
 Signature:  Date: Dec 19 2011 2016
 Print Name: RICK CARLSON



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda

Date: January 24, 2017

Subject: Authorize Mayor to Enter Into Amendment No. 1 to Professional Services Agreement with Mary Swenson for Consultant Services

Contact	Budget	To Be
Person/Department: <u>John Spencer, Mayor</u>	Impact:	<u>Determined</u>

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: **Authorize the Mayor to enter into Amendment No. 1 to the Professional Services Agreement with Mary Swenson for Consultant Services**

SUMMARY/BACKGROUND: At the January 10, 2017 Council meeting, Council authorized a Professional Services Agreement with Mary Swenson to provide consultant services to the City on legislative matters and to assist with the smooth transition of the new City Administrator into his position.

When the agreement was signed, the parties realized it did not contain a provision for reimbursement of out-of-pocket expenses, including travel expenses, to Ms. Swenson. Amendment No. 1 adds a provision for reimbursement of those expenses.

APPLICABLE CITY POLICIES: N/A

BUDGET IMPACT: To Be Determined

ATTACHMENTS:

Attachment A: Amendment No. 1 to Professional Services Agreement between City of Lake Stevens, Washington and Mary Swenson for Consultant Services

AMENDMENT NO. 1
TO PROFESSIONAL SERVICES AGREEMENT
WITH MARY SWENSON FOR CONSULTANT SERVICES

This Amendment No. 1 to Professional Services Agreement with Mary Swenson for Consultant Services is made and entered into this _____ day of January 2017, between City of Lake Stevens, hereinafter called the "City" and Mary Swenson, hereinafter called the "Consultant".

WITNESSETH THAT:

WHEREAS, the parties hereto have previously entered into a Professional Services Agreement for Consultant Services dated January 17, 2017 for Consultant to provide assistance to the Mayor, City Administrator and City Council with regard to legislative matters and assisting in the transition of the City to a new permanent City Administrator; and

WHEREAS, both parties desire to amend said Agreement to include that Consultant shall be reimbursed for out-of-pocket expenses incurred in performing the various tasks more fully described in the Scope of Services attached to the Professional Services Agreement, including travel expenses for travel requested by City;

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

1. Each and every provision of the Original Agreement for Professional Services dated January 17, 2017 shall remain in full force and effect, except as modified in the following section:

2. Article IV, Obligations of City, Paragraph IV.1 Payments is modified to correct a minor error and to add a new subparagraph b as follows:

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. The Consultant shall be paid \$85.00 per hour for services rendered. In no event shall the amount paid to the Consultant exceed \$21,000 for the duration of this contract.

b. Consultant shall be reimbursed for all reasonable out-of-pocket expenses, associated with services performed under this agreement, including travel expenses as requested by City. Consultant shall present receipts, or copies of receipts, to City together with an invoice requesting any such reimbursement.

~~b.c.~~ The Consultant shall submit a monthly invoice to the City for services performed in the previous calendar month in a format acceptable to the ~~Cities~~City. The Consultant shall maintain time and expense records and provide them to the ~~Cities~~City upon request.

~~c.d.~~ The City will pay timely submitted and approved invoices received before the 20th of each month within thirty (30) days of receipt.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 to Professional Services Agreement as of the date and year first above written.

CITY OF LAKE STEVENS

CONSULTANT

By: _____
John Spencer, Mayor

MARY SWENSON

ATTEST/AUTHENTICATED

By: _____
Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: January 24, 2017

Subject: Continuation of Public Hearing and Second Reading – Building & Construction and Fire Code Amendments (LUA2016-0111)

Contact Person/Department: Stacie Pratschner, Planning
Mark Sniffen, Building
Mike Messer, Fire Marshall

Budget Impact: None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Hold a second and final hearing on Ordinance No. 984 with a decision on adopting code amendments.

BACKGROUND/DISCUSSION:

City Council held a first reading and public hearing on January 10, 2017 to consider adoption of the 2015 editions of the International Code Group (**Exhibit 1**). Planning staff presented the amendment, and the Building Official and Fire Marshal described the administration of the new codes and answered questions from Council. The Council made a motion to continue the public hearing and hold a second reading of the proposed amendments on January 24, 2017 in order to permit various stakeholders to thoroughly review and provide comment on the proposed amendments.

Staff is coordinating with various stakeholders on the code updates, and anticipates receiving written comments/concerns subsequent to the writing of this report but before the Council meeting on January 24, 2017. Staff will submit these comments to the Council as an additional exhibit to be added to the record.

RECOMMENDATION: Recommend that the City Council to **APPROVE** the edits to Chapters 14.80 and 14.84 LSMC, which will adopt the 2015 Editions of the International Code Group.

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

BUDGET IMPACT: No budget impact.

EXHIBITS:

1. January 10, 2017 Staff Report with Exhibits

Exhibit 1



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: January 10, 2017

Subject: Public Hearing – Building & Construction and Fire Code Amendments (LUA2016-0111)

Contact Person/Department: Stacie Pratschner, Planning;
Mark Sniffen, Building &
Mike Messer, Fire Marshall

Budget Impact: None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Hold a first and final hearing on Ordinance No. 984 with a decision on adopting code amendments.

BACKGROUND/DISCUSSION:

The International Code Council publishes new and/or updated construction codes every three years. The State Building Code Council subsequently adopts these codes, often with amendments, and also requires jurisdictions to adopt these codes. The State Building Code Council adopted the 2015 Editions of the International Code Group effective July 1, 2016. Each jurisdiction may adopt the codes as adopted by the state or make other amendments to the Building and Fire Codes.

The Lake Stevens Municipal Code has two chapters related to the model codes: Chapter 14.80: Building and Construction and Chapter 14.84: Fire Code. Only the state adopted amendments are proposed to both chapters. Pursuant to the WAC 197-11-800 (19) this code amendment is exempt from SEPA (**Exhibit 1**) but is subject to review from the Department of Commerce per RCW 36.70A.106(3)(b) (**Exhibits 2a** and **2b**).

The last adoption of model codes was in 2013 with adoption of the 2012 Editions of the International Code Group. The adoption in 2016 is of the 2015 Editions of the International Code Group, which were adopted by the State Building Code Council earlier this year and became effective on July 1, 2016. The regulations are instrumental in protecting personal property, health and safety of the general public.

The City is adopting the following 2015 editions consistent with the State adoption:

- International Building Code
- International Residential Code
- Uniform Plumbing Code
- International Mechanical Code
- Washington State Energy Code
- International Fire Code (including Appendices “C” and “D”)
- International Property Maintenance Code (new).

Pursuant to LSMC 14.16C.075(e)(2) and (3), amendments to Chapters 14.80 and 14.84 LSMC are not required to be reviewed before the Planning Commission. The Planning Department chose to hold a public hearing in front of the Planning Commission to describe the updates in detail and to answer any questions

about the adoption of the 2015 International Fire Code Appendix D: Fire Apparatus Access Roads (**Exhibit 3**). Appendix D contains provisions for ensuring safe access that are mirrored in already-established municipal code and the city's EDDS; the most important changes are the requirements for two separate and approved fire apparatus access roads for developments with more than 30 dwelling units (Section D107.1) and for these two access points to meet a minimum remoteness requirement (Section D106.3). The Fire Marshal has the ability to grant deviations to the requirements of the IFC pursuant to an approved Request for Fire Code Modification form (**Exhibit 4**). The Planning Commission forwarded a recommendation of approval of the updates on August 3, 2016.

A few minor edits as adopted by the State are proposed in both the Building and Construction Codes and the Fire Codes. No changes to the fire sprinkler codes are proposed. The draft code is attached for Planning Commission's review (**Exhibit 5**).

RECOMMENDATION: Forward a recommendation to the City Council to **APPROVE** the edits to Chapters 14.80 and 14.84 LSMC, which will adopt the 2015 Editions of the International Code Group.

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

BUDGET IMPACT: No budget impact.

EXHIBITS:

1. SEPA Exemption, dated July 29, 2016
2. Department of Commerce
 - a. Request for Expedited Review, dated July 28, 2016
 - b. Approval of Expedited Review, dated August 23, 2016
3. Planning Commission Staff Report, dated August 3, 2016
4. Request for Fire Modification Form
5. Draft Codes
6. Ordinance No. 972 (Approved as to form by City Attorney)



Planning & Community Development

1812 Main Street
Lake Stevens, WA 98258
(425) 377-3235
Fax (425) 212-3327

SEPA CATEGORICAL EXEMPTION DETERMINATION

File Number: LUA2016-0111
Project Title: Building and Construction and Fire Code Amendments
Applicant: City of Lake Stevens
Address/Project Location: City of Lake Stevens

SUMMARY OF PROPOSAL

The International Code Council publishes new and/or updated construction codes every three years. The City of Lake Stevens will be adopting the 2015 editions of the International Code Group and drafting concurrent edits to Chapter's 14.80 and 14.84 LSMC.

EXISTING SITE CONDITIONS

This is a code amendment / non-project action to adopt the 2015 editions of the ICG.

WAC 197-11-800 CATEGORICAL EXEMPTIONS

The proposal is categorically exempt pursuant to WAC 197-118-800(19): Procedural Actions. The actions shall be exempt:

(19) Procedural actions: *The proposal, amendment or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program shall be exempt if they are:*

- (a) Relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment.*
- (b) Text amendments resulting in no substantive changes respecting use or modification of the environment.*

FINDINGS AND CONCLUSIONS

Per WAC 197-11-800 – Proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitation on categorical exemptions contained in WAC 197-11-305

SEPA DETERMINATION

The project, as proposed, falls under the categorical exemption for Procedural Actions.

Prepared by,


Stacie Pratschner, Senior Planner

7.29.16
Date



Department of Commerce

Innovation is in our nature.

Notice of Proposed Amendment Request for Expedited Review

Pursuant to RCW 36.70A.106(3)(b), the following jurisdiction provides notice of a proposed development regulation amendment and requests expedited state agency review under the Growth Management Act.

*****Under statute, proposed amendments to comprehensive plans are not eligible for expedited review. The expedited review period is 10 business days (14 calendar days).***

(If needed, you may expand this form and the fields below, but please try to keep the entire form under two pages in length.)

Jurisdiction:	City of Lake Stevens
Mailing Address:	1812 Main Street, PO Box 257, Lake Stevens, WA 98258
Date:	07-28-2016

Contact Name:	Stacie Pratschner
Title/Position:	Senior Planner
Phone Number:	425-377-3219
E-mail Address:	spratschner@lakestevenswa.gov

Brief Description of the Proposed/Draft Development Regulations Amendment: <i>(40 words or less)</i>	Proposed adoption of the 2015 editions of the International Code Group (including the IBC and IRC) with concurrent minor edits to Chapter 14.80: Building & Construction and Chapter 14.84: Fire Code.
Public Hearing Date:	Planning Commission: August 3, 2016 City Council: September 13, 2016
Proposed Adoption Date:	September 23, 2016

REQUIRED: Attach or include a copy the proposed amendment text.

EXHIBIT 2b

From: [COM GMU Review Team](#)
To: [Stacie Pratschner](#)
Cc: [Andersen, Dave \(COM\)](#)
Subject: 22666, City of Lake Stevens, Expedited Review Granted, DevRegs
Date: Tuesday, August 23, 2016 6:32:03 AM

Dear Ms. Pratschner:

The City of Lake Stevens has been granted expedited review for the: Proposed adoption of the 2015 editions of the International Code Group (including the IBC and IRC) with concurrent minor edits to Chapter 14.80: Building & Construction and Chapter 14.84: Fire Code. This proposal was submitted for the required state agency review under RCW 36.70A.106.

As of receipt of this email, the City of Lake Stevens has met the Growth Management Act notice to state agency requirements in RCW 36.70A.106 for this submittal. For the purpose of documentation, please keep this email as confirmation.

If you have any questions, please contact reviewteam@commerce.wa.gov

Thank you.

Review Team, Growth Management Services
Department of Commerce
P.O. Box 42525
Olympia WA 98504-2525

Staff Report City of Lake Stevens Planning Commission

Planning Commission Public Hearing
Date: **August 3, 2016**

Subject: **Public Hearing – Building & Construction and Fire Code Amendments (LUA2016-0111)**

Contact Person/Department: **Mark Sniffen**, Building Official and **Mike Messer**, Fire Marshal

SUMMARY:

Public Hearing concerning the adoption of the 2015 editions of the International Code Group and concurrent minor edits to Chapter 14.80 LSMC: Building and Construction and Chapter 14.84 LSMC: Fire Code.

ACTION REQUESTED OF PLANNING COMMISSION:

Public Hearing and recommendation to City Council.

BUDGET IMPACT:

None.

BACKGROUND/DISCUSSION:

The International Code Council publishes new and/or updated construction codes every three years. The State Building Code Council subsequently adopts these codes, often with amendments, and also requires jurisdictions to adopt these codes. The State Building Code Council adopted the 2015 Editions of the International Code Group effective July 1, 2016. Each jurisdiction may adopt the codes as adopted by the state or make other amendments to the Building and Fire Codes.

The Lake Stevens Municipal Code has two chapters related to the model codes: Chapter 14.80: Building and Construction and Chapter 14.84: Fire Code. Only the state adopted amendments are proposed to both chapters. Pursuant to the WAC 197-11-800 (19) this code amendment is exempt from SEPA (**Exhibit 1**) but is subject to review from the Department of Commerce per RCW 36.70A.106(3)(b).

The last adoption of model codes was in 2013 with adoption of the 2012 Editions of the International Code Group. The adoption in 2016 is of the 2015 Editions of the International Code Group, which were adopted by the State Building Code Council earlier this year and became effective on July 1, 2016. The regulations are instrumental in protecting personal property, health and safety of the general public.

The City is adopting the following 2015 editions consistent with the State adoption:

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

- International Property Maintenance Code (new)

A few minor edits as adopted by the State are proposed in both the Building and Construction Codes and the Fire Codes. No changes to the fire sprinkler codes are proposed. The draft code is attached for Planning Commission's review (**Exhibit 2**).

RECOMMENDATION: Forward a recommendation to the City Council to **APPROVE** the edits to Chapters 14.80 and 14.84 LSMC, which will adopt the 2015 Editions of the International Code Group.

ATTACHMENTS:

1. SEPA Exemption
2. Draft Code



City of Lake Stevens – Request for Fire Code Modification

The City of Lake Stevens Fire Code states the Fire Marshal may grant modifications to provisions of the Fire Code upon application by the owner or the owner's agent, provided the spirit and intent of the Fire Code are observed and public health, welfare, and safety are assured.

Lake Stevens Fire Division of Community Risk Reduction recognizes that there must be a mechanism within the code that allows the authorities having jurisdiction (AHJ's) to accept alternatives, as long as they provide an equivalent level of safety. Lake Stevens Fire Division of Community Risk Reduction does not permit waivers or variances. A waiver or variance is permission to not comply with some code requirements. A modification is an equivalency which allows the use of some other alternative to meet the level of safety intended by the code.

Sufficient technical data must be submitted to substantiate the proposed use of any alternative. The technical data shall consist of three parts. The first item must be the applicable code requirement for which an equivalency is being sought. The second item must include the reasons the code requirement cannot be met. The third item in the documentation must include a detailed analysis of how the proposed alternative meets the level of safety intended by the code. It is important that the analysis demonstrate the equivalency, not just state that it is equivalent. Incomplete requests will not be considered.

Fire protection or safety features provided in the facility, in excess of the minimum code requirements, may also affect the equivalency. It is important to consider that fire safety usually consists of a system of protection, not just a set of independent features. When considering accepting an equivalency, the Fire Marshal will take into account how the specific item being evaluated affects the entire fire safety system of the building. Such items or combination of items as additional fire walls, installation of non-required fire suppression or fire alarm systems, standpipes, additional fire hydrants and other fire protection systems will affect equivalency considerations.

If it is determined that the evidence presented is satisfactory proof of performance for the use intended, the Fire Marshal may approve the use of such alternative, subject to the requirements of Lake Stevens Fire Division of Community Risk Reduction. The Fire Marshal may require and consider a statement from a professional engineer, architect or other competent person, as to the equivalency of the proposed modification.

As required by Lake Stevens Fire Division of Community Risk Reduction, the application for modification and the final decision of the Fire Marshal shall be in writing, and will be recorded in the permanent records of the City of Lake Stevens. The second page of this form has an application that shall be used to request a Lake Stevens Fire Division of Community Risk Reduction modification.

Fire Code Modification Application

Facility Name:					
Facility's Address:					
	Number	Street	City	State	Zip
Facility Owner:			Phone:		
Owner's Address:					
	Number	Street	City	State	Zip
Applicant Name:			Phone:		
Applicant's Address:					
	Number	Street	City	State	Zip
Contact Person:			Phone:		
Type of Facility:			Use Group:		
This Facility is:	<input type="checkbox"/> New	<input type="checkbox"/> Existing	<input type="checkbox"/> Renovation	Date of Construction:	
<input type="checkbox"/> Check if a Modification Request to the International Building Code is being submitted to the City of Lake Stevens.					
Applicable fire code requirement for which an equivalency is be sought:					
The reasons the fire code requirements cannot be met are:					

How does the proposed alternative meet the level of safety as intended by the fire code?

*Attach additional documentation as needed

Print applicant's name

Signature of Applicant

Date

DRAFT

Part I. Washington State Building Codes Adopted

14.80.010 Washington State Building Codes Adopted.

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

(a) ~~2012-2015~~ Edition of the International Building Code (IBC) as published by the International Code Council, including Appendix E, International Code Council/American National Standards Institute (ICC/ANSI) A117.1-2009 (Accessible and Usable Buildings and Facilities), and the ~~2009~~15 International Existing Building Code with the exceptions noted in Chapter 51-50 WAC (WAC 51-50-003); excluding Section 903 (Automatic Sprinkler Systems), which is replaced in its entirety by Section 14.84.150.

(b) ~~2012~~2015 Edition of the International Residential Code (IRC) published by the International Code Council with additions, deletions and exceptions noted in Chapter 51-51 WAC; provided, inclusion of Appendices F (Radon Control Methods), G (Swimming Pools, Spas and Hot Tubs), and R (Dwelling Unit Fire Sprinkler Systems); and that Chapters 11 and 25 through 42 of this code are not adopted (WAC 51-51-003).

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

(d) 2015 Edition of the International Mechanical Code published by the International Code Council, including 2015 International Fuel Gas Code, 2008 National Fire Protection Association (NFPA) 58 (Liquefied Petroleum Gas Code) and 2009 NFPA 54 (National Fuel Gas Code) with exceptions noted in WAC 51-52-003.

(e) ~~2012~~15 International Energy Conservation Code of the State of Washington regulated by Chapter 51-11 WAC. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008; Ord. 746, Sec. 7, 2007)

(f) 2015 Edition of the International Property Maintenance code

Part II. Building Official

14.80.020 Building Official.

It shall be the duty of the Building Official to administer and enforce the code. If the Building Official shall find that any of the provisions of this code are being violated, the person responsible for such violations shall be

notified in writing indicating the nature of the violation and ordering the action necessary to correct it. The Building Official shall order discontinuance of illegal use of buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this code to ensure compliance with or to prevent violations of its provisions. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

Part III. Building Code

14.80.030 Building Permits.

(a) No building or other structure shall be constructed, enlarged, altered, erected, moved, moved, demolished added to or structurally altered or change occupancy without a permit issued by the Building Official. No building permit shall be issued except in conformity with the provisions of this code.

(b) All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of existing buildings on the lot, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of units, or rental units, the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this code. One copy of the plans shall be returned to the applicant by the Building Official after marking such copy approved or disapproved and attesting to same by having signed such copy. The second copy of the plans shall be retained by the Building Official for 180 days.

(c) If work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire. It may be cancelled by the Building Official, and written notice shall be given to the applicant.

(d) The applicant may request in writing an extension of the building permit from the Building Official. The Building Official may approve one or more 180-day extensions if justifiable cause is demonstrated pursuant to IBC Chapter 1, Section 105.

(e) In place of the Board of Appeals per the IBC, appeals of orders, decisions or determinations made by the Building Official have an administrative appeal to the Hearing Examiner as set forth in the following procedures:

(1) Appellant. The project applicant may appeal the decision.

(2) Form of Appeal. The applicant appealing a building permit decision must submit a completed appeal form which sets forth:

- (i) A claim that the true intent of the building and construction code or the rules legally adopted thereunder have been incorrectly interpreted;
 - (ii) The provisions of the building and construction code does not fully apply; or
 - (iii) An equally good or better form of construction is proposed.
- (3) Time to Appeal. The written appeal and the appeal fee, if any, must be received by the Department of Planning and Community Development no later than 4:00 p.m. on the fourteenth day following the date of the notice of decision.
- (4) Notice of Appeal. If a building permit decision is appealed, a hearing before the Hearing Examiner shall be set and notice of the hearing shall be mailed or emailed to the appellant/applicant by the Building Official. Notice shall be mailed or emailed no less than 10 days prior to the appeal hearing.
- (i) Public Hearing. The Hearing Examiner shall conduct an open record hearing on a building permit decision appeal. The appellant/applicant and the City shall be designated parties to the appeal. Each party may participate in the appeal hearing by presenting testimony or calling witnesses to present testimony.
 - (ii) Decision on Appeal.
 - a. Within 14 days after the close of the record for the appeal of orders, decisions or determinations made by the Building Official, the Hearing Examiner shall issue a written decision to grant, grant with modifications, or deny the appeal. The Hearing Examiner may grant the appeal or grant the appeal with modification if:
 - 1. The appellant/applicant has carried the burden of proof for meeting subsection (e)(2) of this section; and
 - 2. The Examiner finds that the building permit decision is not supported by a preponderance of the evidence.
 - b. The Hearing Examiner shall accord substantial weight to the decision of the Building Official.
- (5) Time Period to Complete Appeal Process. In all cases, except where the parties to an appeal have agreed to an extended time period, the administrative appeal process generally shall be completed within 90 days from the date the original administrative appeal period closed. The

administrative appeal process shall be deemed complete on the date of issuance of the Hearing Examiner's decision.

(6) Appeal of Hearing Examiner Decision. An appeal from the Hearing Examiner's decision shall be brought before the superior court of Snohomish County in accordance with the Land Use Petition Act, Chapter [36.70C](#) RCW, as amended. (Ord. 903, Sec. 50, 2013; Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008; Ord. 746, Sec. 8, 2007)

14.80.040 Fees.

The City shall collect fees for all services rendered and activities performed in reviewing and issuing building permits. Said fees shall be set by resolution. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.050 Building Sewer Permits.

No building permits for primary use structures shall be issued without the applicant having first secured a sewage disposal permit per Chapter [14.60](#) (Utilities). (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.060 Construction and Use.

Building permits issued on the basis of plans and applications approved by the Building Official authorize only the construction set forth in such approved plans and applications and no other construction. Nor does the issuance of building plans authorize use or arrangement of structures or property. Authorization of use of property or arrangement of structures is authorized by the issuance of required land use approvals pursuant to Section [14.16A.215](#) (Land Use Permits Required). Construction different than that authorized shall be deemed a violation of this code and punishable as provided by Chapter [14.28](#) (Enforcement and Review). (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 811, Sec. 70, 2010; Ord. 778, Sec. 2, 2008)

14.80.070 Accessory Buildings.

Accessory buildings shall not be constructed prior to the commencement of construction of the main building and shall comply with Chapter [14.48](#) (Density and Dimensional Regulations). (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.080 Docks and Over-Water Structures.

Building permits shall be required for all docks, bridges or other over-water structures and shall comply with the regulations of this title. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.090 Fences.

(a) Building permits shall be required for all fence construction for fences over six feet in height from median grade.

(b) Height and setbacks shall comply with Section [14.48.050](#)(e).

(c) Fence permits shall be approved as set forth in Section [14.44.420](#). (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 811, Sec. 71, 2010; Ord. 778, Sec. 2, 2008; Ord. 746, Sec. 11, 2007)

14.80.100 Retaining Walls.

Building permits shall be required for all retaining walls four feet and higher in height, measured from the bottom of the footing. Building permits shall be required for all retaining walls with a surcharge. All retaining walls over four feet in height from the bottom of the footing shall be engineered by a professional engineer registered in the State of Washington. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 811, Sec. 72, 2010; Ord. 778, Sec. 2, 2008; Ord. 746, Sec. 12, 2007)

14.80.110 Signs.

Building permits shall be required for sign installations and shall comply with the regulations of Chapter [14.68](#) (Signs). (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.120 Repairs and Maintenance.

Nothing in this code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting public safety, upon order of such official, nor to prevent the improvement of a single-family house without expanding its exterior dimensions. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.130 Certificate of Occupancy.

No building or structure shall be used or occupied until the Building Official has issued a certificate of occupancy except for accessory structures. Prior to the issuance of a certificate of occupancy all completed projects shall be accepted by the Planning and Public Works Departments. No certificate of occupancy may be issued for any dwelling units in a subdivision until all improvements required by a permit or this title have been completed, even where a completion security has been posted. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008; Ord. 746, Sec. 13, 2007)

14.80.140 Inspection of Improvements.

Prior to signing off the final inspection, the Building Official shall inspect all improvements on or adjacent to the site installed as a requirement of this title or as a condition of a permit. Any improvements found to be damaged by the builder shall be repaired prior to receiving final inspection sign-off. (Ord. 897, Sec. 2 (Exh. A), 2013; Ord. 833, Sec. 2 (Exh. A), 2010; Ord. 778, Sec. 2, 2008)

14.80.150 Fire-Extinguishing Systems.

Repealed by Ord. 778.

14.80.160 Automatic Fire-Extinguishing Systems Required.

Repealed by Ord. 778.

14.80.170 Installation.

Repealed by Ord. 778.

14.80.180 Sprinkler System Monitoring and Alarms.

Repealed by Ord. 778. (Ord. 694, Sec. 1, 2004; Ord. 657, Sec. 2, 2001; Ord. 501, 1995; Ord. 468, 1995)



~~(1) Add to the list of recognized standards and publications adopted by reference as a part of Section 102.7 of the IFC the 101 Life Safety Code, as published by the National Fire Protection Association, 2012 Edition.~~

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~~(12) All adoptable appendices to the International Fire Code 2012 Edition IFC, except Appendices A, C and D, J and L, are hereby adopted, incorporated by reference and made a part hereof as if fully set forth in this section. Where conflicts occur between the adopted appendices and Lake Stevens Municipal Code, Lake Stevens Municipal Code shall apply.~~ (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

Commented [MM1]: The NFPA 101: Life Safety Code is meant for adoption with NFPA 1: Fire Code as its complement. NFPA 101 conflicts with the IFC and should be deleted. The NFPA standards are referenced in IFC.

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Commented [MM2]: Clarified appendices to be referenced and conflicts that exist between appendices and LSMC.

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14.84.030 Applicability.

The provisions of this chapter shall supersede Sections 506.1 (Key Box), 507.5 (Hydrants) and 903 (Sprinklers), IFC ~~2012~~ 2015 Edition or current edition as adopted by the City of Lake Stevens pursuant to Section 14.84.020, and shall apply to all commercial occupancy buildings constructed or developed within the City limits, wherein the same shall be served by water mains and fire hydrants capable of delivering the required fire flow and installed as required by this chapter unless specifically exempted thereby, or unless waived or modified by the Fire Marshal pursuant to Section 14.84.100 (Waiver and Modification). Decisions of the Fire Marshal are deemed to be made in the best interest, and with the concurrence, of an affected Fire District in the absence of any credible evidence to the contrary. A final determination of any dispute relating to an aforementioned Fire Marshal decision shall be made by an Appeals Board established by the City Council. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

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14.84.040 Fire Marshal Approval.

No project subject to this chapter, other than a building of R-3 and U-1 occupancy under the IBC, shall have final approval until the Fire Marshal has verified that the provisions of this chapter are satisfied. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.050 Hydrants to Be Served by Recognized Water Purveyor.

All water mains and fire hydrants required here under shall be served by a recognized water purveyor or, in the absence of such, by alternate method(s) as approved by the Fire Marshal, except residential accessory buildings classified under the International Building Code as U with a lot size of 20,000 square feet or greater, whether platted or un-platted, provided there is no conflict with the requirements of the recognized water purveyor serving the building site. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.060 Hydrant Standards.

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

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

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

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

(2) Spacing.

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

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(ii) For all other occupancy types, the maximum distance from a fire hydrant to a ~~dwelling unit structure~~ shall be 150 feet along a roadway. ~~The maximum distance between hydrants in these areas shall be no greater than 300 feet.~~

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

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as approved by the Fire Marshal and the recognized water purveyor having jurisdiction over said project.

(3) Location.

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

(ii) For commercial buildings:

a. ~~The minimum number of public and private hydrants required shall be determined by dividing the required fire flow for the building by 1,000. Table C102.1 of the IFC.~~

Commented [MM3]: More exact determination of #

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b. ~~Hydrants shall be located no less than 40 feet from the building to be protected. Where hydrants cannot be located in accordance with this section, hydrant placement to include the use of wall hydrants shall be coordinated with the Fire Marshal. Hydrants shall be located no closer than 50 feet to any served building and at no greater distance than 300 feet from any portion thereof.~~

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c. A hydrant shall be located not more than ~~100~~ 25 feet from a ~~sprinkler or standpipe connection~~ fire department connection (FDC).

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Commented [MM4]: FDC and hydrants need to be closer to accommodate a quick connection by the apparatus driver. Changed terminology to FDC.

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(iii) All hydrants shall be accessible to Fire Department apparatus by roadways meeting the requirements of ~~Section 503 of the IFC and Appendix D of the IFC and LSMC 14.84.180, Section 503 of the IFC 2012 Edition.~~

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(iv) ~~When fire protection facilities are to be installed by the developer or permittee, such facilities shall be installed prior to any combustible construction being installed on site. Water mains and fire hydrants shall be capable of delivering the required fire flow to the site and shall remain the responsibility of the developer until accepted by the recognized water purveyors. When alternate provisions for protection are provided pursuant to Section 14.84.100 (Waiver and Modification) the above requirements may be waived or modified.~~

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(v) When locating hydrants, consideration shall be given to:

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

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(4) Installation. Hydrants shall stand plumb and be set to the finished grade. The bottom of the lowest outlet of the hydrant shall be no less than 18 inches or more than 36 inches above the grade. There shall be a 36-inch radius of clear area about the hydrant for the operation of hydrant wrench on the outlets and the control valve. The engine port shall face the street or, where the street cannot be clearly identified, shall face the most likely location of a fire truck while pumping, as determined by the Fire Marshal.

(d) Fire hydrants shall be protected from damage. Internal maintenance of public fire hydrants shall be the responsibility of the recognized water purveyor. Private hydrants shall be protected and maintained in accordance with NFPA ~~2425~~, (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

Commented [MM5]: NFPA 24 is installation, NFPA 25 is maintenance.

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14.84.070 Piping and Flow Standards.

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

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(a) Hydrant Branches. Hydrant branches shall not have a domestic supply outlet and shall meet the design standards of the Snohomish County Public Utilities District No. 1.

(b) Service Main. New or replaced water mains serving fire hydrants shall meet the design standards of the Snohomish County Public Utilities District No. 1.

(c) Flow Requirements. Service mains supplying hydrants shall be designed to provide not less than 500 GPM at 20 pounds per square inch residual pressure over and above the computed maximum daily domestic consumption for the period of time specified in the Washington Survey and Rating Bureau's Grading Schedule, Table 4. In addition, service mains supplying hydrants shall provide the fire flow required to each building covered thereby at the number of GPM specified in IFC, ~~2012 Edition~~, Appendix B, except as to single-family dwellings. The Fire Marshal may require data or design standards from a registered professional engineer, and construction in accordance therewith, in order to assure that the fire flow required will be achieved. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

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14.84.080 Plan Approval Required.

- (a) Prior to the installation of any new hydrants or mains serving hydrants, the developer shall provide plans for review to the recognized water purveyor and Fire Marshal.
- (b) Upon completed installation, and acceptance by the recognized water purveyor and the Fire Marshal, the Fire Marshal shall be provided with two copies of the accurate and identifiable as-built drawings or plans showing the location of all mains, hydrant branches, valves and fire hydrants installed. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.090 Plan Submittal Review.

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

- (a) Prior to start of any construction;
- (b) Prior to the issuance of the certificate of occupancy for the building. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

(c) All applications for construction permits referenced in IFC Section 105.7 shall include the following:

(1) Completed City of Lake Stevens Permit application.

(2) Cut sheets for all devices to be altered or installed

(3) Shop drawings, floor plans and working plans with all notes, legends and calculations per applicable NFPA standard as referenced in Chapter 9 of the IFC.

(4) Evidence of contractor/system designer qualification.

(i) Sprinkler system: System designer qualifications shall be in compliance with WAC 12-80 and RCW 18.160.

(ii) Fire alarm system: System designer shall have a minimum level III National Institute for Certification in Engineering Technologies (NICET) certification for fire alarm systems.

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Commented [MM6]: Section added to clarify required permit documentation and designer qualifications.

Commented [RW7]: Is shop drawing defined – is there a more appropriate term?

Commented [MM8R7]: Added floor plans and working plans. These are common terms for fire protection plan submittals.

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(iii) Hood suppression system: System designer shall have a certificate of design qualification issued by the suppression system manufacturer.

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14.84.100 ~~Waiver and Modification~~

(a) ~~Where there are practical difficulties involved in carrying out the provisions of this code or provisions of the IFC, the Fire Marshal shall have the authority to grant modifications for individual cases, provided the Fire Marshal shall first find that special individual reason makes the strict letter of this code or provisions of the IFC impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The Fire Marshal may, subject to acceptance of recognized water purveyor, grant a waiver of or modification to the standards contained in Sections 14.84.060 (Hydrant Standards) and 14.84.070 (Piping and Flow Standards) if strict compliance with such standards would create a substantial hardship on the applicant and where such a waiver or modification does result in adequate fire protection.~~

Commented [MM9]: Removed Wavier language. A waiver or varience is permission to not comply with a code and the IFC does not allow willful non-compliance.

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(b) ~~Waivers or m~~Modification requests shall be in writing, state the reasons therefore, and be provided to the fire district with which jurisdiction lies over the project Fire Marshal for review. A completed fire code modification application is required to be submitted as notice of written request. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

Commented [MM10]: Changed to allow for modification of LSMC Fire code and IFC. Consistent language with IFC 104.8

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14.84.110 Obstruction Prohibited - Declared Nuisance - Abatement.

Obstructing the view, by any means, of a fire hydrant for a distance of 75 feet from any direction of vehicular approach is prohibited. Any violation of this section is declared a public nuisance, subject to immediate abatement and application of the civil penalty provided for herein. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.120 Authority of Water Purveyor.

Nothing in this chapter, nor any rules and regulations as may be adopted by the Fire Marshal pursuant to this chapter, shall be construed to prohibit water purveyors from imposing more stringent requirements for the construction of water mains and fire hydrants. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.130 ~~Subsection Section 903 of the IFC 2012 Edition Superseded.~~

~~Subsection Section 903 of the IFC 2012 Edition~~ is deleted in its entirety and replaced by Sections 14.84.140 through 14.84.170. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

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14.84.140 Fire Extinguishing Systems.

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

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

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

(3) The type and model key box system required shall be The Knox Company and based on the criteria listed below:

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(i) Buildings with less than five stories: Model 3200 series with side hinge.

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(ii) Hazardous Materials Facilities with site specific plans per Snohomish County LEPC: Data Storage Cabinet.

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(iii) Buildings of five or more stories: Data Storage Cabinet.

The Fire Marshal may approve other data storage boxes and Hazardous Material Data Cabinets which are equivalent to those listed herein. A Knox Box key box shall be installed per Fire Department guidelines at each fire sprinkler riser room.

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(iv) Keys to the riser room, main entrance, fire alarm panel, pull stations, and elevator and other building equipment rooms are to be locked inside the key box.

(v) Whenever the main entrance is located more than 100 feet away from the riser room key box, a second key box shall be installed at the main entrance.

(vi) Key boxes shall be mounted within 5 feet of the door to be served and at a height no more than 5 feet off of the finished floor or as approved by the fire marshal.

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

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

(c) Alternative automatic fire extinguishing systems complying with Section 904 of the IFC 2012, shall be permitted in lieu of automatic sprinkler protection where recognized by the

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applicable standard and approved by the Fire Marshal. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

14.84.150 Automatic Fire Extinguishing Systems Required.

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

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

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

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

(1) An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. For Group A-1, A-2, A-3, and A-4 occupancies, the automatic sprinkler system shall be provided throughout the floor area where the Group A-1, A-2, A-3 or A-4 occupancy is located, and in all floors between the Group A occupancy and the level of exit discharge. For Group A-5 occupancies, the automatic sprinkler system shall be provided in the spaces indicated in subsection (b)(6) of this section.

(2) Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

- (i) The fire area exceeds 10,000 square feet (929 square meters);
- (ii) The fire area has an occupant load of 300 or more;
- (iii) The fire area is located on a floor other than the level of exit discharge; or
- (iv) The fire area contains a multi-theater complex.

(3) Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies where one of the following conditions exists:

- (i) The fire area exceeds 5,000 square feet (464.5 square meters);
- (ii) The fire area has an occupant load of 300 or more; or
- (iii) The fire area is located on a floor other than the level of exit discharge.

(4) Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

- (i) The fire area exceeds 10,000 square feet (929 square meters);
- (ii) The fire area has an occupant load of 300 or more; or
- (iii) The fire area is located on a floor other than the level of exit discharge.

(5) Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

- (i) The fire area exceeds 10,000 square feet (929 square meters);
- (ii) The fire area has an occupant load of 300 or more; or
- (iii) The fire area is located on a floor other than the level of exit discharge.

(6) Group A-5. An automatic sprinkler system shall be provided in concession stands, retail areas, press boxes, and other accessory use areas in excess of 1,000 square feet (93 square meters).

(7) Nightclub. An automatic sprinkler system shall be provided throughout Group A-2 nightclubs as defined in the International Fire Code 2015 Edition.

~~(87)~~ Group B. An automatic sprinkler system shall be provided throughout buildings containing a Group B occupancy where one of the following conditions exists:

- (i) Where a Group B fire area exceeds 10,000 square feet (929 square meters);
- (ii) Where a Group B fire area is located more than three stories above grade; or
- (iii) Where the combined area of all Group B fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).

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(iv) -An automatic sprinkler system shall be installed throughout all fire areas containing a Group B ambulatory health care facility occupancy when either of the following conditions exists at any time:

- a. Four or more care recipients are incapable of self-preservation.
- b. One or more care recipients who are incapable of self-preservation are located at other than the level of exit discharge serving and occupancy.

(98) Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows:

- (i) Throughout all Group E fire areas greater than 10,000 square feet (929 square meters) in area.
- (ii) Throughout every portion of educational buildings below the level of exit discharge.
- (iii) Throughout all newly constructed Group E occupancies having an occupant load of 510 or more for more than 12 hours per week or four hours in any one day. A minimum water supply meeting the requirements of NFPA 13 2013 Edition shall be required. The Fire Marshal may reduce the fire flow requirement for buildings that are protected by an approved automatic sprinkler system.

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

Exceptions:

Portable school classrooms shall be exempt from the requirement contained in this subsection (b)(8), provided the aggregate area of clusters of portable school classrooms does not exceed 65,000 square feet with an occupant load of 50 or less and clusters of portable school classrooms shall be separated as required in Chapter 5 of the 2012-International Building Code.

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Group E Day Care. When not required by other provisions of this chapter, a fire extinguishing system installed in accordance with NFPA 13 2013 may be used for increases and substitutions allowed in Sections 504.2 and 506.3 (Automatic Sprinkler

System Increase) and Table 601 (Fire-Resistance Rating Requirements for Building Elements) of the International Building Code, ~~2012 Edition~~.

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

- (i) Where a Group F fire area exceeds 10,000 square feet (929 square meters);
- (ii) Where a Group F fire area is located more than three stories above grade; or
- (iii) Where the combined area of all Group F fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).

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

(110) Group H. An automatic sprinkler system shall be installed in high-hazard occupancies.

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

Group H-5 Sprinkler Design Criteria

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

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Storage rooms with dispensing	Extra Hazard Group 2
Corridors	Ordinary Hazard Group 2

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

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

(12+) Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

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

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

- (i) Where a Group M fire area exceeds 10,000 square feet (929 square meters);
- (ii) -Where a Group M fire area is located more than three stories above grade; or
- (iii) -Where the combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).

(iv) ~~-A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet. Where occupancies display or sell upholstered furniture regardless of fire area square footage.~~

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High-Piled Storage. An automatic sprinkler system shall be provided as required in Chapter 3223 of the IFC in all buildings of Group M where storage of merchandise is in high-piled or rack storage arrays.

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

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Exceptions:

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

R-3 buildings that do not contain more than two dwelling units. Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours. Congregate living facilities with 16 or fewer persons. Adult care within a single-family home, adult family homes and family child day care homes are permitted to comply with the International Residential Code 2012-2015 Edition. Foster family care homes licensed by Washington State are permitted to comply with the International Residential Code 2012-2015 Edition, as an accessory use to a dwelling for six or fewer children including those of the resident family.

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

- (i) Where a Group S fire area exceeds 10,000 square feet (929 square meters);
- (ii) Where a Group S fire area is located more than three stories above grade plane;
or
- (iii) Where the combined area of all Group S fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (929 square meters).
- (iv) -A Group S-1 fire area used for the storage of commercial trucks or buses where the fire area exceeds 10,000 square feet (929 square meters).
 - a. Repair Garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 of the International Building Code 2012-2015 Edition, as follows:
 - 1. Buildings two or more stories in height, including basements, with a fire area containing a repair garage exceeding 10,000 square feet (929 square meters).
 - 2. One-story buildings with a fire area containing a repair garage exceeding 10,000 square feet (929 square meters).
 - 3. Buildings with a repair garage servicing vehicles parked in the basement.
 - 4. A Group S-1 fire area used for the repair of commercial trucks or buses where the fire area exceeds 10,000 square feet (929 square meters).

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

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(165) Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as an enclosed parking garage in accordance with Section 406.4 of the International Building Code 2012-2015 Edition.

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

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

(ii) Where the fire area of the enclosed parking garage exceeds 10,000 square feet (929 square meters).

(iii) Commercial Parking Garages. An automatic sprinkler system shall be provided throughout buildings used for commercial storage of automobiles, trucks or buses.

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

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

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

b. Openings entirely above the adjoining ground level totaling at least 20 square feet (1.86 meters squared) in each 50 linear feet (15,240 mm) or fraction thereof of exterior wall in the story on at least one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15,240 mm).

(ii) **Opening Dimensions and Access.** Openings shall have a minimum dimension of not less than 30 inches (762 millimeters). Such openings shall be accessible to the Fire Department from the exterior and shall not be obstructed in a manner that firefighting or rescue cannot be accomplished from the exterior.

(iii) **Openings on One Side Only.** Where openings in a story are provided on only one side and the opposite wall of such story is more than 75 feet (22,860 mm) from such openings, the story shall be equipped throughout with an approved automatic sprinkler system, or openings as specified above shall be provided on at least two sides of the story.

(iv) **-Basements.** Where any portion of a basement is located more than 75 feet (22,860 millimeters) from openings required by subsection (b)(16)(i) of this section, the basement shall be equipped throughout with an approved automatic sprinkler system.

(v) **Rubbish and Linen Chutes.** An automatic sprinkler system shall be installed at the top of rubbish and linen chutes and in their terminal rooms. Chutes extending through three or more floors shall have additional sprinkler heads installed within such chutes at alternate floors. Chute sprinklers shall be accessible for servicing.

(vi) **-Buildings More Than 55 Feet in Height.** An automatic sprinkler system shall be installed throughout buildings with a floor level having an occupant load of 30 or more that is located 55 feet (16,764 millimeters) or more above the lowest level of fire department vehicle access.

Exceptions:

- a. Airport control towers.
- b. Open parking structures.
- c. Occupancies in Group F-2.

(vii) **During Construction.** Automatic sprinkler systems required during construction, alteration and demolition operations shall be provided in accordance with Section 1413 IFC 2012 Edition.

(viii) **Ducts Conveying Hazardous Exhausts.** Where required by the International Mechanical Code, automatic sprinklers shall be provided in ducts conveying hazardous exhaust, flammable or combustible materials.

Exception: Ducts where the largest cross-sectional diameter of the duct is less than 10 inches (254 millimeters).

(ix) Commercial Cooking Operations. An automatic sprinkler system shall be installed in a commercial kitchen exhaust hood and duct system where an automatic sprinkler system is used to comply with Section 904 of the IFC.

(x) Other Required Suppression Systems. In addition to the requirements of this section, the provisions indicated in the following table also require the installation of a suppression system for certain buildings and areas.

Section	Subject	
914.2.1	Covered malls	Formatted Table
914.3.1	High rise buildings	Formatted: Font: (Default) Times New Roman, 12 pt
914.4.1	Atriums	Formatted: Font: (Default) Times New Roman, 12 pt
914.5.1	Underground structures	Formatted: Font: (Default) Times New Roman, 12 pt
914.6.1	Stages	Formatted: Font: (Default) Times New Roman, 12 pt
914.7.1	Special amusement buildings	Formatted: Font: (Default) Times New Roman, 12 pt
914.8.2, 914.8.5	Aircraft hangers	Formatted: Font: (Default) Times New Roman, 12 pt
914.9	Flammable finishes	Formatted: Font: (Default) Times New Roman, 12 pt
914.10	Drying Rooms	Formatted: Font: (Default) Times New Roman, 12 pt
914.11.1	Group B ambulatory health care facilities	Formatted: Font: (Default) Times New Roman, 12 pt
1028.6.2	Smoke-protected seating	Formatted: Font: (Default) Times New Roman, 12 pt
2108.2	Dry cleaning plants	Formatted: Font: (Default) Times New Roman, 12 pt
2108.3	Dry cleaning machines	Formatted: Font: (Default) Times New Roman, 12 pt
2404.2	Spray finishing in Group A, E, I, or R	Formatted: Font: (Default) Times New Roman, 12 pt
2309.3.2.6.2	Hydrogen motor fuel dispensing area canopies	Formatted: Font: (Default) Times New Roman, 12 pt
2404.4	Spray booths and rooms	Formatted: Font: (Default) Times New Roman, 12 pt

2405.2	Dip-tank rooms Group A, I, R	Formatted: Font: (Default) Times New Roman, 12 pt
2405.4.1	Dip tanks	Formatted: Font: (Default) Times New Roman, 12 pt
2405.9.1	Hardening & tempering tanks	Formatted: Font: (Default) Times New Roman, 12 pt
2703.10	HPM facilities	Formatted: Font: (Default) Times New Roman, 12 pt
2703.10.1	HPM work station exhaust	Formatted: Font: (Default) Times New Roman, 12 pt
2703.10.2	HPM gas cabinets	Formatted: Font: (Default) Times New Roman, 12 pt
2703.10.3	HPM corridors	Formatted: Font: (Default) Times New Roman, 12 pt
2703.10.4	HPM exhaust ducts	Formatted: Font: (Default) Times New Roman, 12 pt
2703.10.4.1	HPM noncombustible ducts	Formatted: Font: (Default) Times New Roman, 12 pt
2703.10.4.2	HPM combustible ducts	Formatted: Font: (Default) Times New Roman, 12 pt
2807.3	Lumber production conveyer rooms	Formatted: Font: (Default) Times New Roman, 12 pt
2808.7	Recycling facility conveyer rooms	Formatted: Font: (Default) Times New Roman, 12 pt
3006.1	Class A & B ovens	Formatted: Font: (Default) Times New Roman, 12 pt
3006.2	Class C & D ovens	Formatted: Font: (Default) Times New Roman, 12 pt
Table 3206.2	Storage fire protection	Formatted: Font: (Default) Times New Roman, 12 pt
3206.4	Storage	Formatted: Font: (Default) Times New Roman, 12 pt
5003.8.4.1	Gas rooms	Formatted: Font: (Default) Times New Roman, 12 pt
5003.8.5.3	Exhausted enclosures	Formatted: Font: (Default) Times New Roman, 12 pt
5004.5	Indoor storage of hazardous materials	Formatted: Font: (Default) Times New Roman, 12 pt
5005.1.8	Indoor dispensing of hazardous materials	Formatted: Font: (Default) Times New Roman, 12 pt
5104.1.1	Aerosol warehouses	Formatted: Font: (Default) Times New Roman, 12 pt
5106.3.2	Aerosol display and merchandising areas	Formatted: Font: (Default) Times New Roman, 12 pt
5204.5	Storage of more than 1,000 cubic feet of loose combustible fibers	Formatted: Font: (Default) Times New Roman, 12 pt

5306.2.1	Exterior medical gas storage room	Formatted: Font: (Default) Times New Roman, 12 pt
5306.2.2	Interior medical gas storage room	Formatted: Font: (Default) Times New Roman, 12 pt
5306.2.3	Medical gas storage cabinet	Formatted: Font: (Default) Times New Roman, 12 pt
5606.5.2.1	Storage of smokeless propellant	Formatted: Font: (Default) Times New Roman, 12 pt
5606.5.2.3	Storage of small arms primers	Formatted: Font: (Default) Times New Roman, 12 pt
5704.3.7.5.1	Flammable & combustible liquid storage rooms	Formatted: Font: (Default) Times New Roman, 12 pt
5704.3.8.4	Flammable & combustible liquid storage warehouses	Formatted: Font: (Default) Times New Roman, 12 pt
5705.3.7.3	Flammable & combustible liquid gas Group H-2 or H-3 areas	Formatted: Font: (Default) Times New Roman, 12 pt
6004.1.2	Gas cabinets for highly toxic & toxic gas	Formatted: Font: (Default) Times New Roman, 12 pt
6004.1.3	Exhausted enclosures for highly toxic & toxic gas	Formatted: Font: (Default) Times New Roman, 12 pt
6004.2.2.6	Gas rooms for highly toxic & toxic gas	Formatted: Font: (Default) Times New Roman, 12 pt
6004.3.3	Outdoor storage for highly toxic & toxic gas	Formatted: Font: (Default) Times New Roman, 12 pt
6504.1.1	Pyroxylin plastic storage cabinets	Formatted: Font: (Default) Times New Roman, 12 pt
6504.1.3	Pyroxylin plastic storage vaults	Formatted: Font: (Default) Times New Roman, 12 pt
6504.2	Pyroxylin plastic storage & manufacturing	Formatted: Font: (Default) Times New Roman, 12 pt
International Building Code	Sprinkler requirements as set forth in Section 903.2.13 of the International Building Code	Formatted: Font: (Default) Times New Roman, 12 pt

(Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

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14.84.160 Installation Requirements.

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

(a) NFPA 13 Sprinkler Systems. Where the provisions of this fire code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 2013 Edition except as provided in this chapter.

(b) Exempt Locations. Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected with an approved automatic fire detection system in accordance with Section 907.2 of the IFC that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from any room merely because it is damp, of fire-resistance-rated construction or contains electrical equipment.

(1) Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.

(2) Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the Fire Marshal.

(3) Generator and transformer rooms separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than two hours.

(4) In rooms or areas that are of noncombustible construction with wholly noncombustible contents.

(5) Fire service access elevator machine rooms and machinery spaces.

(c) NFPA 13R Sprinkler Systems. Where allowed in buildings of Group R, up to and including four stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA 13R 2013 Edition.

(1) Balconies. Sprinkler protection shall be provided for exterior balconies and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within one inch (25 mm) to six inches (152 mm) below the structural members, and a maximum distance of 14 inches (356 mm) below the deck of the exterior balconies that are constructed of open wood joist construction.

Exception: Sprinkler protection is exempt if there is no roof, canopy or upper deck projecting over the balcony or deck.

(d) NFPA 13D Sprinkler Systems. Where allowed, automatic sprinkler systems installed in one- and two-family dwellings shall be installed throughout in accordance with NFPA 13D 2013 Edition.

(e) Quick-Response and Residential Sprinklers. Where automatic sprinkler systems are required by this fire code, quick-response or residential automatic sprinklers shall be installed in the following areas in accordance with NFPA standards and other listings:

- (1) Throughout all spaces within a smoke compartment containing patient sleeping units in Group I-2 in accordance with the International Building Code.
- (2) Dwelling units and sleeping units in Group R and I-1 occupancies.
- (3) Light-hazard occupancies as defined in NFPA 13 2013 Edition.

(f) Obstructed Locations. Automatic sprinklers shall be installed with due regard to obstructions that will delay activation or obstruct the water distribution pattern. Automatic sprinklers shall be installed in or under covered kiosks, displays, booths, concession stands, or equipment that exceeds four feet (1,219 mm) in width. Not less than a three-foot (914 mm) clearance shall be maintained between automatic sprinklers and the top of piles of combustible fibers.

Exception: Kitchen equipment under exhaust hoods protected with a fire-extinguishing system in accordance with Section 904 of the IFC.

(g) Actuation. Automatic sprinkler systems shall be automatically actuated unless specifically provided for in this fire code.

(h) Water Supplies. Water supplies for automatic sprinkler systems shall comply with this section and NFPA standards. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the Uniform Plumbing Code ~~2012~~2015 Edition.

- (1) Domestic Services. Where the domestic service provides the water supply for the automatic sprinkler system, the supply shall be in accordance with this section.
- (2) Limited Area Sprinkler Systems. Limited area sprinkler systems serving fewer than 20 sprinklers on any single connection are permitted to be connected to the domestic

service where a wet automatic standpipe is not available. Limited area sprinkler systems connected to domestic water supplies shall comply with each of the following requirements:

(i) Valves shall not be installed between the domestic water riser control valve and the sprinklers. Exception: An approved indicating control valve supervised in the open position in accordance with Section 14.84.170.

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(ii) The domestic service shall be capable of supplying the simultaneous domestic demand and the sprinkler demand required to be hydraulically calculated by NFPA 13, NFPA 13R or NFPA 13D 2013 Edition.

(3) Residential Combination Services. A single combination water supply shall be permitted; provided, that the domestic demand is added to the sprinkler demand as required by NFPA 13R 2013 Edition.

(4) Secondary Water Supply. A secondary on-site water supply equal to the hydraulically calculated sprinkler demand, including the hose stream requirement, shall be provided for high-rise buildings in Seismic Design Category C, D, E or F as determined by the International Building Code. The secondary water supply shall have a duration not less than 30 minutes as determined by the occupancy hazard classification in accordance with NFPA 13 2013 Edition. Exception: Existing buildings.

(i) ~~Hose Threads. Fire hose threads used in connection with automatic sprinkler systems shall be approved and shall be compatible with Fire Department hose threads.~~ Fire Department Connections shall be a four-inch Storz coupling. Fire hose threads used in connection with interior standpipe connections shall be to National Standard and of sizing in accordance with Section 905 of IFC 2015 Edition. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008)

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14.84.170 Sprinkler System Monitoring and Alarms.

(a) Alarms. All new fire alarm systems shall be addressable systems. Only one fire panel per building, a fire wall or other means of separation for this purpose does not constitute two separate spaces requiring individual panels. Combination alarms will not be allowed within the City Limits. For purpose of this section, combination alarm shall include devices combining burglary and fire alarms, devices combining burglary and hold-up alarms, and devices combining burglary and trouble alarms. There must be a distinct separation in the transmittal of any specific alarm activation. Fire alarm control panels shall be installed in the sprinkler riser room and an annunciator panel shall be installed at the main entrance. For non-sprinklered buildings, the FACP location shall be coordinated with the Fire Marshal. Alarms. A fire alarm annunciator panel

~~shall be installed in the fire sprinkler riser room. This panel shall have capabilities to view the activated zone and be able to silence and reset the alarm.~~

(b) All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control panel.

Exceptions:

- (1) Automatic sprinkler systems protecting one- and two-family dwellings.
 - (i) Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
 - (ii) Jockey pump control valves that are sealed or locked in the open position.
 - (iii) Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
 - (iv) Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
 - (v) Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

(c) Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72 2013 Edition or, when approved by the Fire Marshal, shall sound an audible signal at a constantly attended location.

Exceptions:

- (1) Underground key or hub valves in roadway boxes provided by the City of Lake Stevens or public utility are not required to be monitored.
- (2) Backflow prevention device test valves, located in limited area sprinkler system supply piping, shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a

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tamper switch installed in accordance with NFPA 72 2013 Edition and separately annunciated.

(d) Alarms. Approved audible devices shall be connected to ~~all~~ every automatic sprinkler systems. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location.

Exceptions:

(1) Looped, non-stagnant automatic sprinkler systems in compliance with NFPA 13D 2013 Edition and the International Residential Code 2015 Edition.

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Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

(e) Floor Control Valves. Approved supervised control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings.

(f) Testing and Maintenance. Sprinkler systems shall be tested and maintained in accordance with Sections 901 through 903 and 907 through 914 IFC ~~2012 Edition~~, NFPA 13 2013 Edition and NFPA 72 2013 Edition.

(g) Existing Buildings. The provisions of this section are intended to provide a reasonable degree of safety in existing structures not complying with the minimum requirements of the International Building Code by requiring installation of an automatic fire-extinguishing system.

(1) Pyroxylin Plastics. All structures occupied for the manufacture or storage of articles of cellulose nitrate (pyroxylin) plastic shall be equipped with an approved automatic fire-extinguishing system where required in Chapter 64 IFC 2012 Edition.

(2) Group I-2. An automatic sprinkler system shall be provided throughout Group I-2 fire areas where required in Chapter ~~1164~~ IFC ~~2012-2015~~ Edition. (Ord. 897, Sec. 3 (Exh. B), 2013; Ord. 833, Sec. 3 (Exh. B), 2010; Ord. 775, Sec. 16, 2008; Ord. 694, Sec. 2, 2004; Ord. 657, Sec. 4, 2001; Ord. 468, Sec. 3, 1995)

14.84.180 Fire Apparatus Access Roads.

(a) Where Required. Fire apparatus access roads shall be provided and maintained in accordance with Sections (a)(1) through (a)(3).

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(1) Buildings and facilities. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or

within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

Exceptions:

1. The Fire Marshal is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:

1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with LSMC 14.84.150.

1.2. There are not more than two Group U occupancies or the building is on a residential lot and not to be used as a dwelling.

2. Where approved by the Fire Marshal, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

(2) Additional access. The Fire Marshal is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

(3) High-piled storage. Fire department vehicle access to buildings used for high-piled combustible storage shall comply with the applicable provisions of Chapter 32 of the IFC 2015 Edition.

(b) Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections (b)(1) through (b)(8).

(1) Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6 of the IFC 2015 Edition, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

(2) Authority. The Fire Marshal shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

(3) Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

(4) Turning radius. The required turning radius of a fire apparatus access road shall be determined by the Fire Marshal.

(5) Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus.

(6) Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the Fire Marshal. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the Fire Marshal.

(7) Grade. The grade of the fire apparatus access road shall be within the limits established by the Fire Marshal based on the fire department's apparatus.

(8) Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall be within the limits established by the Fire Marshal based on the fire department's apparatus.

(c) Marking. Fire lanes shall be marked with painting/outlining or signage or a combination thereof as outlined below. Requirements for fire lanes to be marked using both paint and signs in conjunction shall be determined by the Fire Marshal. Said specifications shall include, but are not limited to the following:

(1) Signs shall measure 12 inches by 18 inches and have red letters on a white reflective background.

(2) Signs shall be metal construction only. Plastic or wooden signs are not acceptable.

(3) Signs shall be mounted at a minimum height of four (4) feet to the maximum of seven (7) feet.

(4) Signs shall be placed along the fire lane at intervals not to exceed fifty (50) feet and as designated by the Fire Marshal.

(5) Signs and striping shall be required on both sides of a fire lane when the fire lane is less than twenty-six (26) feet in width.

(6) Outlining or painting the fire lane and hydrant zone on the roadway surfaces shall be done as follows:

(i) Curb top and side shall be painted red and the words, "NO PARKING-FIRE LANE" shall be stenciled in reflective white on the top and side of all red curbs at

a maximum interval of 50 feet. Letters shall be a minimum of three inches (3") in height with a minimum 3/4 inch stroke.

(ii) Alternatively, if the roadway has no curbing, a 6 inch wide red stripe with the words "NO PARKING-FIRE LANE" in reflective white may be painted along the curb and parallel with the roadway. The lettering shall be a minimum 3 inches high with a 3/4 inch stroke.

NO PARKING-FIRE LANE

(7) Existing fire lanes shall continue in effect as installed until such time as they are in need of re-stripping due to wear or re-paving. Responsibility for properly maintaining the fire lanes and signs shall be that of the owner of the property or owner's designee.

(d) Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections (b)(1) and (b)(2) shall be maintained at all times.

(1) Traffic calming devices. Traffic calming devices shall be prohibited unless approved by the Fire Marshal.



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CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 972

AN ORDINANCE OF THE CITY OF LAKE STEVENS, AMENDING PORTIONS OF ORD. NO. 833, 811, 778, AND 746 CODIFIED AS LAKE STEVENS MUNICIPAL CODE (LSMC) CHAPTER 14.80 ENTITLED "BUILDING AND CONSTRUCTION"; AND AMENDING PORTIONS OF ORD. NO. 775 CODIFIED AS LSMC CHAPTER 14.84 ENTITLED "FIRE CODE" - REVISING AND UPDATING THESE CITY REGULATIONS TO COMPLY WITH WASHINGTON STATE'S ADOPTION OF THE 2015 INTERNATIONAL CODE COUNCIL EDITIONS OF INTERNATIONAL CODES; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, in November 2015, the Washington State Building Code Council voted to adopt the 2015 Editions of the International Code Group, with some changes; and

WHEREAS, these new codes became effective in Washington State on July 1, 2016; and

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

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

WHEREAS, this action is exempt from the requirements of the State Environmental Policy Act pursuant to WAC 197-11-800(19) (b) and LSMC 16.04; and

WHEREAS, draft amendments to Chapters 14.80 and 14.84 LSMC were sent to the Washington State Department of Commerce as required by the Growth Management Act on July 28, 2016; and

WHEREAS, the Department of Commerce granted expedited review of the proposed code amendments on August 23, 2016; and

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

WHEREAS, the city opted to hold a duly-noticed a public hearing with the Planning Commission on August 3, 2016 to discuss the implications of the 2015 code updates and the adoption of Fire Code Appendices "C" and "D";

WHEREAS, the City noticed the City Council public hearing in the Everett Herald twice, once on December 16 and again on December 31, 2016; and

WHEREAS, the City Council held a duly noticed public hearing on the revision and update of the "Building and Construction" and "Fire Code" regulations on January 10, 2017 pursuant to LSMC 14.16C.075(g).

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

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

- A. The proposed ordinance for revising and updating the City's "Building and Construction" regulations and "Fire Code" regulations and adoption of the Washington State Building Codes was sent to the Washington State Department of Commerce with a request for expedited review on July 28, 2016 as required by the Growth Management Act and received approval on August 23, 2016.
- B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.
- C. As required by LSMC 14.16C.075(f), the adoption and amendment of codes in ordinance sections in the attached Exhibits A and B are consistent with the Comprehensive Plan, comply with the Growth Management Act, and serve to advance the public health, safety, and welfare.

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

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

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

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

PASSED by the City Council of the City of Lake Stevens this 10th day of January, 2017.

John Spencer, Mayor

ATTEST/AUTHENTICATION:

By: _____
Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First and Final Reading: January 10, 2017
Published:
Effective Date:

EXHIBIT A

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

EXHIBIT B

**Chapter 14.84 Fire Code Amendments
As Attached**



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: January 24, 2017

Subject: Public Hearing – Amendments to the City of Lake Stevens Municipal Code to Adopt the 2012 DOE Stormwater Manual (LUA2016-0171)

Contact Person/Department: Stacie Pratschner, Planning
Russ Wright, Planning

Budget Impact: None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Hold a first reading and public hearing on Ordinance No. 985.

BACKGROUND/DISCUSSION:

The proposed code amendments (**Exhibit 1**) are a part of the requirements under the Federal Clean Water Act that jurisdictions implement stormwater management programs and regulations within prescribed time frames. The Department of Ecology (DOE) has been delegated authority by the Environmental Protection Agency (EPA) to administer these regulations. The DOE issued the Western Washington Phase II Municipal Stormwater Permit (NPDES), effective August 1, 2013 through July 13, 2018, which requires local governments like the City of Lake Stevens to adopt the 2012 DOE Stormwater Management Manual for Western Washington.

The city proposes to combine the requirements of LSMC 14.64 Part II – *Drainage, Erosion Control, Stormwater Management* into LSMC 11.06 – *Stormwater Management* and create a single Chapter that adopts the 2012 DOE Stormwater Manual, describes the new requirements for LID BMP's as a necessary part of site design and provide a synopsis of Minimum Requirements 1 through 9. Definitions will be updated as needed in LSMC 14.08.

Staff held a duly-noticed public hearing with the Planning Commission on January 4, 2017 (**Exhibit 2**) and has completed both SEPA and Department of Commerce outreach per the requirements of the Growth Management Act. The Planning Commission forwarded a recommendation of approval of the updates with the caveat that staff develop code language to require screening of above-ground detention ponds. Staff proposes a new section of municipal code, LSMC 14.76.050 – Stormwater Facility Landscaping (**Exhibit 1**), to mitigate the visual impact of large detention ponds associated with developments per the Planning Commission's recommendation.

Staff is coordinating with various stakeholders on the code updates, and recommends keeping the public hearing open and holding a second reading on February 13, 2017 (**Exhibit 3**).

RECOMMENDATION: Keep the Public Hearing open and hold a second and final reading on February 13, 2017.

APPLICABLE CITY POLICIES: Amendments to the LSMC Chapters 11.06 – Stormwater Management; deletion of 14.64 Part II – Drainage, Erosion Control, Stormwater Management; amendments to 14.76 – Screening and Trees; and amending as needed 14.08 - Definitions.

BUDGET IMPACT: No budget impact.

EXHIBITS:

1. Proposed code amendments to Chapters 11.06, 14.46 and 14.76 LSMC
2. Planning Commission Staff Report
3. Draft Ordinance No. 985

Exhibit 1

Chapter 11.06 STORMWATER MANAGEMENT

Sections:

- [11.06.010](#) Purpose
- [11.06.020](#) Stormwater Management Manual Adopted
- [11.06.030](#) Stormwater Management Review and Approval Required
- [11.06.040](#) Standards, Definitions, and Requirements
- [11.06.050](#) Adjustments and Exceptions
- [11.06.060](#) Activities Requiring Stormwater Management
- [11.06.070](#) Classification of Stormwater Management Construction Activities
- [11.06.07060](#) Low Impact Development – ~~Alternative Standards~~
- [11.06.08070](#) Construction and Maintenance of Stormwater Facilities
- [11.06.09080](#) Bonding and Insurance for Stormwater Facilities
- [11.06.10090](#) ~~Prohibited, Allowable, and Conditional Discharges and Connections~~
- [11.06.11000](#) Administration, Inspection, and Fees
- [11.06.12010](#) Enforcement
- [11.06.13020](#) Appeals

11.06.010 Purpose.

The City Council finds that this chapter is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface and stormwaters, erosion control, and flooding. The Council also finds that this chapter is necessary in order to minimize water quality degradation; to prevent flood damage, siltation and habitat destruction in the City's creeks, streams and other water bodies; to protect property owners adjacent to developing land from increased runoff rates which could cause stream erosion and damage to public and private property; to promote sound development and redevelopment policies which respect and preserve the City's watercourses and aquatic habitat; to ~~require~~promote low impact development strategies that reduce impervious surface and stormwater runoff; to ensure the safety of City streets and rights-of-way; and to prevent water quality degradation and promote ground water recharge through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance programs in order to promote the effectiveness of the requirements contained in this chapter.

(~~Ord. xxx~~, Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.020 Stormwater Management Manual Adopted.

The 201~~2~~95 State Department of Ecology Storm Water Management Manual for Western Washington, as amended by Sections 1 through ~~7~~6 of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit, as now or hereafter amended, is hereby adopted as the City's minimum stormwater regulations and as a technical reference manual and is hereinafter referred to as the "Stormwater Manual." (~~Ord. xxx~~, Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.030 Stormwater Management Review and Approval Required.

Stormwater management review and approval by the City is required when any development or proposed project meets or exceeds the threshold conditions defined in the Stormwater Manual (e.g., new [hard surfaces](#)~~impervious area~~, drainage system modifications, redevelopments, etc.) and is subject to a City development permit or approval requirement. (Ord. 808, Sec. 1 (Exh. A), 2009).

11.06.040 Standards, Definitions, and Requirements.

- (a) Unless otherwise specified in this chapter, all standards, definitions, and requirements shall be in accordance with the Stormwater Manual.
- (b) Plan and Report Submittal. Stormwater site plans, supporting technical analyses and other required documentation shall conform to the requirements contained in the Stormwater Manual.
- (c) Where to Submit. All stormwater site plans prepared in connection with any of the permits and/or approvals set forth in this chapter shall be submitted to the Department of Public Works.
- (d) All plans, drawings and calculations designed to control surface water and subsurface water, submitted to the City, will be prepared by a licensed professional engineer, registered in the State of Washington, or by a person qualified as set forth in the Stormwater Manual, and those plans, drawings and calculations will be stamped showing that engineer's registration, if applicable.
- (e) Interpretation. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.
- (f) ~~More Strict~~[Stricter](#) Standard Applies. When any provision of any other ordinance of the City's regulations conflicts with this chapter, that which provides greater environmental protection shall apply unless otherwise provided for in this chapter.
- (g) Determining Construction Site Sediment Damage Potential. Any person submitting a stormwater site plan must also determine the construction site sediment damage potential. Qualified personnel must use the rating system described in Appendix 7 of the NPDES Phase II permit to determine the site's potential to discharge sediment. (~~Ord xxx~~, Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.050 Adjustments and Exceptions.

Adjustments and exceptions to the minimum standards and requirements may be granted as set forth in the Stormwater Manual. (Ord. 808, Sec. 1 (Exh. A), 2009)

[11.06.060 Activities Requiring Stormwater Management](#)

(a) The nine Minimum Requirements for stormwater management per Chapter 2 of the 2012 DOE Stormwater Manual are applicable to new development and redevelopment sites. The minimum requirements are as follows:

(1) Preparation of Stormwater Site Plans;

(2) Construction Stormwater Pollution Prevention Plan (SWPPP);

(3) Source Control of Pollution;

(4) Preservation of Natural Drainage Systems and Outfalls;

(5) On-site Stormwater Management;

(6) Runoff Treatment;

(7) Flow Control;

(8) Wetlands Protection; and

(9) Operation and Maintenance.

(b) The scope and intensity of a project will determine which minimum requirements or combination of requirements shall apply. In general, small sites with limited land disturbance are required to control erosion and sedimentation from construction activities and apply treatment and flow control and a scale appropriate to the project. Large sites must also provide erosion and sedimentation control and develop permanent controls of stormwater runoff through the selection of appropriate BMP's and facilities.

11.06.070 Classification of Stormwater Management Construction Activities

(a) Land disturbance and concurrent stormwater management may be considered as a component of a building permit, construction plan application or other permit, rather than as a separate permit, if City-approved drawings for such activities are included under the other permit.

(b) The Director or their designee shall specify what submittal and application materials are required for a complete application, including the type of submittals, the required level of detail, the minimum qualifications of preparers of technical documents and the number of copies that must be submitted.

(c) Stormwater management activities are classified based on type, location and timing of development activity proposed. Table 11.06-I outlines the classifications for stormwater management activities and briefly reviews processing. Other City processes, approvals and permits may also be required for

projects. The Director may adjust classifications and permit processing steps for proposed projects which are shown to be in multiple classifications or are otherwise not appropriately classified under the criteria shown in Table 11.06-I and may adjust processing steps as appropriate.

Table 11.06-I: Project Classification and Processing Table.

<u>Project Classification¹</u>	<u>Development Activity</u>	<u>Permit Type(s)</u>	<u>Summary of Permit Process</u>	<u>Permit Type(s) per 14.15A-I LSMC</u>
<u>Building Projects</u>	<u>Single-family, duplexes, multi-family, commercial, industrial, tenant improvements and additions.</u>	<u>Commercial or Residential Building Permit.</u>	<u>Land disturbance and stormwater management may be reviewed under the building permit(s).</u>	<u>N/A</u>
<u>Land Use Development Projects</u>	<u>Subdivisions, utility installation outside of the City right-of-way, stand-alone land disturbing activities.</u>	<u>Construction Plans or Land Disturbance Permit.</u>	<u>Construction Plans and Land Disturbance permits are separate permit applications.</u>	<u>Construction Plans: Type I Land Disturbance: Type I or II, depending on the scope of work.</u>
<u>Right-of-Way Projects</u>	<u>Construction activities all or partly within the City right-of-way.</u>	<u>Right-of-Way (ROW) Permit.</u>	<u>Land disturbance and stormwater management are reviewed under the ROW permit.</u>	<u>N/A</u>

1. Construction is allowed only when approved plans for land disturbance and stormwater management construction are issued with the appropriate permit listed in the table.

11.06.0860 Low Impact Development – ~~Alternative Standards.~~

(a) This section provides performance criteria for low impact development (LID). LID is a stormwater management and land development strategy utilized in site design and construction that emphasizes ~~conservation~~conservation, and use of on-site natural features integrated with engineered, small-scale hydrologic controls ~~in~~to mimic natural hydrologic functions. LID benefits the natural environment by moderating the impacts of storm-water runoff generated by the built environment. LID techniques, implemented per the Stormwater Manual, are the ~~required~~preferred approach to site development with traditional structural stormwater. Traditional, structural stormwater management solutions may be used where LID is infeasible. The City allows and encourages low impact development (LID) best management practices (BMPs), as an

~~alternative to conventional stormwater management systems that rely on detention ponds and closed conveyance. Low impact development is intended to manage runoff close to the source of generation and to mimic the predeveloped hydrologic condition of a site.~~

(b) Low impact development is accomplished first through minimizing the impervious surface coverage and second by managing runoff through dispersion, infiltration, evapo-transpiration, or a combination of these approaches. Use of LID BMPs ~~may reduce~~ or ~~eliminates~~ the need for conventional detention facilities, but does not remove the obligation to comply with the minimum requirements of the Stormwater Manual.

(c) A variety of BMPs to minimize impervious surfaces and to manage stormwater have been developed and tested for use in Western Washington. These BMPs and the overall LID approach are described in the LID Technical Guidance Manual for Puget Sound (LID Manual).

(d) The ~~integrated management menu of LID BMPs identified~~ practices identified in the LID Manual ~~are~~ accepted by the City for use in stormwater site plans to address the minimum requirements for flow control and runoff treatment in this chapter, subject to the specifications, performance standards, and design criteria in the LID Manual and review and approval under this chapter.

(e) A covenant or easement shall be recorded with the Snohomish County Auditor's Office for each lot containing or served by ~~LID bioretention~~ facilities in a form approved by the City Attorney. The covenant shall identify requirements and liability for preservation and maintenance of low impact development facilities approved under this chapter and privately held in individual or undivided ownership or intended for public ownership, shall restrict conversion of LID facilities, and shall grant the City access to low impact development facilities on private property to allow inspection, maintenance, and repair. (Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.0970 Construction and Maintenance of Stormwater Facilities.

(a) All stormwater facilities required under this chapter shall be constructed and maintained as set forth in the Stormwater Manual and the permits and/or approvals of the City.

(b) Maintenance of Private Stormwater Facilities.

(1) The person or persons holding title to the property and the applicant required to construct a stormwater facility shall remain responsible for the facility's continual performance, operation, and maintenance in accordance with the standards and requirements of the Stormwater Manual, this chapter, and the permits and/or approvals of the City. ~~The person(s) or persons/entities holding title to the property and the applicant required to construct the stormwater facility and shall~~ facility shall remain responsible for any liability as a result of these duties. This requirement shall apply to all facilities not otherwise accepted by the City for maintenance as set forth in subsection (c) of this section.

(2) The City shall have authority to periodically enter upon the property and inspect the facilities to ensure such compliance and to issue orders requiring maintenance and/or repair. In event that the titleholders or other responsible parties do not effect such maintenance and/or repairs, the City may perform such work, and the cost thereof shall be recoverable by the City from said titleholders or other responsible parties and/or by filing a lien against the property.

(3) When an inspection identifies ~~that a maintenance standard has been an exceedence~~exceedance of the maintenance standard, maintenance shall be performed in accordance with the following schedule:

- Within one year for typical maintenance of facilities, except catch basins.
- Within six months for catch basins.
- Within two years for maintenance that requires capital construction of less than \$25,000.

(c) Maintenance by City of Stormwater Facilities on Single-Family Residential Property.

(1) The City is authorized to assume the total responsibility for all maintenance and repair of stormwater facilities serving single-family residential property if:

- (i) The stormwater facilities have been conveyed to and accepted by the City, at the City's sole discretion, by bill of sale and accompanied by: (a) a warranty of the grantor that the utility lines, facilities and appurtenances are free of debt and were constructed in accordance with City standards and specifications; and (b) an agreement by the grantor to indemnify and hold the City harmless from any claims or damages arising from defective materials or workmanship;
- (ii) If the lines or facilities are on or cross private property, the grantor shall have conveyed to the City the required easements for constructing, repairing, maintaining, altering, changing, controlling and operating the lines or facilities in perpetuity;
- (iii) The bonding and insurance requirements of Section [11.06.080](#) have been fully complied with;
- (iv) The facilities have been inspected and approved by the City;
- (v) The City Council has adopted an increase in the stormwater user's fee for the single-family residential property being served by the stormwater facilities, which fee increase shall cover the City's cost of maintaining and repairing the facilities; and
- (vi) All other requirements of this chapter have been fully complied with.

(2) The City is authorized to assume the partial responsibility for only normal and routine maintenance of stormwater facilities serving single-family residential property if:

- (i) The City and the titleholders or other responsible parties of the property have entered into an agreement in which the titleholders or other responsible parties: (a) indemnify and hold the City harmless from any claims or damages arising from the City's acts or omissions related to maintenance of the facilities; (b) give the City access rights to maintain the facilities; and (c) agree to remain responsible for all maintenance and repair of the facilities;
- (ii) The bonding and insurance requirements of Section ~~11.06.100080~~ and ~~14.50.145~~ have been fully complied with;
- (iii) The facilities have been inspected and approved by the City;
- (iv) The City Council has adopted an increase in the stormwater user's fee for the single-family residential property being served by the stormwater facilities, which fee increase shall cover the City's cost of maintaining the facilities; and
- (v) All other requirements of this chapter have been fully complied with.

All major structural and nonstructural repairs beyond the scope of "normal and routine maintenance" shall remain the responsibility of the titleholders or responsible parties. (~~Ord. xxx~~ Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.090 Stormwater Flow Control or Treatment Facility Landscaping

~~(1) The visual appearance of detention ponds shall be amended/improved/some other adjective with the use of vegetative screening. The functional components and areas of stormwater flow control or treatment facilities shall be kept free of landscaping. These areas include, but are not limited to, earthen berms, infiltration and detention pond bottoms, filter beds, bioretention facilities, vegetated slopes and swales used for stormwater treatment or flow control, access roads for these facilities and any other components or areas used for or required for proper function, inspection, maintenance or repair of these facilities as described in the City's adopted EDDS.~~

~~(2) Landscaping in tracts or easements containing stormwater flow control or treatment facilities, excluding those areas described in subsection (1) of this section, shall meet or exceed the standards set forth in this section except that the General Industrial and Light Industrial zoning districts, landscaping shall only be required around flow control or treatment facilities located between a public road and building.~~

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~~(3) Where perimeter fencing of a stormwater flow control or treatment facility is required pursuant to the EDDS, Type C landscaping of at least five feet in width shall be installed pursuant to the requirements of Section 14.76.040(3). To maintain sight triangles, fenced facilities that abut public rights-of-way shall comply with setbacks and height restrictions pursuant to Section 14.48.040.~~

~~(4) The Community Development Director or their designee may consider on a case-by-case basis alternative screening treatments, including but not limited to proposals for masonry walls or wood enclosures that reflect the overall aesthetic of the development through the use of complementary colors, textures, proportions and materials.~~

~~(5) The Planning and Public Works Departments shall review proposed stormwater facility landscaping plans and may require revisions and/or enhancements to ensure that the landscaping provides an effective visual screen for fenced facilities without compromising safety, security and maintenance access and improves the overall appearance of a stormwater flow control or treatment facility.~~

~~(6) Where fencing is not required and the unfenced stormwater flow control or treatment facility is not completely screened pursuant to subsections (3) and (4) of this section, the facility shall be landscaped to improve its appearance as follows:~~

~~(a) If the stormwater flow control or treatment facility is located adjacent to or near a lake, wetland, or fish and wildlife habitat conservation area or their buffers, the areas between the facilities and these critical areas shall be left in natural or near-natural conditions.~~

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11.06.100980 Bonding and Insurance for Stormwater Facilities.

(a) The City may require all persons constructing stormwater facilities under this chapter to post with the City cash or surety bonds to cover the cost of defects in materials, workmanship, and installation and also to correct maintenance deficiencies during the initial two-year maintenance period following satisfactory completion of the facilities. Posting of such bonds shall be consistent with the City's policy for security deposits and subject to review by the City Attorney.

(b) The person constructing the stormwater facility and/or the property owner shall maintain a liability policy during the construction period and the initial two-year maintenance period or until the point in time if and when the City assumes maintenance responsibilities, with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage, and with the City named as an additional insured. A copy of the endorsement naming the City as additional insured shall be

attached to the certificate of insurance, which shall be provided to the City prior to commencement of the work.
(Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.110090 Prohibited, Allowable, and Conditional Discharges and Connections.

(a) Definitions. The following definitions shall be applicable to this section:

(1) "AKART" means all known, available, and reasonable methods of prevention, control, and treatment. See also the State Water Pollution Control Act, RCW [90.48.010](#) and [90.48.520](#).

(2) "Ground water" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

~~(3)~~ "Hard surface" means an impervious surface, permeable pavement or a vegetated roof.

~~(4)~~ "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

~~(5)~~ "Hyperchlorinated" means water that contains more than 10 mg/liter chlorine.

~~(6)~~ "Illicit discharge" means any direct or indirect nonstormwater discharge to the City's storm drain system, except as expressly exempted by this chapter.

~~(7)~~ "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

~~(8)~~ "Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which are:

(i) Owned or operated by the City of Lake Stevens;

(ii) Designed or used for collecting or conveying stormwater;

(iii) Not part of a publicly owned treatment works (POTW) ("POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned); and

(iv) Not a combined sewer ("combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system).

(99) "National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(109) "Nonstormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

(110) "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner's agent.

(124) "Pollution" means any pollutants which cause or contribute to adverse ecological effects or degradation. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(132) "Storm" or "stormwater drainage system" means publicly owned facilities, including the City's municipal separate storm sewer system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(143) "Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

(154) "Stormwater pollution prevention plan (SWPPP)" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(b) Prohibited Discharges.

(1) No person shall throw, drain, or otherwise discharge, cause or allow others under his/her control to throw, drain or otherwise discharge into the municipal storm drain system any materials other than stormwater.

(2) Examples of prohibited contaminants include but are not limited to the following:

- (i) Trash or debris.
- (ii) Construction materials.
- (iii) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil.
- (iv) Antifreeze and other automotive products.
- (v) Metals in either particulate or dissolved form.
- (vi) Flammable or explosive materials.
- (vii) Radioactive material.
- (viii) Batteries.
- (ix) Acids, alkalis, or bases.
- (x) Paints, stains, resins, lacquers, or varnishes.
- (xi) Degreasers and/or solvents.
- (xii) Drain cleaners.
- (xiii) Pesticides, herbicides, or fertilizers.
- (xiv) Steam cleaning wastes.
- (xv) Soaps, detergents, or ammonia.
- (xvi) Swimming pool cleaning wastewater or filter backwash.
- (xvii) Chlorine, bromine, or other disinfectants.
- (xviii) Heated water.
- (xix) Domestic animal wastes.

- (xx) Sewage.
- (xxi) Recreational vehicle waste.
- (xxii) Animal carcasses.
- (xxiii) Food wastes including solids, fats, oils and grease.
- (xxiv) Bark and other fibrous materials.
- (xxv) Lawn clippings, leaves, or branches.
- (xxvi) Silt, sediment, concrete, cement or gravel.
- (xxvii) Dyes. Unless approved by the City.
- (xxviii) Chemicals not normally found in uncontaminated water.
- (xix) Any other process-associated discharge except as otherwise allowed in this section.
- (xxx) Any hazardous material or waste not listed above.

(c) Allowable Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the City determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (1) Diverted stream flows.
- (2) Rising ground waters.
- (3) Uncontaminated ground water infiltration - as defined in 40 CFR 35.2005(20).
- (4) Uncontaminated pumped ground water.
- (5) Foundation drains.
- (6) Air conditioning condensation.
- (7) Irrigation water from agricultural sources that is commingled with urban stormwater.
- (8) Springs.
- (9) Uncontaminated wWater from crawl space pumps.

(10) Footing drains.

(11) Flows from riparian habitats and wetlands.

(12) Discharges from emergency fire-fighting activities.

(d) Conditional Discharges. The following types of discharges shall not be considered illegal discharges for the purposes of this chapter, if they meet the stated conditions, or unless the City determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

(1) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. These planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.

(2) Lawn watering and other irrigation runoff.

(3) De-chlorinated swimming pool discharges. These discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the stormwater system.

(4) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. These discharges shall be permitted, if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street.

(5) Nonstormwater discharges covered by another NPDES permit. These discharges shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

(6) Other nonstormwater discharges. These discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the City, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or ground water.

(e) Prohibited Connections.

(1) The construction, use, maintenance, or continued existence of illicit connections to the stormwater system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this section, if the person connects a line conveying sewage to the MS4 or allows such a connection to continue. (Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.12000 Administration, Inspection, and Fees.

(a) Administration.

(1) This chapter shall be primarily administered by the Director of Public Works or a designee, hereafter referred to as the Director, with the cooperation and assistance of the Department of Planning and Community Development. The Director of Public Works and the Director of Planning and Community Development shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

(2) The Director may approve, conditionally approve, or deny activities regulated by this chapter.

(b) Inspections.

(1) The Director is authorized to gain access to private property as provided by law and in this chapter, make such inspections of stormwater facilities, and take such actions as may be required to enforce the provisions of this chapter.

(2) Inspection prior to clearing and construction will apply to sites with a high potential for sediment damage, as identified by the applicant during civil review based on definitions and requirements of Appendix 7 of the Western Washington Phase II Municipal Stormwater Permit.

(3) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of stormwater facilities, or whenever the Director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the Director or a designee may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the Director by this chapter; provided, that if such premises or portion thereof is occupied, the Director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and request entry. If after reasonable effort, the inspector is unable to locate the owner or other person having charge or control of the premises or portion thereof and has reason to believe an imminent hazard exists, the inspector may enter.

(4) Property owners shall provide proper ingress and egress to any stormwater facility to the Director or a designee to inspect, monitor or perform any duty imposed upon the Director by this chapter. The Director shall notify the responsible party in writing of failure to comply with this access requirement.

Failing to obtain a response within seven days from the receipt of notification, the Director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property and/or imposed against the subject property by filing a lien.

(c) Fees. Fees for all reviews, inspections, permits and/or approvals, and appeals, which are set forth in this chapter, shall be set by resolution of the City Council. (Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.1340 Enforcement.

(a) Violations of this chapter shall be enforced pursuant to Title 17 of the Lake Stevens Municipal Code.

~~(b) Violations of this chapter shall either be (1) a misdemeanor subject to a jail term of not more than one year, a fine of not more than \$1,000, or both such fine and imprisonment, or (2) a civil violation subject to a monetary penalty of \$500.00 for each violation per day or portion thereof. (Ord. 808, Sec. 1 (Exh. A), 2009)~~

11.06.1420 Appeals.

The decisions of the Director may be appealed by an aggrieved party to the Hearing Examiner pursuant to the appeal procedures defined in Chapter 14.16B for the underlying permit, by filing with the Snohomish County Superior Court within 21 calendar days of service of the decision of violation, which shall be the exclusive means to appeal a decision of the Hearing Examiner rendered pursuant to Chapter 17. written notice of appeal, including an appeal fee as set by resolution of the City Council, with the City Clerk within 10 days of notice of the Director's decision. (Ord. 808, Sec. 1 (Exh. A), 2009)

Chapter 14.64 SPECIAL FLOOD HAZARD AREAS, DRAINAGE, AND EROSION

Sections:

Part I. Special Flood Hazard Areas and Regulatory Floodplain

- [14.64.005](#) Basis for Establishing Special Flood Hazard Areas
- [14.64.010](#) Application of Regulations
- [14.64.015](#) Authority and Duties of the Floodplain Administrator
- [14.64.020](#) Administrative Procedures
- [14.64.025](#) Conformance with Chapter 14.88 (Critical Areas), Chapter 14.92 (Shoreline Management), Section 14.16C.100 (Shoreline Permits), and the Shoreline Master Program
- [14.64.030](#) Exemptions and Allowed Activities
- [14.64.035](#) Other Activities
- [14.64.040](#) Development Standards
- [14.64.045](#) Construction Standards for Protection of Structures
- [14.64.050](#) Special Provisions for Subdivisions
- [14.64.055](#) Standards for Habitat Protection

~~Part II. Drainage, Erosion Control, Storm Water Management~~

- ~~[14.64.100](#) Natural Drainage System Utilized to Extent Feasible~~
- ~~[14.64.110](#) Developments Must Drain Properly~~
- ~~[14.64.120](#) Storm Water Management~~
- ~~[14.64.130](#) Sedimentation and Erosion Control~~
- ~~[14.64.140](#) Stormwater Systems to Be Designed in Accordance with Ecology Stormwater Manual~~
- ~~[14.64.150](#) Illegal Discharge of Materials into the Stormwater System~~

Part I. Special Flood Hazard Areas and Regulatory Floodplain

14.64.005 Basis for Establishing Special Flood Hazard Areas.

The City hereby adopts by reference the special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its most current scientific Flood Insurance Study for Snohomish County, Washington, and incorporated areas dated November 8, 1999, and any revisions thereto, with the current accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, and declare the same to be a part of the Lake Stevens Municipal Code. The Flood Insurance Study is on file in the Planning and Community Development Department. (Ord. 964, Sec. 3, 2016; Ord. 860, Sec. 4 (Exh. 2), 2011)

14.64.010 Application of Regulations.

(ii) If the project is located in the protected area, the mitigation plan shall stipulate avoidance measures as are needed to ensure that there is no adverse effect during any phase of the project.

(2) The proposed project shall incorporate the plan's habitat mitigation activities. The redesigned project and its mitigation components shall be the basis for the floodplain development permit.

(3) The Floodplain Administrator shall not issue a certification of use and/or occupancy until the applicant completes all the work identified in the biological evaluation, biological assessment, and/or mitigation plan or provides the necessary assurance to complete unfinished portions of the project, in accordance with Section [14.16A.180](#). (Ord. 860, Sec. 4 (Exh. 2), 2011)

~~Part II. Drainage, Erosion Control, Storm Water Management~~

~~14.64.100 Natural Drainage System Utilized to Extent Feasible.~~

~~(a) To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting manmade drainage ways shall remain undisturbed.~~

~~(b) To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting manmade drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.~~

~~14.64.110 Developments Must Drain Properly.~~

~~(a) All developments shall be provided with a drainage system that is adequate to prevent the undue detention or retention of surface water on the development site. Surface water shall not be regarded as unduly detained or retained if:~~

~~(1) The detention or retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or~~

~~(2) The detention or retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such detention or retention presents a danger to health or safety.~~

~~(b) No surface water may be channeled or directed into a sanitary sewer.~~

~~(c) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.~~

~~(d) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in Section [14.56.080](#) (Street Width, Sidewalk, and Drainage Requirements in Subdivisions). Private roads and access ways within unsubdivided developments shall utilize a storm drainage system designed by a licensed~~

~~engineer to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.~~

~~(e) Construction specifications for drainage swales, curbs and gutters, and storm drains are contained in the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens. (Ord. 796, Sec. 24, 2009)~~

~~14.64.120 Storm Water Management.~~

~~All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:~~

~~(a) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and~~

~~(b) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties so that the volume and/or rate is not substantially greater than the pre-development volume and/or rate.~~

~~14.64.130 Sedimentation and Erosion Control.~~

~~(a) No Planning Director approval, administrative conditional use, or conditional use permit may be issued and final plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity unless the Public Works Director has certified to the City, either that:~~

~~(1) An erosion control plan has been submitted to and approved by the Public Works Director; or~~

~~(2) The Public Works Director has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the Public Works Director approves the erosion control plan.~~

~~(b) For purposes of this section, land disturbing activity means any use of the land by any person in residential, industrial, educational, institutional, or commercial development, and highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or~~

~~contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin. (Ord. 811, Sec. 64, 2010; Ord. 468, 1995)~~

~~14.64.140 Stormwater Systems to Be Designed in Accordance with Ecology Stormwater Manual.~~

~~All stormwater systems shall be designed based on the requirements and the best management practices (BMPs) available for stormwater control (for both quantity and quality), as described in the 2005 State Department of Ecology Storm Water Management Manual for Western Washington, as amended by Sections 4 through 6 of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit, as now or hereafter amended ("Stormwater Manual") and the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens.~~

~~(Ord. 808, Sec. 2, 2009; Ord. 796, Sec. 25, 2009; Ord. 666, Sec. 10, 2002; Ord. 468, 1995)~~

14.64.150 Illegal Discharge of Materials into the Stormwater System.

~~The discharge of any material other than clean stormwater into the stormwater system is prohibited.~~

~~(Ord. 468, 1995)14.88.298 Innovative Development Design.~~

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

~~(a) An innovative development design will be considered in conjunction with the primary land use project approval or building permit approval. The Planning and Community Development Director shall develop and adopt administrative procedures as authorized in Section 14.88.250 for review and approval of innovative development design that are consistent with subsection (b) of this section. An applicant may include the innovative development design proposal in the project pre-application review packet for review. The Planning and Community Development Director shall give preliminary findings on the preapplication and shall only issue a final decision for the design with the project or building permit approval, whichever occurs first.~~

~~(b) The applicant shall demonstrate in a site/resource-specific report required pursuant to Section 14.88.270 how the innovative development design complies with the following requirements:~~

~~(1) The innovative development design will achieve protection equivalent to or better than the treatment of the functions and values of the critical areas that would be obtained by applying the standard prescriptive measures contained in this chapter;~~

~~(2) Applicants for innovative development design are encouraged to consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact stormwater management strategies which address wetlands, fish and wildlife habitat conservation areas or buffer protection consistent with this chapter;~~

~~(3) The innovative development design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property; and~~

~~(4) Applicants for innovative development design are encouraged to consider measures prescribed in the Puget Sound Action Team 2005 Technical Guidance Manual for Low Impact Development. (Ord. 773, Sec. 2, 2008) 14.38.050 Development Intensity.~~

~~(a) Floor Area Ratios. FAR expresses the relationship between lot area and a building's total floor area. To determine FAR, multiply the lot area by the FAR percentage, for the district, listed in Table 14.38-II. For example, in the NB district, a 10,000-square-foot lot would allow a basic 3,000-square-foot building with an FAR of 0.30 (10,000 x 30% = 3,000) as illustrated in Figure 14.38-III.~~

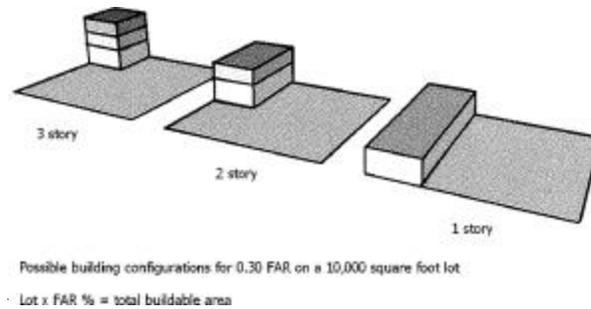
Table 14.38-II Floor Area Ratios

District	Basic Allowable		Maximum Allowable with Bonuses	
	Non-residential	Residential	Non-residential	Residential
BD	0.5	NA	0.7	NA
CD	0.4	0.2	0.6	0.4
MS	0.5	0.6	0.7	1.0
MUN	0.2	0.4	0.4	0.6
NB	0.3	NA	0.5	NA

Notes:

1. ~~Surface, tuck-under at grade or below grade parking shall be excluded from FAR calculations.~~
2. ~~Allowable FAR for residential and nonresidential uses occupying the same building footprint area may be added together for a combined total.~~
3. ~~Hotel and other lodging shall be considered residential for purposes of this chart.~~

Figure 14.38-III Floor Area Ratio Example



~~(b) Eligible Floor Area Ratio Bonus Features. Including any of the following elements in the subject development project will qualify for an increase in the basic allowable FAR set out in Table 14.38-II by 0.2, up to the maximum allowable.~~

~~(1) Public Plaza. This is an outdoor space not less than 500 square feet in size, or less than 20 feet in dimension, provided at the ratio of 1.5 square foot of plaza per 100 square feet of building area beyond any other required plaza area.~~

~~(i) The public plaza must contain substantial design features, defined in the applicable design guidelines.~~

~~(ii) For larger development sites, the total percentage of area used as a public plaza may be allocated among multiple spaces, so long as each public plaza area complies with the criteria in subsection (b)(1)(i) of this section.~~

~~(iii) Outdoor seating for restaurants adjacent to the plaza may occupy up to 20 percent of the total area.~~

~~(iv) The public plaza shall be open to the public during business hours.~~

~~(2) Public Art.~~

~~(i) The value of the artwork must equal at least one percent of the value of the total project construction.~~

~~(ii) The artwork must be displayed in a prominent outdoor location (such as a plaza, sidewalk, wall, entry) for public viewing.~~

~~(iii) The City must approve the form and content of the proposed artwork.~~

~~(3) Public Use. Any use normally provided by government, involving general public access that may include a post office, library, City offices, community center, museum, interpretive center, meeting rooms, visitor information centers, etc. Purely administrative space, storage or maintenance operations do not qualify.~~

~~(4) Public Restroom. A single unisex restroom or two gender-specific restrooms open to the public during normal business hours with signs posted in prominent locations that inform the public of its availability and location.~~

~~(5) Parking Facilities. In order to qualify for this bonus feature, a minimum of 60 percent of the parking for the development must be contained within the principal structure and/or in an adjacent detached structure.~~

~~(6) Sustainable Development Feature. New construction or significant alterations are encouraged to use "green" building methods and incorporate low impact development techniques, be highly energy efficient, and/or seek varying levels of Leadership in Energy and Environmental Design (LEED) certification. To qualify for this bonus, the development must include at least one of the following:~~

~~(i) Achieve LEED Certification (Silver, Gold, Platinum Rating); and/or~~

~~(ii) Employ low impact development techniques that may include a combination of the use of high efficiency building materials, "green roofs," porous paving, tree retention, rain gardens, or other methods, as defined in the Low Impact Development Technical Guidance Manual for Puget Sound; and/or~~

Chapter 14.76 SCREENING AND TREES

Sections:

Part I. Screening

- [14.76.010](#) Council Findings Concerning the Need for Screening Requirements
- [14.76.020](#) General Screening Standard
- [14.76.030](#) Compliance With Screening Standard
- [14.76.040](#) Definition of Screens
- [14.76.050](#) ~~Table of Screening Requirements~~ [Stormwater Flow Control or Treatment Facility Landscaping](#)
- [14.76.090](#)~~100~~ Additional Screening Requirements

Part II. Shading

- [14.76.100](#)~~110~~ Council Findings and Declaration of Policy on Shade Trees
- [14.76.140](#)~~120~~ Required Trees Along Dedicated Streets
- [14.76.120](#)~~130~~ Retention and Protection of Large Trees
- [14.76.124](#)~~140~~ Shade Trees on Residential Lots
- [14.76.130](#)~~150~~ Shade Trees in Parking Areas

Part I. Screening

14.76.010 Council Findings Concerning the Need for Screening Requirements.

The Council finds that:

- (1) Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.
- (2) Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.
- (3) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.
- (4) The provisions of this part are necessary to safeguard the public health, safety and welfare. (Ord. 468, 1995)

14.76.020 General Screening Standard.

Every development which abuts a different zone district shall provide sufficient screening so that:

spaces without necessarily eliminating visual contact between the spaces. (Ord. 676, Sec. 63, 2003; Ord. 639, Sec. 4, 2001; Ord. 590, 1998; Ord. 468, 1995)

14.76.050 Stormwater Facility Landscaping

(a) Stormwater facilities including ponds or above ground or partially above ground vaults shall be screened with ~~The visual appearance of detention ponds shall be amended with the use of vegetative screening~~vegetation. The functional components and areas of stormwater flow control or treatment facilities shall be kept free of landscaping. These areas include, but are not limited to, earthen berms, infiltration and detention pond bottoms, filter beds, bioretention facilities, vegetated slopes and swales used for stormwater treatment or flow control, access roads for these facilities and any other components or areas used for or required for proper function, inspection, maintenance or repair of these facilities as described in the City's adopted EDDS.

(b) Landscaping in tracts or easements containing stormwater flow control or treatment facilities, excluding those areas described in subsection (a) of this section, shall meet or exceed the standards set forth in this section.

(c) ~~Where perimeter fencing of a stormwater flow control or treatment~~around a stormwater facility is required pursuant to the EDDS, Type C landscaping of at least five feet in width shall be installed pursuant to the requirements of Section 14.76.040(3). To maintain sight triangles, fenced facilities that abut public rights-of-way shall comply with setbacks and height restrictions pursuant to Section 14.48.040.

(d) ~~The Community Development Director or their designee may consider on a case-by-case basis alternative screening treatments~~In cases where there are exposed walls, the applicant may incorporate ~~including but not limited to proposals for masonry walls masonry, or stone or wood enclosures veneers that reflect the overall~~ aesthetic of the development using complementary colors, textures, proportions and materials.

~~(e) The Planning and Public Works Departments~~Community Development Department shall review proposed stormwater facility landscaping plans and may require revisions and/or enhancements to ensure that the landscaping provides an effective visual screen for fenced facilities without compromising safety, security and maintenance access and improves the overall appearance of ~~a the stormwater flow control or treatment facility~~. ~~The Community Development Director or designee may consider on a case-by-case basis alternative screening treatments that provide equivalent or superior screening.~~

(f) Where fencing is not required and the unfenced stormwater ~~flow control or treatment~~ facility is not completely screened pursuant to subsections (c) and (d) of this section, the facility shall be landscaped to improve its appearance as follows:

(1) If the stormwater ~~flow control or treatment~~ facility is located adjacent to or near a lake, wetland, or fish and wildlife habitat conservation area or their buffers, the areas between the facilities and these critical areas shall be left in natural or near-natural conditions; and-

(2) If the stormwater facility features terraces or steps, landscaping must be integrated into the design to complement the terraced edge condition.

14.76.05060 Table of Screening Requirements.

See Table 14.76-I. (Ord. 811, Sec. 92, 2010; Ord. 468, 1995)

14.76.06070 Flexibility in Administration Required.

(Deleted by Ord. 676, Sec. 64, 2003)

14.76.07080 Combination Uses.

(Deleted by Ord. 676, Sec. 65, 2003)

14.76.08090 Subdivisions.

(Deleted by Ord. 676, Sec. 66, 2003)

14.76.090100 Additional Screening Requirements.

(a) Due to the potential for adverse impacts between the following noncompatible uses, a 30-foot-wide landscaped screen shall be maintained between State Route 204, State Route 92 and/or State Route 9 and all residential and industrial uses.

(b) Due to the potential for adverse impacts, Light Industrial and General Industrial zoned properties directly abutting the Centennial Trail shall provide a Type A screen, pursuant to Section [14.76.040\(a\)\(1\)](#) in areas abutting the Centennial Trail.

(c) The screen shall have a height of at least 30 feet at maturity. It is intended to exclude all visual and noise contact between uses in all seasons of the year. The use of existing significant trees which are not prone to windthrow within the screen is strongly encouraged.



Staff Report City of Lake Stevens Planning Commission

Public Hearing

Date: **January 4, 2017**

Subject: **LUA2016-0171**: Amendments to the City of Lake Stevens Municipal Code to Adopt the 2012 DOE Stormwater Manual

Contact Person/Department: Stacie Pratschner, *Senior Planner* / Russ Wright, *Community Development Director*

SUMMARY: Amendments to the municipal code to adopt the 2012 Department of Ecology Stormwater Management Manual for Western Washington.

ACTION REQUESTED OF PLANNING COMMISSION:

Forward a recommendation to City Council.

BACKGROUND / HISTORY:

The proposed code amendments (**Exhibit 1**) are a part of the requirements under the Federal Clean Water Act that jurisdictions implement stormwater management programs and regulations within prescribed time frames. The Department of Ecology (DOE) has been delegated authority by the Environmental Protection Agency (EPA) to administer these regulations. The DOE issued the Western Washington Phase II Municipal Stormwater Permit (NPDES), effective August 1, 2013 through July 13, 2018, which requires local governments like the City of Lake Stevens to adopt the 2012 DOE Stormwater Management Manual for Western Washington.

The city proposes to combine the requirements of LSMC 14.64 Part II - *Drainage, Erosion Control, Stormwater Management* into LSMC 11.06 - *Stormwater Management* and create a single Chapter that adopts the 2012 DOE Stormwater Manual, describes the new requirements for LID BMP's as a necessary part of site design and provide a synopsis of Minimum Requirements 1 through 9. Definitions will be updated as needed in LSMC 14.08.

Since the last briefing with the Planning Commission, staff has revised the draft code amendments to include a more detailed description of the Minimum Requirements and created a table classifying which city permit types are subject to stormwater management construction.

Since the last briefing with the Planning Commission, staff has issued a SEPA DNS on December 20, 2016 (**Exhibits 2a and 2b**), and sent the proposed amendments out for agency review. The city requested expedited review from the Department of Commerce on December 20, 2016 (**Exhibit 3**). The city will be required to obtain acknowledgement from the Department of Commerce prior to a public hearing with the City Council.

FINDINGS AND CONCLUSIONS:

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

- ENVIRONMENTAL AND NATURAL RESOURCES POLICY 4.1.8 – Adopt the 2012 DOE Stormwater Manual to comply with new stormwater NPDES regulations.
- ENVIRONMENTAL AND NATURAL RESOURCES POLICY 4.1.9 – Use best management practices to ensure protection of water resources during and after construction, including bank stabilization techniques, site design, construction timing and practices, use of bio-engineering and current erosion and drainage control methods.
- ENVIRONMENTAL AND NATURAL RESOURCES POLICY 4.1.14 – Minimize adverse stormwater impacts generated by the removal of vegetation and alteration of landforms.

Conclusions – The proposed code amendments are consistent with several Comprehensive Plan goals and policies as they relate to the natural and built environment.

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

- Staff prepared an environmental checklist for the proposed code revisions, dated December 13, 2016 (**Exhibit 2a**).
- The SEPA official issued a threshold Determination of Non-Significance (DNS) on December 20, 2016 (**Exhibit 2b**).
- No comments have been received as of the writing of this report.

Conclusions – The proposed code amendments will meet local and state SEPA requirements at the conclusion of the comment period on January 3, 2017.

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

- The city requested expedited review from the Department of Commerce on December 15, 2016 (**Exhibit 3**).
- The city will be required to obtain approval from the Department of Commerce prior to a public hearing with City Council.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendments will meet Growth Management Act requirements.

4. Public Notice and Comments

- The city published a notice of SEPA determination in the Everett Herald on December 23, 2016 (**Exhibit 4a**).
- The city published a notice of Public Hearing in the Everett Herald on December 13, 2016 per LSMC 14.16B (**Exhibit 4b**).
- The city has not yet received any comments from the public or outside agencies concerning the proposed code amendments.

Conclusions - The City has met public noticing requirements per Chapter 14.16B LSMC.

RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed amendments, modifying LSMC 11.06 - *Stormwater Management*, delete LSMC 14.64 Part II - *Drainage, Erosion Control, Stormwater Management* and amending Chapter 14.08 - *Definitions*.

EXHIBITS:

1. Draft Code Amendments
- 2a Environmental Checklist
- 2b SEPA Determination
- 3 Notification of Amendment to Department of Commerce
- 4a. Notice of SEPA Publication
- 4b. Notice of Public Hearing Publication

Exhibit 3

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 985

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, ADOPTING STORMWATER MANAGEMENT REGULATIONS PURSUANT TO THE WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT ISSUED TO THE CITY BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY AND AMENDING CHAPTER 14.64 PART II ENTITLED "DRAINAGE, EROSION CONTROL, STORMWATER MANAGEMENT" AND AMENDING PORTIONS OF CHAPTER 11.06 ENTITLED "STORMWATER MANAGEMENT" AND AMENDING PORTIONS OF CHAPTER 14.76 ENTITLED "SCREENING AND TREES"; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.* (the Act), requires certain local governments such as the City of Lake Stevens to implement stormwater management programs and regulations within prescribed time frames, and pursuant to said Act the United States Environmental Protection Agency (EPA) has adopted rules for such stormwater programs and regulations; and

WHEREAS, the EPA has delegated authority to the Washington State Department of Ecology (Ecology) to administer such stormwater programs and regulations, and Ecology has issued the Western Washington Phase II Municipal Stormwater Permit, effective August 1, 2013 through July 31, 2018, which requires local governments such as the City of Lake Stevens to implement numerous stormwater management requirements, including adopting Ecology's 2012 Stormwater Management Manual for Western Washington and related regulations;

WHEREAS, in 1997 the City Council adopted Ordinance No. 549, which established a stormwater utility to be responsible for the operation, construction and maintenance of stormwater facilities, as set forth in Ch. 11.04 LSMC; and

WHEREAS, in 2002, the City Council adopted Ordinance 661, which required all land use permits and preliminary subdivisions to receive public works construction plan approval for stormwater elements and improvements, pursuant to LSMC 14.16.250; and

WHEREAS, in 2002, the City Council also adopted Ordinance No. 666, as codified in LSMC 14.64.140, which adopted the 2001 DOE Stormwater Manual and required all stormwater systems to be designed in accordance therewith; and

WHEREAS, in 2009, the City Council adopted Ordinance No. 808, as codified in LSMC 14.64.140, which adopted the 2005 DOE Stormwater Manual and required all stormwater systems to be designed in accordance therewith; and

WHEREAS, in order to comply with the currently effective Western Washington Phase II Municipal Stormwater Permit, the City has prepared proposed amendments to the existing Stormwater Management regulations, as set forth below and in the attached Exhibit A; and

WHEREAS, on December 13, 2016, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a Determination of Nonsignificance (DNS) for the

adoption of the proposed Stormwater Management regulations and by complying with SEPA's procedural requirements for issuing the DNS; and

WHEREAS, on January 4, 2017, the Department of Commerce granted expedited review of the proposed code amendments;

WHEREAS, on January 4, 2017, the City held a duly-noticed public hearing with the Planning Commission to discuss the proposed code updates and amendments; and

WHEREAS, the City notices the City Council public hearing in the Everett Herald twice, once on January 10 and again on January 17, 2017; and

WHEREAS, on January 24, 2017, the City Council conducted a duly noticed first reading and public hearing on the proposed Stormwater Management regulations, as set forth below and in the attached **Exhibits A, B and C**; and

WHEREAS, on February 13, 2017, the City Council continued the public hearing and held a second reading on the proposed Stormwater Management regulations, as set forth below and in the attached Exhibits **A, B and C**; and

WHEREAS, the City Council has determined that it is in the public interest and in furtherance of the public health and welfare to adopt the proposed Stormwater Management regulations, as set forth below and in the attached **Exhibits A, B and C**.

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

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

- A. The proposed ordinance for revising and updating the City's stormwater management regulations and the adoption of the 2012 DOE Stormwater Manual was sent to the Washington State Department of Commerce for expedited review on December 20, 2016 as required by the Growth Management Act and received approval on January 4, 2017.
- B. The requirements of Chapter 14.16C.075 LSMC for land use code amendments have been met.
- C. As required by LSMC 14.16C.075(f), the adoption and amendment of codes in ordinance sections in the attached Exhibit A are consistent with the Comprehensive Plan, comply with the Growth Management Act and serve to advance the public health, safety and welfare.

SECTION 2. Chapter 11.06 entitled "Stormwater Management" of the Lake Stevens Municipal Code is hereby amended to be read as referenced and incorporated in Attached **Exhibit A**.

SECTION 3. Chapter 14.64 Part II entitled "Drainage, Erosion Control, Stormwater Management" of the Lake Stevens Municipal Code is hereby amended to be read as referenced and incorporated in Attached **Exhibit B**.

SECTION 4. Chapter 14.76 entitled "Screening and Trees" of the Lake Stevens Municipal Code is hereby amended to be read as referenced and incorporated in Attached **Exhibit C**.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such

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

SECTION 4. Effective Date and Publication. The summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 13th day of February, 2017.

John Spencer, Mayor

ATTEST/AUTHENTICATION:

By: _____
Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First and Reading: January 24, 2017
Second and Final Reading: February 13, 2017
Published:
Effective Date:



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LAKE STEVENS CITY COUNCIL

STAFF REPORT

Council Agenda Date: January 24, 2017

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

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

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

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

SUMMARY:

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

BACKGROUND:

The Washington State Department of Ecology (DOE) recently made significant changes to the Wetland Rating System for Western Washington manual, which became effective January 1, 2015. The changes reflect best available science and a better understanding of wetland ecological functions based on an analysis of 211 wetland sites in eastern and western Washington. According to DOE, the changes to the rating system offer a more accurate characterization of wetland functions.

The following is a list of major changes:

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

7. Section 14.88.290 Critical Areas Tracts and Easements added to clarify when the city will require the dedication of a tract or easement to establish a Native Growth Protection Area;
8. Section 14.88.297 On-site Density Transfer for Critical Areas updated to clarify the extent and allowed modifications for on-site density transfers; and
9. Section 14.88.440 Mitigation updated to include specific requirements for innovative design;
10. Part VIII Wetlands – the majority of this section was updated for compliance with the model ordinance.
 - New purpose statement – Section 14.88.800
 - Wetland rating manual reference and the description of wetland types updated - Section 14.88.805
 - Allowed activities updated – Section 14.88.820
 - A new Exemptions section added – Section 14.88.825
 - Requirements updated – Section 14.88.830
 - Section on Buffers updated including Table 14.88-II Wetland Buffers – all buffers would increase – Table 14.88-III Required Measures, buffer averaging, and buffer conditions
 - Section 14.88.840 adds/modifies subsections related to buffer mitigation ratios, innovative design and credit/debit methodology.

The Planning Commission held multiple workshops and considered public comment, written comments, agency comments and analysis prepared by the city’s wetland consultant. The Planning Commission held a public hearing on January 4, 2017. The PC recommended that City Council adopt the proposed regulations as written (see attached findings and conclusions within the recommendation letter – **Attachment B**).

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

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

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

ATTACHMENTS:

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

Attachment B – Planning Commission Recommendation

CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON

ORDINANCE NO. 984

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Chapter 14.08 entitled “DEFINITIONS” of the Lake Stevens Municipal Code is hereby amended to read as referenced and incorporated in Attached **Exhibit B**.

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

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

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

PASSED by the City Council of the City of Lake Stevens this 28^h day of February 2017.

John Spencer, Mayor

ATTEST/AUTHENTICATION:

By: _____

Kathy Pugh, Deputy City Clerk

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

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

Attachment A

Definitions Chapter 14.08

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

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

Part I. Purpose and Intent

14.88.010 Purpose and Intent.

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

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

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

Part II. Definitions

14.88.100 Definitions.

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

Part III. General Provisions

14.88.200 Applicability.

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

14.88.210 Regulated Activities.

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

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

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

14.88.220 Allowed Activities.

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

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

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

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

(g) Stormwater Management Facilities. ~~Where buffers and setbacks are larger than 50 feet and slopes are less than 15 percent, stormwater management facilities, limited to stormwater d~~Dispersion outfalls and bioswales, may be allowed within the outer 25 percent of the buffer, when location of such facilities will not degrade the function or values of the ~~wetland~~ critical area.

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

14.88.230 Compliance.

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

14.88.235 Best Available Science.

(a) Criteria for Best Available Science. The best available science is that scientific information applicable to the critical area prepared by local, State or Federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC [365-195-900](#) through [365-195-925](#).

(b) Protection of Functions and Values and Fish Usage. Critical area studies and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat, such as salmon and bull trout.

(c) Lack of Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function or permitting an alteration of or impact to the critical area, the City shall:

(1) Take a precautionary or no-risk approach that strictly limits development and land use activities until the uncertainty is sufficiently resolved; and

(2) Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and non-regulatory actions protect the critical area. An adaptive management program is a formal and deliberative scientific approach to taking action and obtaining information in the face of uncertainty. To effectively implement an adaptive management program, the City hereby commits to:

(i) Address funding for the research component of the adaptive management program;

(ii) Change course based on the results and interpretation of new information that resolves uncertainties; and

(iii) Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and non-regulatory actions affecting protection of critical areas and anadromous fisheries. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.240 Classification as a Critical Area.

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

14.88.250 Procedures.

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

14.88.260 Submittal Requirements.

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

14.88.270 Site/Resource-Specific Reports.

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

14.88.275 Mitigation/Enhancement Plan Requirements.

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

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

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

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

14.88.276 Alternative Mitigation

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

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

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

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

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

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

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

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

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

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

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

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

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

14.88.277 Mitigation Monitoring.

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

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

(Ord. 773, Sec. 2, 2008)

14.88.278 Bonding (Security Mechanism).

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

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

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

14.88.280 Maps and Inventory.

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

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

14.88.283 Pesticide Management.

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

14.88.285 Building Setbacks.

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

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

14.88.287 Fencing and Signage.

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

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

14.88.290 Critical Areas Tracts and Easements.

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

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

(2) All wetlands and buffers; and

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

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

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

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

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

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

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

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

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

14.88.295 Permanent Protection for Streams, Wetlands and Buffers.

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

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

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

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

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

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

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

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

14.88.298 Innovative Development Design.

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

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

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

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

14.88.310 Demonstration of Denial of All Reasonable Economic Uses.

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

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

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

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

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

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

14.88.330 Nonconforming Activities.

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

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

14.88.340 Assessment Relief.

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

Part IV. Fish and Wildlife Conservation Areas

14.88.400 Classification.

Fish and wildlife conservation areas include:

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

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

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

14.88.410 Determination of Boundary.

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

14.88.415 Species/Habitats of Local Importance.

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

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

14.88.420 Allowed Activities.

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

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

14.88.430 Requirements.

- (a) Except as provided in this subsection, a 50-foot buffer shall be required for all regulated activities adjacent to fish and wildlife conservation areas. All buffers shall be measured from the fish and wildlife conservation area boundary as surveyed in the field. The width of the buffer may be increased depending on the habitat value and the proposed land use.
- (b) Buffer widths may be increased based on recommendations by the Department of Fish and Wildlife based on their Management Recommendations for Priority Habitats and Species.
- (c) To retain the natural functions of streams and stream corridors, the following streamside buffers shall be maintained:
 - (1) For ravines with banks greater than 10 feet in depth, maintain the existing or native vegetation within the ravine and a strip 25 feet from the top of the bank;
 - (2) Where there is no ravine or the bank is less than 10 feet in depth, maintain existing or native vegetation on both sides of the stream as measured from the ordinary high water mark (OHWM), in accordance with Table 14.88-I, which sets forth the required buffer widths based on classification of stream types:

Table 14.88-I: Stream Buffer Width

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

- (d) Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of the bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.
- (e) The Planning and Community Development Director may modify the buffer widths in the above table in accordance with the following:
 - (1) Buffer widths may be increased as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential as determined by an arborist.
 - (2) Buffer widths may be reduced in exchange for restoration and enhancement of degraded areas in accordance with an approved plan, or for buffer averaging in accordance with Section [14.88.275](#) and subsection (e)(4) of this section.
 - (3) If the stream enters an underground culvert or pipe, and is unlikely to ever be restored aboveground, the Planning and Community Development Director may waive the buffer along the undergrounded stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.
 - (4) Stream buffer widths may be modified by averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Stream buffer width averaging shall only be allowed when the applicant demonstrates the following:
 - (i) A site-specific evaluation and documentation of buffer adequacy is based on consideration of the best available science as described in Section [14.88.235](#); and
 - (ii) A buffer enhancement plan is proposed that would significantly improve the functions and values of the stream buffer(s); and
 - (iii) The averaging will not impair or reduce the habitat, water quality purification and enhancement, stormwater detention, groundwater recharge, shoreline protection and erosion and other functions and values of the stream and buffer.
 - (5) Buffer widths may be modified if the subject property is separated from the stream channel by pre-existing, intervening, and lawfully created structures, public roads, or other substantial pre-existing intervening improvements. The intervening structures, public roads, or other substantial improvements must separate the subject upland property from the stream channel by height or width, preventing or impairing the delivery of buffer functions to the stream channel. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the stream channel.
- (f) Development in the shorelines of State-wide significance is regulated under Appendix B of the City's State-approved Shoreline Master Program (SMP).
- (g) To protect the natural functions and aesthetic qualities of a stream and stream buffer, a detailed temporary erosion control plan which identifies the specific mitigating measures to be implemented during construction to protect the water from erosion, siltation, landslides and hazardous construction materials shall be required. The City shall review the plan with the appropriate State, Federal and tribal agencies and any adjacent jurisdiction. (Ord. 898, Sec. 8, 2013; Ord. 811, Sec. 92, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.440 Mitigation.

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

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

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

Part V. Frequently Flooded Areas

14.88.500 Classification.

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

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

14.88.510 Determination of Boundary.

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

14.88.520 Allowed Activities.

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

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

14.88.530 Requirements.

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

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

14.88.540 Mitigation.

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

Part VI. Geologically Hazardous Areas

14.88.600 Classification.

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

- (iv) Any area located on an alluvial fan presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments;
 - (v) Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of consolidated rock;
 - (vi) Any area with slope defined by the United States Department of Agriculture Soil Conservation Service as having a severe limitation for building site development; and
 - (vii) Any shoreline designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas.
- (3) Slopes.
- (i) Moderate slopes shall include any slope greater than or equal to 15 percent and less than 40 percent.
 - (ii) Steep slopes shall include any slope greater than or equal to 40 percent.
- (4) Seismic hazard areas shall include areas subject to severe risk of earthquake damage as a result of seismic induced settlement, shaking, slope failure or soil liquefaction. These conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.610 Determination of Boundary.

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

14.88.620 Allowed Activities.

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

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

14.88.630 Geological Assessment Requirements.

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

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

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

14.88.640 Setback Buffer Requirements.

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

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

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

14.88.650 Allowed Alterations.

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

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

14.88.660 Prohibited Alterations.

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

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

14.88.670 Mitigation.

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

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

14.88.700 Classification.

Repealed by Ord. 741.

14.88.710 Allowed Activities.

Repealed by Ord. 741.

14.88.720 Requirements.

Repealed by Ord. 741.

14.88.730 Determination of Boundary.

Repealed by Ord. 741.

14.88.740 Mitigation.

Repealed by Ord. 741.

Part VIII. Wetlands

14.88.800 Purpose

The purposes of this Chapter are to:

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

1.88.805 Classification Identification and Rating.

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

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

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

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

~~(b) Category I Criteria.~~

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

~~(c) Category II Criteria.~~

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

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

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

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

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

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

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

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

(4) Category IV. In Lake Stevens Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. These wetlands may provide some important functions, and should be protected to some degree.

(c) Illegal modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

14.88.810 Determination of Boundary.

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

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

14.88.820 Allowed Activities.

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

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

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

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

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

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

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

14.88.825 Exemptions

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

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

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

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

14.88.830 Requirements.

(a) Buffers. Wetland buffers shall be required for all regulated activities adjacent to regulated wetlands as provided in Table 14.88-II, unless modified ~~per subsection (b) or (c) of this section~~ elsewhere in this chapter.

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

Table 14.88-II

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

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

Table 14.88-II Wetland Buffer Requirements

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

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

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

Disturbance	Required Measures to Minimize Impacts
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Lights	<ul style="list-style-type: none"> • Direct lights away from wetland
Noise	<ul style="list-style-type: none"> • 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 immediately adjacent to the outer wetland buffer
Toxic runoff	<ul style="list-style-type: none"> • 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 • Apply integrated pest management
Stormwater runoff	<ul style="list-style-type: none"> • 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 information refer to the drainage ordinance and manual)
Change in water regime	<ul style="list-style-type: none"> • Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns
Pets and human disturbance	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Use best management practices to control dust

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

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

- ~~(3) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts, or the adjacent land has minimal vegetative cover or slopes greater than 15-30 percent.~~
- (1) The wetland is used by a state or federally listed plant or animal species or has essential or outstanding habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
- (2) The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
- (3) The adjacent land has minimal vegetative cover or slopes greater than 30 percent.
- ~~(c) (d) Wetland Buffer Width-Averaging. Wetland buffer widths may be modified by averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following as demonstrated in accordance with an approved critical report:~~
- ~~(1) The averaging will not impair or reduce the habitat, water quality purification and enhancement, stormwater detention, groundwater recharge, shoreline protection, erosion protection, and other functions and values of the wetland and buffer; and~~
- (2) The buffer is increased adjacent to the higher functioning area and decreased adjacent to lower-functioning area; and
- ~~(23) The total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging.~~
- ~~(d) (e) Buffer Conditions. Except as otherwise specified, wetland buffers shall be retained in their natural condition.~~
- (1) Where buffer disturbance may or has occurred during construction, revegetation with native wetland vegetation may be required appropriate for the ecoregion or with vegetation performing similar functions.
- (2) If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.
- ~~(e) Permitted Uses in a Wetland Buffer. Regulated activities shall not be allowed in a buffer zone except for the following:~~
- ~~(1) Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These may include low intensity, passive recreational activities such as pervious trails, nonpermanent wildlife watching blinds, short term scientific or educational activities, and sports fishing or hunting;~~
- ~~(2) For Category III and IV wetlands, stormwater management facilities restricted to the outer 25 percent of the buffer around the wetland; or~~
- ~~(3) For Category III and IV wetlands, development having no feasible alternative location, pursuant to sequencing and subject to the mitigation requirements of LSMC 14.88.840.~~

- (f) Buffer Reductions. Buffer reductions may be allowed for Category III or IV wetlands, provided the applicant demonstrates the proposal meets the criteria in subsections (f)(1) through (4) of this section and either subsection (f)(5) or (6) of this section. Buffer width reduction proposals that meet the criteria as determined by the Planning and Community Development Director or designee shall be reduced by no more than 25 percent of the required buffer ~~and shall not be less than 25 feet in width.~~
- (1) The buffer area meets buffer area planting in Section [14.88.275](#) and has less than 15 percent slopes; and
 - (2) A site-specific evaluation and documentation of buffer adequacy is based on consideration of the best available science as described in Section [14.88.235](#); and
 - (3) Buffer width averaging as outlined in subsection (c) of this section is not being used; and
 - (4) A buffer enhancement plan is proposed that would significantly improve the function and value of ~~the a~~ degraded wetland and buffer subject to mitigation requirements of LSMC 14.88.840; and either
 - (5) The subject property is separated from the wetland by pre-existing, intervening, and lawfully created structures, public roads, or other substantial improvements. The pre-existing improvements must be found to separate the subject upland property from the wetland by height or width that prevents or impairs the delivery of buffer functions to the wetland. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the wetland; or
 - (6) The wetland scores ~~less than 20~~ 5 points for wildlife habitat in accordance with the rating system applied in Section [14.88.800](#), and mitigation is provided based on Section [14.88.840](#)(b) and Table 14.88-III, when determined appropriate based on the evaluation criteria in Section [14.88.840](#)(f).

Table 14.88-III: Disturbance Mitigation

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

<p>Pets and humans</p>	<p>Residential areas</p>	<p>Landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets</p>
<p>Dust</p>	<p>Tilled fields</p>	<p>Best management practices for dust control</p>
<p>Toxic runoff*</p>	<p>Parking lots, roads, manufacturing, residential areas, landscaping</p>	<p>-Route all new untreated runoff away from wetland while ensuring that wetland is not dewatered -Establish covenants governing use of pesticides within 150 feet of wetland -Apply integrated pest management</p>

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

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

14.88.840 Mitigation.

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

(a) Location and Timing of Mitigation.

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

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

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

Table 14.88-IV: Wetland Mitigation Ratios

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

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

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

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

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

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

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

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

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

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

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

Part IX. Transfer of Development Rights

14.88.900 Definitions.

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

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

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

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

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

14.88.930 Designation Process.

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

14.88.940 Designation Revocation.

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

14.88.950 Calculating Transferable Development Rights.

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

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

Part X. Mitigation Plan Requirements

14.88.960 Criteria.

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

DRAFT

Attachment B



January 4, 2017

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

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

Dear Council Members:

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

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

Commissioners Absent: Commissioner Houtt

PLANNING COMMISSION PUBLIC HEARING January 4, 2017

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

FINDINGS AND CONCLUSIONS

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

1. Comply with selected Goals of the Comprehensive Plan

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

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

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

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

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

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

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

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

4. Comply with Public Notice and Comment Requirements

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

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

PLANNING COMMISSION RECOMMENDATION

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

Respectfully submitted,

Lake Stevens Planning Commission

Signed original on file

Jennifer Davis, Vice Chairperson



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda January 24, 2017
Date: _____

Subject: Grade Road Development Agreement

Contact	Russ Wright	Budget	N/A
Person/Department:	Planning & Community Development	Impact:	_____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

1. **Hold a Public Hearing for the Grade Road Development Agreement.**
2. **Motion to approve the Grade Road Development as conditioned and authorize the Mayor to sign.**

SUMMARY/BACKGROUND: The Lake Stevens City Council recently passed a resolution to surplus unneeded property off Grade Road. Staff has been coordinating with Lake Stevens Senior Housing LLC (LSSH) on a proposed real estate transaction for this property. Concurrently, LSSH has applied for a Development Agreement to establish the terms for future phased development of the site and preferred uses. Staff is coordinating with the City Attorney on final language. The applicant has provided a project narrative (**Exhibit 1**) and a conceptual site plan (**Exhibit 2**) along with the Development Agreement (**Exhibit 3**). Under state law, Development Agreements are designed to provide certainty to the city and the developer for large, complex projects. City Council was briefed on the agreement at its January 10, 2017 meeting.

Following the execution of the Development Agreement, LSSH proposes to submit a master development plan that will identify specific locations for assisted living units, memory care units, a commercial/medical office building, independent residences and project phasing.

Under the city's municipal code, Development Agreements are Type VI applications subject to City Council review and approval. Staff has issued a Notice of Application for the project, issued a SEPA threshold determination for the project and duly advertised the public hearing. No comments have been received. Staff has coordinated with the City Attorney's office and reviewed the Development Agreement against the requirements of LSMC 14.16C.055.

RECOMMENDATION AND CONDITIONS OF APPROVAL:

STAFF RECOMMENDS that City Council APPROVE the Grade Road Development Agreement subject to the following conditions:

1. The applicant shall record the Development Agreement within 30-days of Council Approval.

APPEALS

- (1) A Development Agreement shall be subject to appeal in Snohomish County Superior Court in accordance with the provisions of the Land Use Petition Act, Chapter [36.70C](#) RCW.
- (2) The cost of transcribing the record of proceedings, of copying photographs, video tapes, and any oversized documents, and of staff time spent in copying and assembling the record and preparing the record for filing with the court shall be borne by the party filing the petition. If more than one party appeals the decision, the costs of preparing the record shall be borne equally among the appellants.

EXHIBITS

Exhibit 1	Project Narrative
Exhibit 2	Conceptual Site Plan
Exhibit 3	Development Agreement

BUDGET IMPACT: NA

Exhibit 1

November 28th, 2016

City of Lake Stevens
Planning and Community Development
1812 Main Street, PO Box 257
Lake Stevens, WA. 98258

RE: Lake Stevens Senior Housing, LLC
Development Agreement application
Project Narrative

The Lake Stevens Senior Housing, LLC Development Agreement application provides the opportunity for the City and Lake Stevens Senior Housing, LLC to agree on the scope and timing of future development of the site, applicable regulations and requirements, and other matters relating to the development process. Future development will be reviewed pursuant to the approved Development Agreement and Master Development Plan process, which is a requirement for development proposals located within the Planned Business District zone:

Tax Parcel Numbers:	005622-000-002-02, 005622-000-003-00, 005622-000-004-00, 005622-000-012-03, 005622-000-012-04, and 005622-000-013-01
Property Area:	Approximately 22.11 Acres
Property Zoning:	Planned Business District
Comprehensive Plan designation:	Planned Business District
Current Proposal:	Development Agreement

Site Description

The site is an approximately 22.11 acres made up of six vacant parcels currently owned by the City of Lake Stevens. The site is relatively flat and contains critical areas and floodplain which take up a portion of the property. The site is surrounded by property zoned Suburban Residential to the North, Grade Road and both Suburban and Multi-Family Residential to the West, Planned Business District to the southwest. Hartford Road and both Urban and High Urban Residential to the South and Light Industrial to the East.

Proposal

This will be a phased development proposal. It includes execution of a Development Agreement followed by the application for a Master Development Plan, which is a requirement for development within the Planned Business District zone. The overall proposal is a mixed use development consisting of:

Phase 1: Senior housing phase - 120 Assisted Living units + 50 Memory care units, arranged in a shared configuration with independent entry points. Ground floor would be memory care around a garden courtyard and assisted living commons with shared back-of-house spaces. Second & third floor would contain the assisted living units.

Phase 2: Commercial/Medical office component phase- approximately 30,000 GSF, 3 story building. Ground floor would be retail commercial with patio space, medical office on 2nd & 3rd floors above.

Phase 3: Housing phase - up to 150 units - 3-story residential housing project.

The uses and site layout attached as part of the development agreement application may change after complete review of the sensitive areas on site subject to the requirements of the Development Agreement.

A development agreement is necessary for this proposal because of the complexity of the site. The current Planned Business District (PBD) zoning recognizes this within the definition of the zone. LSMC 14.36.020(g) defines the PBD zone as:

(g) The Planned Business District (PBD) is designed to accommodate commercial or mixed use development, including supporting residential structures, generally similar to the types permissible in a Central Business District or Mixed Use zone. It is intended that this zone be used on sites containing sensitive resources or other sites where, due to property-specific circumstances, detailed planning would benefit all property owners involved as well as the public by, among other things, allowing for comprehensive site planning and a transfer of densities among parcels in order to avoid impacts to sensitive resources.

The site contains floodplain and wetlands which will require permitting and mitigation with state and local agencies. Since a portion of the site is located outside of sensitive areas, we will be able to develop certain phases of the project while we are working on permitting for other phases. With a Development Agreement in place, we can be assured of code consistency throughout the phasing and permitting of this project.

Project Phasing

Once the Development Agreement is approved, a Master Development Plan will be applied for along with all other required permit applications. The following is a general phasing plan, consistent with the proposed Development Agreement. Site improvements will be phased and included within the Master Development Plan

Lake Stevens, LLC Development Agreement application
November 28th, 2016
Page 3 of 3

Phasing of this project may generally be as follows per the attached site plan:

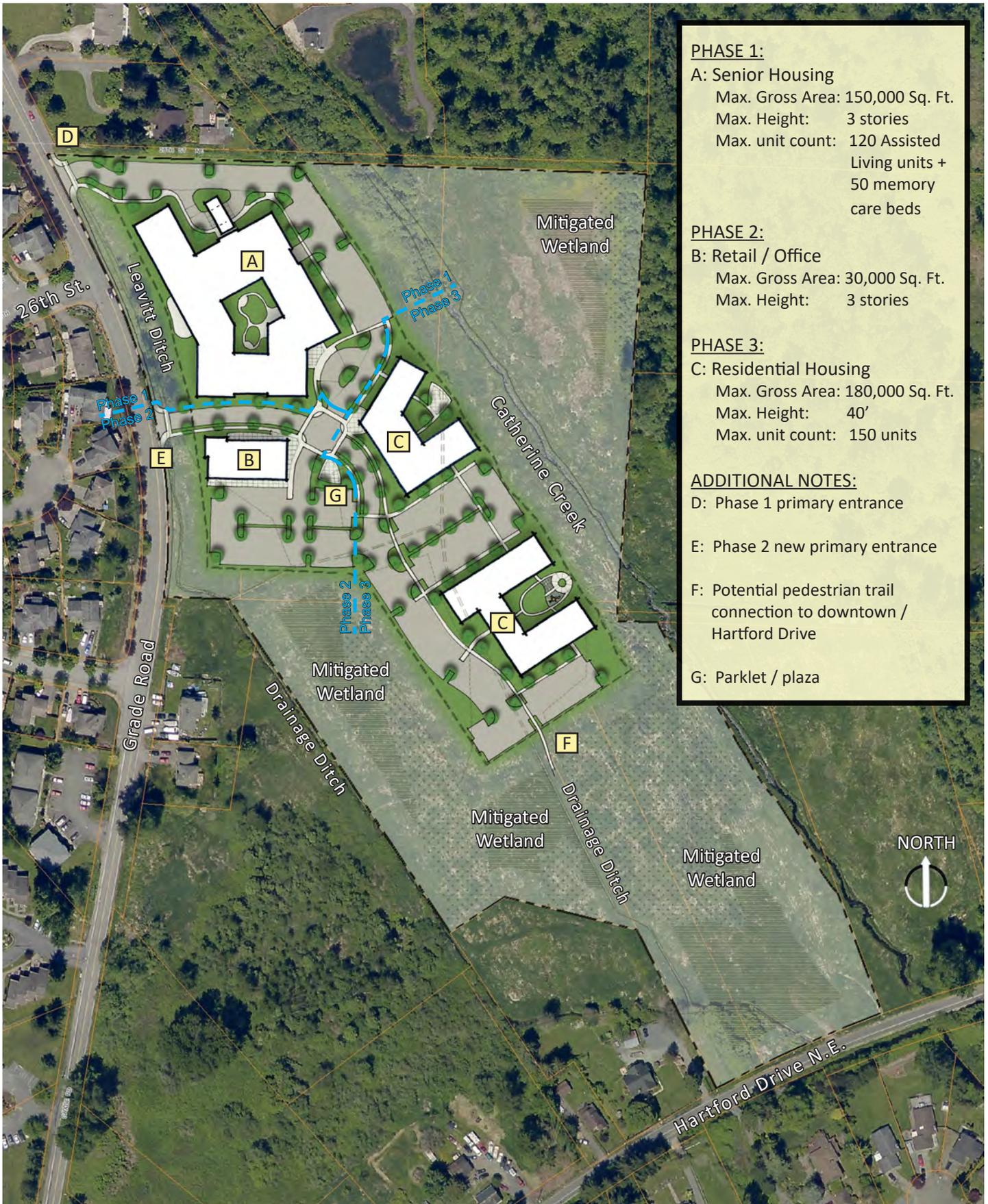
- 2017 - Master Development Plan submittal/processing.
- 2017 - Phase one construction and site improvements.
- 2018 - Phase two construction and site improvements.
- 2019-2027 - Phase three construction and site improvements.

We look forward to working with you and appreciate your review on this project.

Sincerely,

Clay White
Principal Planner
LDC, Inc.

Exhibit 2



Required information for recording

Exhibit 3

**DEVELOPMENT AGREEMENT
LAKE STEVENS SENIOR HOUSING, LLC**

THIS DEVELOPMENT AGREEMENT (“Development Agreement” or “Agreement”) is entered into this _____ day of _____, 2017 (“Execution Date”) by and between the City of Lake Stevens, Washington, a Washington municipal corporation (the “City”), and Lake Stevens Senior Housing, LLC, an Oregon limited liability company and/or assigns (“Developer”).

RECITALS:

(i) WHEREAS, the Legislature, pursuant to RCW 36.70B.170 through .210, has authorized the Cities to enter into development agreements; and

(ii) WHEREAS, the City of Lake Stevens adopted provisions for processing Development Agreements pursuant to Lake Stevens Municipal Code Chapter (“LSMC”) 14.16B and LSMC 14.16C.055; and

(iii) WHEREAS on December 29, 2016 the Washington Supreme Court issued a decision in *Snohomish County, et. ux., v. Pollution Control Hearings Board, No. 92805* (the “Decision”) holding that state and federal regulations direct permittees to implement storm water regulations and such regulations are not municipal land use and zoning ordinances for statutory vesting in Washington; and

(iv) WHEREAS the scope and application of the Decision is uncertain at this time; and

(v) WHEREAS the City is an NPDES Phase II Permit jurisdiction and is obligated to comply with the Western Washington Phase II Municipal Storm Water Permit (effective August 1, 2013; modified January 16, 2014) (the “Permit”); and

(vi) WHEREAS the Permit provides for compliance with the Stormwater Management Manual for Western Washington (2012) (the “Manual”); and

(vii) WHEREAS the City expects to adopt the Manual on or about January 24, 2017; and

(viii) WHEREAS, the City owns those certain parcels of real property with the following tax account numbers 005622-000-002-02, 005622-000-003-00, 005622-000-004-00, 005622-000-012-03, 005622-000-012-04, and 005622-000-013-01 commonly known as the Grade Road Property, Lake Stevens, Washington and legally described on Exhibit A attached hereto (collectively the “Grade Road Property”); and

(ix) WHEREAS, pursuant to Resolution 2016-25 the City has determined to dispose of the Grade Road Property pursuant to LSMC Chapter 2.98, Section 2.98.050; and

Grade Road Development Agreement - 1

(x) WHEREAS, the City and the Developer have entered into a Real Estate Purchase and Sale Agreement (PSA), dated September 22, 2016, where the City has agreed to sell the Grade Road Property to Developer; and

(xi) WHEREAS, the zoning and comprehensive plan designation of the Grade Road Property is Planned Business District (“PBD”); and

(xii) WHEREAS, pursuant to LSMC 14.44.090(a), the PBD is designed to accommodate commercial or mixed-use development on sites containing critical areas or sensitive resources or other sites where, due to property-specific circumstances, detailed planning would benefit all property owners involved as well as the public by allowing for comprehensive site planning and a transfer of densities among parcels in order to avoid impacts to sensitive resources; and

(xiii) WHEREAS, LSMC 14.16C.055 states that the purpose of a development agreement is to provide certainty regarding applicable development standards, uses, and/or mitigation for major projects or long-term, phased proposals that take years to complete and that require substantial financial commitments at an early stage; and

(xiv) WHEREAS, Developer, in conjunction with this Agreement, submitted a project description, site plan and SEPA checklist on November 28, 2016, which, if complete, may satisfy the requirements of the Permit as defined; and

(xv) WHEREAS, if the project description, the site plan and the SEPA checklist are complete under S5C4 a of the Permit the prior local program regulations for stormwater would apply, such regulations being the Stormwater Management Manual for Western Washington (2005); and

(xvi) WHEREAS, this Development Agreement is compatible with the goals and policies of the City’s Comprehensive Plan including the land use elements which recognize that the PBD is intended for properties where detailed planning will benefit property owners as well as the public by allowing the transfer of densities in order to avoid impacts to critical areas. This Development Agreement will allow the completion of long-term sensitive-area assessments in order to develop the site to the benefit of the City, the public and the Developer; and

(xvii) WHEREAS, this Agreement is consistent with LSMC 14.16C.055 and RCW 36.70B.170-210, which provide criteria for approving development agreement applications; and

(xviii) WHEREAS, any future development on the Grade Road Property must adequately mitigate potential environmental impacts through the application of LSMC through the permitting process; and

(xix) WHEREAS, the Grade Road Property contains site-sensitive resources, which will require detailed planning and permitting, project phasing, and a commitment of financial resources at an early stage; and

(xx) WHEREAS, pursuant to LSMC 14.44.090, development on properties zoned PBD shall be executed through a master development plan; and

Grade Road Development Agreement - 2

(xxi) WHEREAS, the City consents to Developer, subject to the terms of the PSA and with the City's consent as Owner of the Grade Road Property, submitting to the City an application for a development agreement and a master development plan pursuant to LSMC 14.44.090 for the Grade Road Property to include mixed-uses, including but not limited to assisted living, memory care, and residential and senior housing, medical offices, retail, residential, recreational and other complementary uses (the "Development Project"); and

(xxii) WHEREAS, the City is actively promoting economic development in the downtown core and adjacent areas, and desires more density and innovative housing options; and the proposed Development Project is consistent with the City's development goals, and assisted living memory care, residential and senior housing and other uses satisfy that goal and current public need; and

(xxiii) WHEREAS, in authorizing development agreements pursuant to Sections 36.70B.170-210 RCW, the Legislature found that the lack of certainty in the approval of development projects can result in a waste of public and private resources, escalate housing costs for consumers, and discourage the commitment to comprehensive planning which would make maximum efficient use of resources at the least economic cost to the public; and

(xxiv) WHEREAS, the execution of a development agreement is a proper exercise of the City police power and contractual authority, in order to ensure development that is consistent with the Comprehensive Plan and with applicable development regulations adopted by the City as part of its authority to plan under Chapter 36.70A RCW, and to mitigate the impacts of such development; and

(xxv) WHEREAS, on _____, 2017, the City issued a State Environmental Policy Act Determination of Nonsignificance, which addresses this Development Agreement; and

(xxvi) WHEREAS, on _____, 2017, public comments were received, reviewed and considered by the City; and

(xxvii) WHEREAS, as required by law, the City Council held a public hearing on January 24, 2017, to consider this Development Agreement, and the City Council thereafter adopted Resolution No. _____, approving this Development Agreement, and authorizing the mayor to execute the same consistent with RCW 36.70B.200; and

(xxviii) WHEREAS, after due consideration of the terms of this Development Agreement and the public hearing, the City and Lake Stevens Senior Housing, LLC have agreed to enter into this Development Agreement, which shall be used to establish the preliminary development plan for the Development Project;

NOW, THEREFORE, in consideration of the mutual promises and agreements made herein, and other good and valuable consideration, the sufficiency of which is hereby mutually acknowledged, the City and Lake Stevens Senior Housing, LLC agree as follows:

1. Development Project; Permits; Vesting.

a. The Developer shall be permitted to design and construct the "Development Project" so long as it meets all applicable City land use regulations, except as provided herein. The Development Project shall be designed and constructed within the approximate areas depicted on the proposed site plan

appended hereto as Exhibit B, provided that wetland mitigation may result in modification to the general location of structures and site design. The final, footprint, number of units, and square footage of any retail or office space will be determined through the permitting process during each phase of the Development Project and in accordance with the City's land use regulations. This Development Agreement establishes the general parameters for the Development Project on the Grade Road Property together with all agreed utilities, parking or other transportation facilities, open space, landscaping improvements, and/or other agreed improvements to support and complete the future phased development of the Grade Road Property, subject to changes that may be made pursuant to Section 11 of this Agreement.

b. The Developer shall be responsible for applying for and obtaining all necessary use and development permits applicable to the Development Project including, without limitation, a Master Development Plan under the Planned Business District Requirements, CUP, Clearing and Grading Permits, State Environmental Policy Act Review, Flood Plain Permit, Civil Construction Plans, and Building Permits. Other permits may include a Subdivision, Binding Site Plan and/or Boundary Line Adjustment to modify current lot configurations as needed to develop the Grade Road Property. The City will review and process all of Developer's applications for land use and building permits in accordance with all applicable statutes, ordinances, codes and this Agreement.

c. Subject to the terms of this Agreement, the Development Project shall be designed and constructed in accordance with statutes, codes and ordinances (collectively "Regulations") in effect as of the Execution Date of this Development Agreement. The Development Project, except as hereinafter provided, shall vest to the land use and zoning Regulations for the development, use and mitigation requirements for the entire "Vesting Period" as defined below. During the Vesting Period, the City shall not modify or impose new or additional Regulations or development standards on the Developer or the Development Project beyond those set forth in this Development Agreement. During the Vesting Period, the City shall not impose new mitigation requirements on the Developer or the Development Project. To the extent this Development Agreement does not establish standards for certain elements of the Development Project, such elements shall be governed by the Regulations as of the Effective Date of the Development Agreement. Notwithstanding the foregoing, vesting of the Development Agreement shall not limit or freeze impact fees, substantial development charges or other development related fees. Such fees and charges shall be established at the time they become due and payable. In addition, all changes in federal and state statutes, Building Code, life safety requirements and all other building permit related requirements occurring prior to the issuance of building permits shall apply to the Development Project.

d. The Development Project shall be vested, or the City will not oppose a claim of vesting, to include but not be limited to, the following regulations for the development of a master development plan within the PBD for the entire Vesting Period:

- i. Title 11 – Storm and Surface Water Management
- ii. Title 16 – SEPA Procedures and Policies
- iii. 14.04 – Basic Definitions and Interpretations
- iv. 14.16A – Administration and Procedures
- v. 14.16B - Types of Land Use Review
- vi. 14.16C - Land Use Actions, Permits and Determinations - Decision Criteria and Standards
- vii. 14.18 - Subdivisions, Boundary Line Adjustments and Binding Site Plans
- viii. 14.32 - Nonconforming Situations

Grade Road Development Agreement - 4

- ix. 14.36 - Zoning Districts and Zoning Map
- i. 14.38 - Subarea Plans
- ii. 14.44- Supplementary Use Regulations
- iii. 14.46 - Innovative Housing Options Program
- iv. 14.48 - Density and Dimensional Regulations
- v. 14.56 - Streets and Sidewalks
- vi. 14.60 - Utilities
- vii. 14.64 - Special Flood Hazard Areas, Drainage, and Erosion
- viii. 14.68 - Signs
- ix. 14.72 - Parking
- x. 14.76 - Screening and Trees
- xi. 14.88 - Critical Areas
- xii. 14.92 - Shoreline Management

In accordance with recitals iii to iv, the question of vesting in Storm and Surface Water Management is subject to interpretation. City will not oppose a claim of vesting as to Storm and Surface Water Management but makes no agreement, representation or warranty of vesting. Developer acknowledges that city makes no agreement, representation or warranty of vesting concerning Storm and Surface Water Management. If it is determined by a court of competent jurisdiction that there is no vesting concerning Storm and Surface Water Management, Developer agrees to make no claim against City concerning the lack of vesting. The remaining provisions of this Development Agreement shall be severable and shall remain in full force and effect. The provisions in this subparagraph supersede any other provision in this Development Agreement that expressly or impliedly, agree, represent or warrant vesting as to Storm and Surface Water Management. City's duty shall be expressly limited to not opposing a claim of vesting by Developer. Any vesting as to Storm and Surface Water Management shall be limited in scope and duration to the scope and duration as allowed by the Permit as it now reads or is hereafter amended. The scope and duration allowed by the Permit shall supersede any inconsistent provision in this Development Agreement as to the scope and duration of vesting.

e. The Development Project shall vest to the permissible uses of the PBD zone for the entire Vesting Period and any extension thereof that support the primary uses for medical offices, assisted living, memory care, senior housing and mixed residential along with complementary uses that may include social services, retail, recreation, professional services, professional offices, restaurants, places of worship, and cultural facilities. These uses are permitted for the PBD zone and with those general uses identified within the proposed site plan attached as Exhibit B to be refined during the master development plan process.

f. The City agrees to the current wetlands location, delineation and classification prepared by Perteet, dated August 31, 2015, for the duration of the Vesting Period for permitting purposes, specifically for the siting of building areas, building sites, location of any structures and areas to be set aside in protected tracts or easements; provided that, Developer may prepare and rely upon its own professional wetlands analysis prepared during the Vesting Period, a copy of which shall be provided to the City for review and approval provided that it satisfies the requirements of Chapter 14.88 LSMC.

g. For purposes of this Agreement, the term "Vesting Period" shall mean the period commencing on the date the Development Agreement is recorded with the real property records of the Snohomish County Auditor ("Effective Date") and expiring on the date, which is 60 months (five years) thereafter. If the Developer is working in good faith to complete the Development Project phases as defined herein, the City shall extend the Vesting Period automatically for an additional 60 months (five years) subject to acceptance of a monitoring report detailing compliance. In no event shall the term of

this Development Agreement or the Vesting Period exceed one hundred and twenty (120) months (10 years) thereafter.

h. Any land use permit submitted by Developer and deemed as a complete application prior to the expiration of the Vesting Period under this Development Agreement shall be deemed vested as to Regulations applicable as of the Effective Date of the Development Agreement for that permit application.

i. Unless the Development Agreement is terminated, it shall be binding during the Vesting Period on the parties and their successors and assigns.

j. During the Vesting Period, and following the Closing upon which Developer acquires the Grade Road Property, the Developer shall be allowed to manage the Grade Road Property consistent with the applicable Regulations.

k. Nothing shall prevent the City from requiring a new or revised SEPA checklist at different phases as deemed necessary. The City may make a new SEPA determination if a new or revised SEPA checklist is required. In addition, in the event of errors in the SEPA checklist, or if new information is submitted that indicates a probable significant adverse impact on the environment, the City may withdraw any prior SEPA determination.

2. Project Phasing.

a. The Development Project, vested under this Development Agreement, shall consist of multiple phases as generally depicted within Exhibit B. The site and phasing plan may be administratively modified as outlined in Section 11 and LSMC 14.16C.055(g). Project phasing will be implemented through the PBD and master development plan process. Any significant changes in use or significant alterations to the Development Project which shall be limited to: (i) any increase in the total entitlements shown on the site plan appended hereto as Exhibit B; and (ii) changes to the term of the Agreement, which will be subject to City Council review as a major modification. All other proposed revisions will be considered administrative.

b. Phasing of this project may generally be as follows:

- i. 2017 – master site plan process
- ii. 2017 – phase one construction and site improvements of assisted living and memory care and related facilities
- iii. 2018 – phase two construction and site improvements of medical office and retail
- iv. 2019-2027 – phase three construction and site improvements for residential dwellings

3. Project Mitigation and Impact Fees.

a. Mitigation for potential environmental impacts of future development will be addressed through the application of LSMC as part of the process to evaluate permits such as, but not limited to, the master development plan, conditional use permit, SEPA review, and building permit process.

b. School, Traffic, and Park impact fees will be assessed in accordance with LSMC 14.100,

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14.112, 14.120, and 14.124.

4. Intended Uses.

- a. The intended use of the property shall be as set forth below and as generally illustrated in Exhibit B. The preferred uses agreed to generally consist of assisted living and memory care facilities, medical offices, retail, single-family and multifamily residential dwellings and personal services that support the residents of the planned development described in Section 1(e). Site changes may be made administratively pursuant to Section 11 of this Agreement. The final site plan will be implemented through a master development processed as a CUP.

5. Open Space and Recreation.

- a. The project site contains several acres of critical areas which will be preserved as open space.
- b. Additional open space and recreation will be identified and implemented through the master development plan requirements identified in LSMC 14.44.090(g).

6. Roadway Improvements.

- a. The Developer shall design and construct to City's Engineering and Design and Development Standards street improvements for the current Grade Road Blvd cross-section. The roadway will be designed, constructed and installed in accordance with the City's road design standard as determined through the permitting process at Developer's expense.
- b. The Developer may be entitled to a credit toward traffic impact fees pursuant to the criteria found in Chapter 14.112 LSMC for qualifying projects.

7. Utilities.

- a. The Developer is responsible to coordinate with all utility service providers. This includes water, sewer, power, communications, and gas. Developer shall be responsible for all costs associated with the location, or relocation of utilities for the Development Project and the work described in this Agreement that is the responsibility of Developer. Notwithstanding the foregoing, the City shall support the Developer and the applicable sewer district in coordinating a Sewer DEA if necessary for the Development Project.
- b. The Developer is required, as part of the permit and approval process, to provide water and sewer availability certificates for the Development Project to the City.

8. Development and Land Use Provisions.

- a. The Developer will design the buildings and site in accordance with the LSMC Title 14 and the subarea plan adopted Design Guidelines referred to in LSMC 14.38.110 unless modified under Sections 6 or 8 of this Agreement.
- b. The development design shall contain a mix of uses in accordance with the Development Project and Section 4(a) and as allowed in the Planned Business District ("PBD") and generally illustrated in the Master Site Plan.

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The proposed site plan attached as Exhibit B is intended to be preliminary in nature and a general concept.

9. General Compliance.

Except as specifically provided in this Agreement, the Developer shall comply with all City ordinances, regulations, development standards and policies in effect at the time complete building permit application(s) are submitted to the City. Developer shall be subject to all pertinent impact fee requirements, including parks, transportation and school impact fees. Pursuant to RCW 36.70B.170(4), this Development Agreement shall reserve authority for the City to impose new or different regulations to the extent required by a serious threat to the public health and safety. The Developer is responsible for all other utility facility and connection fees as applicable.

10. Term.

This Development Agreement shall become effective on the Effective Date and shall expire at the end of the Vesting Period, pursuant to Section 1(g). If, the terms of this Agreement shall apply to all permits issued under applications that were complete prior to the expiration of this Agreement and for the life of all such permits (“Vested Permits”). The rights, duties, and obligations of the Parties to this Development Agreement shall be contingent upon purchase and closing of the Grade Road Property by the Developer, at Developer’s sole discretion. In the event that the Developer does not purchase the Grade Road Property, this Agreement shall be null and void and of no further force or effect, and the Developer shall cooperate in executing documentation necessary to remove the Development Agreement from title to the Property. Upon expiration of the Vesting Period, this Development Agreement shall automatically terminate unless otherwise renewed by the City Council following the process for Development Agreements of LSMC Sections 14.16B and 14.16C.055, and except for its application to Vested Permits.

11. Modifications.

The following elements of the Development Agreement may be modified administratively by the City pursuant to LSMC 14.16C.025:

- a. Modification of the site plan, uses, use locations, lot boundaries, site access, project phasing, and other project elements and standards identified or depicted within the development agreement and/or site plan.
- b. After completion of distinct phases of the Development Project, as generally described in Exhibit B and herein, the Developer and the City may mutually agree to utilize development regulations and/or standards adopted after the Effective Date of this Agreement through and amendment to the Development Agreement and, if needed, the master development plan.
- c. Any other revisions to this Development Agreement or to any project permit as defined by RCW 36.70B.020 that implement this Agreement, which do not add greater land-use or transportation intensities and densities than are already mitigated by the provisions of this Development Agreement.

12. Assignment.

Developer acknowledges that the uses depicted in Exhibit B are a material consideration to City's participation in this Development Agreement as property owner. The Development Agreement and the entitlements hereunder shall be assignable provided that assignee agrees, in writing, to comply with the provisions, terms and conditions of this Development Agreement, and in particular the assignee acknowledges the scope of preferred uses described as the "Development Project" and the limitations and scope of uses set forth in paragraph 4 above, Exhibit B and as provided in this Agreement. Prior to such assignment, Developer shall give City thirty (30) days advance written notice of the proposed assignment, which notice shall include a copy of the proposed assignment to be executed by assignor and assignee. In the event an assignee desires to change the Development Agreement's limitation and scope of uses significantly, such assignment shall be subject to City's approval in its sole subjective discretion.

13. Closing Contingency.

This Development Agreement shall be contingent upon the closing of the Grade Road Property and vesting of title in Lake Stevens Senior Housing, LLC on or before February 27, 2017, or such later date as may be mutual agreed in writing by the parties. If such vesting of title has not occurred on or before that date, this Development Agreement shall be null and void and of no further effect.

14. Enforceability.

Unless terminated in accordance with the provisions hereof, or amended in writing by a document signed by all parties hereto, this Development Agreement is enforceable during its term by any party to the Development Agreement. Thereafter, this Development Agreement is enforceable with respect to any continuing obligation of the parties that survive termination, as set forth herein.

15. General.

a. This Development Agreement shall be recorded at the Snohomish County Auditor's Office within 30 days of approval by the City Council execution by the Mayor and execution by the Developer.

b. Any permit or approval issued by the City must be consistent with this Development Agreement.

c. This Development Agreement is a covenant running with the land and is binding on the heirs, personal representatives, successors and assigns of the parties herein.

d. Nothing in this Development Agreement shall be construed to restrict the authority of the City to exercise its power and discretion to rezone the Real Property following expiration of the term of this Development Agreement or in the event this Agreement does not become effective.

e. In the event of breach of this Agreement by either party, the non-breaching party shall be entitled to bring an action for specific performance and/or injunctive relief. In addition, in the event of breach by one or more Developers, the City shall be entitled to stop work on any pending development approval or permit by the breaching Developer and shall be entitled to withhold approval of pending permit applications submitted by the breaching Developer. In the event either party commences an action to enforce this agreement or for other relief pursuant to this agreement, the prevailing party in such litigation shall be entitled to an award of reasonable costs and attorney's fees, including costs and fees on appeal.

f. In the event of any dispute as to interpretation or application of the terms or conditions of this Agreement, the Developer and the City shall meet within ten (10) business days after request from any party for the purpose of attempting, in good faith, to resolve the dispute. The meeting may, by mutual agreement, be continued to a date certain in order to include other parties or persons, or to obtain additional information. In the event that a dispute is not resolved through party consultation, the matter shall be scheduled for mediation before a mutually agreed upon neutral party. If the matter is not settled through mediation, any aggrieved party may file an action in the Snohomish County Superior Court, as may be allowed by law and court rules.

g. This Agreement shall be governed by and be interpreted in accordance with the laws of the State of Washington.

h. If any provision of this Agreement is determined to be unenforceable or invalid by a court of law, then this Agreement shall thereafter be modified to implement the intent of the parties to the maximum extent allowable under law.

i. This Agreement shall not be modified or amended except in writing signed by the City and Developer or their respective successors in interest.

j. This Agreement represents the entire agreement of the parties with respect to the subject matter hereof. There are no other agreements, oral or written, except as expressly set forth herein.

k. The Developer agrees that in the event of a proposed sale, gift, transfer, segregation, assignment or devise of the Property, the Developer shall disclose the existence of this Agreement to the interested party.

l. This Agreement has been reviewed and revised by legal counsel for all parties and no presumption or rule that ambiguity shall be construed against the party drafting the document shall apply to the interpretation or enforcement of this Agreement.

m. This Agreement shall not be construed as a waiver of any and all other development regulations of the City or other governmental agencies applicable to the development of Developer's property.

n. Except as set forth herein and applicable city code, this Agreement shall not be construed or deemed as a waiver by either City or Developer of any other legal rights, privileges or protections applicable to the property arising under: 1) the Federal or State Constitution; 2) Federal, State or local legislation; 3) Federal or State judicial authority; or 4) any other recognized body of law or equity.

[Signatures and notaries on following pages]

EXECUTED THIS _____ DAY OF _____, 2017.

DEVELOPER:

LAKE STEVENS SENIOR HOUSING,
an Oregon limited liability company

By: _____
Charles McGlade, Manager

CITY OF LAKE STEVENS:

By: _____
John Spencer, Mayor

Approved as to form:

Grant K. Weed, City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that JOHN SPENCER is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Mayor of the **CITY OF LAKE STEVENS** to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED this ____ day of _____, 2017.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____

STATE OF _____)
) ss.
COUNTY OF _____)

I certify that I know or have satisfactory evidence that Charles McGlade is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Manager of Lake Stevens Senior Housing, LLC, an Oregon limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this ____ day of _____, 2017.

(Legibly print name of notary)
NOTARY PUBLIC in and for the State of
_____, residing at _____
My commission expires _____

Exhibit A

Legal Description

Grade Road Property

LOTS 1, 2, 3, 4, 12, AND 13 OF RUCKER'S MILL PLAT NO 1, ACCORDING TO PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE(S) 53, IN SNOHOMISH COUNTY, WASHINGTON;

EXCEPT PORTION OF LOTS 1 AND 2 LYING WESTERLY OF THE EASTERLY MARGIN OF ROAD KNOWN AS REIDE ROAD (GRADE ROAD),

ALSO EXCEPT PORTION OF LOT 12 DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 12,
THENCE SOUTH 35°57'12" EAST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 613.91 FEET TO THE TRUE POINT OF BEGINNING,
THENCE NORTH 54°02'48" EAST 100 FEET,
THENCE SOUTH 77°35'59" EAST 230.74 FEET,
THENCE SOUTH 29°03'57" EAST 280 FEET, MORE OR LESS, TO THE NORTHERLY MARGIN ROAD KNOWN AS HARTFORD ROAD,
THENCE SOUTHWESTERLY ALONG SAID ROAD MARGIN TO THE SOUTHWEST CORNER OF SAID LOT 12,
THENCE NORTH 35°57'12" WEST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 12 TO THE TRUE POINT OF BEGINNING;

ALSO EXCEPT PORTION OF LOT 13 LYING EASTERLY OF CATHERINE CREEK;

TOGETHER WITH THAT PORTION OF VACATED 26TH STREET NORTHEAST ADJOINING OR ABUTTING LOTS 2, 3, 4, 12, AND THAT PORTION OF LOT 13 LYING WEST OF THE EAST LINE OF LOT 4 PRODUCED SOUTH, WHICH UPON VACATION, ATTACHED TO SAID PREMISES BY OPERATION OF LAW;

SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON.

SNOHOMISH COUNTY TAX PARCELS 005622-000-002-02, 005622-000-003-00, 005622-000-004-00, 005622-000-012-03, 005622-000-012-04 and 005622-000-013-01

Exhibit B

Proposed Site Plan

[See attached page]

**Office of the Mayor
John Spencer**



Memorandum

Date: January 24, 2017
To: Lake Stevens Council Members
From: Mayor John Spencer 
RE: Appointment of Mr. Ray Mitchell as a Civil Service Commissioner

On November 16, 2016, Mr. Danny Pitocco resigned from his position as a Lake Stevens Civil Service Commissioner.

Human Resources Director Edin, City Administrator Brazel and I interviewed two candidates for the vacant position. After careful consideration, it is my recommendation that the Lake Stevens City Council confirm my appointment of Mr. Ray Mitchell as a Civil Service Commissioner for the remainder of Mr. Pitocco's term. Mr. Mitchell has lived in the City limits for 16+ years. He has held a number of volunteer positions in a law enforcement environment to include Lake Stevens Police as a member of the Volunteers in Policing Program. Mr. Mitchell clearly demonstrates a strong interest in giving something back to the Lake Stevens Community. Mr. Mitchell's volunteer application is available at City Hall, if any Council Member should wish to review it.

Thank you for your consideration.

JS;sre