

February 3, 2020

Marysville City Council Work Session
7:00 p.m.

City Hall

Call to Order

Pledge of Allegiance

Roll Call

Approval of the Agenda

Committee Reports

Presentations

Discussion Items

Approval of Minutes *(Written Comment Only Accepted from Audience.)*

- 1. Approval of the January 13, 2020 City Council Meeting Minutes

Consent

- 2. Approval of the January 22, 2020 Claims in the Amount of \$37,171.67 Paid by EFT Transactions and Check Number's 137716 through 137735 with Check Numbers 136125 & 137641 Voided

Review Bids

Public Hearings

New Business

- 3. Consider the Supplemental Agreement Number 1 with Bodesch, Nash & Hall Architects for the Civic Center Project, Increasing the Contract Amount to \$3,054,156.00 and Extending the Term to September 1, 2022
- 4. Consider the Communications Site Sublease/License with King County
- 5. Consider the GMB 1117 Maintenance Agreement with Washington State Department of Transportation
- 6. Consider the Interlocal Agreement with Snohomish County for the City's Contribution of Two Percent of Liquor Taxes to Support a Substance Use Disorder Program Operated by Snohomish County
- 7. Consider an **Ordinance** to Continue to Impose a Sales and Use Tax as a Credit Against State Sales and Use Tax Certifying the Costs to Provide Municipal Services to

Work Sessions are for City Council study and orientation – Public Input will be received at the February 10, 2020 City Council meeting.

Marysville City Council Work Session**February 3, 2020****7:00 p.m.****City Hall**

the Central Marysville Annexation Area and Setting a New Threshold Amount for Fiscal Year 2020 Relating to Annexations

8. Consider an **Ordinance** to Amend the Shoreline Master Program as well as Marysville Municipal Code Chapter 22A.020 – Definitions and Chapter 22E.050 – Shoreline Management Master Program

9. Consider a **Resolution** Adopting Revised Green Fees for Cedarcrest Golf Course

Legal**Mayor's Business**

10. Consider the Reappointment of Kay Smith and Kelly Huestis to the Parks, Culture, and Recreation Advisory Board

Staff Business**Call on Councilmembers****Adjournment/Recess****Executive Session**

- A. Litigation
- B. Personnel
- C. Real Estate

Reconvene**Adjournment**

Special Accommodations: The City of Marysville strives to provide accessible meetings for people with disabilities. Please contact the City Clerk's office at (360) 363-8000 or 1-800-833-6384 (Voice Relay), 1-800-833-6388 (TDD Relay) two business days prior to the meeting date if any special accommodations are needed for this meeting.

Index #1

City Council



**1049 State Avenue
Marysville, WA 98270**

**Regular Meeting
Minutes
January 13, 2020**

Call to Order

Mayor Nehring called the meeting to order at 7:00 p.m.

Invocation

Pastor Dan Hazen gave the invocation.

Pledge of Allegiance

Mayor Nehring led the Pledge of Allegiance.

Roll Call

Present: Mayor Jon Nehring, Councilmember Jeff Vaughan, Councilmember Mark James, Councilmember Tom King, Councilmember Michael Stevens, Councilmember Kelly Richards, Councilmember Steve Muller, Council President Kamille Norton, CAO Gloria Hirashima, Finance Director Sandy Langdon, Interim Police Chief Goldman, Community Development Director Jeffrey Thomas, City Attorney Jon Walker, Chief McFalls, Parks & Recreation Director Tara Mizell, Deputy Public Works Director Kari Chennault

Approval of the Agenda

Motion to Approve the Agenda moved by Councilmember Steve Muller seconded by Councilmember Kelly Richards.

AYES: ALL

Committee Reports

Presentations

A. Police Officer Swearing-in – Not held

B. Police Sergeant Swearing-in

Interim Chief Goldman introduced James Tolbert who was sworn in as Sergeant by Mayor Nehring.

C. Marysville School District Capital Levy Initiative

Mike Sullivan, Executive Director of Finance and Operations, Marysville School District made a presentation regarding the Marysville School District "Building Community" Capital Levy Initiative. Ray Sheldon and Chris Davis (Citizens for Marysville Schools) were also present. Councilmembers asked questions about details of the proposed levy.

Audience Participation

Ray Sheldon, Jr., Chair, Citizens for Marysville Schools, 7712 42nd Street, Tulalip, spoke in support of the proposed capital levy.

Chris Davis, Vice Chair, Citizens for Marysville Schools, 4729 122nd Place, Marysville, also spoke in support of the proposed capital levy.

Laurel Parrot, 5824 70th Street NE, Marysville, spoke in support of the levy.

Approval of Minutes (Written Comment Only Accepted from Audience.)

1. Approval of the November 25, 2019 City Council Meeting Minutes.

Motion to Approve the November 25, 2019 City Council Meeting Minutes moved by Council President Kamille Norton seconded by Councilmember Steve Muller.

AYES: ALL

2. Approval of the December 2, 2019 City Council Work Session Minutes.

Councilmember Vaughan referred to page 2, item B regarding the Snohomish County Health District per Capita Discussion. He asked to add clarification under Councilmember Norton's comment so that it reads: *Councilmember Norton spoke in support of contributing a dollar **per capita**.*

Motion to Approve the December 2, 2019 City Council Work Session Minutes as amended moved by Councilmember Jeff Vaughan seconded by Councilmember Michael Stevens.

AYES: ALL

3. Approval of the December 9, 2019 City Council Meeting Minutes.

Motion to Approve the December 9, 2019 City Council Meeting Minutes moved by Councilmember Tom King seconded by Councilmember Mark James.

AYES: ALL

Consent

5. Approval of the December 11, 2019 Claims in the Amount of \$1,832,691.43 Paid by EFT Transactions and Check Number's 136774 through 136944 with Check Numbers 132140, 132841, & 134282 Voided.
6. Approval of the December 18, 2019 Claims in the Amount of \$529,916.80 Paid by EFT Transactions and Check Number's 136945 through 137099 with Check Number 135214 Voided.
7. Approval of the December 20, 2019 Payroll in the Amount of \$1,784,506.10, Paid by EFT Transactions and Check Numbers 32822 through 32853.
8. Approval of the December 25, 2019 Claims in the Amount of \$829,316.75 Paid by EFT Transactions and Check Number's 137100 through 137248 with No Check Numbers Voided.
9. Approval of the December 26, 2019 Claims in the Amount of \$679,179.97 Paid by EFT Transactions and Check Number's 137286 through 137396 with Check Number 137015 Voided.
10. Approval of the January 1, 2020 Claims in the Amount of \$27,209.96 Paid by EFT Transactions and Check Number's 137249 through 137285 with No Check Numbers Voided.
12. Consider Approving the Grant Agreement with the U.S. Department of Homeland Security to Assist in the Preparing for all Hazards and Enhance Local Jurisdiction Capabilities.
13. Consider Approving the Health Benefits Agreement with Alliant Insurance Services.
14. Consider Approving the ILA with Whatcom County Parks & Recreation for the Use of the Whatcom County Gun Range.
15. Consider Approving the ILA with Snohomish County Renewing the Ending Homeless Program.
16. Consider Approving the Citizen Advisory Committee's CDBG Funding Recommendations for Program Years 2020 and 2021.

Motion to Approve Consent Agenda items 5-10 and 12-16 moved by Council President Kamille Norton seconded by Councilmember Tom King.

AYES: ALL

Review Bids

Public Hearings

New Business

- 11. Consider Approving the Professional Services Agreement with Strategies 360.

CAO Hirashima explained this version has the Council-suggested change of ending the contract mid-year in 2021. She noted that she sent the change back to Strategies, but has not heard back from them.

Motion to Approve the Professional Services Agreement with Strategies 360 moved by Councilmember Steve Muller seconded by Councilmember Kelly Richards.

AYES: ALL

- 17. Consider Approving the Washington State Department of Commerce Grant Award to Update the Downtown Master Plan and Development Regulations.

Community Development Director Jeffrey Thomas explained that the contract with the Department of Commerce was added to the packet.

Motion to Approve the contract with the Washington State Department of Commerce to receive the Grant Award to Update the Downtown Master Plan and Development Regulations moved by Councilmember Michael Stevens seconded by Councilmember Mark James.

AYES: ALL

- 18. Consider Approving an Ordinance Authorizing the Maximum Capacity of a Local Sales and Use Tax, Creating the Affordable and Supportive Housing Sales Tax Credit Fund, and Adding a New Chapter 3.105 to the City’s Code.

Finance Director Langdon reviewed this item.

Motion to Approve Ordinance 3144, Authorizing the Maximum Capacity of a Local Sales and Use Tax, Creating the Affordable and Supportive Housing Sales Tax Credit Fund, and Adding a New Chapter 3.105 to the City’s Code moved by Councilmember Mark James seconded by Councilmember Tom King.

AYES: ALL

- 19. Consider Approving the Settlement Agreement to Acquire Land and Temporary Construction Easement for the State Avenue Widening Project.

City Attorney Jon Walker reviewed this item.

Motion to Approve the Settlement Agreement to Acquire Land and Temporary Construction Easement for the State Avenue Widening Project moved by Council President Kamille Norton seconded by Councilmember Kelly Richards.

AYES: ALL

Legal

Mayor's Business

20. Consider Approval of the Civil Service Commission Appointment: Patricia Dalrymple

Motion to Approve the Civil Service Commission Appointment: Patricia Dalrymple moved by Councilmember Steve Muller seconded by Councilmember Kelly Richards.

AYES: ALL

21. Consider Approval of the Planning Commission Appointment: Kristen Michal

Motion to Approve the Planning Commission Appointment: Kristen Michal moved by Council President Kamille Norton seconded by Councilmember Steve Muller.

AYES: ALL

Additional Comments by Mayor Nehring:

- Thanks to councilmembers and staff who attended the Memorandum of Understanding signing with the Port of Everett last week.
- There was also a ribbon cutting for the Regional Apprenticeship Pathways Program last week at Marysville Pilchuck High School. This is a valuable program for students.
- Thanks to everybody for the exciting groundbreaking event this afternoon for the Public Safety Building and Civic Campus.
- Councilmembers will be going to Olympia next Tuesday.

Staff Business

Interim Chief Goldman said he enjoyed the groundbreaking event today.

Director Langdon had no further comments.

Director Thomas gave an update on several projects in the City:

- Chik-Fil-A should be up and running soon.
- The hotel on 116th is in receivership.
- A mini storage is going up in the Cascade Industrial Center.

Chief McFalls:

- The Fire Board has a Planning Committee meeting at 6:30 tomorrow night.
- He is looking forward to the Mayor's State of the City address.

Director Mizell announced that a grand opening celebration for Cedar Fields is planned for March 28 at 10 a.m.

Deputy Director Chenault reported that staff is ready for the snow if it comes. Mayor Nehring commended the crews for their planning and execution of the recent snow event.

City Attorney Walker had no further comments.

CAO Hirashima congratulated the Police Department for the promotion of Officer Tolbert.

Call on Councilmembers

Jeff Vaughan expressed appreciation for the groundbreaking event today. This is something that the City has been looking forward to for a long time.

Mark James:

- He also enjoyed the event today, and is looking forward to the legislative day next week.
- He requested an update on the 1st Street Bypass project. Deputy Director Chennault gave an update on this.

Tom King:

- The signing event with the Port of Everett was well attended.
- The new Civic Center project is exciting.
- He had the opportunity to fly in and out of Paine Field and thought it was a great airport. He sat next to someone on the plane who wanted him to pass along how much she appreciates the Ebey Trail.

Michael Stevens:

- It was a great turnout today at the groundbreaking event.
- Congratulations to Sgt. Tolbert for the promotion.
- Thanks to Mr. Davis, Mr. Sheldon, and Mr. Sullivan for the presentation and remarks regarding the upcoming levy effort.

Kelly Richards:

- He enjoyed the MOU signing in Everett at Elemental Cider.
- He missed the groundbreaking today because of work.

Steve Muller:

- The MOU signing in Everett was a good event. He was impressed with all the growth in that area.
- The groundbreaking event today was great.

Kamille Norton:

- Thanks to Director Thomas for the update on businesses in the City.
- The Port of Everett signing was exciting.
- The groundbreaking today was also exciting.

- She also has been enjoying the Ebey Trail and was impressed with how many people are using it.

Adjournment

The meeting was adjourned at 8:09 p.m.

Approved this _____ day of _____, 2020.

Mayor
Jon Nehring

Index #2

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 10, 2020

AGENDA ITEM: Claims	AGENDA SECTION:	
PREPARED BY: Sandy Langdon, Finance Director	AGENDA NUMBER:	
ATTACHMENTS: Claims Listings	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

Please see attached.

<p>RECOMMENDED ACTION:</p> <p>The Finance and Executive Departments recommend City Council approve the January 22, 2020 claims in the amount of \$37,171.67 paid by EFT transactions and Check No.'s 137716 through 137735 with Check No.'s 136125 & 137641 voided.</p> <p>COUNCIL ACTION:</p>

BLANKET CERTIFICATION
CLAIMS
FOR
PERIOD-1

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 AND THAT THE **CLAIMS** IN THE AMOUNT OF **\$37,171.67 PAID BY EFT TRANSACTIONS AND CHECK NO.'S 137716 THROUGH 137735 WITH CHECK NO.'S 136125 & 137641 VOIDED.** ARE JUST, DUE AND UNPAID OBLIGATIONS AGAINST THE CITY OF MARYSVILLE, AND THAT I AM AUTHORIZED TO AUTHENTICATE AND TO CERTIFY SAID CLAIMS.

AUDITING OFFICER DATE

MAYOR DATE

WE, THE UNDERSIGNED COUNCIL MEMBERS OF MARYSVILLE, WASHINGTON DO HEREBY APPROVE FOR PAYMENT THE ABOVE MENTIONED **CLAIMS** ON THIS **10th DAY OF FEBRUARY 2020.**

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 1/17/2020 TO 1/22/2020

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
137716	BANK OF AMERICA	SUPPLY REIMBURSEMENT	CITY COUNCIL	14.74
137717	BANK OF AMERICA		PARK & RECREATION FAC	32.56
137718	BANK OF AMERICA	DUES REIMBURSEMENT	COMMUNITY SERVICES UNIT	40.00
137719	BANK OF AMERICA	TRAINING REIMBURSEMENT	COMPUTER SERVICES	30.89
	BANK OF AMERICA		CITY CLERK	35.00
137720	BANK OF AMERICA	SUPPLY/ADVERTISEMENT REIMBURSEMENT	OPERA HOUSE	9.25
	BANK OF AMERICA		OPERA HOUSE	69.09
137721	BANK OF AMERICA	TRAINING/DUES REIMBURSEMENT	UTIL ADMIN	35.00
	BANK OF AMERICA		UTIL ADMIN	150.00
137722	BANK OF AMERICA	SCAFFOLDING RENTAL	SEWER CAPITAL PROJECTS	250.30
137723	BANK OF AMERICA	TRAINING/SUPPLY REIMBURSEMENT	PERSONNEL ADMINISTRATION	42.57
	BANK OF AMERICA		POLICE ADMINISTRATION	45.00
	BANK OF AMERICA		PERSONNEL ADMINISTRATION	75.00
	BANK OF AMERICA		PERSONNEL ADMINISTRATION	125.00
137724	BANK OF AMERICA	MEMBERSHIP RENEWAL/REGISTRATION	CITY COUNCIL	225.00
	BANK OF AMERICA		EXECUTIVE ADMIN	280.00
137725	BANK OF AMERICA	TRAVEL/SUPPLY REIMBURSEMENT	POLICE ADMINISTRATION	62.96
	BANK OF AMERICA		OFFICE OPERATIONS	272.16
	BANK OF AMERICA		POLICE INVESTIGATION	299.52
	BANK OF AMERICA		DETENTION & CORRECTION	308.47
137726	BANK OF AMERICA	RADIATOR	TRANSPORTATION	80.00
	BANK OF AMERICA		EQUIPMENT RENTAL	1,155.62
137727	BANK OF AMERICA	EMBEDDED SOCIAL WORKER/GPS	EMBEDDED SOCIAL WORKER	673.54
	BANK OF AMERICA		POLICE PATROL	765.09
137728	BANK OF AMERICA	TRAVEL REIMBURSEMENT	POLICE INVESTIGATION	1,991.50
137729	BANK OF AMERICA	EMBEDDED SOCIAL WORKER	EMBEDDED SOCIAL WORKER	2,680.76
137730	BANK OF AMERICA	TRAVEL/TRAINING REIMBURSEMENT	POLICE PATROL	1,143.12
	BANK OF AMERICA		POLICE TRAINING-FIREARMS	2,406.00
137731	BOGGESS, MICHAEL & H	UB REFUND	WATER/SEWER OPERATION	23.76
	BOGGESS, MICHAEL & H		WATER/SEWER OPERATION	221.50
137732	ECOLOGY, DEPT. OF	FY2020 FEE WATER QUALITY PROGRAM	STORM DRAINAGE	23,400.09
137733	FRONTIER COMMUNICATI	PHONE CHARGES	CITY HALL	57.06
	FRONTIER COMMUNICATI		POLICE ADMINISTRATION	57.10
	FRONTIER COMMUNICATI		POLICE PATROL	57.10
	FRONTIER COMMUNICATI		COMMUNICATION CENTER	57.10
	FRONTIER COMMUNICATI		UTILITY BILLING	57.10
	FRONTIER COMMUNICATI		GENERAL	57.10
	FRONTIER COMMUNICATI		GOLF ADMINISTRATION	57.10
	FRONTIER COMMUNICATI		COMMUNITY	114.20
	FRONTIER COMMUNICATI		DETENTION & CORRECTION	114.20
	FRONTIER COMMUNICATI		OFFICE OPERATIONS	114.20
	FRONTIER COMMUNICATI		COMMUNITY CENTER	114.20
	FRONTIER COMMUNICATI		GOLF ADMINISTRATION	114.20
	FRONTIER COMMUNICATI		PARK & RECREATION FAC	228.39
	FRONTIER COMMUNICATI		WASTE WATER TREATMENT	285.49
	FRONTIER COMMUNICATI		UTIL ADMIN	285.49
137734	LSAW LAND SURVEYORS'	2020 LSAW MEMBERSHIP DUES-JASON CANTU	ENGR-GENL	82.00
137735	WASHINGTON STATE UNV	2020 PESTICIDE RECERT - D. SZECHENYI	PARK & RECREATION FAC	120.00
	WASHINGTON STATE UNV	2020 PESTICIDE RECERT - E. CHRISMAN	PARK & RECREATION FAC	120.00

**CITY OF MARYSVILLE
INVOICE LIST**

FOR INVOICES FROM 1/17/2020 TO 1/22/2020

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
137735	WASHINGTON STATE UNV	2020 PESTICIDE RECERT - E. PHELPS	PARK & RECREATION FAC	120.00
	WASHINGTON STATE UNV	2020 PESTICIDE RECERT - J. ROTH	PARK & RECREATION FAC	120.00

WARRANT TOTAL: 39,275.52

CHECK #136125 CHECK LOST IN MAIL (245.26)

CHECK #137641 INITIATOR ERROR (1858.59)

REASON FOR VOIDS:

INITIATOR ERROR
CHECK LOST/DAMAGED
UNCLAIMED PROPERTY

37,171.67

Index #3

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 2/10/20

AGENDA ITEM:	
Botesch, Nash & Hall Architects, P.S. Professional Service Agreement-Supplemental Agreement No. 1	
PREPARED BY:	DIRECTOR APPROVAL:
Gloria Hirashima, Chief Administrative Officer	
DEPARTMENT:	
Executive	
ATTACHMENTS:	
1. Proposed Supplemental Agreement No. 1	
BUDGET CODE:	AMOUNT:
	\$200,000.00
SUMMARY:	

The City executed a Professional Services Agreement (PSA) with Botesch, Nash & Hall Architects, P.S. and DLR Group to provide architectural, engineering and consultant services for the Civic Center Project in September 2018. The existing contract covers programming, design, construction drawings, and construction management for the project duration.

During the design and construction document and bidding phases, the City requested that two options be developed (Base Bid A and Base Bid B). This required development of two separate construction concepts, drawing sets and bid documents- one for the Courts, Police Station and Jail, and a second concept that included the entire project. This was necessary due to uncertainty on final construction costs, budget and potential phasing of the project. In addition, the initial contract did not establish budget for associated work such as wayfinding and signage plans and miscellaneous expenses such as print/advertising/travel etc. (these costs were indicated in the contract as hourly and reimbursable). As a result, funds from later phases of the project were reallocated to cover additional design expenses.

Supplemental Amendment No. 1 will re-establish sufficient funds for services remaining including construction management. Construction management services include expenses for responding to requests for information (RFI's); preparation of change orders and change order pricing, review of technical submittals, and other expenses anticipated to take the project through construction and occupancy. Supplement No. 1 adds an additional \$200,000, resulting in a new contract total of \$3,054,156.00. The contract is also time extended through September 1, 2022 to run through building occupancy and closeout. The Civic Center was awarded to Lydig Construction at a contract amount of \$47.6 million. Total contract costs for programming, design, construction drawings and construction management provided by the architectural/design/engineering firms represents approximately 6.4% of the project construction.

<p>RECOMMENDED ACTION: Staff recommends that Council authorize the Mayor to sign and execute Supplemental Agreement No. 1 with Botesch, Nash & Hall Architects P.S. for the Civic Center Project, increasing the contract amount to \$3,054,156.00 and extending the term to September 1, 2022.</p>
--

**SUPPLEMENTAL AGREEMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF MARYSVILLE
AND BOTESCH, NASH & HALL ARCHITECTS, P.S.**

THIS SUPPLEMENTAL AGREEMENT NO. 1 (“Supplemental Agreement”) is made and entered into as of the date of the last signature below, by and between the City of Marysville, a Washington State municipal corporation (“City”) and BOTESCH, NASH & HALL ARCHITECTS, P.S., a professional services corporation (“Consultant”).

WHEREAS, the parties hereto have previously entered into an agreement for architectural services for construction of the Marysville Civic Campus Project (the “Original Agreement”), said Original Agreement being dated August 15, 2018; and

WHEREAS, both parties desire to supplement the Original Agreement, by expanding the Scope of Services to provide for additional work under section 4.2 of the Original Agreement by DLR Group, a subcontractor and to provide compensation therefore;

WHEREAS, both parties desire to supplement the Original Agreement, by extending the term of the Original Agreement;

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

1. Exhibit A, as referenced and incorporated in Section 1 of the Original Agreement, “SCOPE OF SERVICES”, shall be replaced by Exhibit A-1, attached hereto and by this references made part of this Supplemental Agreement No. 1, and a part of the Original Agreement.
2. Section 2 of the Original Agreement, “TERM”, is amended to add that the parties agree to extend the term of the Original Agreement to terminate at midnight September 1, 2022.
3. Section 3 of the Original Agreement, “COMPENSATION”, is amended to include the additional Consultant fee of \$ 200,000 and shall read as follows: “In no event shall the compensation paid to Consultant under this Agreement exceed \$3,054,156.00 within the term of the Agreement, including extensions, without the written agreement of the Consultant and the City.”

The total compensation payable to the Consultant is summarized as follows:

Original Agreement	\$ 2,854,156.00
Supplemental Agreement No.1	\$ 200,000.00
Grand Total	\$3,054,156.00

4. Each and every provision of the Original Agreement for Professional Services dated August 15, 2018, shall remain in full force and effect, except as modified herein.

DATED this _____ day of _____, 2020.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

DATED this _____ day of _____, 2020.

BOTESCH, NASH & HALL ARCHITECTS,
P.S.

By _____
Andrew M. Hall
Its: President

ATTEST/AUTHENTICATED:

_____, Deputy City Clerk


Approved as to form:

Jon Walker, City Attorney

Index #4

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 10, 2020

AGENDA ITEM:	
Nonexclusive Communications Site Sublease/License King County	
PREPARED BY:	DIRECTOR APPROVAL:
Kari Chennault, Asst. Public Works Director	
DEPARTMENT:	
Public Works	
ATTACHMENTS:	
3 Original Site Subleases/Licenses	
BUDGET CODE:	AMOUNT:
40100362.325000	~(\$18,545.40)
SUMMARY:	

The current Site Sublease/License with King County expired in 2019. This new site sublease will extend the terms of the previous lease until December 31, 2022 and increase the monthly rental rate to \$500 with a 3% annual increase thereafter.

RECOMMENDED ACTION:

Staff recommends that Council authorize the Mayor to sign and execute the Communications Site Sublease/License with King County.

RECOMMENDED MOTION:

I move to authorize the Mayor to sign and execute the Communications Site Sublease/License with King County.

**NONEXCLUSIVE COMMUNICATIONS SITE SUBLEASE/LICENSE
KING COUNTY**

1. The City of Marysville (City) subleases premises to King County (County) for the location of communications equipment under the terms of a Nonexclusive Communications Site Sublease/License dated May 12, 2010, (attached as Exhibit A), which has been subsequently renewed.

2. The City and the County desire to extend the existing sublease of the premises through December 31, 2022 and at a rental rate of \$500.00 per month and payable monthly through electronic funds transfer. The rental rate will increase by three percent (3%) for the second year and third year, resulting in monthly rental rates of \$515.00 per month for the second year and \$530.45 per month for the third year.

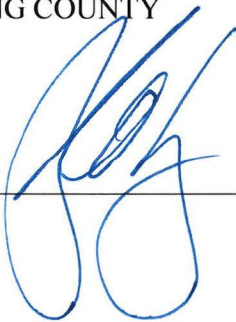
3. Paragraph 29. OPTIONAL RIGHTS TO TERMINATE, is hereby amended to add subparagraph j., which will read as follows.

j. PSERN Operator. Upon thirty (30) days written notice from Sublessee to City, in the event of the creation and establishment of the non-profit corporation (referred to herein as "PSERN Operator") that will own, operate, maintain, manage and upgrade/replace the Puget Sound Emergency Radio Network (PSERN) System.

4. Except for the above provisions, all terms and conditions of the original Nonexclusive Communications Site Sublease/License dated May 12, 2010, remain in full force and effect.

5. This renewal is effective on the date of the last signature below.

KING COUNTY



Dated: 12.23.2019, 2019

CITY OF MARYSVILLE

Jon Nehring, Mayor

Dated: _____, 2019

Attest:

Approved as to form:

Tina Brock, Deputy City Clerk

Jon Walker, City Attorney

Approved as to Form: 
\$1312
Samuel Lee, King County DPA

EXHIBIT A

NONEXCLUSIVE COMMUNICATION SITE SUBLEASE

THIS NONEXCLUSIVE COMMUNICATION SITE SUBLEASE (this "Sublease") is made by and between the City of Marysville, a municipal corporation and political subdivision of the State of Washington (hereinafter sometimes called "the City" or "Sublessor"), and King County, Washington, a political subdivision of the State of Washington (hereinafter sometimes called "the County" or "Sublessee") this 12TH day of May, 2010.

RECITALS

- I. The City has entered into a Communication Site Lease (the "Master Lease") with Snohomish County Emergency Radio System ("SERS"), a Washington Interlocal non-profit corporation.
- II. Under the Master Lease SERS has constructed a Communication Facility consisting of an antenna and related structures on the premises.
- III. Under the Master Lease, the City has the exclusive right to enter into sublease agreements with third-party co-locators.
- IV. City and Sublessee have entered into a Marysville Tank Communications Site Installation Agreement and Sublessee desires to enter into a sublease with the City on the terms and conditions of this Sublease for the equipment installed.

AGREEMENT

In consideration of the mutual covenants contained in this Sublease, the parties agree as follows:

1. **RECOGNITION AND ACKNOWLEDGMENT OF MASTER LEASE.** Unless specifically provided otherwise herein, Sublessee hereby recognizes, acknowledges and agrees to be fully bound to the terms of the Master Lease and all exhibits, schedules, General Terms and Conditions and Site Standards, Conditions and Interference Mitigation Requirements referenced in, attached to or incorporated into the Master Lease.
2. **WARRANTY OF CITY.** The City hereby warrants that the Master Lease is in full force and effect and the City is not in default thereof as of the execution date of this Sublease. The City agrees to continue to perform in accordance with the terms and conditions of the Master Lease. Except for the foregoing warranty, the City makes no warranty to Sublessee, either express or implied, concerning the Master Lease, the premises, or the suitability of the premises and improvements for Sublessee's intended use.
3. **NONEXCLUSIVE.** This is a nonexclusive Sublease and Sublessee

acknowledges and agrees that the site will be used by SERS as a communication facility and that the City may sublease the site and improvements to other sublessees to co-locate upon and use the premises and improvements for communications.

4. **PRECONDITIONS.** The City's performance under this Sublease is expressly preconditioned upon any preconstruction interference study conducted by or delivered to the City show that Sublessee's agreed equipment will cause interference as the City may determine, then at the option of the City, the City may declare this Sublease null and void and of no force and effect. There are no preconditions to Sublessee's payment and performance under this lease. Except as to any preconditions recognized by this paragraph, the parties shall be fully bound to this Sublease upon the stated effective date and sublessee shall fully pay all rents and other charges due and perform all obligations of Sublessee from and after the commencement date.

5. **PREMISES.** The City agrees to sublease to Sublessee and Sublessee agrees to lease from the City, upon the terms and conditions set forth herein, those areas and locations on the antenna, those related connectors, equipment, conduits and lines, and those storage areas described in detail on **Exhibit A** ("the connection and storage areas" or the "premises"). The connection and storage areas are located on premises depicted in an Area Map and Site Plans with legal description set out in detail in **Exhibit A** hereto (the "Site"). The connection and storage areas are part of an antenna and structures on the site described in detail in **Exhibit A** (the "Equipment and Structures List"). By taking possession of the premises, Sublessee accepts the premises in their existing condition. The City makes no representation or warranty with respect to the condition of the premises and site and the City shall not be liable for any latent or patent defect in the premises or the site.

6. **TERM.**

The initial term shall be for five (5) years and shall commence on December 1, 2009 and end on November 30, 2014. The term may be extended as permitted under the terms of this Sublease for one (1) additional five (5) year term.

7. **EXERCISE OF OPTION TO EXTEND.** So long as the same is not prohibited by the Master Lease, the City has not exercised any rights to terminate this Sublease, and Sublessee has faithfully and fully performed all terms and conditions of this Sublease, Sublessee shall have the right to extend this Sublease on the following terms and conditions:

a. **Notice.** Between one hundred eighty (180) days before and one hundred fifty (150) days before the termination date, Sublessee shall give the City written notice of its intent to extend this Sublease. Said notice shall be addressed and mailed in accordance with paragraph 31a of this Sublease.

b. **Rate Study.** Upon receipt of the notice, the City shall cause a rate study

to occur to determine the fair market rental for the extended term of the lease. The results of the said study shall determine the rental for the extended period of the lease. If there are costs associated with said study, Sublessee shall reimburse the City's costs.

c. **Terms and Conditions.** Except for the rental rate determined by the rate study, the remaining terms and conditions of this Sublease shall be in full force and effect during the extension period.

8. **EQUIPMENT TO BE ATTACHED.** Sublessee may attach to the antenna and structures only the equipment, connectors conduits and line expressly set out in **Exhibit A** (the "agreed equipment"). Said agreed equipment shall be installed in accordance with the plans and specifications set out in **Exhibit A**. The City may require that Sublessee submit an interference study to the City demonstrating that the agreed equipment will not cause interference with existing and contemplated equipment to use the premises. Sublessee may not use the premises for any other purpose.

9. **FACILITY FEE; RENT; ADDITIONAL RENT; OTHER CHARGES.** Sublessee agrees to pay the City, and where indicated third parties, fees, rent, additional rent and other charges as follows:

a. **SERS Siting Fee.** Unless waived or modified by SERS, Sublessee agrees to pay a siting fee to SERS in an amount set out in the General Terms and Conditions to the Master Lease. As currently drafted the General Terms and Conditions limit said fee to not exceed \$12,500. Said fee shall be paid upon execution of this Sublease.

b. **City Siting Fee.** Because Sublessee is another Washington State governmental unit, City waives any City siting fee.

c. **Security Deposit.** Because Sublessee is another Washington State governmental unit, City waives any security deposit.

d. **Annual Base Rent.** Sublessee shall pay the City annual base rent in the amount of \$4,084.00. Annual base rent for the first year shall be due and payable on the commencement date. Annual base rent for subsequent years of this Sublease shall be due and payable on the anniversary of the commencement date. Should the City allow Sublessee to add to or change the equipment to be attached, any agreement addressing the addition to or change of equipment shall address adjustment of the annual base rent and any pro-ration to account for additions or changes in the middle of a lease year. At the option of Sublessee, the annual rent may be paid in 12 equal payments, the first due on December 1, 2009 with subsequent payments due on the first day of each succeeding month.

e. **Adjustment of Annual Base Rent.** The annual base rent shall be

adjusted 3 % per year beginning with the lease year commencing on the first anniversary of the commencement date.

f. **Insurance Cost.** If as a direct result of this Sublease the City's cost for any insurance shall increase, the City shall invoice Sublessee for the increased cost on the anniversary of the commencement date. Sublessee shall pay the City's invoice within thirty (30) days of the postmark on the City's mailing of the invoice. Said reimbursement shall be deemed to be additional rent. The City and Sublessee agree to challenge any insurance cost increase deemed unreasonable or outside prudent risk management practices.

g. **Utilities Cost.** If all of the utilities to Sublessee's equipment and facilities are not separately metered and billed to Sublessee, but the said utility is billed to the City and increases the City's cost for utilities, the City shall invoice Sublessee for the increased cost on the anniversary of the commencement date. Sublessee shall pay the City's invoice within thirty (30) days of the postmark on the City's mailing of the invoice. Said reimbursement shall be deemed to be additional rent.

h. **Tax Imposed on the City.** Should any tax be imposed on the City for or on account of this Sublease, or the City's receipt of payments under this Sublease, upon the City's payment of said tax, the City shall invoice sublessee for the tax imposed upon the City. Sublessee shall pay the City's invoice within thirty (30) days of the postmark on the City's mailing of the invoice. Said reimbursement shall be deemed to be additional rent.

i. **No Offset.** All charges under this lease are charges for rent. Tenant shall pay all rent under this lease without offset.

10. **LATE PAYMENTS; INTEREST.**

a. **Late Charge.** If any rent, additional rent or other charge is not received by the City from Sublessee within ten (10) days of its due date, Sublessee shall immediately pay the City a late charge equal to five percent (5%) of the amount of the rent, additional rent or other charge. Payment of a late charge shall not be construed as a waiver of any other rights that the City may have under this Sublease.

b. **Interest.** In addition to all other charges, Sublessee shall pay to the City interest at the rate of one percent (1%) per month, or the maximum legal rate of interest, whichever is less, on any rent, additional rent, or other charge from any after the 10th day after the amount is due.

11. **TAXES.** Sublessee shall timely pay all taxes, real, personal or otherwise, if any which become due and payable for or on account of this Sublease or location of the agreed

equipment on the premises. Upon request, evidence of all such payments shall be provided to the City. Sublessee shall insure that no lien is imposed upon the premises and agrees to indemnify the City from any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses (including without limitation reasonable fees and expenses of attorneys, expert witnesses, and consultants) which may be imposed upon, or incurred by City to address taxes owed by sublessee.

12. USE OF THE CONNECTION AND STORAGE AREAS.

a. **Installation.** Sublessee may use the connection and storage areas to install, maintain and operate the agreed equipment. This use shall be nonexclusive. Installation shall be done under the supervision of the City or its designee. The City may forbid installation of any material, even if part of the agreed equipment, if in the City's sole judgment, reasonably exercised, the material will damage the property or interfere with the rights of SERS, the City, or any present or prospective co-locator. All expenses of installation of Sublessee's equipment shall be at the sole cost and expense of Sublessee. Sublessee shall paint the color of its facilities as the City may direct.

b. **Compliance With Law; Waste.** Sublessee shall, at its expense, comply with all present and future federal, state and local laws, ordinances, rules and regulations (including laws and ordinances relating to health, radio frequency emissions, other radiation and safety) in connection with the use, operation, maintenance, construction and/or installation of equipment and use of the premises. Sublessee shall not permit, and shall not cause waste upon the premises.

c. **Removal.** The Sublessee shall remove its equipment and materials from the premises upon the termination of this Sublease at its own expense. Such removal shall be done in a workmanlike and careful manner and without interference or damage to any other equipment, structures or operations on the premises, including that of SERS, the City or any co-locator. If, however, Sublessee requests permission not to remove all or a portion of its equipment and materials, and the City consents to such non-removal, title to the affected equipment and materials shall thereupon transfer automatically as of the date of the request to the City and the same shall thereafter be the sole and entire property of the City and Sublessee shall be relieved of the duty to otherwise remove the same. If Sublessee is required to remove its materials and equipment, Sublessee shall restore the affected area of the premises to the reasonable satisfaction of the City. All costs and expenses of removal and restoration shall be borne by Sublessee and Sublessee shall hold the City harmless from any portion thereof.

13. EQUIPMENT AND MATERIALS UPGRADE. Sublessee may not replace or alter its materials, installation and equipment without the agreement of the City, including any required agreement for the adjustment of the annual base rent.

14. MAINTENANCE.

a. Sublessee shall, at its own expense, maintain any equipment on or attached to the premises in a safe condition, in good repair and in a manner suitable to the City so as not to conflict with the use of or other leasing of the premises by the City. Sublessee shall not interfere with the use of the antenna, the premises, related facilities or other equipment of SERS and any co-locators.

b. Sublessee shall have sole responsibility for the maintenance, repair and security of its equipment and personal property and sub-leasehold improvements and shall keep the same in good condition and repair during the sublease term.

c. Sublessee shall keep the premises free of debris and anything of a dangerous, noxious or offensive nature or which would create a hazard or undue vibration, heat, noise or interference.

d. Should the City, SERS or a co-locator undertake painting, construction or other alterations on the antenna, Sublessee shall take reasonable measures at Sublessee's sole cost to cover and/or protect Sublessee's equipment, personal property or materials.

15. LIENS. Sublessee acknowledges that the City and the premises may not, and shall not, be subject to claims for liens for labor and materials, and shall keep the premises and any other property of the City free from any liens for work, labor, materials or services delivered to Sublessee, or claimed by or through Sublessee. Sublessee shall indemnify, defend and hold the City harmless from and against any such claims or liens and the City's attorney's fees and costs incurred in connection therewith.

16. PREMISES ACCESS.

a. Sublessee at all times during this Sublease, subject to notice requirements to the City as set out below, and subject to rules that SERS and/or the City may from time to time implement and issue, shall have vehicle access through existing gates and driveways to the antenna and premises.

b. Sublessee shall request access to the premises twenty-four (24) hours in advance, except in an emergency.

c. The City may at all times enter upon those portions of the premises occupied by Sublessee to examine and inspect the premises for safety and to ensure that the Sublessee is complying with the provisions of this Sublease.

17. UTILITIES. Unless separate metering is not available, Sublessee shall arrange for separate metering of its utilities associated with its use as permitted by this Sublease.

Sublessee shall pay all costs associated with arranging for said metering and Sublessee shall pay all utility charges as and when they come due. Sublessee may not install an emergency power generator or alternate power system on the premises without the consent of the City. The City in its sole discretion may refuse to grant consent. Should the City consent, and an emergency generator or alternate power system is installed by Sublessee, the system shall conform to all fire prevention regulations of the fire district, all requirements of the Public Utility District No. 1 of Snohomish County, and all regulations of any other agency with jurisdiction. The City shall not be liable for the interruption of utility services or failure of emergency power or any damages or losses resulting from such interruption or failure.

18. **LICENSE FEES.** Sublessee shall pay, as they become due and payable, all fees, charges, taxes and expenses required for licenses and permits required for or occasioned by Sublessee's use of the premises.

19. **INTERFERENCE.** Sublessee's installation, operation, and maintenance of the agreed equipment shall not damage or interfere in any way with SERS's operations, the City's operations or the operation of other co-locators. Sublessee agrees to immediately cease upon actual notice activities which materially interfere with other operations. The City at all times during this Sublease reserves the right to take any action it deems necessary in its sole discretion to repair, maintain, alter or improve the premises.

The City may at any time, at Sublessee's expense, obtain an interference study to determine if Sublessee's activities interfere with the use and operation of other communication facilities on the antenna which pre-existed Sublessee's agreed equipment. If Sublessee's agreed equipment causes interference, Sublessee shall take all measures reasonably necessary to correct and eliminate the interference. If the interference cannot be eliminated in a reasonable time, Sublessee shall immediately cease operating its equipment until the interference has been eliminated. If the interference cannot be eliminated within thirty (30) days, the City may terminate this Sublease.

The City may receive requests to sublease to co-locators. If after installation of Sublessee's agreed equipment the City proposes to enter into a sublease with a co-locator, the City will advise Sublessee of the proposal, and the City will supply Sublessee with such information as the third party will provide for review for noninterference. Sublessee shall have thirty (30) days to review and comment on the information supplied. If Sublessee does not object in writing within the said thirty (30) days, then Sublessee shall be deemed to have consented to the co-location and shall be conclusively deemed to have agreed that the proposal will not cause interference with Sublessee's agreed equipment and operation. If Sublessee timely objects, and the City verifies the objection, the City will not proceed with the proposal, unless the proposal is reasonably modified to avoid interference.

Notwithstanding the provisions of the previous paragraph, the City does not guarantee to Sublessee subsequent noninterference with Sublessee's agreed equipment. Further, regardless of

the provisions of the previous paragraph, the City itself, SERS, or any governmental unit may be allowed to operate or place facilities on the antenna regardless of actual or potential interference with Sublessee's use. In such event, Sublessee may terminate this sublease on thirty (30) days notice to the City.

20. INSURANCE.

a. Sublessee shall procure and maintain during the duration of this Sublease insurance against claims for injuries to persons or damage to property which may arise from or in connection with Sublessee's operation and use of the subleased premises in an acceptable form, at least as broad as, and not less than the following:

i. Commercial General liability insurance in the minimum combined single limit of \$5,000,000. Said insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover premises and contractual liability.

ii. Property insurance covering the full value of Sublessee's property and improvements with no co-insurance provisions. Property insurance shall be written on an all risks basis.

b. The Commercial General Liability Insurance shall specify that Sublessee's insurance is primary insurance as respect the City. Any insurance, self-insurance or insurance pool coverage of the City shall be excess coverage to the Sublessee's insurance and shall not contribute with it. Sublessee's insurance shall be endorsed to state that coverage will not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested has been give to the City. Insurance is to be placed with insurers with a current A.M. Best rating of not less that A: VII. Sublessee shall provide the City with evidence of insurance including certificates of insurance as the City may from time to time request.

c. Sublessee may satisfy the insurance obligations by maintaining a self insurance program. Sublessee maintains a fully funded self-insurance program as provided in King County Code 4.12 for the protection and handling of the Sublessee's liabilities including injuries to persons and damage to property. City acknowledges, agrees and understands that the Sublessee is self-funded for all of its liability exposures. Sublessee agrees, at its own expense, to maintain, through its self-funded program, coverage for all of its liability exposures for this Sublease. The Sublessee agrees to provide the City with at least 30 days prior written notice of any material change in the Sublessee's self-funded program and will provide the City with a certificate of self-insurance as adequate proof of coverage. City further acknowledges, agrees and understands that the Sublessee does not purchase Commercial General Liability insurance and is a self-insured governmental entity; therefore the Sublessee does not have the ability to add the City as an additional insured.

Should the Sublessee elect cease self-insuring its liability exposures and purchase Commercial General Liability insurance, Sublessee agrees to add the City as an additional insured.

d. The City and Sublessee hereby release and discharge each other from all claims, losses and liabilities arising from or caused by any hazard covered by property insurance on or in connection with the premises. This release shall apply only to the extent that such claim, loss or liability is covered by insurance.

21. **INDEMNIFICATION.** Except for the sole negligence of the indemnitees, Sublessee shall, at its sole cost and expense, indemnify and hold harmless the City, its elected officials, Council members, employees and agents. (collectively "Indemnitees") from and against:

a. Any and all liability, damages, penalties, claims, liens, costs, charges, losses and expenses (including without limitation reasonable fees and expenses of attorneys, expert witnesses and consultants) which may be imposed upon, incurred by or be asserted against the Indemnitees by reason of any negligent act or omission of Sublessee, its personnel, employees, agents, contractors or subcontractors, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of or destruction of tangible and intangible property, libel, slander, invasion of privacy and unauthorized use of any trademark, trade name, copyright, patent, service mark or any other right of any person, firm or corporation, which may arise out of or be in any way connected with the construction, reconstruction, remodel, revision, installation, operation, maintenance, use of, condition of the premises, Sublessee's agreed equipment, or Sublessee's failure to comply with any federal, state, or local statute, ordinance or regulation.

b. Any and all liabilities, damages, penalties, claims, liens, costs, charges, losses and expenses (including, without limitation reasonable fees and expenses of attorneys, expert witnesses and other consultants) which are imposed upon, incurred by or asserted against the Indemnitees by reason of any claim or lien arising out of work, labor, materials or supplied provided to or supplied to Sublessee, its contractors or subcontractors for the installation, construction, operation, maintenance or use of the premises or Sublessee's agreed equipment, and upon request of City sublessee shall immediately cause any claim against the premises to be released and discharged. Sublessee may alternatively simultaneously contest any aforementioned lien and post with the City a bond in lieu of satisfaction of the contested lien in accordance with RCW 60.04.161.

The indemnity provided for herein shall remain in full force and effect despite the negligence of the Indemnitees. Sublessee shall have no obligation to defend and/or indemnify the City for the sole negligence of the Indemnitees. This indemnity shall survive any termination

of this Sublease.

Sublessee hereby waives, as to the City only, the immunity of the Industrial Insurance Provisions of RCW Title 51, but only for the sole purpose and only to the extent necessary to indemnify the City as provided for in this paragraph 21. This waiver has been mutually negotiated by the parties.

22. **RELEASE OF CLAIMS.** Except for damages arising out of the negligent maintenance of the premises, Sublessee hereby releases the City for all claims for property damage which may arise from defects in the antenna and related structures on the premises, or which may arise from the existing or future water storage tank and appurtenances on the premises, or for damage by storm, rain, leakage or any natural occurrence.

23. **HAZARDOUS MATERIALS AND ENVIRONMENTAL COMPLIANCE.**

a. **Definitions.** "Hazardous Materials" as used in this Sublease shall mean:

i. Any toxic substances or waste, sewage, petroleum products, radioactive substances, heavy metals, medical, corrosive, noxious, acidic, bacteriological or disease producing substances; or

ii. Any dangerous waste or hazardous waste as defined in:

(a) Washington Hazardous Waste Management Act as now existing or hereafter amended (RCW Ch. 70.105);

(b) Resource Conservation and Recovery Act as now existing or hereafter amended (42 U.S.C. Sec. 6901 et seq); or

iii. Any hazardous substance as defined in:

(a) Comprehensive Environmental Response, Compensation and Liability Act as now existing or hereafter amended (43 U.S.C Sec. 9601 et seq); or

(b) Washington Model Toxics Control Act as now existing or hereafter amended (RCW Ch. 70.105D); or

iv. Any pollutants, contaminants or substances posing a danger or threat to public health, safety or welfare or to the environment, which are regulated or controlled as such by applicable federal, state or local laws or regulations as now existing or hereafter amended.

b. Environmental Compliance.

i. In the use and occupancy of the Premises, the Sublessee shall, at the Sublessee's own expense, comply with all federal state and local laws and regulations now or hereafter in effect related to hazardous materials and the environment which are applicable to the premises, Sublessee's business or any activity or condition on or about the premises (the "environmental laws"). The Sublessee warrants that its business and all its activities to be conducted or performed in, or about the premises shall comply with all of the environmental laws. The Sublessee agrees to change, reduce, or stop any noncomplying activity or install necessary equipment, safety devices, pollution control systems or other installations as may be necessary at any time during the term of this sublease to comply with the environmental laws.

ii. The Sublessee shall not, without first obtaining the City's prior written approval, use generate, release, handle, spill, store, treat, deposit, transport, sell or dispose of any hazardous materials in, on or about the premises. In the event, and only in the event, that the City approves any of the foregoing, the Sublessee agrees that such activity shall occur safely and in compliance with the environmental laws.

iii. The Sublessee shall not cause or permit to occur any violation of the environmental laws on, under, or about the premises, or arising from the Sublessee's use or occupancy of the premises.

iv. The Sublessee, at its own expense, in a timely manner shall make all reports, including self reports, and supply all submissions required to comply with all environmental laws. If the Sublessee shall fail to fulfill this duty, at its option the City may fulfill such reporting requirements, and bill the cost thereof to Sublessee as if the same was additional rent, or the City may employ the default provisions of this Sublease. All of the City's remedies shall be cumulative, and the exercise of one remedy shall not be deemed to be a waiver or release of any other remedy. Sublessee's environmental obligations shall survive a termination of this Sublease.

v. Should any governmental or regulatory authority demand that a cleanup or remediation plan be prepared and that a cleanup or remediation by undertaken because of any action of Sublessee whereby a deposit, spill, discharge or other release of hazardous materials occurs during the term of this Sublease, then Sublessee shall, in a timely manner and at the Sublessee's own expense, prepare and submit the required plans and all related bonds and other financial assurances and Sublessee shall then carry out all such cleanup and remediation plans at its own expense. Any such cleanup and remediation plans are subject the

City's prior written approval. Although the City reserves the right to review and approve such cleanup and remediation plans, the City assumes no responsibility for such plans or their compliance with the environmental laws.

c. **Environmental Indemnity.** The Sublessee shall be fully and completely liable to the City for, and shall fully save and indemnify the City from, any and all cleanup and/or remediation costs and expenses and any and all other charges, expenses, fees, penalties (civil and criminal) imposed by any governmental or regulatory authority arising out of the Sublessee's use, disposal, transportation, generation, release, handling, spillage, storage, treatment, deposit and/or sale of hazardous materials on or about the premises. In addition, Sublessee shall indemnify and save the City harmless from any and all claims, liabilities, lawsuits, damages and expenses, including reasonable attorney's fees for injuries to persons or death, property damage, loss or costs caused by the Sublessee's use, disposal, transportation, generation, release, handling, spillage, storage, treatment, deposit and/or sale of hazardous materials by the Sublessee. For the purposes of this paragraph, "Sublessee" shall be construed to mean Sublessee, or any of its agents, representatives, employees or contractors. This indemnity shall survive the termination of this Sublease.

d. **Remediation on Lease Termination.** Upon expiration or earlier termination of this Sublease, Sublessee shall remove, remediate or clean up any hazardous materials on or emanating from the premises, occasioned by Sublessee, and Sublessee shall undertake whatever other action may be necessary to therefore bring the premises into full compliance with environmental laws. Sublessee shall submit its plan of cleanup to the City for review and approval. Notwithstanding review and approval by the City, the City assumes no responsibility for any plan of cleanup, or for Sublessee's compliance with environmental laws. If Sublessee does not timely proceed with a plan of cleanup, the City may supply Sublessee with a notice of default, and if within the deadline specified in the notice, Sublessee does not make reasonable progress, the City thereafter may proceed with cleanup as necessary and bill all of the City's costs, including costs of investigation and reporting, to Sublessee.

24. **NON-DISCRIMINATION.** The City and Sublessee shall not discriminate on the basis of race, color, sex, religion, nationality, creed, age or the presence of any sensory, mental or physical disability in the employment or application for employment in the administration or delivery of services or any other benefits associated with this Sublease. The parties shall, to the extent applicable, comply with all laws against discrimination including but not limited to Chapter 49.60 RCW and Titles VI and VII of the Civil Rights Act of 1964.

25. **SIGNS.** No advertising shall be permitted on the premises except as required by law or regulation. Sublessee may post its name, address and an emergency number on a painted sign, provided the design, size and location meet applicable codes and the sign is approved in advance in writing by the City.

26. DEFAULT AND TERMINATION FOR DEFAULT. It shall be a default if Sublessee shall fail to fully and timely make any payment under this Sublease or fail to fully and timely perform as required by this Sublease. In the event of a default, the City may give Sublessee a notice of default as follows:

- a. for nonpayment of rent, a ten (10) day notice to pay or vacate;
- b. for any other nonperformance under the lease a twenty (20) day notice to comply or vacate, except where the cure necessitates more than twenty (20) days in which case Sublessee's failure to initiate the cure within the notice period and prosecute such cure to completion shall constitute a default hereunder.

If Sublessee does not pay or cure its performance within the deadline specified by the notice the City, at its option, may without further notice re-enter the premises and eject Sublessee from the premises. At its option, the City may also (1) declare in writing the sublease terminated, in which event Sublessee shall immediately remove the agreed equipment from the premises and pay the City a sum of money equal to the total amount of unpaid rent accrued through the date of termination, the amount of rent remaining to be paid on the Sublease reduced by that amount the Sublessee proves could have been reasonably mitigated, and the City's costs, including reletting costs and reasonable attorney's fees, or (2) without terminating this Sublease, relet the premises, or any part thereof, for the account of the Sublessee upon such terms as the City deems advisable, and if a deficiency remains compared to the reserved rent and the City's reletting costs and reasonable attorney's fees, and invoice and collect the shortage from sublessee, or (3) pursue any other remedy permitted at law or in equity.

No re-entry and taking possession of the premises by the City shall be construed as an election on the City's part to terminate this Sublease, regardless of the extent of renovation or alterations by the City, unless the City declares in writing that this Sublease is terminated. Notwithstanding any reletting without termination, the City may at any time thereafter elect to terminate this Sublease for such previous breach.

27. COSTS AND ATTORNEY'S FEES. If a legal or equitable action is instituted by reason of any default or breach of this Sublease, or because of a dispute concerning the terms and provisions of this Sublease, the prevailing party shall be entitled to recover all of its legal costs, expert witness and consultant fees, and reasonable attorney's fees.

28. VENUE AND CHOICE OF LAW. This Sublease shall be governed by and construed in accordance with the laws of the State of Washington. The venue of any action brought under the terms of this Sublease shall be in the Snohomish County Superior Court.

29. OPTIONAL RIGHTS TO TERMINATE. Even though no party may be in default under the terms of this Sublease, the City and Sublessee, upon giving notice as specified,

shall have optional rights to terminate this Sublease as follows:

- a. **Failure of Precondition.** Without any notice, that party for whom a precondition is specified elsewhere in this Sublease, and the remedy of termination is granted, may declare this Sublease null and void for the failure of a precondition in its favor.
- b. **Damage or Destruction.** Upon thirty (30) days written notice, one to the other, in the event that the antenna, or Sublessee's agreed equipment, is substantially damaged or destroyed, either party may declare this sublease terminated.
- c. **Insolvency.** Without notice, upon Sublessee being the subject of a bankruptcy filing, the City may declare this Sublease terminated.
- d. **Passage of Law or Regulation.** Should the State or Federal government by statute, regulation or decision require the City, because it has entered into this Sublease, to allow other co-locators on the antenna and premises, then the City upon thirty (30) days written notice to Sublessee may declare this Sublease terminated.
- e. **Antenna Unsound.** Upon thirty (30) days written notice from the City to Sublessee, in the event that the antenna, as determined by the City in its sole discretion, is determined to be structurally unsound or otherwise not suitable for Sublessee's use.
- f. **Redevelopment.** Upon thirty (30) days written notice from the City to Sublessee, in the event that the City determines, in its sole discretion, that the property should be redeveloped.
- g. **Health Hazard.** Upon thirty (30) days written notice from the City to Sublessee, in the event that the City determines, in its sole discretion, that the continued use of the antenna and related equipment is in fact a threat to the health, safety or welfare of local community.
- h. **King County Council Approval.** Sublessee's obligations to the City, if any, are contingent upon approval of this Sublease by the King County Council or appropriation by the King County Council at the time of execution of sufficient funds to pay such obligations. Should such approval not occur, Tenant shall have the unconditional right to terminate this Sublease for convenience with no further obligations hereunder.
- i. **Any Other Provision.** Upon such notice, and under such circumstances as other provisions of this Sublease set out.

30. ASSIGNMENT OR SUBLEASE.

a. **Prohibited Without Consent.** Sublessee shall not assign or transfer this Sublease or any interest or rights therein, nor delegate its duties under this Sublease, nor sub-sublease the whole or any part of the premises, nor grant an option for assignment, delegation, transfer or sub-sublease for the whole or any part of the premises, nor shall this Sublease or any interest thereunder be assignable, delegable or transferable by operation of law, or by any process or proceeding of any court or otherwise without obtaining the prior written consent of the City. If the City gives its consent to any assignment, delegation, sub-sublease or other transfer, the same shall not be a waiver, and this paragraph shall nevertheless continue in full force and effect, and no further assignment, delegation, sub-sublease or other transfer shall be made without the City's consent. All prohibited events under this paragraph are hereinafter referred to as "transfers," or "transfer."

b. **Notice by Sublessee — Production of Records.** If Sublessee desires to transfer this Sublease, Sublessee shall notify the City in writing of said desire to transfer at least ninety (90) days prior to the effective date of the proposed transfer. The notice shall specify the date of the proposed transfer, the identity of the transferee, and the terms of the proposed transfer, including all consideration of any kind to be received by the sublessee. Upon request by City, sublessee shall provide:

- i. a full and complete financial statement of the proposed transferee;
- ii. a copy of the proposed transfer instrument;
- iii. an affidavit from the transferee that it has examined the Master Lease, and all accompanying schedules and exhibits, and has examined this Sublease, has had an opportunity to consult with legal counsel, and understands the terms and conditions under which a transfer will be undertaken; and
- iv. any other information the City reasonably requests.

c. **Decision by the City.** The City shall review the request to transfer and respond with either an approval or disapproval not later than sixty (60) days prior to the effective date of the proposed transfer. Disapproval shall be final and binding on the Sublessee and shall not be subject to litigation or appeal. The City shall charge Sublessee a reasonable fee for administrative costs for the review and processing of a transfer. Said fee shall be due and payable upon invoice from the City to Sublessee.

d. **Effect of Transfer.** Should the City consent to a transfer, the transferee shall be fully bound to this Sublease and the Master Lease. Despite consent by the City and a permitted transfer, Sublessee and any subsequent transferor shall not be released,

but shall also be fully bound to and obligated to payment and performance under this Sublease.

31. **NOTICES.** Except for notices required under Chapter 59.12 RCW, notices required under this Sublease shall be given in writing to the following respective addresses, effective as of the postmark time and date, or to such other place as may hereafter be designated by either party in writing:

a. if to City, to:

The Chief Administrative Officer
City of Marysville
1049 State Avenue
Marysville WA 98270

b. if to sublessee, to

King County Radio Communications Services Manager
6452 South 144th Street
Tukwila, WA 98168

32. **HOLDING OVER.** If Sublessee holds over after the expiration of the term of this Sublease or any extension thereof, Sublessee, if the Master Lease has not expired, shall become a subtenant from month to month upon the terms of this Sublease as applicable. Acceptance by the City of rent after such expiration or early termination shall not result in a renewal of this Sublease, or waiver of any early termination, and shall not affect the City's right of reentry or any other rights the City may have. If Sublessee fails to surrender possession of the premises upon expiration of this Sublease, despite demand to do so, as provided for by law, Sublessee shall pay two (2) times the rent herein specified (prorated on a monthly basis), interest, attorney's fees and costs as specified in this Sublease.

33. **NO PRESUMPTION AGAINST DRAFTER.** Sublessee and City agree that this Sublease has been freely negotiated by the parties, and in the event of any dispute concerning the meaning or interpretation of the terms and conditions of this Sublease, there shall be no inference, presumption or conclusion drawn against the City for or on account that the City or its legal counsel have prepared this Sublease.

34. **CAPTIONS.** The captions of this Sublease are for convenience only and do not in any way limit or amplify the provisions of this Sublease.

35. **AUTHORITY.** Sublessee covenants and represents that it has full authority and power to execute this Sublease, and that by execution of this Sublease it will not violate any provision of law or contract and that Sublessee will be fully bound to full payment and

performance under the terms of this Sublease.

36. **CUMULATIVE REMEDIES.** No provision of this Sublease shall preclude the City from pursuing any other remedies the City may have for or on account of Sublessee's failure to perform its obligations.

37. **NONWAIVER.** The failure of the City to insist upon strict performance of the terms of this Sublease shall not be construed as a waiver by the City of strict performance. Waiver of a particular default shall not be deemed to be a waiver of any subsequent breach or default.

38. **SURRENDER OF PREMISES.** At the end of the term of this Sublease, besides performance of specific removal and remediation covenants provided for elsewhere in this Sublease, and subject to those covenants, Sublessee shall peaceably deliver up to the City possession of the premises in the same condition as received, except for ordinary wear and tear.

39. **INTEGRATION; FULL AGREEMENT.** This Sublease is intended as a full and final expression of the agreement between the parties. All prior discussions, statements, representations, and warranties are integrated and merged into this agreement. There are no agreements between the parties, and there are no representations on which either party relies except as set forth in this Sublease.

DATED: _____

DATED: 5/22/10

CITY OF MARYSVILLE

SUBLESSEE:

By Dennis L Kendall
DENNIS KENDALL, Mayor

By John W. Sahy
Its Manager, Real Estate Services

ATTEST:

By Judy [Signature]
_____, City Clerk

Approved as to form:

Approved as to form:

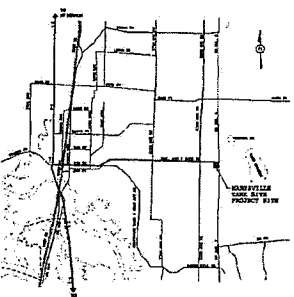
By Grant K Weed
GRANT K. WEED, City Attorney

By [Signature]
5/22/10, Attorney

OIRM/RCS

KING COUNTY OFFICE OF INFORMATION RESOURCE MANAGEMENT - RADIO COMMUNICATIONS SERVICES (RCS) MARYSVILLE TANKS 8812 64TH ST NE SR-528\64TH ST NE & HWY 9

LATITUDE: N 48°03'8"
LONGITUDE: W 122°06'42"



VICINITY MAP

LEGEND

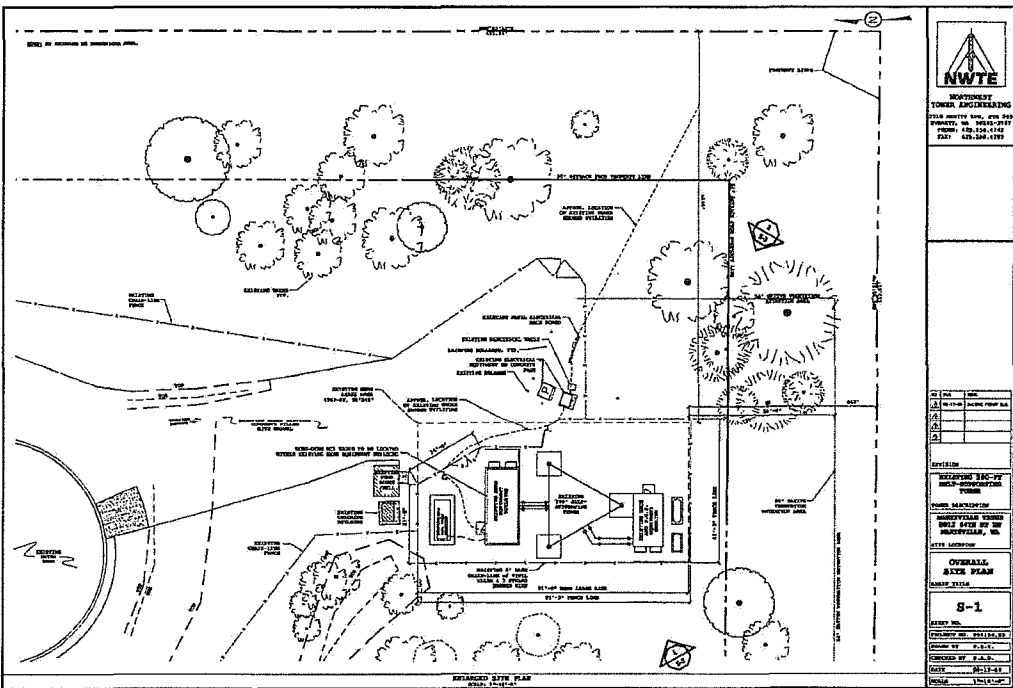
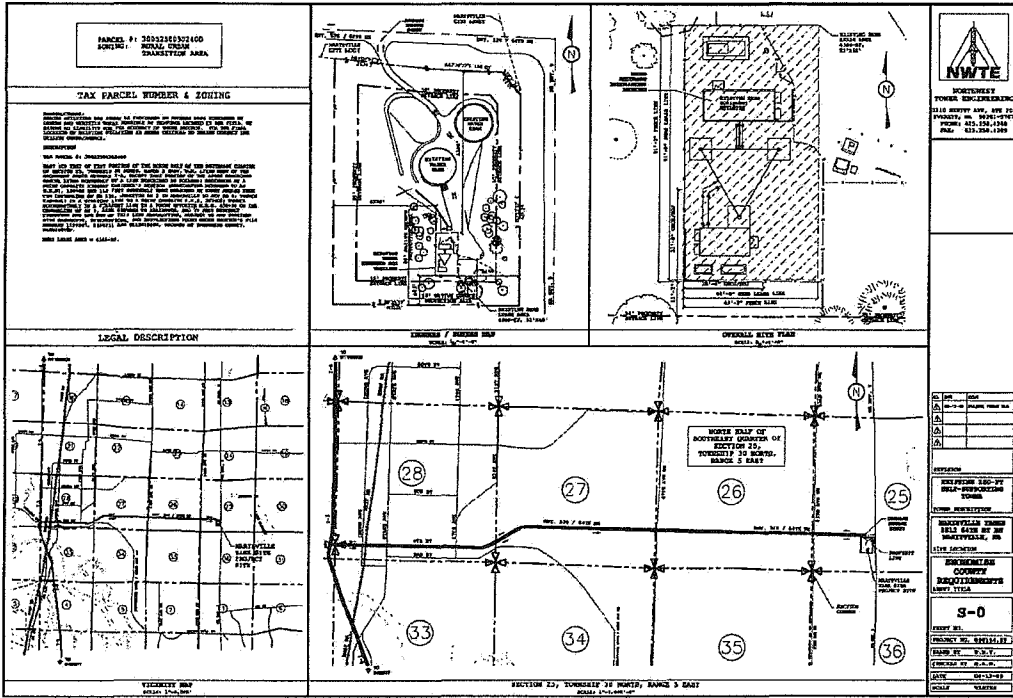
- - CENTER
- △ - POINT
- - RECTANGLE
- ◇ - DIAMOND
- ◇ - CONVEYER
- ◇ - PIPE
- ◇ - BOUNDARY LINE

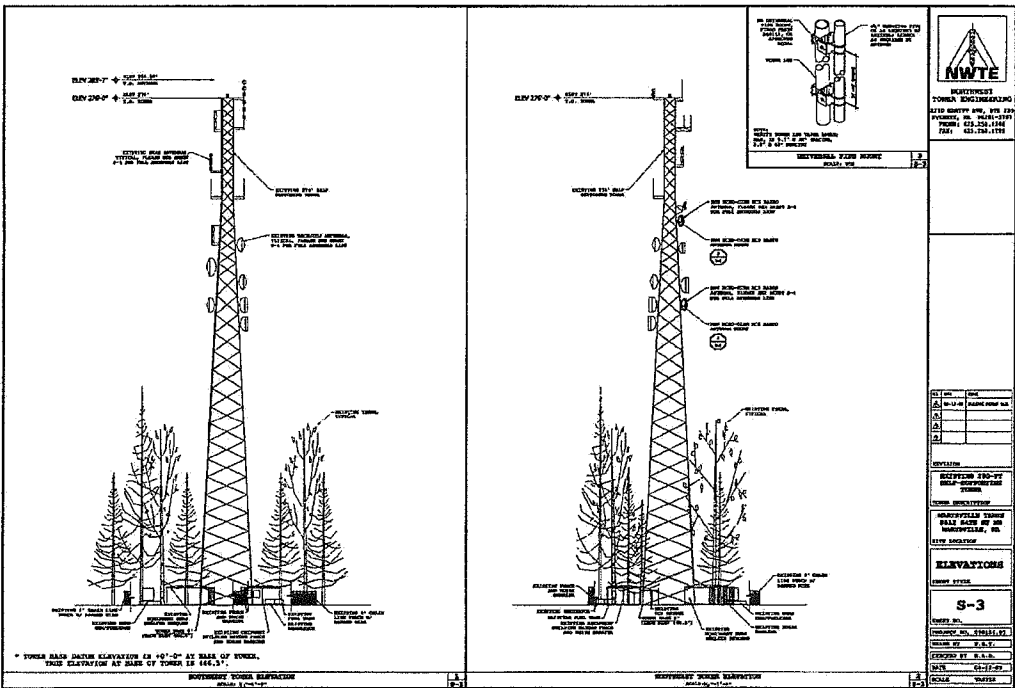
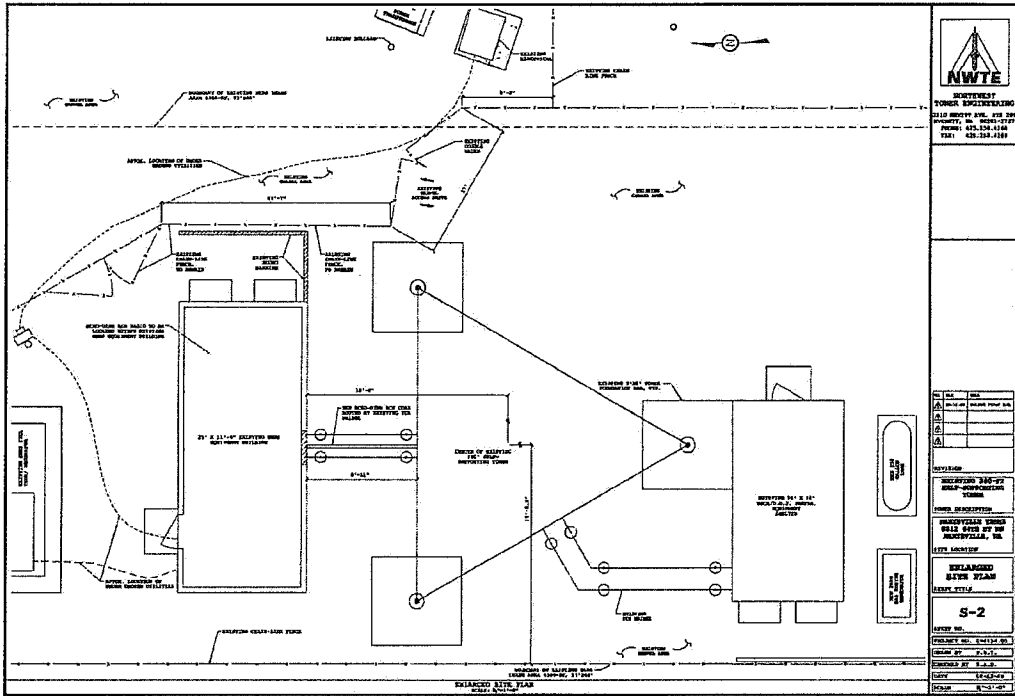
CONTRACTOR LIST

NOT USED

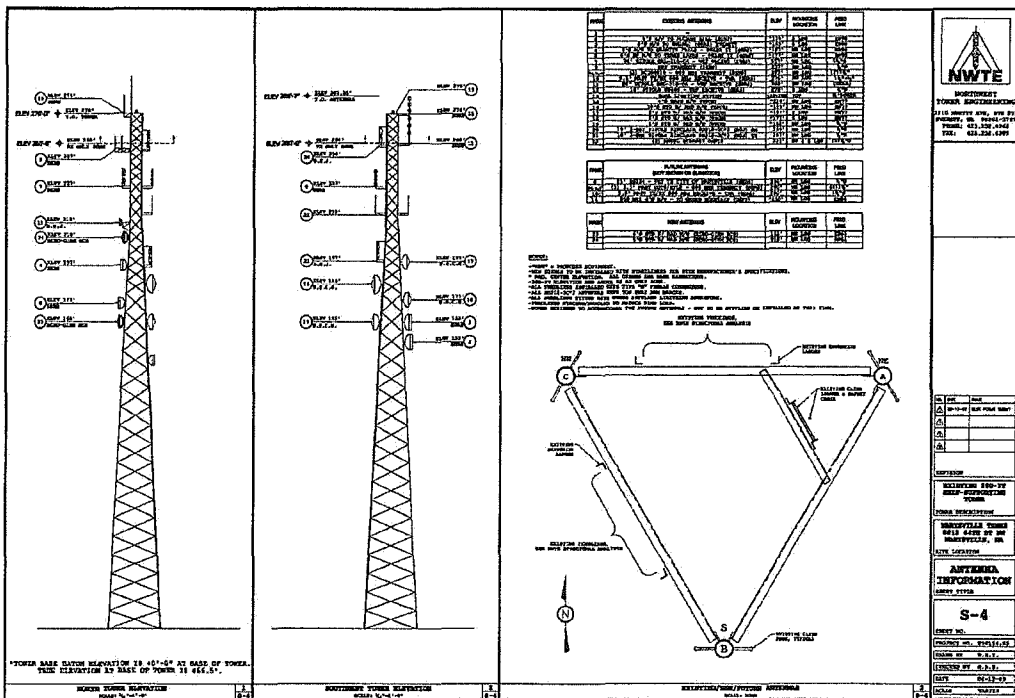
GENERAL NOTES

<p>GENERAL</p> <p>1. ALL STRUCTURES, UTILITIES, AND EQUIPMENT SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL STRUCTURES SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL STRUCTURES SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL STRUCTURES SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL STRUCTURES SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>	<p>CONCRETE</p> <p>1. ALL CONCRETE SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL CONCRETE SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL CONCRETE SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL CONCRETE SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL CONCRETE SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>	<p>SPECIAL INSPECTION</p> <p>1. ALL SPECIAL INSPECTIONS SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL SPECIAL INSPECTIONS SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL SPECIAL INSPECTIONS SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL SPECIAL INSPECTIONS SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL SPECIAL INSPECTIONS SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>
<p>APPLICABLE CODES AND STANDARDS</p> <p>1. ALL STRUCTURES SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL STRUCTURES SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL STRUCTURES SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL STRUCTURES SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL STRUCTURES SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>	<p>STEEL REINFORCEMENT</p> <p>1. ALL STEEL REINFORCEMENT SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL STEEL REINFORCEMENT SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL STEEL REINFORCEMENT SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL STEEL REINFORCEMENT SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL STEEL REINFORCEMENT SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>	<p>MASONRY</p> <p>1. ALL MASONRY SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL MASONRY SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL MASONRY SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL MASONRY SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL MASONRY SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>
<p>DESIGN CRITERIA</p> <p>1. ALL DESIGN CRITERIA SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL DESIGN CRITERIA SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL DESIGN CRITERIA SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL DESIGN CRITERIA SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL DESIGN CRITERIA SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>	<p>STRUCTURAL STEEL</p> <p>1. ALL STRUCTURAL STEEL SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL STRUCTURAL STEEL SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL STRUCTURAL STEEL SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL STRUCTURAL STEEL SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL STRUCTURAL STEEL SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>	<p>LIGHTING</p> <p>1. ALL LIGHTING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL LIGHTING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL LIGHTING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL LIGHTING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL LIGHTING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>
<p>FOUNDATIONS</p> <p>1. ALL FOUNDATIONS SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL FOUNDATIONS SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL FOUNDATIONS SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL FOUNDATIONS SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL FOUNDATIONS SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>	<p>WELDING</p> <p>1. ALL WELDING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL WELDING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL WELDING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL WELDING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL WELDING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>	<p>LIGHTING PROTECTION GROUNDING</p> <p>1. ALL LIGHTING PROTECTION GROUNDING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>2. ALL LIGHTING PROTECTION GROUNDING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>3. ALL LIGHTING PROTECTION GROUNDING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>4. ALL LIGHTING PROTECTION GROUNDING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p> <p>5. ALL LIGHTING PROTECTION GROUNDING SHALL BE BUILT IN ACCORDANCE WITH THE SPECIFICATIONS AND STANDARDS LISTED IN SECTION 1.0.</p>





MV/M-09-124/KingCountySublease.020210



**FIRST AMENDMENT OF NONEXCLUSIVE COMMUNICATIONS SITE
SUBLEASE (AND ACKNOWLEDGMENT OF EXERCISE OF EXTENSION)**

THIS FIRST AMENDMENT OF NONEXCLUSIVE COMMUNICATIONS SITE SUBLEASE (AND ACKNOWLEDGMENT OF EXERCISE OF EXTENSION) (this "First Amendment") is made by and between the City of Marysville, a municipal corporation and political subdivision of the State of Washington (hereinafter sometimes called "the City" or "Sublessor") and King County, Washington, a political subdivision of the State of Washington (hereinafter sometimes called "the County" or "Sublessee") this 25 day of November 2014.

RECITALS

- I. City and County are parties to a Nonexclusive Communications Site Sublease dated May 12, 2010 whereby County has located facilities on property of City.
- II. The term of the Nonexclusive Communications Site Sublease was for five (5) years with a commencement date of December 1, 2009 and an expiration date of November 30, 2014.
- III. The Nonexclusive Communications Site Sublease provides for one five (5) year renewal and established a process for establishing the fair market rent during the renewal period.
- IV. County has given city proper and timely notice of its intent to extend the sublease, but at this time a rate study establishing the fair market rent has not occurred.
- V. The parties wish to provide for the rental during the extension of the Nonexclusive Communications Site Sublease.

AGREEMENT

In consideration of the mutual covenants contained in this First Amendment, the parties agree as follows:

1. **ACKNOWLEDGMENT OF EXTENSION.** City hereby acknowledges that County has timely and properly exercised its one five year extension of the Nonexclusive Communications Site Sublease.

2. **AMENDMENTS TO PARAGRAPH 7 b and 7 c.** Subparagraphs 7 b and 7 c of the Nonexclusive Communications Site Sublease are hereby amended to read as follows:

7. b. **Rent for Extension Period.** The rent during the extension period shall be four thousand seven hundred thirty-four dollars and forty-eight cents (\$4,734.48) annually, subject to the 3% adjustment of annual base rent as set forth in Section 9(e) of the Site Sublease dated May 12, 2010. The parties hereby agree to waive the rate study referenced in Section 7(b) of the original Site Sublease.

7. c. **Terms and Conditions.** Except for the rental rate as determined under paragraph 7. b, the remaining terms and conditions of this Sublease shall be in full force and effect during the extension period.

3. **INTEGRATION; FULL AGREEMENT.** This First Amendment is intended as a full and final expression of the agreement between the parties concerning this First Amendment. All prior discussions, statements, representations, and warranties are integrated and merged into this First Amendment. There are no agreements between the parties, and there are no representations on which either party relies concerning the subject matter of the First Amendment except as set forth in this First Amendment.

DATED: 11/25/14

DATED: 12/17/14

CITY OF MARYSVILLE

SUBLESSEE (King County)

By: [Signature]
JOHN NEHRING, Mayor

By: [Signature]
Its: Gail Houser
Manager, Real Estate Services
King County

ATTEST:

By: [Signature]
Deputy City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:


By: [Signature]
GRANT K. WEED, City Attorney

By: [Signature], Attorney

Index #5

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 10, 2020

AGENDA ITEM:	
GMB 1117 Maintenance Agreement with WSDOT	
PREPARED BY:	DIRECTOR APPROVAL:
Matthew Eyer	
DEPARTMENT:	
Surface Water	
ATTACHMENTS:	
GMB 1117 Maintenance Agreement and Exhibits	
BUDGET CODE:	AMOUNT:
	\$0.00
SUMMARY: Two subdivisions have constructed stormwater facilities with discharge pipes extending into WSDOT HWY 9 Right Of Way (ROW). The City has taken over maintenance responsibility for these facilities. This agreement describes the City's maintenance responsibility for the infrastructure and gives the City access from WSDOT ROW to complete maintenance if needed.	

RECOMMENDED ACTION: Staff recommends that Council authorize the Mayor to sign the GMB 1117 Maintenance Agreement with WSDOT.

RECOMMENDED MOTION: I move to authorize the Mayor to sign and execute the GMB 1117 Maintenance Agreement with WSDOT.



Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710
206-440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

December 19, 2019

Brooke Ensor
NPDES Coordinator
City of Marysville
1049 State Avenue
Marysville, WA 98270

Re: GMB 1117 Agreement Originals

Dear Ms. Ensor:

Enclosed please find two originals of the GMB 1117 agreement that have been signed by the Assistant Attorney General. Once the City has signed please mail both originals to me, with the exhibits, at the address below. I will then ask our Assistant Regional Administrator Amir Rasaie to sign. I will mail one original to you for your records.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Lara" followed by a stylized circular flourish.

Lara Zimmermann
Agreement Writer
WSDOT
15700 Dayton Avenue North
PO Box 330310
Seattle, WA 98133

Enclosures

GMB 1117

This Maintenance Agreement, hereinafter “Agreement,” is made and entered into between the Washington State Department of Transportation, hereinafter “WSDOT,” and the City of Marysville, Washington, hereinafter the “City,” hereinafter collectively referred to as the “Parties” and individually as the “Party.”

RECITALS

1. A developer has constructed houses on a parcel, tax number 00590700005400, hereinafter “Kembers Court East or Kember’s Court East.” Another developer is constructing houses on a parcel located south of Kembers Court East, tax number 00590700006701, hereinafter “Hunter’s Landing.” Both parcels abut WSDOT State Route 9 (SR 9) limited access right of way, hereinafter “SR 9 limited access right of way.”
2. WSDOT has issued a stormwater discharge permit, Utility Permit (UP) 20591, to the developer of Kembers Court East to allow installation of stormwater facilities in the SR 9 limited access right of way at approximately Milepost (MP) 18.81, as shown on Exhibit A (P. 1 of 2). WSDOT will issue UP 20591 Addendum #01 to the developer superseding UP 20591. *See* Exhibit B. WSDOT will grant a permanent access break to the City to allow the City to maintain the stormwater facilities from Kembers Court East into the SR 9 limited access right of way.
3. The City recorded an easement for maintenance on the Kember’s Court East Plat. Tract 989, which includes a portion of the stormwater facilities, is subject to an easement that grants the City an emergency and routine maintenance easement. Tract 990 contains an easement to the City for ingress, egress and maintenance of the stormwater facility on Tract 989.
4. WSDOT has issued a stormwater discharge permit, S1-19-12, to the developer of Hunter’s Landing to allow installation of stormwater facilities in the SR 9 limited access right of way at approximately MP 18.71, as shown on Exhibit C (P. 1 of 2). *See* Exhibit D. The Hunter’s Landing plat is not yet complete. However, the City commits to obtaining a maintenance easement on the Hunter’s Landing Plat with the same rights as those granted to the City on the Kember’s Court East Plat, or, in the alternative, the City commits to taking full ownership of the lot containing the stormwater facilities during the plat process. WSDOT will grant a permanent access break to the City to allow the City to maintain the stormwater facilities from Hunter’s Landing into the SR 9 limited access right of way.
5. The City agrees, at its sole cost and expense, to maintain stormwater outfalls, pipes, catch basins, trash racks and energy dissipation devices in the SR 9 limited access right of way from Kembers Court East and from Hunter’s Landing. The City also agrees, at its sole

GMB 1117

Page 1 of 8

cost and expense, to maintain the upstream sump in Kembers Court East and to maintain the upstream sump in Hunter's Landing.

6. The City agrees, as part of its maintenance responsibilities for the stormwater facilities from Kembers Court East and Hunter's Landing, that it will protect the SR 9 limited access right of way from damage and/or debris impacts at the City's sole cost and expense.

NOW, THEREFORE, pursuant to RCW 47.28.140, the above recitals that are incorporated herein as if fully set forth below, and in consideration of the terms, conditions, covenants and performances contained herein, and the attached Exhibit A, Exhibit B, Exhibit C and Exhibit D which are incorporated and made a part hereof.

IT IS MUTUALLY AGREED AS FOLLOWS:

1. CITY MAINTENANCE RESPONSIBILITIES

1.1 City Maintenance Responsibilities for Kembers Court East Stormwater Infrastructure

- 1.1.1 The City, at its sole cost and expense, agrees to maintain and repair all stormwater facilities from Kembers Court East located in the SR 9 limited access right of way in good condition, including the stormwater discharge pipe and the splash pad, and to maintain the upstream sump (which is located within the Kembers Court East parcel), as shown approximately on Exhibit A (P. 2 of 2), hereinafter the "Kembers Court East Stormwater Infrastructure."
- 1.1.2 The splash pad is located in the existing SR 9 limited access right of way ditch. The City, at its sole cost and expense, agrees it will not allow buildup of debris on the splash pad, and if such buildup does occur the City agrees to remove the debris from the splash pad and from the surrounding SR 9 limited access right of way.
- 1.1.3 The City, at its sole cost and expense, agrees to maintain the upstream sump located within the Kembers Court East parcel. The sump is on the upstream end of the discharge pipe. Should the upstream sump fail, the City agrees it will be responsible for any and all damages, clean-up and restoration to the SR 9 limited access right of way that results from the upstream sump failure.
- 1.1.4 The City, at its sole cost and expense, agrees to provide all materials and labor associated with any modification, replacement, relocation, repairs, and/or any other incidental maintenance costs for the Kembers Court East Stormwater Infrastructure located in the SR 9 limited access right of way.

1.1.5 The City shall inspect the Kembers Court East Stormwater Infrastructure at least once per year.

1.2 City Maintenance Responsibilities for Hunter's Landing Stormwater Infrastructure

1.2.1 The City, at its sole cost and expense, agrees to maintain and repair all stormwater facilities from Hunter's Landing located in the SR 9 limited access right of way in good condition, including the side-drain connection (which consists of a 12" storm drain pipe and a catch basin), the rock pad outfall, and to maintain the upstream sump (which is located within the Hunter's Landing parcel), as shown approximately on Exhibit C (P. 2 of 2), hereinafter the "Hunter's Landing Stormwater Infrastructure."

1.2.2 Water will flow through the 12" storm drain pipe onto the rock pad outfall and then enter the existing ditch in the SR 9 limited access right of way. The City, at its sole cost and expense, agrees it will not allow buildup of debris on the rock pad outfall, and if such buildup does occur the City agrees to remove the debris from the rock pad outfall and from the surrounding SR 9 limited access right of way. The City's maintenance and repair responsibility includes the 12" storm drain pipe and catch basin.

1.2.3 The City, at its sole cost and expense, agrees to maintain the upstream sump located within the Hunter's Landing parcel. The sump is on the upstream end of the discharge pipe. Should the upstream sump fail, the City agrees it will be responsible for any and all damages, clean-up and restoration to the SR 9 limited access right of way that results from the upstream sump failure.

1.2.4 The City, at its sole cost and expense, agrees to provide all materials and labor associated with any modification, replacement, relocation, repairs, and/or any other incidental maintenance costs for the Hunter's Landing Stormwater Infrastructure located in the SR 9 limited access right of way.

1.2.5 The City shall inspect the Hunter's Landing Stormwater Infrastructure at least once per year.

1.3 The City's maintenance responsibilities for the Kembers Court East Stormwater Infrastructure and the City's maintenance responsibilities for the Hunter's Landing Stormwater Infrastructure are together hereinafter referred to as the "Stormwater Infrastructure."

2. TRAFFIC CONTROL

2.1 If it is likely that the City's work authorized under this agreement shall conflict with, impede or disrupt the SR 9 limited access right of way's construction, operation and/or maintenance, or endanger the safety of the traveling public, the City shall submit traffic

control plans to the WSDOT Construction Traffic Control Operations Manager for the Northwest Region, for review and approval fourteen (14) working days prior to the start of the City's work. If WSDOT rejects the traffic control plans, WSDOT shall work cooperatively with the City to develop acceptable plans.

- 2.2 The City agrees that all traffic control for work on the Stormwater Infrastructure within the SR 9 limited access right of way shall be in compliance with the Manual on Uniform Traffic Control Devices (MUTCD) and/or WSDOT's Work Zone Traffic Control Guideline, M 54-44.

3. DEFICIENT MAINTENANCE

- 3.1 In the event the City does not perform necessary maintenance and/or repair of the Stormwater Infrastructure, WSDOT shall notify the City of the deficiency in writing. The City agrees to correct the noted deficiency within thirty (30) calendar days of receipt of notice. If the City cannot, with due diligence, correct a deficiency within a period of thirty (30) calendar days from receipt of WSDOT's written notice, the City may make a written request of WSDOT for an extension of time, and WSDOT shall respond in writing and either grant an extension or deny the request. WSDOT shall not, without good cause, deny such request.
- 3.2 In the event the City does not correct a deficiency within thirty (30) calendar days of receipt of WSDOT's notice, or within the WSDOT-approved extension of time, if any, WSDOT, in its sole discretion, may perform the needed work to correct the deficiency. Such work may be accomplished by use of WSDOT personnel or a contractor, and if such work is performed to correct the deficiency, the City agrees to pay WSDOT for its actual direct and related indirect costs in accordance with Section 6.

4. EMERGENCY MAINTENANCE

- 4.1 In the event of an emergency affecting the Stormwater Infrastructure, the City shall immediately perform emergency maintenance and/or repair to rectify the problem.
- 4.2 In the event WSDOT identifies a problem with the Stormwater Infrastructure that warrants emergency maintenance and/or repair, WSDOT shall notify the City and request that the City address the problem. The City agrees to perform the requested emergency maintenance and/or repair as soon as practicable.
- 4.3 If the City is not available to perform the emergency maintenance and/or repair work to address the WSDOT-identified problem, WSDOT reserves the right to perform the work. Such emergency work may be accomplished by use of WSDOT personnel or a contractor and shall be at the expense of the City, and the City agrees to reimburse WSDOT for the actual direct and related indirect costs in accordance with Section 6.

5. DAMAGE TO RIGHT OF WAY

5.1 The City shall not damage the SR 9 limited access right of way as it performs work on the Stormwater Infrastructure. If the City does damage the SR 9 limited access right of way the City agrees to be directly responsible to WSDOT for the cost of reasonable repairs; provided that, prior to either the City or WSDOT commencing such repairs, the Parties shall meet and confer regarding the nature and scope of repairs needed and shall allocate responsibility for the work.

6. PAYMENT

6.1 In the event WSDOT or its authorized contractor performs any maintenance and/or repair work pursuant to this Agreement, WSDOT shall invoice the City for the actual direct and related indirect costs associated with the work performed. Upon receipt of a detailed, itemized invoice from WSDOT, the City shall make payment within sixty (60) calendar days. All sums due from the City to WSDOT and not paid within sixty (60) calendar days of the date of invoice shall bear interest at the rate of twelve percent (12%) per annum, or the highest rate of interest allowable by law, whichever is greater; provided that, if the highest rate allowable by law is less than twelve percent (12%), interest charged hereunder shall not exceed that amount. Interest shall be calculated from the date of invoice. If the City objects to all or any portion of an invoice it shall notify WSDOT within twenty (20) calendar days from the date of receipt and shall pay only that portion of the invoice not in dispute. WSDOT and the City shall immediately make every effort to settle the disputed portion, and if necessary utilize dispute resolution as provided for in Section 9 of this Agreement. No interest shall be due on any portion of an invoice the City is determined not to owe following settlement between the parties or completion of resolution of dispute resolution process.

7. PARTY REPRESENTATIVES

7.1 Unless otherwise provided herein, all notifications and contact made pursuant to this Agreement shall reference GMB 1117 and be directed to the Party representative or designated representative, as follows:

<p>City of Marysville</p>	<p>Washington State Department of Transportation</p>
<p>Brooke Ensor NPDES Coordinator City of Marysville 1049 State Avenue Marysville, WA 98270 Phone: (360) 363-8288 BEnsor@marysvillewa.gov</p>	<p>John Tellesbo Superintendent of Area 3 Maintenance Washington State Department of Transportation 709 North Broadway Everett, WA 98201 Phone: (425) 258-8300 TELLESJ@wsdot.wa.gov</p>

7.2 A Party may designate an alternative representative by notifying the other Party in writing.

8. RIGHT OF ENTRY

8.1 WSDOT hereby grants to the City and its authorized agents, contractors, subcontractors, and employees, a right of entry into the SR 9 limited access right of way for the purpose of performing work authorized pursuant to this Agreement.

8.2 The City hereby grants to WSDOT and its authorized agents, contractors, subcontractors, and employees, a right of entry into City property and/or City right of way for the purpose of performing work authorized pursuant to this Agreement.

9. GENERAL PROVISIONS

9.1 Amendment: This Agreement may be amended or modified only by the mutual agreement of the Parties. Such amendments or modifications shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

9.2 Start of Work: The City agrees that its maintenance and repair obligations for the Stormwater Infrastructure shall start as soon as this Agreement is executed and the Stormwater Infrastructure is installed.

9.3 Term of Agreement: Unless otherwise provided herein, the term of this Agreement shall commence as of the execution of this Agreement. The terms of this Agreement shall remain in effect unless otherwise amended or terminated.

9.4 Termination: Either Party may terminate this Agreement with thirty (30) calendar days prior written notice to the other Party, indicating the reason for the termination. Upon termination of this Agreement, the City shall at its sole cost and expense remove the stormwater facilities from the SR 9 limited access right of way and restore the highway to the condition prior to construction of the stormwater facilities. In the event the City fails to remove the stormwater facilities from the highway WSDOT may remove the stormwater facilities and invoice the City for the cost thereof in accordance with Section 6. Any termination of this Agreement shall not prejudice any rights or obligations accrued to WSDOT or to the City prior to termination.


9.5 Indemnification/Waiver/Legal Relations:

9.5.1 The City shall protect, defend, indemnify, and hold harmless WSDOT, its officers, officials, employees, authorized agents, and/or contractors, while acting within the scope of their employment as such, from any and all costs, claims, judgments, and/or awards of damages (both to persons and/or property), arising out of, or in any way resulting from, the City's obligations to be performed pursuant to the provisions of this Agreement. The City shall not be required to

indemnify, defend, or hold harmless WSDOT if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of WSDOT. Where such claims, suits, or actions result from concurrent negligence of both Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of each Party's own negligence.

- 9.5.2 The City agrees that its obligations under this section extend to any claim, demand and/or cause of action brought by, or on behalf of, any of its employees or agents while performing maintenance and/or repair of the Stormwater Infrastructure located on the SR 9 limited access right of way. For this purpose, the City, by mutual negotiation, hereby waives with respect to WSDOT only, any immunity that would otherwise be available against such claims under the Industrial Insurance provisions in chapter 51.12 RCW.
- 9.5.3 This indemnification and/or waiver shall survive termination of this Agreement.
- 9.6 Disputes: In the event that a dispute arises under this Agreement, it shall be resolved as follows: WSDOT and the City shall review the applicable facts, terms, statutes, and rules affecting the dispute to resolve the matter in good faith and as expeditiously as possible. If the Parties cannot reach a resolution, WSDOT and the City shall each appoint a member to a disputes board, and these two members shall select a third board member not affiliated with either Party. The three-member board shall conduct a dispute resolution hearing that shall be informal and unrecorded. An attempt at such dispute resolution in compliance with aforesaid process shall be a prerequisite to the filing of any litigation concerning the dispute. The Parties shall equally share in the cost of the third disputes board member; however, each Party shall be responsible for its own costs and fees.
- 9.7 Venue: In the event that either Party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement, the Parties agree that any such action or proceedings shall be brought in Thurston County Superior Court. Further, the Parties agree that each shall be solely responsible for payment of its own attorney's fees, witness fees, and costs.
- 9.8 Severability: Should any section, term or provision of this Agreement be determined to be invalid, the remainder of this Agreement shall not be affected and the same shall continue in full force and effect.
- 9.9 Calendar Day: Calendar day means any day on the calendar including Saturday, Sunday or a legal local, state, or federal holiday.
- 9.10 Working Day: Working day means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Party's date last signed below.

City of Marysville	Washington State Department of Transportation
By:	By:
Printed:	Printed: Dave McCormick
Title:	Title: Assistant Regional Administrator Maintenance Operations Northwest Region
Date:	Date:
Approved as to Form City of Marysville	Approved as to Form Washington State Department of Transportation
By:	By: 
Printed:	Printed: Mark Schumock
Title: City Attorney	Title: Assistant Attorney General
Date:	Date: December 18, 2019

T. 30N.R. 5E.W.M.

CITY OF MARYSVILLE

Approx MP 18.81

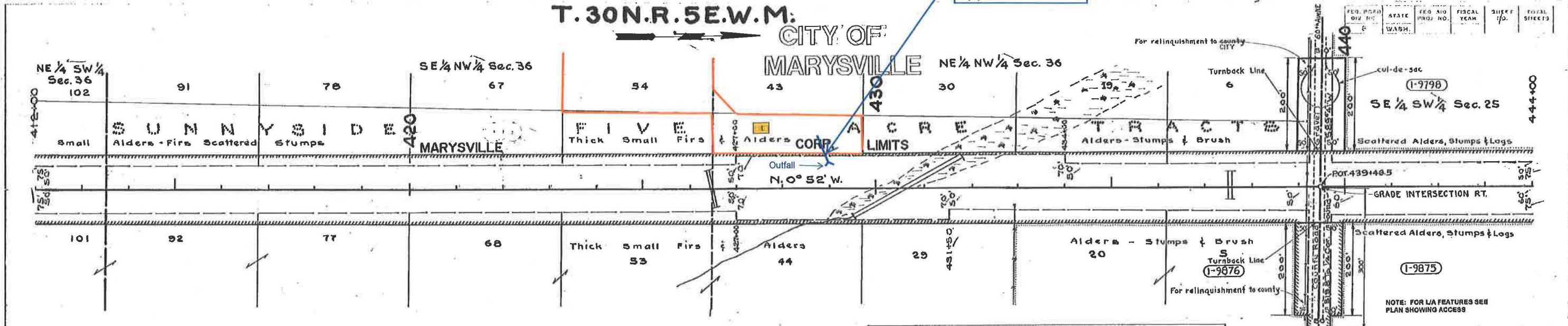


Exhibit A
GMB 1117
 Page 1 of 2

OWNERSHIPS				
PARCEL NO.	NAME	TOTAL AREA	TAKE	LT. REMAINDER RT.
1-9798	BOWEN	(See Note)		
1-9875	BOWEN		ACCESS ONLY (See Note)	
1-9876	YULE		ACCESS ONLY (See Note)	

Note: For total parcel detail and/or ownership areas, see SR 528, SR 5 in Marysville for Jct. SR 9 Sheets 2 and 8 of 12 Sheets, Approved August 6, 1970.

(SR 9)
 SECONDARY STATE HIGHWAY NO. 1A
 LAKE STEVENS TO ARLINGTON
 SNOHOMISH COUNTY



WASHINGTON STATE HIGHWAY COMMISSION
 DEPARTMENT OF HIGHWAYS
 OLYMPIA, WASHINGTON
 R. A. Mosio, Chairman
 R. R. Hessel, Member
 E. C. Huxtable, Member
 H. E. Macaul, Member
 Oscar E. Stone, Member

SCALE: HORIZ. 1 INCH = 100 FEET
 SCALE: VERT. 1 INCH = 10 FEET
 APPROVED: April 5, 1955
 FOR R. OF W. SHEET 6 OF 20 SHEETS
 CONTRACT NUMBER 21

LEGEND

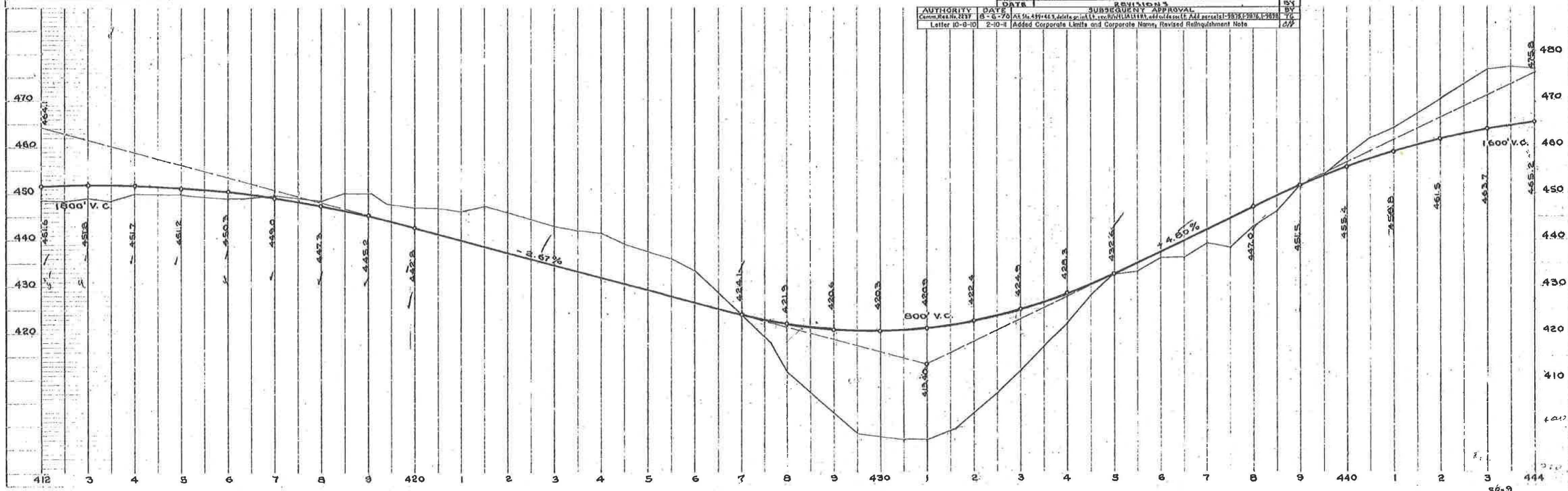
Access to be prohibited shown thus

Property Ownership Numbers

Property Line

Sta. 426+50 Const. 18" Std. Reinf. Conc. Culv. Pipe
 Sta. 430+70 Const. 24" Std. Reinf. Conc. Culv. Pipe
 Sta. 437+50 Const. 18" Std. Reinf. Conc. Culv. Pipe

AUTHORITY	DATE	REVISIONS	BY
Comm. Res. No. 2837	8-6-70	At Sta. 437+48.3, delete point (1, rev. 8/21/1970) (1-9875, 1-9876, 1-9878)	TC
Letter 10-0-10	2-10-71	Added Corporate Limits and Corporate Name, Revised Relinquishment Note	dlr



S.S.H. No 1-A
 Snohomish to Arlington
 SL-414
 Sheet 4 of 20 Sheets.

NW 1/4, SEC. 36, T.30 N., R.05 E., W.M.
SNOHOMISH COUNTY, WASHINGTON

CONSTRUCTION SEQUENCE

1. PRIOR TO CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL SCHEDULE AND ATTEND PRE-CONSTRUCTION CONFERENCE WITH THE CITY OF MARYSVILLE INSPECTION UNIT.
2. MARK NCPA BOUNDARIES, FLAG CLEARING LIMITS AND INSTALL SILT FENCE AS SHOWN.
3. INSTALL ROCK CONSTRUCTION ENTRANCE.
4. CLEAR AND GRUB ROAD AREAS, AND STOCKPILE AREAS. CONSTRUCT SEDIMENT POND-1, CONSTRUCT DETENTION VAULT, AND USE IT AS SEDIMENT POND-2.
5. INSTALL TEMPORARY EROSION CONTROL BMP'S SUCH AS INTERCEPTOR TRENCHES, CHECK DAMS, ETC. AND DIRECT RUNOFF TO THE SEDIMENT POND.
6. GRADE AND STABILIZE PARKING AREAS WITH GRAVEL BASE. COVER EXPOSED SOILS WITH MULCH, HOG PILE, OR HYDROSEED.
7. CONSTRUCT SEWER, WATER AND STORM UTILITIES. INSTALL GAS, POWER, TELEPHONE AND CABLE UTILITIES, AS REQUIRED.
8. PLACE AND POUR CURBS AND GUTTERS.
9. CONSTRUCT DRAINAGE AND THE OUTFALL.
10. PAVE ROADS WITH ATB AND PLACE DETENTION SYSTEM INTO FULL OPERATION.
11. HYDROSEED REMAINING EXPOSED SOILS AND STABILIZE PROJECT.
12. FLUSH STORM DRAINAGE SYSTEM AND REMOVE SEDIMENTATION IN ALL CATCH BASINS.
13. STABILIZE ALL DISTURBED AREAS AND REMOVE ALL T.E.S.C. MEASURES.

THE 12 ELEMENTS OF TESC BMP

- ELEMENT #1 - MARK CLEARING LIMITS:
LIMIT OF CONSTRUCTION ARE CLEARLY MARKED.
- ELEMENT #2 - ESTABLISH CONSTRUCTION ACCESS:
A STABILIZED CONSTRUCTION ENTRANCE IS SHOWN.
- ELEMENT #3 - CONTROL FLOW RATES:
A SEDIMENT POND IS PROVIDED FOR THE SMALL PORTION OF THE SITE THAT DRAINS TO THE WEST. THE REMAINDER OF SITE WILL BE DIRECTED TO THE DETENTION VAULT DURING CONSTRUCTION.
- ELEMENT #4 - INSTALL SEDIMENT CONTROLS:
SILT FENCE AND SEDIMENT PONDS ARE PROPOSED.
- ELEMENT #5 - STABILIZE SOILS:
SOIL STABILIZATION IS ACHIEVED BY MULCHING, PLASTIC COVERING AND SEEDS.
- ELEMENT #6 - PROTECT SLOPES:
SLOPES ARE PROTECTED BY INTERCEPTOR SWALES, PLASTIC COVERING, MULCHING AND SEEDS.
- ELEMENT #7 - PROTECT SWAN RILETS:
INLET PROTECTORS ARE PROPOSED FOR THE STORM DRAINS.
- ELEMENT #8 - STABILIZE CHANNELS AND OUTLETS:
OUTLET PROTECTORS ARE PROPOSED.
- ELEMENT #9 - CONTROL POLLUTANTS:
ALL VEHICLES, EQUIPMENT AND PETROLEUM PRODUCT STORAGE/STORAGE AREAS WILL BE INSPECTED REGULARLY TO DETECT ANY LEAKS OF SPILLS, AND TO IDENTIFY MAINTENANCE NEEDS AND PREVENT LEAKS OF SPILLS.
- ELEMENT #10 - CONTROL DEWATERING:
THERE WILL BE NO DEWATERING AS PART OF THIS CONSTRUCTION PROJECT. DETENTION VAULT FOUNDATION AREA DEWATERING SHALL DIRECTLY TO THE WETLANDS.
- ELEMENT #11 - MAINTAIN BMP'S:
ALL TESC BMP'S SHALL BE MAINTAINED AND REPAIRED AS NEEDED.
- ELEMENT #12 - MANAGE THE PROJECT:
THIS COULD BE ACHIEVED BY LIMITING THE EXTENT AND DURATION OF THE AREA EXPOSED AND BY EMPHASIZING EROSION CONTROL THEN SEDIMENT CONTROL.

T.E.S.C. LEGEND

	INTERCEPTOR TRENCH w/ ROCK CHECK DAM
	SILT FENCE
	TEMPORARY CONSTRUCTION ENTRANCE
	CATCH BASIN INLET PROTECTION (TYP.)
	CLEARING LIMITS
	VEGETATION
	MULCH &/OR STRAW MATTING
	PLASTIC COVER
	FLOW ARROW (EX.)

SEDIMENT POND-1

INFLOW (10 YR/24 HR)	1.03 cfs
SURFACE RED'D	1,288 SF
POND TOP ELEV	EL=45
POND BOTTOM ELEV	EL=41
EMERGENCY OVERTOP SPILLWAY ELEV	EL=44 (1'-0")
SURFACE AREA PROVIDED	1,374 SF (EL=44)

SEDIMENT POND-2

INFLOW (10 YR/24 HR)	0.78 cfs
SURFACE RED'D	975 SF
SURFACE AREA PROVIDED	5,568 SF *

NOTES:

1. THE PROPOSED DETENTION VAULT WILL PROVIDE TEMPORARY SEDIMENT STORAGE DURING CONSTRUCTION FOR THE EASTERN PORTION OF THE SITE.
2. CONSTRUCT LEVEL SPREADER, BROWLALE, AND OUTLET STRUCTURE TO BE IN FULL FUNCTION TO BE USED DURING CONSTRUCTION AS A PART OF TESC POND-2.

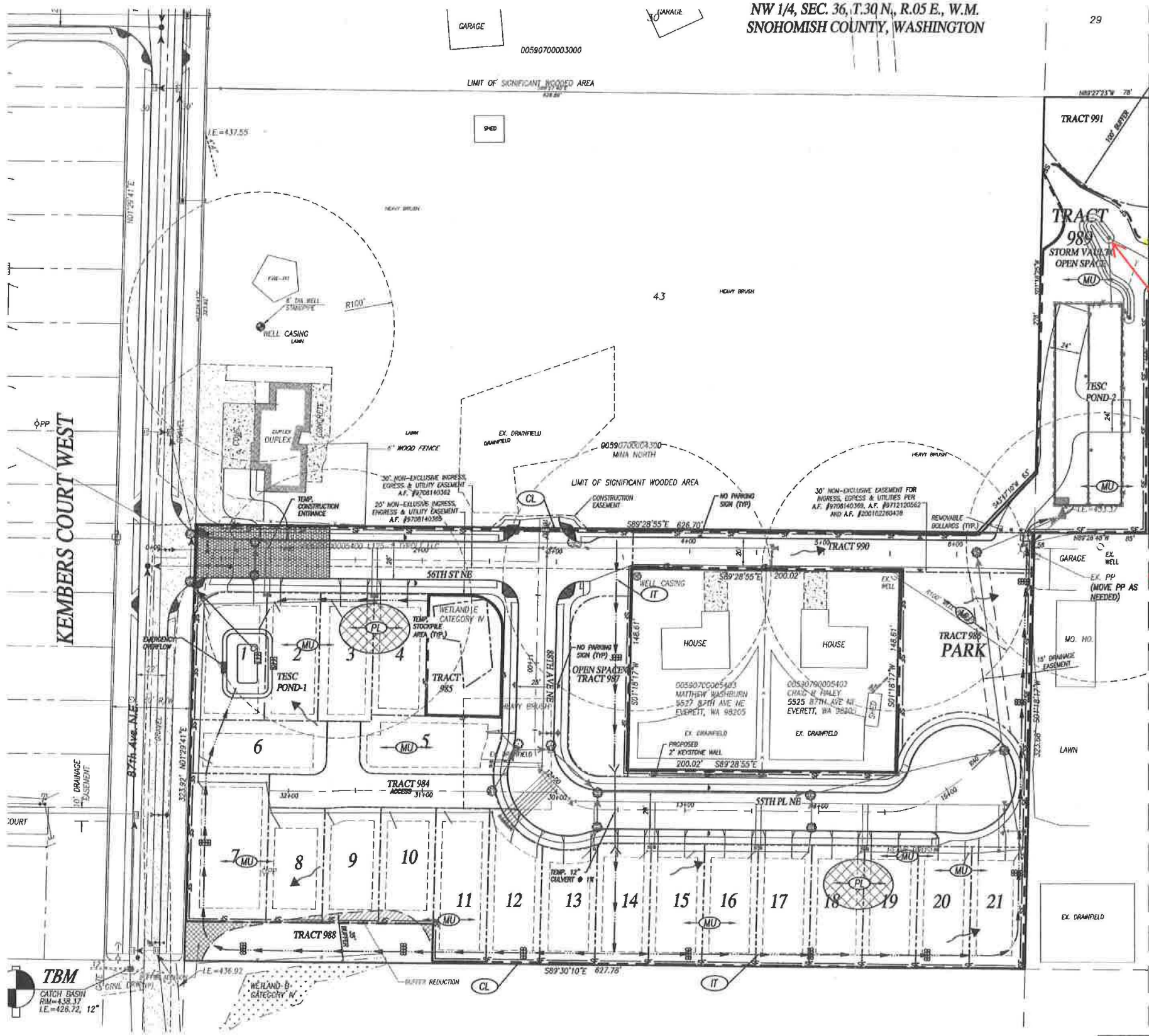
- NOTE:**
1. ANY WELLS TO BE DECOMMISSIONED PER ALL APPLICABLE WACS.
 2. NO CONSTRUCTION ACTIVITY WILL BE ALLOWED WITHIN THE DROPLINES OF TREES IDENTIFIED TO BE SAVED.
 3. ALL ORANGE CLEARING LIMIT FENCING SHALL BE INSPECTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO COMMENCEMENT OF THE SITE WORK.
 4. MULCH SWEEPER TO BE ONSITE DURING IMPORT AND EXPORT OF DIRT GRAVEL AND OTHER MATERIALS.

Area highlighted in yellow City of Marysville to maintain

Location of 12" discharge pipe and splash pad

Upstream Sump

RV Property Boundary (A hatchure should have been shown here)



TBM CATCH BASIN RM=438.37 I.E.=426.72, 12"

Exhibit A
GMB 1117
Page 2 of 2

CITY OF MARYSVILLE
CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT

THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. COMPLIANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRE OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, WSDOT HYDRAULIC PROJECT APPROVAL (HPPA), WSDOT NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENGINEERED SPECIES ACT.

THIS 5th DAY OF June 2012
By: Douglas W. Gellor, P.E. ENGINEERING SERVICES MANAGER

THESE APPROVED CONSTRUCTION PLANS EXPIRE AFTER PERIOD OF 90 MONTHS FROM THE DATE SHOWN ABOVE OR UPON EXPIRATION OF PRELIMINARY PLAT OR SITE PLAN APPROVAL, PER WAC 22A-040-020 AND 22A-040-030.



Exhibit 'D'
UP 20591
Utility Work Plan
Page 1 of 3

NW 1/4, SEC. 36, T.30 N., R.05 E., W.M.
KEMBERS COURT EAST

DWG FILENAME	DESIGNED BY	DATE	SCALE	JOB NO.
140871-FINAL.DWG	JRC	07-30-2014	1"=40'	14-0671
				SHEET
				C2.1



Exhibit B
GMB 1117
 Page 1 of 19

Northwest Region
 15700 Dayton Avenue North
 P.O. Box 330310
 Seattle, WA 98133-9710
 206-440-4000
 TTY: 1-800-833-6388
www.wsdot.wa.gov

Tim Bruggman
 VP of Development
 LGI Homes
 14205 SE 36th St., Suite 100
 Bellevue, WA 98006

Subject: **SR 9, MP 18.81**
Addendum #01 UP 20591

Dear Mr. Bruggman:

Utility Permit No. 20591 was issued to LGI Homes on October 9, 2018. On March 8, 2019 you on behalf of LGI Homes for the Kember Court East development notified Joan Oestreich, WSDOT of a need for WSDOT to provide an easement to the City of Marysville over WSDOT State Route 9 limited access right of way so that the City of Marysville could maintain the stormwater discharge facilities outfalling to SR 9 at MP 18.81. Both LGI Homes and the City of Marysville were then subsequently notified that WSDOT does not grant easements in regards to permitted utilities within state rights of way.

On April 4, 2019 the City of Marysville provided letter to WSDOT requesting a General Maintenance Agreement between WSDOT and the City of Marysville to maintain stormwater infrastructure discharging to SR 9 from plats within the City of Marysville. GMB 1117 gives the city permission to address both routine and emergency maintenance related to the outfall at SR 9 MP 18.81 originating from the Kember Court East development. The City's letter requesting the maintenance agreement also let WSDOT know that the parcel number referenced in UP 20591 was incorrect. Addendum 01 is being issued to revise the parcel reference to which this permit is assigned, and to name the City of Marysville as the designated party responsible for maintenance of the facilities related to the stormwater discharge outfall to SR 9 at MP 18.81.

Please note Utility Permit 20591 Addendum #01 supersedes, Utility Permit 20591.

JA 0103 LGI Homes reimbursable account will be billed for costs related to the following: A portion of the charges related to completion of the City of Marysville General Maintenance Agreement with WSDOT, and all costs incurred by WSDOT for preparation, and execution of UP 20591 including the revised Limited Access break naming the City of Marysville as party designated as responsible for maintenance of the outfall at SR 9 MP 18.81. Once all costs related to these items have been billed, and WSDOT has received all moneys owed, JA 0103 will be closed.

Addendum No. 01 (revised permit documents labeled Addendum 01)The Application, and Exhibit "A" Special Provisions, are amended as follows:

“Application”

The Exhibit section of the application page has been revised to reflect “Exhibit “A” pages 1-4. Number of pages has changed as a result of revisions and additions to special provisions.

“Exhibit A” Special Provisions

Special Provision #35 was revised to reflect the correct parcel number, and address for Kember Court East.

Original Special Provision #16 was revised to include language that states that the City of Marysville has maintenance responsibilities for storm water facilities on the subject parcel through easement.

Original Special Provision #17 was revised to modify language to include “City of Marysville as designated party responsible for maintenance via GMB 1117”.

Original Special Provision # 20 was revised to require maintenance activities taking place from SR 9 to have an approved traffic control plan. Added language requiring traffic control submittal 14 working days prior to any maintenance activities.

New Special Provision # 21 was added naming the City of Marysville via General Maintenance Agreement GMB 1117 as party designated as responsible for all maintenance activities related to UP 20571.

New Special Provision #22 tying limited access rights to the City of Marysville and maintenance of stormwater discharge facilities.

Please acknowledge receipt of UF 20591 Addendum #01 via return e-mail. Once WSDOT has confirmation that LGI Homes has received this addendum, the addendum is considered executed, and City of Marysville will then be responsible for all emergency and routine maintenance associated with this permit.

If you have any questions regarding this Addendum, please contact Joan Oestreich at (206) 440-4132.

Sincerely,

Maria Mayrhofer
WSDOT, NW Region
Utilities Manager

MM:jko
Enclosures

cc: Area 3 Maintenance MS NB82-43

Mike Gallop MS NB82-240
Karen Latimer City of Marysville
Brooke Ensor City of Marysville
File

Exhibit B
GMB 1117
Page 2 of 19

UP 20591
ADDENDUM #01
Letter
Page 2 of 2



Application for Utility Permit (Stormwater Discharge)

Exhibit B GMB 1117 Page 3 of 19

Permit/Franchise No. UP 20591 Addendum 01

Applicant - Please print or type all information

Application is Hereby Made For:

Permit
 Amendment
 Permit / Renewal \$250.00
 Category 2 \$300.00

To Construct, Operate, and/or Maintain Stormwater Discharge onto a portion of
 State Route 9 (at/from) MilePost 18.81 to Mile Post 18.81 in Snohomish County,
 to begin in the NW Section 36 Township 30 North: Range 5 West/East W.M.
 and end in the NW Section 36 Township 30 North: Range 5 West/East W.M.

Fees in the amount of \$ 300 are paid to cover the basic administrative expenses incident to the processing of this are paid to cover the basic administrative expenses incident to the processing of this application according to WAC 468-34 and RCW 47.44 and amendments thereto. The applicant promises to pay any additional costs incurred by the Washington State Department of Transportation (Department) on behalf of the applicant.

Checks or Money Orders are to be made payable to "Washington State Department of Transportation."

<p><u>LGI Homes, LLC</u> Applicant (Referred to as Utility)</p> <p><u>14205 SE 36th St., Suite 100</u> Address</p> <p><u>Bellevue</u> WA <u>98006</u> City State Zip Code</p> <p><u>425-308-3519</u> Telephone</p> <p><u>tim.bruggman@lgiHomes.com</u> Email</p> <p>Applicant Reference (WO) Number _____</p>	<p><u>Tim Bruggman</u> Applicant Authorized Signature</p> <p><u>Tim Bruggman</u> Print or Type Name</p> <p><u>Vice President of Development</u> Title</p> <p>Dated this <u>11th</u> day of <u>July</u>, <u>2018</u></p> <p><u>46-3088013300</u> Federal Tax ID Number or Social Security Number</p>
---	--

Authorization to Occupy Only If Approved Below

The Department hereby grants this Stormwater Discharge Permit (Permit), subject to the terms and conditions stated in the Stormwater Discharge General Provisions, Special Provisions, and Exhibits attached hereto and by this reference made a part hereof.

For Department Use Only

<p>Exhibits Attached</p> <table border="0"> <tr> <td>Exhibit 'A' Stormwater Permit Special Provisions</td> <td>Pages 1-3 of 3 ^{1-4 of 4}</td> </tr> <tr> <td>Exhibit 'B' Utility Facility Description</td> <td>Page 1 of 1</td> </tr> <tr> <td>Exhibit 'C' Right Of Way Plan</td> <td>Pages 1-2 of 2</td> </tr> <tr> <td>Exhibit 'D' Utility Work Plan</td> <td>Pages 1-3 of 3</td> </tr> <tr> <td>Exhibit 'E' Maintenance Notification</td> <td>Page 1 of 1</td> </tr> <tr> <td>Exhibit 'F' Pre-Construction Notification</td> <td>Page 1 of 1</td> </tr> </table>	Exhibit 'A' Stormwater Permit Special Provisions	Pages 1-3 of 3 ^{1-4 of 4}	Exhibit 'B' Utility Facility Description	Page 1 of 1	Exhibit 'C' Right Of Way Plan	Pages 1-2 of 2	Exhibit 'D' Utility Work Plan	Pages 1-3 of 3	Exhibit 'E' Maintenance Notification	Page 1 of 1	Exhibit 'F' Pre-Construction Notification	Page 1 of 1	<p>Department Approval</p> <p>By: <u>Maria Mayrhofer</u></p> <p>Title: <u>NWR Utilities Manager</u></p> <p>Date: <u>10/9/2018</u></p> <p>This Permit Expires ten years from the effective date, but may be renewed upon the Department's review and verification that the installation meets all applicable requirements at the time of renewal.</p>
Exhibit 'A' Stormwater Permit Special Provisions	Pages 1-3 of 3 ^{1-4 of 4}												
Exhibit 'B' Utility Facility Description	Page 1 of 1												
Exhibit 'C' Right Of Way Plan	Pages 1-2 of 2												
Exhibit 'D' Utility Work Plan	Pages 1-3 of 3												
Exhibit 'E' Maintenance Notification	Page 1 of 1												
Exhibit 'F' Pre-Construction Notification	Page 1 of 1												

Associated Reimbursable account = JZ 0103

Stormwater Discharge General Provisions

This Permit is issued pursuant to the terms of RCW 47.32, RCW 47.44, and WAC 468-34, and amendments thereto.

Provisions for the CONSTRUCTION of stormwater discharge facilities (facilities):

1. A copy of this Permit must be on the job site, protected from the elements, at all times during any construction authorized by this Permit.
2. The Utility agrees to pay the reasonable costs of the Department for investigating, handling, and granting the Permit, including but not limited to basic overhead charges and for providing an inspector during construction and/or maintenance of the Utility's facilities. Further, the Utility agrees that it shall be responsible for and pay the Department's expended direct and indirect costs associated with applicable provisions of the Permit.
 - (a) The Department will assign a reimbursable account to the Utility as a means of invoicing the Utility for the costs associated with this Permit.
 - (b) The Department will invoice the Utility and the Utility agrees to pay the Department within thirty (30) calendar days of the invoice date.
3. Upon approval of this Permit, the Utility shall diligently proceed with the Work and comply with all Stormwater Discharge General and Special provisions herein. Construction of facilities proposed under this Permit shall begin within one (1) year and must be completed within three (3) years from date of Department approval. "Work" under this Permit shall mean construction, operation, and maintenance of the Utility's facilities as authorized herein.
4. Should the Utility breach any of the conditions and requirements of this Permit, or should the Utility fail to proceed with due diligence and in good faith with the Work as authorized by this Permit, the Department may cancel or revoke the Permit upon thirty (30) calendar days written notice to the Utility.
5. The Utility shall notify the Department representative in special provision 1 of the name, address, and telephone number of its contractor when the Work is going to be performed with other than its own forces. When the Utility uses a contractor, an authorized representative of the Utility shall be present or available at all times unless otherwise agreed to by the Department representative. A list of authorized representatives shall be submitted prior to the construction start date. (Authorized representatives are defined as persons having signatory authority for the Utility and or the authority to control the Work as needed for any issues identified by the Department.)
6. The Utility agrees to schedule and perform its Work in such a manner as not to delay the Department's Maintenance activities or the Department's contractor's work when the Department has a contractor performing work in the vicinity of the Utility's Work.
7. All contact between the Department and the Utility's contractor shall be through the Utility representative. Where the Utility chooses to perform the Work with its own forces, it may elect to appoint one of its own employees engaged in the Work as its representative. The Utility, at its own expense, shall adequately police and supervise all Work performed by itself, its contractor, subcontractor, agent, and/or others, so as not to endanger or injure any person or property.
8. The Utility shall contact the identified Department representative two (2) weeks prior to conducting Work, to determine the location of survey control monuments within the area in which the Utility will be working. In the event any monument or right of way marker will be altered, damaged, or destroyed by the Utility, the Department, prior to Utility Work, will reference or reset the monument or right of way marker. During the Work, upon discovery of a monument or right of way marker, the Utility shall cease Work in that area and immediately notify the Department of the discovery. The Department will coordinate with the Utility to ensure that the monument or right of way marker is recorded or replaced. The Utility agrees to pay all Department costs to perform monument or right of way marker work, as provided in this provision, in accordance with Stormwater Discharge General Provision 2.

9. In the event any milepost, fence, or guardrail is located within the limits of the Utility's Work and will be disturbed during Utility Work, the Utility agrees to carefully remove these highway facilities prior to Utility Work and reset or replace these highway facilities after the Utility Work, to the Department's sole satisfaction and at the sole cost of the Utility. The Utility agrees that all highway signs and traffic control devices shall not be removed or disturbed during Utility Work.
10. The Utility agrees that all Work shall be done to the satisfaction of the Department. All material and workmanship shall conform to the Department's Standard Specifications for Road, Bridge, and Municipal Construction, current edition, and amendments thereto, and shall be subject to Department inspection. All Department acceptance and inspections are solely for the benefit of the Department and not for the benefit of the Utility, the Utility's contractor (if any), or any third party. The Utility agrees that it shall pay all Department inspection costs in accordance with Stormwater Discharge General Provision 2.
11. The Utility shall provide proof of insurance coverage prior to performing any Work within state-owned highway right of way, as follows:
 - (a) Commercial General Liability covering the risks of bodily injury (including death), property damage, and personal injury, including coverage for contractual liability, with a limit of not less than \$3 million per occurrence and in the aggregate;
 - (b) Business Automobile Liability (owned, hired, or non-owned) covering the risks of bodily injury (including death) and property damage, including coverage for contractual liability, with a limit of not less than \$1 million per accident; and
 - (c) Employers Liability covering the risks of Utility's employees' bodily injury by accident or disease, with limits of not less than \$1 million per accident for bodily injury by accident and \$1 million per employee for bodily injury by disease.

Such insurance policies or related certificates of insurance shall name the Washington State Department of Transportation as an additional insured on all general liability, automobile liability, employers' liability, and excess policies. A forty-five (45) calendar day written notice shall be given to the Department prior to termination of or any material change to the policy(ies) as such relate(s) to this Permit.

12. If the Utility is a city or county, it shall provide verification of insurance coverage at a minimum in the amounts and types identified in Section 11 to the Department by submitting proof of its coverage through a Risk Pool or verification that the city or county is selfinsured, to comply with the Section 11 insurance terms and conditions of this Permit. If allowable under its coverage, the city or county shall name the Washington State Department of Transportation as an additional insured for the coverage required by this section.
13. The Utility shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways (Federal Highway Administration) and the State of Washington modifications thereto (chapter 468-95 WAC) while it performs the Work. If the Department requires, the Utility shall submit a signing and traffic control plan to the Department's representative for approval prior to construction or maintenance Work. No lane closures shall be allowed except as approved by the Department's representative. Approvals may cause revision of Special Provisions of this Permit, including hours of operation.
14. This Permit may not be amended or modified without the Department's prior review and written approval. Upon completion of the Work, the Utility shall notify the Department's representative within ten (10) calendar days for the Department's final inspection, and the Utility shall provide the Region Utilities Engineer with detailed as-built drawings within ninety (90) calendar days of Work completion, if the originally approved Permit construction plans have been revised during the course of construction.
15. The Utility shall not excavate or place any obstacle within the state-owned highway right of way in such a manner as to interfere with the Department's construction, operation, and maintenance of the state-owned highway right of way or the public's travel thereon without first receiving the Department's written authorization.
16. The Utility agrees to maintain, at its sole expense, its facilities authorized by this Permit in a condition satisfactory to the Department.

17. The Utility agrees that it is financially responsible to the Department for all necessary expenses incurred in inspecting the construction and restoring the highway pavement or related transportation equipment or facilities to a permanent condition suitable for travel as solely determined by the Department, as well as financially responsible to the Department for trenching work not completed and for compensating the Department for the loss of useful pavement life caused by trenching as required by RCW 47.44.020.
18. Upon completion of all Work, the Utility shall immediately remove all rubbish and debris from the state-owned highway right of way, leaving the state-owned highway right of way in a neat, presentable, and safe condition to the Department's satisfaction. Any Work-related rubbish and debris clean up, or any necessary slope treatment to restore and/or protect the state-owned right of way, not done within one (1) week of Work completion, unless otherwise agreed to by the Department, will be done by the Department at the expense of the Utility. The Utility agrees to pay the Department's expended costs and expenses for performing the work in accordance with Stormwater Discharge General Provision 2.
19. The Utility shall comply with the Department's Temporary Erosion and Sediment Control Manual (M 3103.01) and any revisions thereto, for erosion control and/or to mitigate any erosion occurring as a result of the Work. If the Utility Work performed under this Permit alters, modifies, changes, or interferes in any way with the drainage of the state-owned highway right of way, the Utility shall, at its own expense, make all corrections and/or provisions the Department requires to fix and restore the state-owned right of way drainage to its original condition and function prior to the Utility's Work. Any flows from the Utility shall not exceed the flows discharging to WSDOT drainage prior to the new work. Any flows discharged to state-owned highway right of way shall meet the requirements for quantity and water quality according to the current version Highway Runoff Manual (M 31-16). Should the Utility not make the required drainage restoration, the Department reserves the right to make such changes as necessary to restore the original drainage function at the sole cost of the Utility, and the Utility agrees to pay the Department's expended costs and expenses for performing the work in accordance with Stormwater Discharge General Provision 2.
20. The Utility shall be responsible for securing all necessary permits, including but not limited to, federal, state, and local regulatory, tribal, environmental, archeological, and railroad permits and permits from the Washington State Department of Ecology, the Washington State Department of Fish and Wildlife, and/or the U.S. Army Corps of Engineers prior to beginning the Work authorized by this Permit. The Utility shall be responsible for mitigation measures where wetlands have been disturbed and agrees that it is responsible for any fines imposed for noncompliance with the permit(s) conditions or for failure to obtain the required permits. In addition, the Utility, on behalf of itself and its contractors, officers, officials, employees, and agents, agrees to indemnify, hold harmless, and defend, at its sole cost and expense, the Department and its officers, officials, employees, and agents from any and all fines, costs, claims, judgments, and/or awards of damages (to regulatory agencies, persons, and/or property), arising out of, or in any way resulting from, the Utility's failure to (1) obtain any required permit for the Utility Work or (2) comply with permit conditions. Further, the Utility shall be responsible for compliance with all federal, state, and local laws, regulations. Utility also agrees to pay any costs incurred by the Department, including attorneys fees, pursuant to the provisions of this section in accordance with Stormwater Discharge General Provision 2.
21. For any of the Utility's Work that requires permit coverage under the "CONSTRUCTION STORMWATER GENERAL PERMIT – National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activity" (Construction Stormwater General Permit), the Utility shall obtain said permit coverage and shall comply with all requirements of the Construction Stormwater General Permit. Upon the Department's request, the Utility shall provide a copy of the Construction Stormwater General Permit. In addition, the Utility, on behalf of itself and its contractors, officers, officials, employees, and agents, agrees to indemnify, hold harmless, and defend, at its sole cost and expense, the Department and its officers, officials, employees, and agents from any and all fines, costs, claims, judgments, and/or awards of damages to regulatory agencies, persons, and/or property, arising out of, or in any way resulting from, the Utility's failure to (1) obtain coverage under the Construction Stormwater General Permit for Utility Work or (2) comply with the Construction Stormwater General Permit requirements. Utility also agrees to pay any costs incurred by the Department, including attorneys fees, pursuant to the provisions of this section in accordance with Stormwater Discharge General Provision 2.

22. This Permit does not authorize the Utility, or its employees, contractors, or agents, any right to cut, spray, retard, remove, destroy, disfigure, or in any way modify the physical condition of any vegetative material located on the state-owned highway right of way. Should the Utility anticipate that its Work will alter the appearance of the state-owned highway right of way vegetation, the Utility shall notify the Department representative listed in special provision 1 to obtain the Department's prior written approval of the Utility's proposed work. If the Department permits the Utility to modify the state-owned highway right of way vegetation, it agrees that any vegetation cutting and/or trimming activities shall be conducted in such a manner that the state-owned highway right of way vegetation appearance will not be damaged. Should the Utility damage the appearance of the state-owned highway right of way vegetation without the Department's prior written approval, the Utility is subject to penalties provided for in RCWs 47.40.070, 47.40.080, and 4.24.630, as applicable.

Provisions for Stormwater Discharge OCCUPANCY of state-owned right of way:

23. If the Department, at its sole discretion, shall determine that any or all of the Utility's facilities must be modified, removed from, or relocated within the state-owned highway right of way as necessary, incidental, or convenient for the construction, alteration, improvement, repair, relocation, or maintenance of the state highway, or for the safety of the traveling public, the Utility, its successors and assigns, shall, at its sole cost and expense, upon written notice by the Department, modify, relocate, or remove any or all of its facilities within or from the state-owned highway right of way as required by the Department. The Utility shall perform in a timely manner all facility modifications, relocations, and/or removals as the Department directs, to avoid highway project impacts or delays and in such manner as will cause the least disruption of traffic or interference with the Department's continued operation and/or maintenance of the highway.
24. Should the Utility fail or refuse to comply with the Department's direction, pursuant to Stormwater Discharge General Provision 23, to modify, remove, or relocate any Utility facility, the Department may undertake and perform any modification, removal, or relocation of the Utility facility that the Department, in its sole discretion, deems necessary. The Utility agrees to pay the Department's expended costs and expenses for performing the work, in accordance with Stormwater Discharge General Provision 2.
25. If the Department determines in good faith that emergency maintenance work on the Utility's facility is needed to (a) protect any aspect of the state highway right of way or (b) secure the safety of the traveling public due to a failure of the Utility's facility, the Department may perform the necessary work without the Utility's prior approval, and the Utility agrees to pay the Department's expended costs and expenses for performing the work in accordance with Stormwater Discharge General Provision 2. The Department will notify the Utility of the emergency work performed as soon as practicable.
26. The Department may amend, revoke, or cancel this Permit at any time by giving written notice to the Utility. If the Permit is amended, the Utility will have thirty (30) calendar days to modify the facility as the Permit amendment(s) require. If the facility modifications cannot be made within thirty (30) calendar days, the Utility shall respond to the Department, in writing, as to when the facility modifications can be made. If the Permit is revoked or canceled, the Utility shall immediately remove all facilities from the right of way. Any facilities remaining upon the right of way thirty (30) calendar days after written notice of Permit revocation or cancellation may be removed by the Department at the expense of the Utility. The Utility agrees to pay the Department's expended costs and expenses for performing the work in accordance with Stormwater Discharge General Provision 2.
27. The Utility shall not assign or transfer this Permit without the Department's prior written approval. The Utility understands that any assignment or transfer requires the assignee or transferee to have the means to assume all obligations, duties, and liabilities of the terms and conditions of this Permit, and the Utility will advise the assignee or transferee of its obligation to apply for an updated or replacement Permit. If the Department does not approve the assignment or transfer, this Permit shall automatically terminate, and the Utility shall be subject to the terms of RCW 47.44.060.

28. The Utility, its successors and assigns, shall indemnify, defend at its sole cost and expense, and hold harmless the State of Washington, its officers and employees, from all claims, demands, damages both to persons and/or property, expenses, regulatory fines, and/or suits that (1) arise out of or are incident to any acts or omissions of the Utility, its agents, contractors, and/or employees, in the use of the state-owned highway right of way as authorized by the terms and conditions of this Permit, or (2) are caused by the breach of any of the terms or conditions of this Permit by the Utility, its successors and assigns, and its contractors, agents, and/or employees. The Utility, its successors and assigns, shall not be required to indemnify, defend, or hold harmless the State of Washington, its officers and/or employees, if the claim, suit, or action for damages both to persons and/or property is caused by the sole acts or omissions of the State of Washington, its officers and/or employees; provided that, if such claims, suits, or actions result from the concurrent negligence of (a) the State of Washington, its officers and/or employees, and (b) the Utility, its successors or assigns, agents, contractors, and/or employees, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the acts or omissions of the Utility, its successors or assigns, agents, contractors, and/or employees.
29. The Utility agrees that its obligations under this Permit extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents while performing Work under this Permit while located on state-owned highway right of way. For this purpose, the Utility, by MUTUAL NEGOTIATION, hereby waives, with respect to the State of Washington only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provisions in chapter 51.12 RCW.
30. The Insurance requirements in Stormwater Discharge General Provisions 11 and 12 shall also apply to the Utility's occupancy of the state-owned highway right of way.
31. The indemnification and waiver provided for in Stormwater Discharge General Provisions 28 and 29 shall survive the termination of this Permit.
32. Any action for damages against the State of Washington, its agents, contractors, and/or employees, arising out of damages to a utility or other facility located on state-owned highway right of way, shall be subject to the provisions and limitations of RCW 47.44.150.
33. This Permit shall not be deemed or held to be an exclusive one and shall not prohibit the Department from granting rights of like or other nature to other public or private utilities, nor shall it prevent the Department from using any of the state-owned highway right of way or other properties for transportation purposes, or affect the Department's right to full supervision and control over all or any part of the state-owned highway right of way or properties, none of which is hereby surrendered.

Exhibit B GMB 1117 Page 8 of 19



Stormwater Permit Special Provisions

Permit No. UP 20591

Applicable provisions are denoted by (X)

- 1. No Work (for the intent of this Permit, operation or maintenance) provided for herein shall be performed until the Utility is authorized by the following Washington State Department of Transportation (Department) Representative(s):

Name: Michael Gallop	Name: _____
Title: Developer & Utility Inspector	Title: _____
Street: 15700 Dayton Ave, N.	Street: _____
City: Seattle	City: _____
State: WA Zip: 98133	State: _____ Zip: _____
Phone: 206-440-4913 Cell: _____	Phone: _____ Cell: _____
Fax: _____	Fax: _____

- 2. The Department assumes no responsibility or liability in any manner for any effect its highway drainage system may have on the Utility's system.
- 3. The utility agrees to assume all liability and responsibility, including fines and taxes, for the water quality related to its runoff collection system and for any damages caused by increased flows (that portion of the total rate of flow that is in excess of the natural rate of surface runoff in the undeveloped state) and pollutants discharged. Further, the Utility agrees to accept the liability for the augmented flows added to the Department's system (such as downstream flooding, manhole overflows or any other instance resulting from those added flows)
- 4. The utility agrees to assume all liability and responsibility associated with the design, construction, maintenance, and operation of its Stormwater management and drainage system(s).
- 5. Construction of all Stormwater management facilities shall be part of the initial construction of the system under this Permit.
- 6. For major repair or replacement work, as defined in Special Provisions 11, the Utility shall provide Traffic Control Plans, for approval, and ~~and~~ the complete attached "Notification of Maintenance" to the identified Department Representative(s) at least fourteen (14) working days (Monday through Friday excluding any holidays), in advance of commencing Work on state-owned highway right of way. [E-mail Notification to oestejk@wsdot.wa.gov](mailto:oestejk@wsdot.wa.gov)
- 7. Upon receipt of the Maintenance Notification, the Department will advise the Utility if there are any restricted Work timeframes within the state-owned highway right of way. No Work shall be allowed on Saturday, Sunday, or holidays, without prior approval by the Department. In addition, the Utility shall be off the highway by noon the day prior to a holiday unless authorized by the Department. If a holiday falls on a Saturday, the preceding Friday is counted as the holiday, and the Utility shall be off the highway by noon Thursday. When the Holiday falls on a Monday the Utility shall be off the right of way at noon on the preceding Friday. Nothing in this section shall limit the authority of the Department to further restrict work within state-owned highway right of way at the Department's discretion. The hours of closure are subject to change if, required by the Department.

- 8. For major Repair. Anytime Work is underway within the right of way, during the non-working hours, equipment and materials shall not be located or stored within the work zone clear zone (WZCZ) area. Minimum WZCZ distances will be measured from the edge of the traveled way (the portion of the roadway intended for the movement of vehicles, exclusive of shoulders and lanes for parking, turning, and storage for turning) and will be determined as follows:

Posted Speed	Distance From Traveled Way (ft)
35 mph or less	10
40 mph	15
45 to 55 mph	20
60 mph or greater	30

Minimum Work Zone Clear Zone Distance

- 9. The Utility agrees that, in the event any construction and/or maintenance of the highway facility becomes necessary within the proximity of the utility installation, it is expressly understood that, upon request from the Department’s representative, the Utility will promptly identify and locate by suitable field markings any and all of its underground facilities so that the Department or its contractor can be fully apprised of their precise locations.
- 10. “Routine Maintenance” of the Drainage System shall include cleaning and repair and/or replacement of any minor failures to structure and /or components and repair of any damage to the state-owned right of way caused by the maintenance and operation of the Drainage System. Routine Maintenance will not require notification to the STATE.
- 11. For major repair and/or replacement work, not defined within Routine Maintenance, the Utility shall provide the Department notification of the need for such repairs and/or replacement work. The Utility is responsible to determine the method of repair to the Drainage System and shall restore Department’s right of way to current Department maintenance standards, at the sole cost and expense to the Utility. The Department reserves the right to review damages occurring to the state-owned right of way, as a result of failure of the Drainage System, and oversee the restoration.

Traffic Control Plans shall be submitted with the notification, and approved, prior to any major repair and or replacement work is done.
- 12. The Department shall not be responsible for damages to the Drainage System caused by Utility employees or the Utility’s contractors working within state-owned right of way. Should the Utility or its contractors damage the Drainage System, it agrees to notify the Department as soon as practical. The Utility and Department will work together in good faith to agree upon the required repairs. The Utility agrees to make such repairs at its sole cost and expense.
- 13. Maintenance access of this facility will be from SR _____, only.



Stormwater Permit Special Provisions (Continued)

14. This permit supersedes in full Utility Permit 20327.
15. This permit is assigned to the identified parcel(s) served by the storm water facility, and shall remain appurtenant to the identified parcel(s). Should the identified parcel(s) be inherited, sold, assigned, or transferred in any way, this permit shall run with the land to the extent that the identified parcel(s) remain in compliance with the terms of this permit, unless the permit is revoked, modified, or closed by the Department as provided by law or the current Permit Holder requests the cancellation of the permit.
Identified parcel is 00590700005400, 5505 87th Ave NE, Maryville, WA 98270 also known as Kember Court East.
16. The sump on the upstream end of the discharge pipe, located on the parcel associated with this stormwater discharge permit shall be visually inspected, and cleaned out annually. Should the sump on the upstream end of the discharge pipe fail, the permit holder, shall be responsible for the all damages, clean-up, and restoration to state right of way resulting from sump failure. **The permit holder has assigned easement for maintenance responsibilities for storm water facilities within the identified parcel to the City of Marysville.**
17. The outlet end of the discharge pipe, and splash pad shall be visually inspected, at a minimum annually or as needed to ensure its intended function. Should the outlet end of the pipe produce a build-up of material at the end of the pipe or fill the ditch, the **City of Marysville as the designated party responsible for maintenance via Maintenance Agreement GMB 1117** shall be responsible to remove all excess material from state right of way, and restore the Utility's and the Department's stormwater system to its original condition. Should the splash pad become clogged with debris resulting in the ditch filling, the permit holder, **the City of Marysville as designated party responsible for maintenance** shall be responsible for removing the accumulated debris from state right of way.
18. Installation of the Stormwater Discharge Pipe and Splash Pad shall conform with the WSDOT 2018 Standard Specifications. Specifically the following sections:
- For Discharge Pipe installation see Chapter 7 Section 7-08 (3) General Pipe Installations.
 - Discharge Pipe shall meet the requirements of Chapter 9 Section 9-05 Drainage Structures and Culverts.
 - Backfill over Discharge Pipe shall be in accordance with Chapter 7 Section 7-08.3(3) and Chapter 2 Section 2-03(140)C.
 - The rock placed for the splash pad shall meet the requirements of Chapter 9 Section 9-13.4 Rock for Erosion and Scour protection
19. Restoration to be completed by LGI Homes after installation of discharge pipe shall consist of matching existing adjacent roadside treatment (seeding bark etc.). Full

roadside restoration including bushes/trees in the vicinity of MP 18.81 shall be completed per UTB 1540 Vegetation Mitigation Agreement.

- ☒ 20. No access for construction, or maintenance of discharge pipe, and splash pad shall take place from the lanes or shoulders of SR 9 without an approved traffic control plan. Please provide a traffic control plan for review 14 working days prior to any maintenance activity.
- ☒ 21. The City of Marysville via General Maintenance Agreement GMB 1117, has agreed to take on maintenance responsibilities associated with the Kember Court East parcel number 00590700005400 SR 9 stormwater discharge outfall at MP 18.81 and is the party designated as responsible for all maintenance activities related to this permit.
- ☒ 22. The designated limited access break at SR 9 MP 18.81 is related to maintenance of the stormwater discharge facilities at SR 9 MP 18.81. The City of Marysville, as the party designated as responsible for maintenance shall have sole use of the limited access break for the purposes of maintenance of the stormwater discharge facilities located at SR 9 MP 18.81. No other entities related to parcel 00590700005400 such as a Homeowners Association shall have access rights to or from SR 9.

Exhibit B GMB 1117 Page 12 of 19

Utility Facility Description

Applicant Field Contact Person Brian Kalab			Field Contact Phone Number (425) 303-9363		Applicant Reference (WO) Number		Permit/Franchise No. UP 20591
State Route 9	Highway Scenic Class B	Access Control Full	Begin MP 18.81	End MP 18.81	Reference MP 19	Distance and Direction (From nearest reference MP) 0.19 miles from MP 19	

Facility Description
Stormwater Outfall from parcel 0059070003100

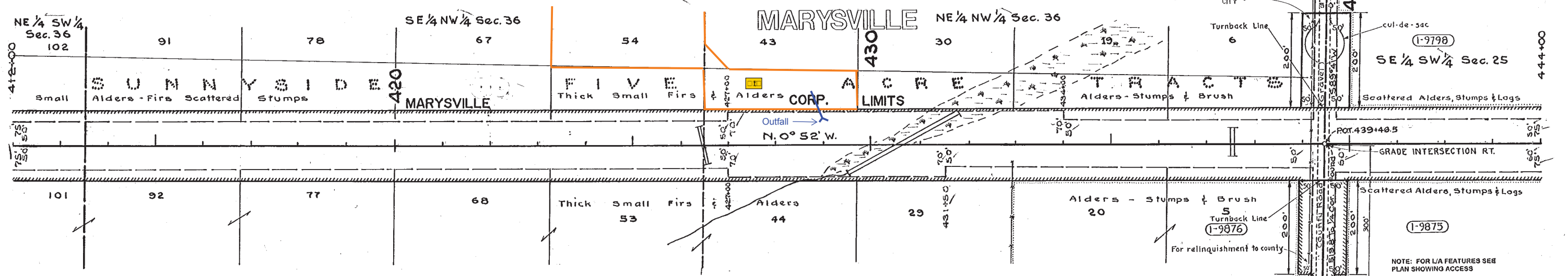
Facility Detail

MP to MP		Lt/ Rt/ Xing	Offset Distance			Description Item to be Installed / Constructed	R/W Width		Remarks Including Pertinent Topography Info. (Turnouts, Road Approaches, Intersections, Cut, Fill, Culvert, Guardrail, etc.) Xing Technique, Control Zone Obj., Enter-Leave R/W
			From Centerline	From Traveled Way	Depth/ Height		Left	Right	
18.81	18.81					Approx 75' of 12" discharge pipe			
						12' x 6' x 2' Rock (Quarry Spall) Splash Pad			
						Rock to meet requirements of WSDOT Standard Specifications Section 9-13.4 Rock for Erosion and Scour Protection see Special Provision #18			

Exhibit 'B'
UP 20591
Utility Facility Description
Page 1 of 1

T. 30N. R. 5E. W. M.

CITY OF MARYSVILLE



PARCEL NO.	NAME	TOTAL AREA	TAKE	LT. REMAINDER RT.
1-9798	BOWEN	(See Note)		
1-9875	BOWEN		ACCESS ONLY	(See Note)
1-9876	YULE		ACCESS ONLY	(See Note)

Note: For total parcel detail and/or ownership areas, see SR 528, SR 5 in Marysville to Jct. SR9 Sheets 2 and 8 of 12 Sheets, Approved August 6, 1970.

(SR 9)
~~SECONDARY STATE HIGHWAY NO. 1-A~~
 LAKE STEVENS TO ARLINGTON
 SNOHOMISH COUNTY



WASHINGTON STATE HIGHWAY COMMISSION
 DEPARTMENT OF HIGHWAYS
 OLYMPIA, WASHINGTON
 R. A. Mosier, Chairman
 R. E. Hessel, Member
 E. C. Huxley, Member
 H. E. Moscar, Member
 Oscar E. Stov, Member

SCALE: HORIZ. 1 INCH = 100 FEET
 SCALE: VERT. 1 INCH = 10 FEET
 APPROVED: April 5, 1955
 DIRECTOR OF HIGHWAYS
 FOR R. OF W. SHEET 6 OF 20 SHEETS
 CONTRACT NUMBER 21

LEGEND

Access to be prohibited shown thus

Property Ownership Numbers (1-1234)

Property Line

Sta. 425+50 Const. 18" Std. Reinf. Conc. Culv. Pipe

Sta. 430+70 Const. 24" Std. Reinf. Conc. Culv. Pipe

Sta. 437+50 Const. 18" Std. Reinf. Conc. Culv. Pipe

1-12-55	Number of sheets revised from 20 to 21	D.M.C.
AUTHORITY	DATE	REVISIONS
Comm. Res. No. 2237	8-6-70	At Sta. 439+46.5, delete gr. int. LV, rev. R/W (LAL) 1141, add cul-de-sac L.F. Add parcels 1-9875, 1-9876, 1-9878
Letter 10-8-10	2-10-11	Added Corporate Limits and Corporate Name, Revised Relinquishment Note
		BY T.G.
		DT

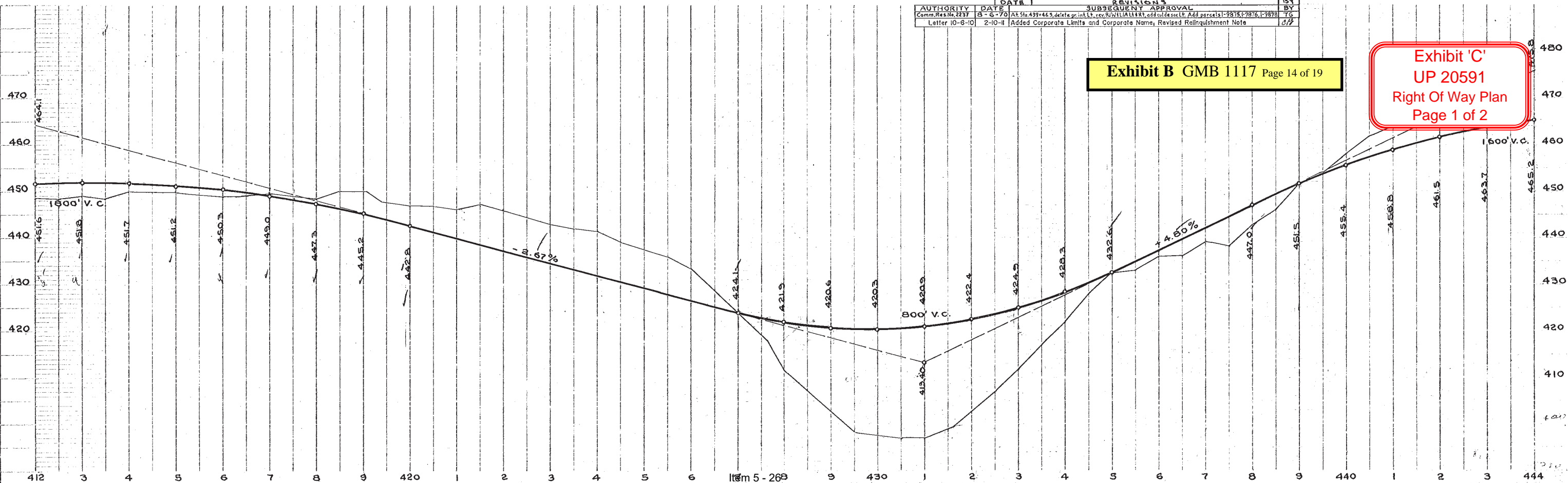
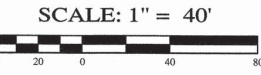
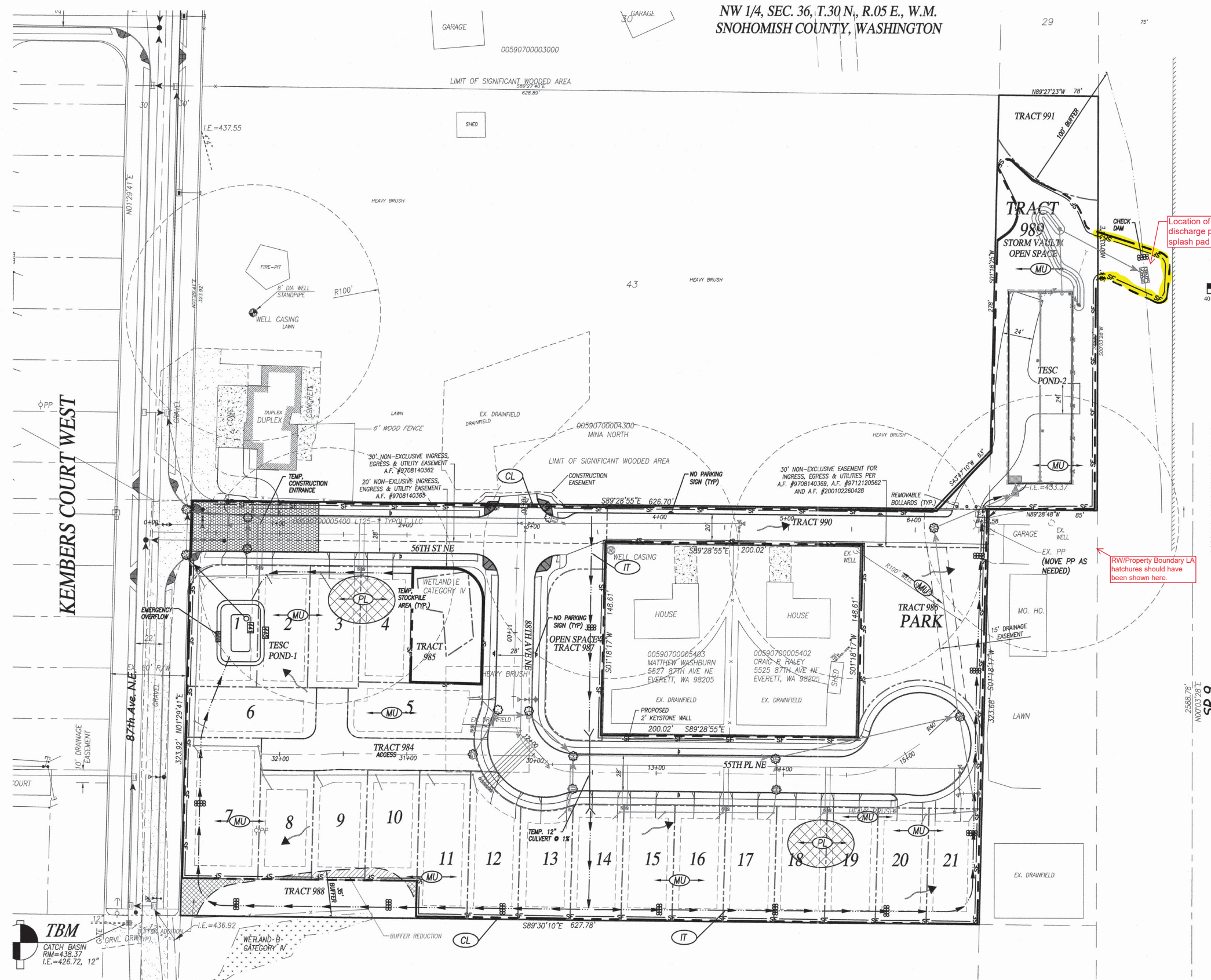


Exhibit B GMB 1117 Page 14 of 19

Exhibit 'C'
 UP 20591
 Right Of Way Plan
 Page 1 of 2

S.S.H. No 1-A
 Snohomish to Arlington
 SL-474
 Sheet 4 of 20 Sheets.



CONSTRUCTION SEQUENCE

1. PRIOR TO CONSTRUCTION ACTIVITIES, THE CONTRACTOR SHALL SCHEDULE AND ATTEND PRE-CONSTRUCTION CONFERENCE WITH THE CITY OF MARYSVILLE INSPECTION UNIT.
2. MARK NEPA BOUNDARIES, FLAG CLEARING LIMITS AND INSTALL SILT FENCE AS SHOWN.
3. INSTALL ROCK CONSTRUCTION ENTRANCE.
4. CLEAR AND GRUB ROAD AREAS, AND STOCKPILE AREAS. CONSTRUCT SEDIMENT POND-1, CONSTRUCT DETENTION VAULT, AND USE IT AS SEDIMENT POND-2.
5. INSTALL TEMPORARY EROSION CONTROL BMP'S SUCH AS INTERCEPTOR TRENCHES, CHECK DAMS, ETC. AND DIRECT RUNOFF TO THE SEDIMENT PONDS.
6. GRADE AND STABILIZE PARKING AREAS WITH GRAVEL BASE. COVER EXPOSED SOILS WITH MULCH, HOG FUEL OR HYDROSEED.
7. CONSTRUCT SEWER, WATER AND STORM UTILITIES. INSTALL GAS, POWER, TELEPHONE AND CABLE UTILITIES, AS REQUIRED.
8. PLACE AND POUR CURBS AND GUTTERS.
9. CONSTRUCT BIOSWALE AND THE OUTFALL.
10. PAVE ROADS WITH ATB AND PLACE DETENTION SYSTEM INTO FULL OPERATION.
11. HYDROSEED REMAINING EXPOSED SOILS AND STABILIZE PROJECT.
12. FLUSH STORM DRAINAGE SYSTEM AND REMOVE SEDIMENTATION IN ALL CATCH BASINS.
13. STABILIZE ALL DISTURBED AREAS AND REMOVE ALL T.E.S.C. MEASURES.

THE 12 ELEMENTS OF TESC BMP

- ELEMENT #1 - MARK CLEARING LIMITS:
LIMIT OF CONSTRUCTION ARE CLEARLY MARKED.
- ELEMENT #2 - ESTABLISH CONSTRUCTION ACCESS:
A STABILIZED CONSTRUCTION ENTRANCE IS SHOWN.
- ELEMENT #3 - CONTROL FLOW RATES:
A SEDIMENT POND IS PROPOSED FOR THE SMALL PORTION OF THE SITE THAT DRAINS TO THE WEST. THE REMINDER OF SITE WILL BE DIRECTED TO THE DETENTION VAULT DURING CONSTRUCTION.
- ELEMENT #4 - INSTALL SEDIMENT CONTROLS:
SILT FENCE AND SEDIMENT PONDS ARE PROPOSED.
- ELEMENT #5 - STABILIZE SOILS:
SOIL STABILIZATION IS ACHIEVED BY MULCHING, PLASTIC COVERING AND SEEDS.
- ELEMENT #6 - PROTECT SLOPES:
SLOPES ARE PROTECTED BY INTERCEPTOR SWALES, PLASTIC COVERING, MULCHING AND SEEDS.
- ELEMENT #7 - PROTECT DRAIN INLETS:
INLET PROTECTIONS ARE PROPOSED FOR THE STORM DRAINS.
- ELEMENT #8 - STABILIZE CHANNELS AND OUTLETS:
OUTLET PROTECTIONS ARE PROPOSED.
- ELEMENT #9 - CONTROL POLLUTANTS:
ALL VEHICLES, EQUIPMENT AND PETROLEUM PRODUCT STORAGE/DISPERSING AREAS WILL BE INSPECTED REGULARLY TO DETECT ANY LEAKS OF SPILLS, AND TO IDENTIFY MAINTENANCE NEEDS AND PREVENT LEAKS OF SPILLS.
- ELEMENT #10 - CONTROL DEWATERING:
THERE WILL BE NO DEWATERING AS PART OF THIS CONSTRUCTION PROJECT. DETENTION VAULT FOUNDATION AREA DEWATERING SHALL DRAINFILL TO THE WETLANDS.
- ELEMENT #11 - MAINTAIN BMP'S:
ALL TESC BMP'S SHALL BE MAINTAINED AND REPAIRED AS NEEDED.
- ELEMENT #12 - MANAGE THE PROJECT:
THIS COULD BE ACHIEVED BY MINIMIZING THE EXTENT AND DURATION OF THE AREA EXPOSED AND BY EMPHASIZING EROSION CONTROL THEN SEDIMENT CONTROL.

SEDIMENT POND-1

INFLOW (10 YR/24 HR)	1.03 cfs
SURFACE AREA	1,288 SF
POND TOP ELEV	EL=445
POND BOTTOM ELEV	EL=441
EMERGENCY OVERFLOW SPRING ELEV	EL=444 (L=6')
SURFACE AREA PROVIDED	1,374 SF (EL=444)

SEDIMENT POND-2

INFLOW (10 YR/24 HR)	0.78 cfs
SURFACE AREA	975 SF
SURFACE AREA PROVIDED	5,568 SF *

NOTES:
1. THE PROPOSED DETENTION VAULT WILL PROVIDE TEMPORARY SEDIMENT STORAGE DURING CONSTRUCTION FOR THE EASTERN PORTION OF THE SITE.
2. CONSTRUCT LEVEL SPREADER, BIOSWALE, AND OUTLET STRUCTURE TO BE IN FULL FUNCTION TO BE USED DURING CONSTRUCTION AS A PART OF TESC POND-2.

- NOTE:**
1. ANY WELLS TO BE DECOMMISSIONED PER ALL APPLICABLE WACS.
 2. NO CONSTRUCTION ACTIVITY WILL BE ALLOWED WITHIN THE DRIPLINES OF TREES IDENTIFIED TO BE SAVED.
 3. ALL ORANGE CLEARING LIMIT FENCING SHALL BE INSPECTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO COMMENCEMENT OF THE SITE WORK.
 4. VACUUM SWEEPER TO BE ONSITE DURING IMPORT AND EXPORT OF DIRT GRAVEL AND OTHER MATERIALS.

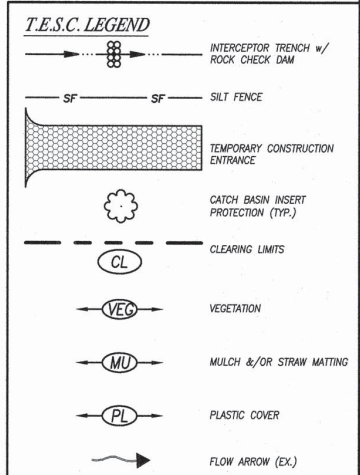


Exhibit 'D'
UP 20591
Utility Work Plan
Page 1 of 3

Exhibit B GMB 1117 Page 15 of 19

CITY OF MARYSVILLE
CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT

THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. CONFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER, WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGEMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRED OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, WSDPW HYDRAULIC PROJECT APPROVAL (HPA), WSDPE NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT.

THIS 5th DAY OF June 2012
By: Douglas Van Gelder
DOUGLAS VAN GELDER, P.E. ENGINEERING SERVICES MANAGER

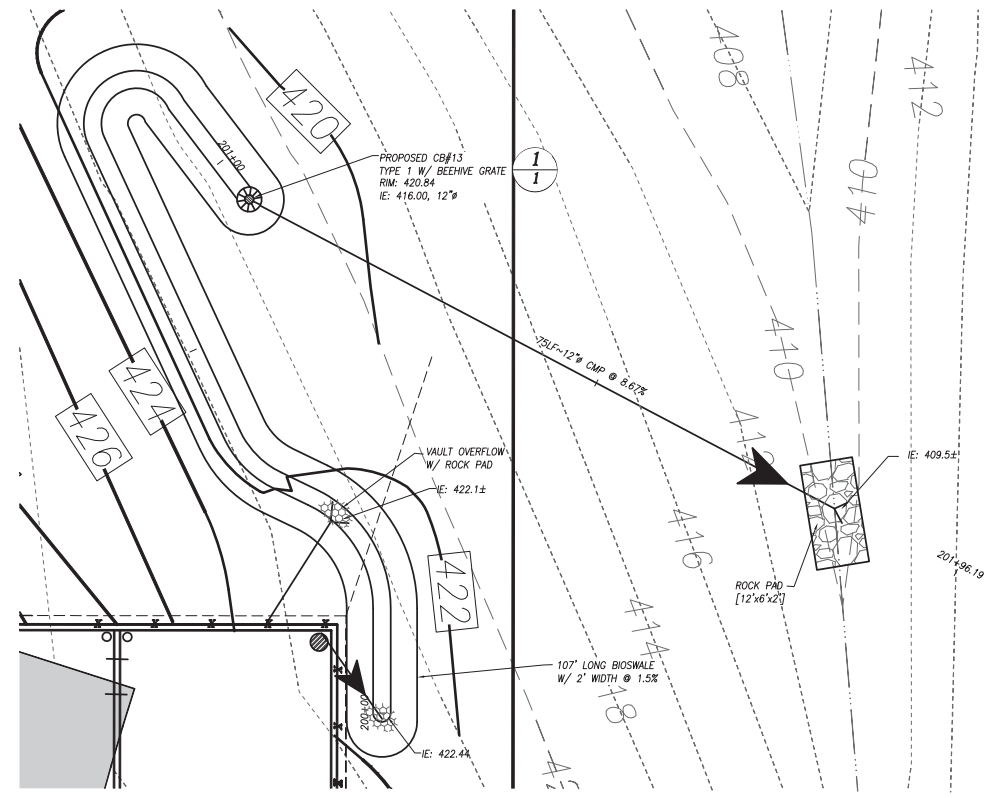
THESE APPROVED CONSTRUCTION PLANS EXPIRE AFTER PERIOD OF 60 MONTHS FROM THE DATE SHOWN ABOVE OR UPON EXPIRATION OF PRELIMINARY PLAT OR SITE PLAN APPROVAL, PER MMC 22A.040.020 AND 22A.040.030.

REV. NO.	DESCRIPTION	INITIALS	DATE

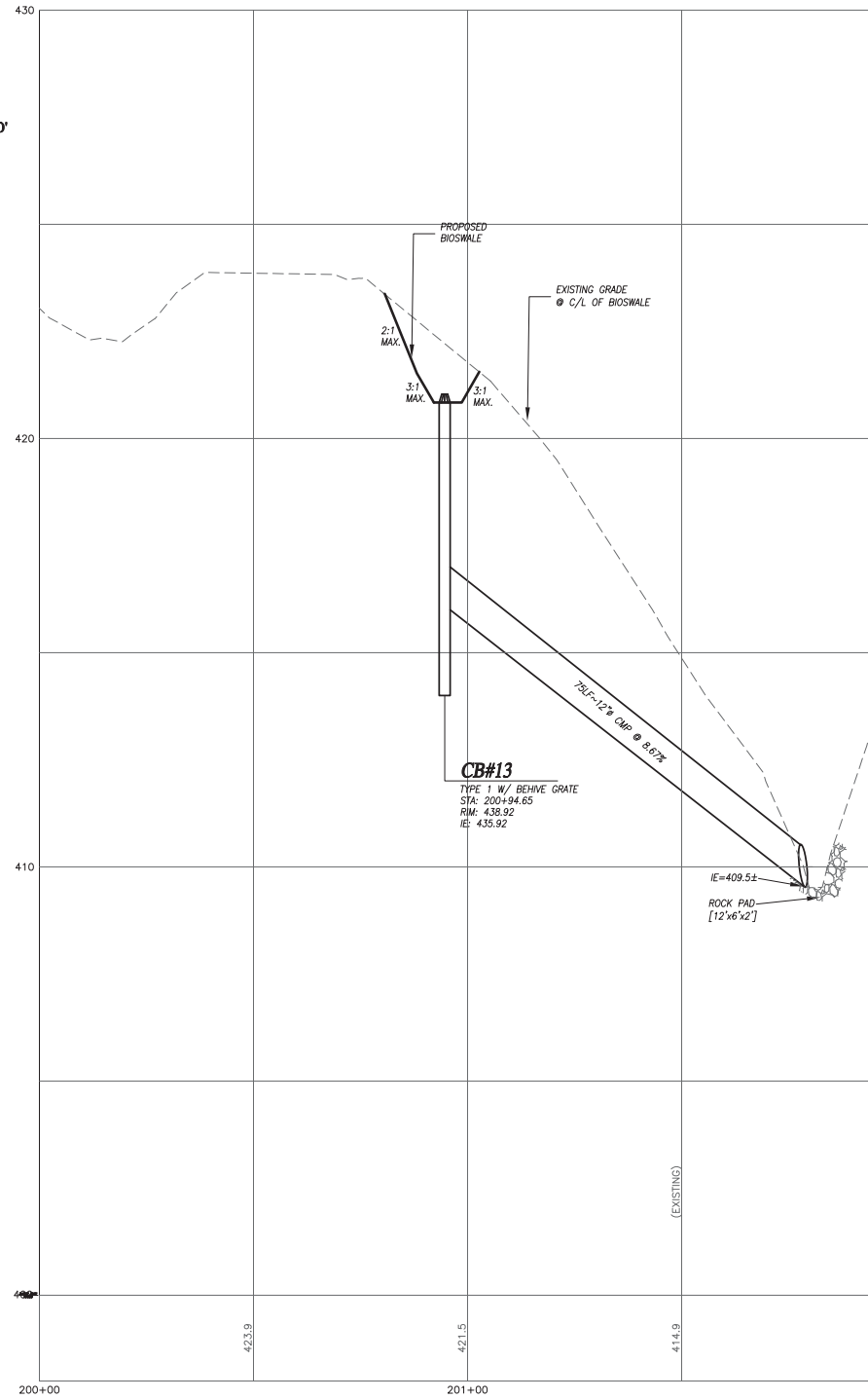


NW 1/4, SEC. 36, T.30 N., R.05 E., W.M.
KEMBERS COURT EAST

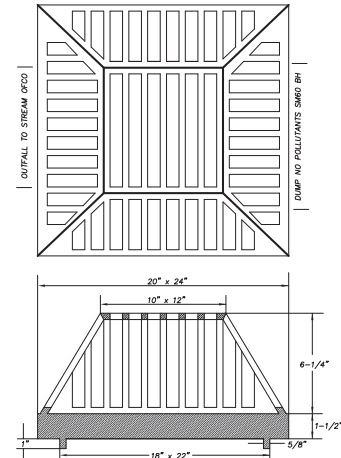
DWG FILENAME: 140671-FINAL.DWG
DESIGNED BY: JRC
DATE: 07-30-2014
SCALE: 1"=40'
JOB NO.: 14-0671
SHEET: TESC PLAN C2.1



BIOSWALE TO ROCK PAD PLAN



BIOSWALE TO ROCK PAD PROFILE
SCALE: 1"=20' HORIZ., 1"=2' VERT.



NOTES:
* MATERIAL: DUCTILE IRON, A-536, CL 80-55-06
OLYMPIC FOUNDRY, INC.
BEEHIVE GRATE FOR USE WITH
SMBG 22" x 24" REV. FRAME
PART NO. SMOGBH
1 BEEHIVE GRATE DETAIL
N.T.S.

Discharge Pipe and Rock Pad shall meet the requirements of Special Provision #18 to this permit

~~NOTE:~~
ROCK PAD SHALL BE REASONABLY WELL GRADED WITH DISTRIBUTION AS FOLLOWS:
MAX. STONE SIZE = 24 INCHES
MEDIAN STONE SIZE = 16 INCHES
MIN. STONE SIZE = 4 INCHES



Know what's below.
Call before you dig.

UTILITY CONFLICT NOTE:

CAUTION:
THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION, DIMENSION, AND DEPTH OF ALL EXISTING UTILITIES WHETHER SHOWN ON THESE PLANS OR NOT, BY POT-HOLING THE UTILITIES AND SURVEYING THE HORIZONTAL AND VERTICAL LOCATION PRIOR TO CONSTRUCTION. THIS AND THEN SHALL INCLUDE CALLING UTILITY LOCATE @ 1-800-424-5555 POT-HOLING ALL OF THE EXISTING UTILITIES AT LOCATIONS OF NEW UTILITY CROSSINGS TO PHYSICALLY VERIFY WHETHER OR NOT CONFLICTS EXIST. LOCATIONS OF SAID UTILITIES AS SHOWN ON THESE PLANS ARE BASED UPON THE UNVERIFIED PUBLIC INFORMATION AND ARE SUBJECT TO VARIATION. IF CONFLICTS SHOULD OCCUR, THE CONTRACTOR SHALL CONSULT WITH INSIGHT ENGINEERING COMPANY TO RESOLVE ALL PROBLEMS PRIOR TO PROCEEDING WITH CONSTRUCTION.

Item 5 - 28

REV. NO.	DESCRIPTION	INITIALS	DATE



05-10-2016

IECO
INSIGHT ENGINEERING CO.
P.O. BOX 1478
Exhibit 'D'
UP 20591
Utility Work Plan
Page 2 of 3

NW 1/4, SEC. 36, T.30 N., R.05 E., W.M.
KEMBERS COURT EAST

DWG FILENAME 140671-FINAL.DWG	DESIGNED BY: JRC	DATE: 04-29-2016	SCALE: 1"=10'	JOB NO.: 14-0671
SNOHOMISH COUNTY WSDOT PLAN				SHEET 1 of 1

Kembers East Outfall riprap sizing
Worksheet for Circular Channel

Project Description	
Project File	c:\program files\haestad\fmw\project1.fm2
Worksheet	pipe capacity
Flow Element	Circular Channel
Method	Manning's Formula
Solve For	Channel Depth

Input Data	
Mannings Coefficient	0.024 — <i>CMP</i>
Channel Slope	8.6700 %
Diameter	12.00 in
Discharge	3.62 cfs (<i>100YR DEVELOPED FLOW</i>)

Results		
Depth	0.58	ft
Flow Area	0.47	ft ²
Wetted Perimeter	1.73	ft
Top Width	0.99	ft
Critical Depth	0.81	ft
Percent Full	57.98	
Critical Slope	0.035816	ft/ft
Velocity	<u>7.67</u>	ft/s
Velocity Head	0.91	ft
Specific Energy	1.49	ft
Froude Number	1.95	
Maximum Discharge	6.11	cfs
Full Flow Capacity	5.68	cfs
Full Flow Slope	0.035190	ft/ft
Flow is supercritical.		

RIPRAP SIZE = 12' x 6' x 2'

Exhibit B GMB 1117 Page 17 of 19

Exhibit 'D'
UP 20591
Utility Work Plan
Page 3 of 3

Maintenance Notification

UP 20591

Update and re-use this form as needed for in-kind repair or replacement of EXISTING primary and secondary facilities associated with the referenced utility permit or franchise number ONLY. Maintenance activities are subject to the general and special provisions of the referenced utility permit or franchise, a WSDOT-approved, site-specific Traffic Control Plan, and submittal of this Notification Form.

This form does NOT apply if there will be an upgrade, change in capacity, location/route, appurtenances, or subcontracted/ outsourced work. Please call the NW Region Utilities Office if you have questions.

No work shall take place until the Utility has received written or verbal authorization from WSDOT to proceed.

Accommodation No.: UP 20591	State Route No: SR 9
Expiration Date: -----	From Mile Post: 18.81
WO/Charge Code: W.O. ##### / JA 0103 Grp 02	To Mile Post: 18.81

In accordance with Washington State Department of Transportation (WSDOT) Special Provisions for Permits and Franchises, provide the project information below to the following WSDOT representative ten (10) working days prior to the beginning of construction. Use Alternate Contact or surface mail if phone or e-mail are no longer in effect.

WSDOT NW REGION UTILITIES 15700 DAYTON AVE. N., NB82-113 P.O. BOX 330310 SEATTLE, WA 98133-9710	Contact: Joan Oestreich Phone: 206-440-4132 E-Mail: OESTEJK@wsdot.wa.gov Alt. Contact: NWR Utilities Office Alt. Phone: 206.440.4120
---	---

Provide Description of Work Activity

Anticipated Start Date: _____ Estimated Duration: _____

Provide Utility Contacts

Permit/Franchise Holder

COMPANY _____	CONTACT NAME: _____
STREET ADDRESS _____	TITLE: _____
CITY, STATE ZIP _____	PHONE: _____
OFFICE PHONE _____	E-MAIL: _____

Contractor

COMPANY _____	CONTACT NAME: _____
STREET ADDRESS _____	TITLE: _____
CITY, STATE ZIP _____	PHONE: _____
OFFICE PHONE _____	E-MAIL: _____

WSDOT Authorization

NWR UTILITIES OFFICE _____	SIGNATURE: _____
TITLE _____	DATE: _____

THE PERMIT/FRANCHISE HOLDER OR THEIR REPRESENTATIVE SHALL NOTIFY NORTHWEST REGION UTILITIES IMMEDIATELY IF THEY ARE UNABLE TO START WORK ON THE DATE INDICATED ABOVE. FAILURE TO PROVIDE NOTIFICATION MAY RESULT IN INSPECTION CHARGES BEING INCURRED.

Exhibit B GMB 1117 Page 18 of 19

Exhibit 'E'

UP 20591

Maintenance Notification

Page 1 of 1

MAINTENANCE WORK ONLY

Pre-Construction Notification

In accordance with Washington State Department of Transportation (WSDOT) Special Provisions for Permits and Franchises, provide requested information to below-designated WSDOT construction contacts prior to the beginning of construction. Use Alternate Contact or surface mail if phone or e-mail are no longer in effect. This form is NOT for maintenance work.

No work shall take place until the Utility has participated in the Pre-Construction conference.

Accommodation No.:	UP 20591	State Route No:	SR 9
Expiration Date:	-----	From Mile Post:	18.81
WO/Charge Code:	W.O. ##### / JA 0103 Grp 02	To Mile Post:	18.81

WSDOT Construction Contacts

WSDOT Inspector (notify at least five (5) days prior to starting work)

NW Local Agency & Development Services Office
 15700 Dayton Ave. N.
 PO BOX 330310, MS 82-240
 Seattle, WA 98133-9710

NAME: Michael Gallop
 TITLE: WSDOT Inspector
 PHONE: 206-440-4913/206-940-2736
 E-MAIL: GALLOPM@wsdot.wa.gov

WSDOT Traffic Control (notify at least ten (10) days prior to starting work)

Construction Traffic Coordination Office
 15700 Dayton Ave. N.
 P.O. BOX 330310, NB82-125
 Seattle, WA 98133-9710

NAME: N/A
 TITLE: WSDOT NWR CTCO Engineer
 PHONE: N/A
 E-MAIL: N/A

Construction Contacts and Schedule

Anticipated Start Date:	Estimated Duration:
--------------------------------	----------------------------

Permit/Franchise Holder

COMPANY	NAME:
STREET ADDRESS	TITLE:
CITY, STATE ZIP	PHONE:
OFFICE PHONE	E-MAIL:

Contractor

COMPANY	NAME:
STREET ADDRESS	TITLE:
CITY, STATE ZIP	PHONE:
OFFICE PHONE	E-MAIL:

THE PERMIT/FRANCHISE HOLDER OR THEIR REPRESENTATIVE SHALL NOTIFY NORTHWEST REGION UTILITIES IMMEDIATELY IF THEY ARE UNABLE TO START CONSTRUCTION ON THE DATE INDICATED ABOVE. FAILURE TO PROVIDE NOTIFICATION MAY RESULT IN INSPECTION CHARGES BEING INCURRED.

Exhibit B
GMB 1117
 Page 19 of 19

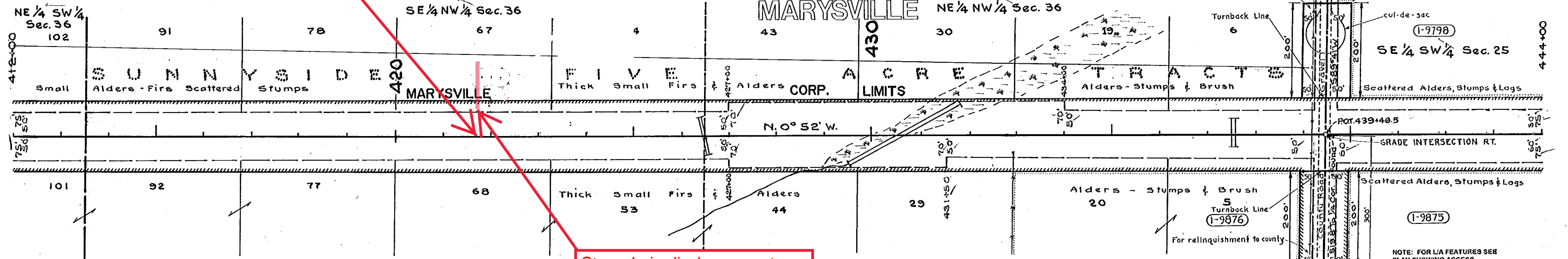
Exhibit 'F'
UP 20591
 Pre-Construction Notification
 Page 1 of 1

NEW INSTALLATION ONLY UP 20591

BEGIN/ END PROJECT
Approx. MP 18.71

T. 30N. R. 5E. W. M.

CITY OF
MARYSVILLE



Stormdrain discharge system
enters WSDOT RW.

Exhibit C
GMB 1117
Page 1 of 2

PARCEL NO.	NAME	TOTAL AREA	TAKE	LT. REMAINDER RT.
1-9798	BOWEN	(See Note)		
1-9875	BOWEN		ACCESS ONLY	(See Note)
1-9876	YULE		ACCESS ONLY	(See Note)

Note: For total parcel detail and/or ownership areas,
see SR 528, SR 5 in Marysville to Jct. SR9
Sheets 2 and 8 of 12 Sheets, Approved August 6, 1970.

(SR 9)
~~SECONDARY STATE HIGHWAY NO. 1-A~~
LAKE STEVENS TO ARLINGTON
SNOHOMISH COUNTY

WASHINGTON STATE HIGHWAY COMMISSION
DEPARTMENT OF HIGHWAYS
OLYMPIA, WASHINGTON
R. A. Mosio, Chairman
R. E. Hovatt, Member
E. C. Huxley, Member



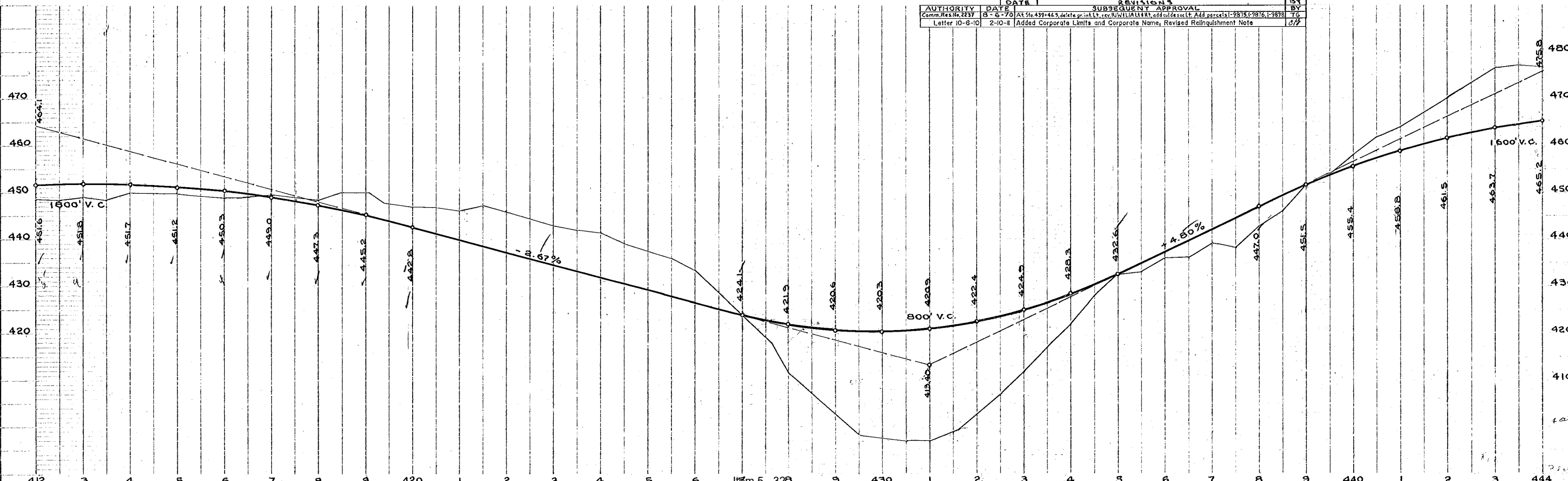
SCALE: HORIZ. 1 INCH = 100 FEET
SCALE: VERT. 1 INCH = 10 FEET
APPROVED: April 5, 1955

FOR R. OF W. SHEET 6 OF 20 SHEETS
CONTRACT NUMBER 21

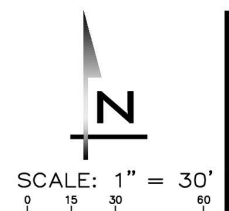
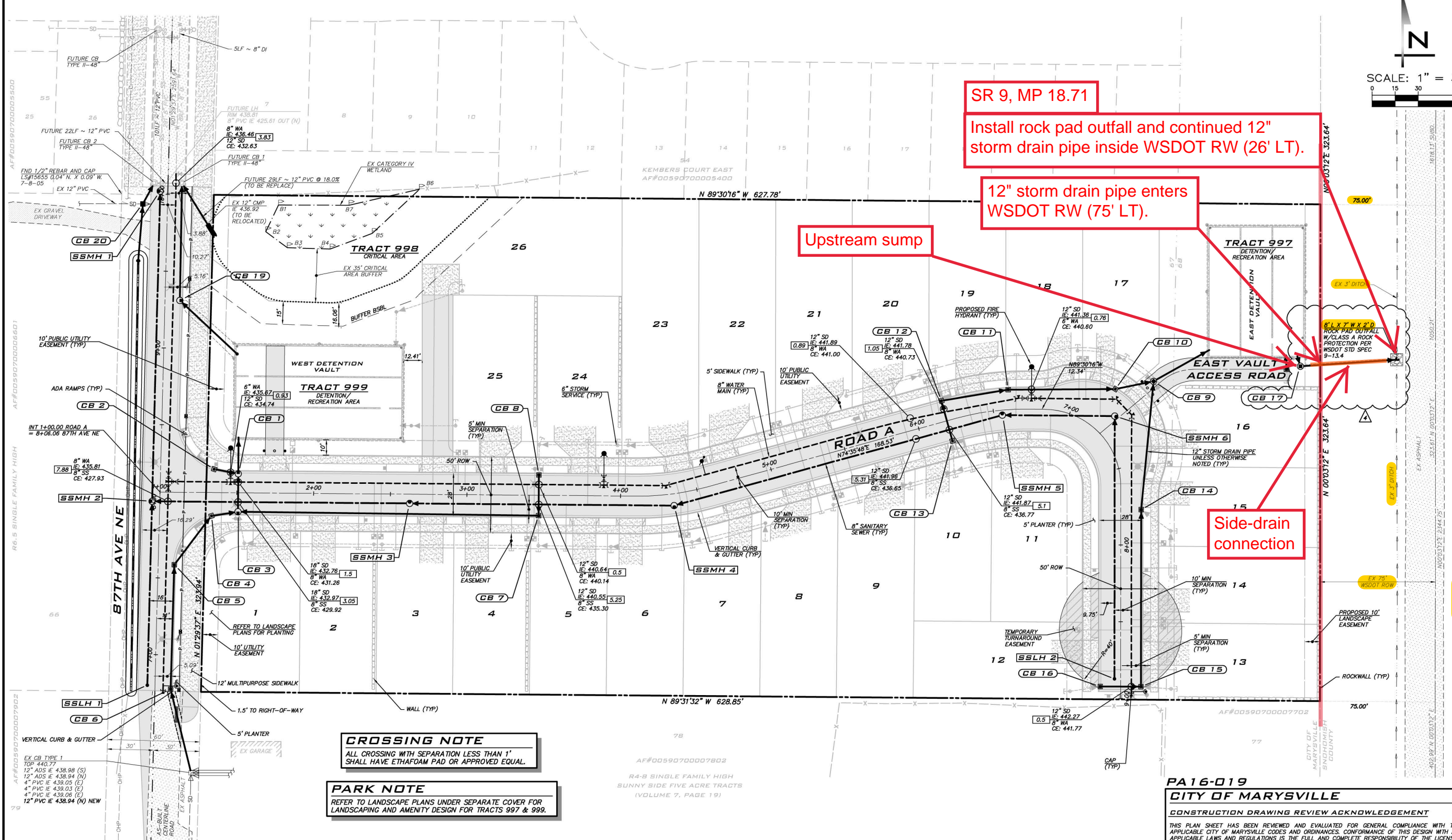
LEGEND

Access to be prohibited shown thus	
Property Ownership Numbers	(1-1234)
Property Line	

AUTHORITY	DATE	REVISIONS	D.M.C.
Comm. Res. No. 2237	8-6-70	At Sta. 439+46.5, delete print LT, rec. RW (1) (A) (1) (R), add cul-de-sac LT. Add parcels 1-9875, 1-9876, 1-9878	TG
Letter 10-8-10	2-10-11	Added Corporate Limits and Corporate Name, Revised Relinquishment Note	BT



S.S.H. No 1-A
Snohomish to Arlington
SL-474
Sheet 4 of 20 Sheets



BLUELINE

25 CENTRAL WAY, SUITE 400,
KIRKLAND, WA 98033
P: 425.216.4051 F: 425.216.4052
WWW.THEBLUELINEGROUP.COM

SCALE:
AS NOTED

PROJECT MANAGER:
BRETT K PUDISTS, PE

PROJECT ENGINEER:
YANNICK METS, PE

DESIGNER:
DOMINIQUE GABALDON

ISSUE DATE:
5/9/2019

NO	DATE	BY	REVISIONS
1	12/12/18	DAG	REVISED PER CITY & WSDOT COMMENTS
2	3/9/19	DAG	UPDATED PER MEMBERS COURT JUDICIAL ELEVATIONS
3	3/28/19	HWK	ELIMINATED CB IN WSDOT ROW & UPDATED ROCK PROTECTION @ OUTFALL
4	5/9/19	HWK	ADD ROCK PAD OUTFALL DIMENSIONS

SR 9 (PER ROS A.F. NO.200209115002)

COMPOSITE UTILITY PLAN

HUNTERS LANDING

SITE DEVELOPMENT PLANS

PARCEL# 00590700006701

CITY OF MARYSVILLE WASHINGTON

CROSSING NOTE
ALL CROSSING WITH SEPARATION LESS THAN 1'
SHALL HAVE ETHAFOAM PAD OR APPROVED EQUAL.

PARK NOTE
REFER TO LANDSCAPE PLANS UNDER SEPARATE COVER FOR
LANDSCAPING AND AMENITY DESIGN FOR TRACTS 997 & 999.

Exhibit C
GMB 1117
Page 2 of 2

Exhibit 'C'
S1-19-12
Plans Sheets/Maps
Page 3 of 8

PA16-019
CITY OF MARYSVILLE

CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT

THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. CONFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER, WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRED OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, WSDOT HYDRAULIC PROJECT APPROVAL (HPA), WSDOT NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT.

THIS _____ DAY OF _____, 201__.

BY:
DOUGLAS VAN GELDER, PE, ENGINEERING SERVICES MANAGER

THESE APPROVED CONSTRUCTION PLANS EXPIRE AFTER PERIOD OF 18 MONTHS FROM THE DATE OF SIGNATURE SHOWN ABOVE, PER MMC 22A.040.020 AND 22A.040.030.

UNDERGROUND UTILITY NOTE

UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES, TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL. THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON811.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

5/9/19

JOB NUMBER:
17-114

SHEET NAME:
GU-01

SHT **8** OF **29**



Exhibit D
GMB 1117
Page 1 of 26

Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710
206-440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

June 13, 2019

Cindy Jackson
Pacific Ridge-DRH, LLC
17921 Bothell Everett Hwy, Suite 100
Bothell, WA 98012

Subject: SR 9 MP 18.71 to MP 18.71
Installation of Storm Drain System
Utility Permit S1-19-12

Dear Cindy Jackson,

Enclosed is your approved Utility Permit for installing 63 LF of 12" storm drain pipe and rock pad outfall. Construction of your utility must begin within one calendar year and be completed within three years of the date of approval shown on the application. Please note that the Traffic Control Plan for work within WSDOT right-of-way, Exhibit 'D', was approved as noted on May 30, 2019 and is valid for four months from that date. The Traffic Control Plan requires 5-day notice be provided to Ken Seguin at WSDOT's Construction Traffic Coordination Office:

Ken Seguin
Construction Traffic Coordination Office
15700 Dayton Ave. N., NB82-120
P.O. Box 330310
Seattle, WA 98133-9710
206-440-4470
BIGJ@wsdot.wa.gov

Prior to any construction equipment or personnel entering WSDOT right-of-way, a pre-construction conference is required with WSDOT's inspector, Michael Gallop. The utility shall notify Michael Gallop a minimum of 5 working days in advance:

Michael Gallop
NW Local Agency & Development Services Office
15700 Dayton Ave. N., MS 82-240
Seattle, WA 98133-9710
206-440-4913/206-940-2736
GALLOPM@wsdot.wa.gov

Contact WSDOT NW Region Radio at (206) 440-4490 five minutes prior to start of all traffic closures and again upon reopening to traffic. A copy of the approved Utility Permit must be on-site.

Pacific Ridge-DRH, LLC
S1-19-12

6/13/2019

Please note, WSDOT invoice account number **MT0595 GRP 01 WO0101 CS1700Y** will continue to be charged for personnel time for inspection activities and attendance to the pre-construction conference.

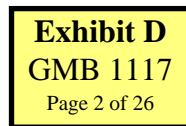
For your convenience, here is the link to the WSDOT's Standard Specifications of Road, Bridge, and Municipal Construction: <http://www.wsdot.wa.gov/Publications/Manuals/M41-10.htm>

If you have any questions regarding your application, please contact me at 206-440-4130 or PHAMK@wsdot.wa.gov.

Sincerely,



Khoi Pham
Utilities Accommodations/Project Delivery Engineer



KP:kp
Enclosures

cc: Michael Gallop, NW Local Agency & Development Services Office
File



Date Received: 04/26/2019
Reviewed By: K. Pham

Application for Utility Permit (Stormwater Discharge)

Exhibit D GMB 1117 Page 3 of 26

Permit/Franchise No. S1-19-12

Applicant - Please print or type all information

Application is Hereby Made For:

Permit

Amendment Category 2 \$300.00

Permit / Renewal \$250.00

To Construct, Operate, and/or Maintain Stormwater Discharge onto a portion of

State Route 9 (at/from) MilePost ~~18.66~~^{18.71} to Mile Post _____ in Snohomish County,

to begin in the Southeast 1/4 Section 36 Township 30 North: Range 5E West/East W.M.

and end in the _____ Section _____ Township _____ North: Range _____ West/East W.M.

Fees in the amount of \$ 300 are paid to cover the basic administrative expenses incident to the processing of this are paid to cover the basic administrative expenses incident to the processing of this application according to WAC 468-34 and RCW 47.44 and amendments thereto. The applicant promises to pay any additional costs incurred by the Washington State Department of Transportation (Department) on behalf of the applicant.

Checks or Money Orders are to be made payable to "Washington State Department of Transportation."

<p><u>Pacific Ridge-DRH, LLC</u> Applicant (Referred to as Utility)</p> <p><u>17921 Bothell Everett Hwy, Suite 100</u> Address</p> <p><u>Bothell</u> <u>WA</u> <u>98012</u> City State Zip Code</p> <p><u>(425) 438-8444</u> Telephone</p> <p><u>srborgeson@pacificridgehomes.com</u> Email</p> <p><u>Hunters Landing</u> Applicant Reference (WO) Number</p>	<p> Applicant Authorized Signature</p> <p><u>Cindy Jackson</u> Print or Type Name</p> <p><u>Assistant Secretary</u> Title</p> <p>Dated this <u>30th</u> day of <u>April</u>, 2019</p> <p><u>46-1030683</u> Federal Tax ID Number or Social Security Number</p>
---	--

Authorization to Occupy Only If Approved Below

The Department hereby grants this Stormwater Discharge Permit (Permit), subject to the terms and conditions stated in the Stormwater Discharge General Provisions, Special Provisions, and Exhibits attached hereto and by this reference made a part hereof.

For Department Use Only

<p>Exhibits Attached</p> <p>Exhibit 'A' Special Provisions for Permits and Franchises Pages 1-3 of 3</p> <p>Exhibit 'B' Utility Facility Description (UFD) Page 1 of 1</p> <p>Exhibit 'C' Plans Sheets/Maps Pages 1-8 of 8</p> <p>Exhibit 'D' N/A</p> <p>Exhibit 'E' Pre-Construction Notification Page 1 of 1</p> <p>Exhibit 'F' Maintenance Notification Page 1 of 1</p>	<p>Department Approval</p> <p>By: _____</p> <p>Title: _____</p> <p>Date: _____</p> <p>This Permit Expires ten years from the effective date, but may be renewed upon the Department's review and verification that the installation meets all applicable requirements at the time of renewal.</p>
--	--

Stormwater Discharge General Provisions

This Permit is issued pursuant to the terms of RCW 47.32, RCW 47.44, and WAC 468-34, and amendments thereto.

Provisions for the CONSTRUCTION of stormwater discharge facilities (facilities):

1. A copy of this Permit must be on the job site, protected from the elements, at all times during any construction authorized by this Permit.
2. The Utility agrees to pay the reasonable costs of the Department for investigating, handling, and granting the Permit, including but not limited to basic overhead charges and for providing an inspector during construction and/or maintenance of the Utility's facilities. Further, the Utility agrees that it shall be responsible for and pay the Department's expended direct and indirect costs associated with applicable provisions of the Permit.
 - (a) The Department will assign a reimbursable account to the Utility as a means of invoicing the Utility for the costs associated with this Permit.
 - (b) The Department will invoice the Utility and the Utility agrees to pay the Department within thirty (30) calendar days of the invoice date.
3. Upon approval of this Permit, the Utility shall diligently proceed with the Work and comply with all Stormwater Discharge General and Special provisions herein. Construction of facilities proposed under this Permit shall begin within one (1) year and must be completed within three (3) years from date of Department approval. "Work" under this Permit shall mean construction, operation, and maintenance of the Utility's facilities as authorized herein.
4. Should the Utility breach any of the conditions and requirements of this Permit, or should the Utility fail to proceed with due diligence and in good faith with the Work as authorized by this Permit, the Department may cancel or revoke the Permit upon thirty (30) calendar days written notice to the Utility.
5. The Utility shall notify the Department representative in special provision 1 of the name, address, and telephone number of its contractor when the Work is going to be performed with other than its own forces. When the Utility uses a contractor, an authorized representative of the Utility shall be present or available at all times unless otherwise agreed to by the Department representative. A list of authorized representatives shall be submitted prior to the construction start date. (Authorized representatives are defined as persons having signatory authority for the Utility and or the authority to control the Work as needed for any issues identified by the Department.)
6. The Utility agrees to schedule and perform its Work in such a manner as not to delay the Department's Maintenance activities or the Department's contractor's work when the Department has a contractor performing work in the vicinity of the Utility's Work.
7. All contact between the Department and the Utility's contractor shall be through the Utility representative. Where the Utility chooses to perform the Work with its own forces, it may elect to appoint one of its own employees engaged in the Work as its representative. The Utility, at its own expense, shall adequately police and supervise all Work performed by itself, its contractor, subcontractor, agent, and/or others, so as not to endanger or injure any person or property.
8. The Utility shall contact the identified Department representative two (2) weeks prior to conducting Work, to determine the location of survey control monuments within the area in which the Utility will be working. In the event any monument or right of way marker will be altered, damaged, or destroyed by the Utility, the Department, prior to Utility Work, will reference or reset the monument or right of way marker. During the Work, upon discovery of a monument or right of way marker, the Utility shall cease Work in that area and immediately notify the Department of the discovery. The Department will coordinate with the Utility to ensure that the monument or right of way marker is recorded or replaced. The Utility agrees to pay all Department costs to perform monument or right of way marker work, as provided in this provision, in accordance with Stormwater Discharge General Provision 2.

- 9. In the event any milepost, fence, or guardrail is located within the limits of the Utility's Work and will be disturbed during Utility Work, the Utility agrees to carefully remove these highway facilities prior to Utility Work and reset or replace these highway facilities after the Utility Work, to the Department's sole satisfaction and at the sole cost of the Utility. The Utility agrees that all highway signs and traffic control devices shall not be removed or disturbed during Utility Work.
- 10. The Utility agrees that all Work shall be done to the satisfaction of the Department. All material and workmanship shall conform to the Department's Standard Specifications for Road, Bridge, and Municipal Construction, current edition, and amendments thereto, and shall be subject to Department inspection. All Department acceptance and inspections are solely for the benefit of the Department and not for the benefit of the Utility, the Utility's contractor (if any), or any third party. The Utility agrees that it shall pay all Department inspection costs in accordance with Stormwater Discharge General Provision 2.
- 11. The Utility shall provide proof of insurance coverage prior to performing any Work within state-owned highway right of way, as follows:
 - (a) Commercial General Liability covering the risks of bodily injury (including death), property damage, and personal injury, including coverage for contractual liability, with a limit of not less than \$3 million per occurrence and in the aggregate;
 - (b) Business Automobile Liability (owned, hired, or non-owned) covering the risks of bodily injury (including death) and property damage, including coverage for contractual liability, with a limit of not less than \$1 million per accident; and
 - (c) Employers Liability covering the risks of Utility's employees' bodily injury by accident or disease, with limits of not less than \$1 million per accident for bodily injury by accident and \$1 million per employee for bodily injury by disease.

Such insurance policies or related certificates of insurance shall name the Washington State Department of Transportation as an additional insured on all general liability, automobile liability, employers' liability, and excess policies. A forty-five (45) calendar day written notice shall be given to the Department prior to termination of or any material change to the policy(ies) as such relate(s) to this Permit.

- 12. If the Utility is a city or county, it shall provide verification of insurance coverage at a minimum in the amounts and types identified in Section 11 to the Department by submitting proof of its coverage through a Risk Pool or verification that the city or county is selfinsured, to comply with the Section 11 insurance terms and conditions of this Permit. If allowable under its coverage, the city or county shall name the Washington State Department of Transportation as an additional insured for the coverage required by this section.
- 13. The Utility shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways (Federal Highway Administration) and the State of Washington modifications thereto (chapter 468-95 WAC) while it performs the Work. If the Department requires, the Utility shall submit a signing and traffic control plan to the Department's representative for approval prior to construction or maintenance Work. No lane closures shall be allowed except as approved by the Department's representative. Approvals may cause revision of Special Provisions of this Permit, including hours of operation.
- 14. This Permit may not be amended or modified without the Department's prior review and written approval. Upon completion of the Work, the Utility shall notify the Department's representative within ten (10) calendar days for the Department's final inspection, and the Utility shall provide the Region Utilities Engineer with detailed as-built drawings within ninety (90) calendar days of Work completion, if the originally approved Permit construction plans have been revised during the course of construction.
- 15. The Utility shall not excavate or place any obstacle within the state-owned highway right of way in such a manner as to interfere with the Department's construction, operation, and maintenance of the state-owned highway right of way or the public's travel thereon without first receiving the Department's written authorization.
- 16. The Utility agrees to maintain, at its sole expense, its facilities authorized by this Permit in a condition satisfactory to the Department.

17. The Utility agrees that it is financially responsible to the Department for all necessary expenses incurred in inspecting the construction and restoring the highway pavement or related transportation equipment or facilities to a permanent condition suitable for travel as solely determined by the Department, as well as financially responsible to the Department for trenching work not completed and for compensating the Department for the loss of useful pavement life caused by trenching as required by RCW 47.44.020.
18. Upon completion of all Work, the Utility shall immediately remove all rubbish and debris from the state-owned highway right of way, leaving the state-owned highway right of way in a neat, presentable, and safe condition to the Department's satisfaction. Any Work-related rubbish and debris clean up, or any necessary slope treatment to restore and/or protect the state-owned right of way, not done within one (1) week of Work completion, unless otherwise agreed to by the Department, will be done by the Department at the expense of the Utility. The Utility agrees to pay the Department's expended costs and expenses for performing the work in accordance with Stormwater Discharge General Provision 2.
19. The Utility shall comply with the Department's Temporary Erosion and Sediment Control Manual (M 3103.01) and any revisions thereto, for erosion control and/or to mitigate any erosion occurring as a result of the Work. If the Utility Work performed under this Permit alters, modifies, changes, or interferes in any way with the drainage of the state-owned highway right of way, the Utility shall, at its own expense, make all corrections and/or provisions the Department requires to fix and restore the state-owned right of way drainage to its original condition and function prior to the Utility's Work. Any flows from the Utility shall not exceed the flows discharging to WSDOT drainage prior to the new work. Any flows discharged to state-owned highway right of way shall meet the requirements for quantity and water quality according to the current version Highway Runoff Manual (M 31-16). Should the Utility not make the required drainage restoration, the Department reserves the right to make such changes as necessary to restore the original drainage function at the sole cost of the Utility, and the Utility agrees to pay the Department's expended costs and expenses for performing the work in accordance with Stormwater Discharge General Provision 2.
20. The Utility shall be responsible for securing all necessary permits, including but not limited to, federal, state, and local regulatory, tribal, environmental, archeological, and railroad permits and permits from the Washington State Department of Ecology, the Washington State Department of Fish and Wildlife, and/or the U.S. Army Corps of Engineers prior to beginning the Work authorized by this Permit. The Utility shall be responsible for mitigation measures where wetlands have been disturbed and agrees that it is responsible for any fines imposed for noncompliance with the permit(s) conditions or for failure to obtain the required permits. In addition, the Utility, on behalf of itself and its contractors, officers, officials, employees, and agents, agrees to indemnify, hold harmless, and defend, at its sole cost and expense, the Department and its officers, officials, employees, and agents from any and all fines, costs, claims, judgments, and/or awards of damages (to regulatory agencies, persons, and/or property), arising out of, or in any way resulting from, the Utility's failure to (1) obtain any required permit for the Utility Work or (2) comply with permit conditions. Further, the Utility shall be responsible for compliance with all federal, state, and local laws, regulations. Utility also agrees to pay any costs incurred by the Department, including attorneys fees, pursuant to the provisions of this section in accordance with Stormwater Discharge General Provision 2.
21. For any of the Utility's Work that requires permit coverage under the "CONSTRUCTION STORMWATER GENERAL PERMIT – National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activity" (Construction Stormwater General Permit), the Utility shall obtain said permit coverage and shall comply with all requirements of the Construction Stormwater General Permit. Upon the Department's request, the Utility shall provide a copy of the Construction Stormwater General Permit. In addition, the Utility, on behalf of itself and its contractors, officers, officials, employees, and agents, agrees to indemnify, hold harmless, and defend, at its sole cost and expense, the Department and its officers, officials, employees, and agents from any and all fines, costs, claims, judgments, and/or awards of damages to regulatory agencies, persons, and/or property, arising out of, or in any way resulting from, the Utility's failure to (1) obtain coverage under the Construction Stormwater General Permit for Utility Work or (2) comply with the Construction Stormwater General Permit requirements. Utility also agrees to pay any costs incurred by the Department, including attorneys fees, pursuant to the provisions of this section in accordance with Stormwater Discharge General Provision 2.

22. This Permit does not authorize the Utility, or its employees, contractors, or agents, any right to cut, spray, retard, remove, destroy, disfigure, or in any way modify the physical condition of any vegetative material located on the state-owned highway right of way. Should the Utility anticipate that its Work will alter the appearance of the state-owned highway right of way vegetation, the Utility shall notify the Department representative listed in special provision 1 to obtain the Department's prior written approval of the Utility's proposed work. If the Department permits the Utility to modify the state-owned highway right of way vegetation, it agrees that any vegetation cutting and/or trimming activities shall be conducted in such a manner that the state-owned highway right of way vegetation appearance will not be damaged. Should the Utility damage the appearance of the state-owned highway right of way vegetation without the Department's prior written approval, the Utility is subject to penalties provided for in RCWs 47.40.070, 47.40.080, and 4.24.630, as applicable.

Provisions for Stormwater Discharge OCCUPANCY of state-owned right of way:

23. If the Department, at its sole discretion, shall determine that any or all of the Utility's facilities must be modified, removed from, or relocated within the state-owned highway right of way as necessary, incidental, or convenient for the construction, alteration, improvement, repair, relocation, or maintenance of the state highway, or for the safety of the traveling public, the Utility, its successors and assigns, shall, at its sole cost and expense, upon written notice by the Department, modify, relocate, or remove any or all of its facilities within or from the state-owned highway right of way as required by the Department. The Utility shall perform in a timely manner all facility modifications, relocations, and/or removals as the Department directs, to avoid highway project impacts or delays and in such manner as will cause the least disruption of traffic or interference with the Department's continued operation and/or maintenance of the highway.
24. Should the Utility fail or refuse to comply with the Department's direction, pursuant to Stormwater Discharge General Provision 23, to modify, remove, or relocate any Utility facility, the Department may undertake and perform any modification, removal, or relocation of the Utility facility that the Department, in its sole discretion, deems necessary. The Utility agrees to pay the Department's expended costs and expenses for performing the work, in accordance with Stormwater Discharge General Provision 2.
25. If the Department determines in good faith that emergency maintenance work on the Utility's facility is needed to (a) protect any aspect of the state highway right of way or (b) secure the safety of the traveling public due to a failure of the Utility's facility, the Department may perform the necessary work without the Utility's prior approval, and the Utility agrees to pay the Department's expended costs and expenses for performing the work in accordance with Stormwater Discharge General Provision 2. The Department will notify the Utility of the emergency work performed as soon as practicable.
26. The Department may amend, revoke, or cancel this Permit at any time by giving written notice to the Utility. If the Permit is amended, the Utility will have thirty (30) calendar days to modify the facility as the Permit amendment(s) require. If the facility modifications cannot be made within thirty (30) calendar days, the Utility shall respond to the Department, in writing, as to when the facility modifications can be made. If the Permit is revoked or canceled, the Utility shall immediately remove all facilities from the right of way. Any facilities remaining upon the right of way thirty (30) calendar days after written notice of Permit revocation or cancellation may be removed by the Department at the expense of the Utility. The Utility agrees to pay the Department's expended costs and expenses for performing the work in accordance with Stormwater Discharge General Provision 2.
27. The Utility shall not assign or transfer this Permit without the Department's prior written approval. The Utility understands that any assignment or transfer requires the assignee or transferee to have the means to assume all obligations, duties, and liabilities of the terms and conditions of this Permit, and the Utility will advise the assignee or transferee of its obligation to apply for an updated or replacement Permit. If the Department does not approve the assignment or transfer, this Permit shall automatically terminate, and the Utility shall be subject to the terms of RCW 47.44.060.

28. The Utility, its successors and assigns, shall indemnify, defend at its sole cost and expense, and hold harmless the State of Washington, its officers and employees, from all claims, demands, damages both to persons and/or property, expenses, regulatory fines, and/or suits that (1) arise out of or are incident to any acts or omissions of the Utility, its agents, contractors, and/or employees, in the use of the state-owned highway right of way as authorized by the terms and conditions of this Permit, or (2) are caused by the breach of any of the terms or conditions of this Permit by the Utility, its successors and assigns, and its contractors, agents, and/or employees. The Utility, its successors and assigns, shall not be required to indemnify, defend, or hold harmless the State of Washington, its officers and/or employees, if the claim, suit, or action for damages both to persons and/or property is caused by the sole acts or omissions of the State of Washington, its officers and/or employees; provided that, if such claims, suits, or actions result from the concurrent negligence of (a) the State of Washington, its officers and/or employees, and (b) the Utility, its successors or assigns, agents, contractors, and/or employees, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the acts or omissions of the Utility, its successors or assigns, agents, contractors, and/or employees.
29. The Utility agrees that its obligations under this Permit extend to any claim, demand, and/or cause of action brought by, or on behalf of, any of its employees or agents while performing Work under this Permit while located on state-owned highway right of way. For this purpose, the Utility, by MUTUAL NEGOTIATION, hereby waives, with respect to the State of Washington only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provisions in chapter 51.12 RCW.
30. The Insurance requirements in Stormwater Discharge General Provisions 11 and 12 shall also apply to the Utility's occupancy of the state-owned highway right of way.
31. The indemnification and waiver provided for in Stormwater Discharge General Provisions 28 and 29 shall survive the termination of this Permit.
32. Any action for damages against the State of Washington, its agents, contractors, and/or employees, arising out of damages to a utility or other facility located on state-owned highway right of way, shall be subject to the provisions and limitations of RCW 47.44.150.
33. This Permit shall not be deemed or held to be an exclusive one and shall not prohibit the Department from granting rights of like or other nature to other public or private utilities, nor shall it prevent the Department from using any of the state-owned highway right of way or other properties for transportation purposes, or affect the Department's right to full supervision and control over all or any part of the state-owned highway right of way or properties, none of which is hereby surrendered.



Exhibit D
GMB 1117
Page 9 of 26

Stormwater Permit Special Provisions

Permit No. S1-19-12

Applicable provisions are denoted by (X)

- 1. No Work (for the intent of this Permit, operation or maintenance) provided for herein shall be performed until the Utility is authorized by the following Washington State Department of Transportation (Department) Representative(s):

Name: Michael Gallop
 Title: WSDOT Inspector
 Street: 15700 Dayton Ave. N., MS 82-240
 City: Seattle
 State: WA Zip: 98133-9710
 Phone: 206-440-4913 Cell: 206-940-2736
 Email: GALLOPM@wsdot.wa.gov

Name: _____
 Title: _____
 Street: _____
 City: _____
 State: _____ Zip: _____
 Phone: _____ Cell: _____
 Fax: _____

- 2. The Department assumes no responsibility or liability in any manner for any effect its highway drainage system may have on the Utility's system.
- 3. The utility agrees to assume all liability and responsibility, including fines and taxes, for the water quality related to its runoff collection system and for any damages caused by increased flows (that portion of the total rate of flow that is in excess of the natural rate of surface runoff in the undeveloped state) and pollutants discharged. Further, the Utility agrees to accept the liability for the augmented flows added to the Department's system (such as downstream flooding, manhole overflows or any other instance resulting from those added flows)
- 4. The utility agrees to assume all liability and responsibility associated with the design, construction, maintenance, and operation of its Stormwater management and drainage system(s).
- 5. Construction of all Stormwater management facilities shall be part of the initial construction of the system under this Permit.
- 6. For major repair or replacement work, as defined in Special Provisions 11, the Utility shall provide Traffic Control Plans, for approval, and FAX the complete attached "Notification of Maintenance" to the identified Department Representative(s) at least fourteen (14) working days (Monday through Friday excluding any holidays), in advance of commencing Work on state-owned highway right of way.
- 7. Upon receipt of the Maintenance Notification, the Department will advise the Utility if there are any restricted Work timeframes within the state-owned highway right of way. No Work shall be allowed on Saturday, Sunday, or holidays, without prior approval by the Department. In addition, the Utility shall be off the highway by noon the day prior to a holiday unless authorized by the Department. If a holiday falls on a Saturday, the preceding Friday is counted as the holiday, and the Utility shall be off the highway by noon Thursday. When the Holiday falls on a Monday the Utility shall be off the right of way at noon on the preceding Friday. Nothing in this section shall limit the authority of the Department to further restrict work within state-owned highway right of way at the Department's discretion. The hours of closure are subject to change if, required by the Department.

Exhibit 'A'
 S1-19-12
 Special Provisions for
 Permits and Franchises
 Page 1 of 4

- 8. For major Repair. Anytime Work is underway within the right of way, during the non-working hours, equipment and materials shall not be located or stored within the work zone clear zone (WZCZ) area. Minimum WZCZ distances will be measured from the edge of the traveled way (the portion of the roadway intended for the movement of vehicles, exclusive of shoulders and lanes for parking, turning, and storage for turning) and will be determined as follows:

Posted Speed	Distance From Traveled Way (ft)
35 mph or less	10
40 mph	15
45 to 55 mph	20
60 mph or greater	30

Minimum Work Zone Clear Zone Distance

- 9. The Utility agrees that, in the event any construction and/or maintenance of the highway facility becomes necessary within the proximity of the utility installation, it is expressly understood that, upon request from the Department's representative, the Utility will promptly identify and locate by suitable field markings any and all of its underground facilities so that the Department or its contractor can be fully apprised of their precise locations.
- 10. "Routine Maintenance" of the Drainage System shall include cleaning and repair and/or replacement of any minor failures to structure and /or components and repair of any damage to the state-owned right of way caused by the maintenance and operation of the Drainage System. Routine Maintenance will not require notification to the STATE.
- 11. For major repair and/or replacement work, not defined within Routine Maintenance, the Utility shall provide the Department notification of the need for such repairs and/or replacement work. The Utility is responsible to determine the method of repair to the Drainage System and shall restore Department's right of way to current Department maintenance standards, at the sole cost and expense to the Utility. The Department reserves the right to review damages occurring to the state-owned right of way, as a result of failure of the Drainage System, and oversee the restoration.

Traffic Control Plans shall be submitted with the notification, and approved, prior to any major repair and or replacement work is done.
- 12. The Department shall not be responsible for damages to the Drainage System caused by Utility employees or the Utility's contractors working within state-owned right of way. Should the Utility or its contractors damage the Drainage System, it agrees to notify the Department as soon as practical. The Utility and Department will work together in good faith to agree upon the required repairs. The Utility agrees to make such repairs at its sole cost and expense.
- 13. Maintenance access of this facility will be from SR _____, only.

Exhibit D
GMB 1117
Page 10 of 26

Exhibit 'A'
S1-19-12
Special Provisions for
Permits and Franchises
Page 2 of 4

- 14. This permit is only for an installation of the new storm sewer facilities that discharge runoff on to WSDOT owned ditch on SR 9, as shown in the utility facility description.
- 15. This permit is assigned to the identified parcel(s) served by the stormwater facility and shall remain appurtenant to the identified parcel(s). Should the identified parcel(s) be inherited, sold, assigned, or transferred in any way, this permit shall run with the land to the extent that the identified parcel(s) remain in compliance with the terms of this permit, unless the permit is revoked, modified, or closed by WSDOT as provided by law or the current Permit Holder requests the cancellation of the permit.

Identified parcel is 0059070006701, 5411 87th Ave NE, Marysville, WA 98270.

- 16. Installation of the Stormwater Discharge Pipe and Splash Pad shall conform with the Washington State Department of Transportation 2018 Standard Specifications. Specifically the following sections:
 - For Discharge Pipe installation see Chapter 7 Section 7-08 (3) General Pipe Installations.
 - Discharge Pipe shall meet the requirements of Chapter 9 Section 9-05 Drainage Structures and Culverts.
 - Backfill over Discharge Pipe shall be in accordance with Chapter 7 Section 7-08.3(3) and Chapter 2 Section 2-03(140)C.
 - The rock placed for the splash pad shall meet the requirements of Chapter 9 Section 9-13.4 Rock for Erosion and Scour protection.
- 17. The sump on the upstream end of the discharge pipe, located on the parcel associated with this stormwater discharge permit shall be visually inspected, and cleaned out annually. Should the sump on the upstream end of the discharge pipe fail, the permit holder, shall be responsible for the all damages, clean-up, and restoration to state right of way resulting from sump failure. The permit holder has assigned easement for maintenance responsibilities for storm water facilities within the identified parcel to the City of Marysville.
- 18. Stormwater runoff shall be properly detained and treated per the NPDES Permit requirement before Discharge into the Department-owned drainage system.
- 19. The Permit Holder shall be responsible for maintenance and repair of the side-drain connection, including the pipes and yard basins.
- 20. No access for construction, or maintenance of discharge pipe, and splash pad shall take place from the lanes or shoulders of SR 9 without an approved traffic control plan. Please provide a traffic control plan for review 14 working days prior to any maintenance activity.
- 21. The outlet end of the discharge pipe, and splash pad shall be visually inspected, at a minimum annually or as needed to ensure its intended function. Should the outlet end of the pipe produce a build-up of material at the end of the pipe or fill the ditch, the City of Marysville as the designated party responsible for maintenance via Maintenance Agreement GMB 1117 shall be responsible to remove all excess material from state right of way, and restore the Utility's and the Department's stormwater system to its original condition. Should the splash pad become clogged with debris resulting in the ditch filling, the permit holder, the City of Marysville as designated party responsible for maintenance shall be responsible for removing the accumulated debris from state right of way.
- 22. Restoration to be completed by Pacific Ridge-DRH, LLC after installation of discharge pipe shall consist of matching existing adjacent roadside treatment (seeding bark etc.). Full roadside restoration including bushes/trees in the vicinity of MP 18.71 shall be completed per UTB 1540 Vegetation Mitigation Agreement.

S1-19-12

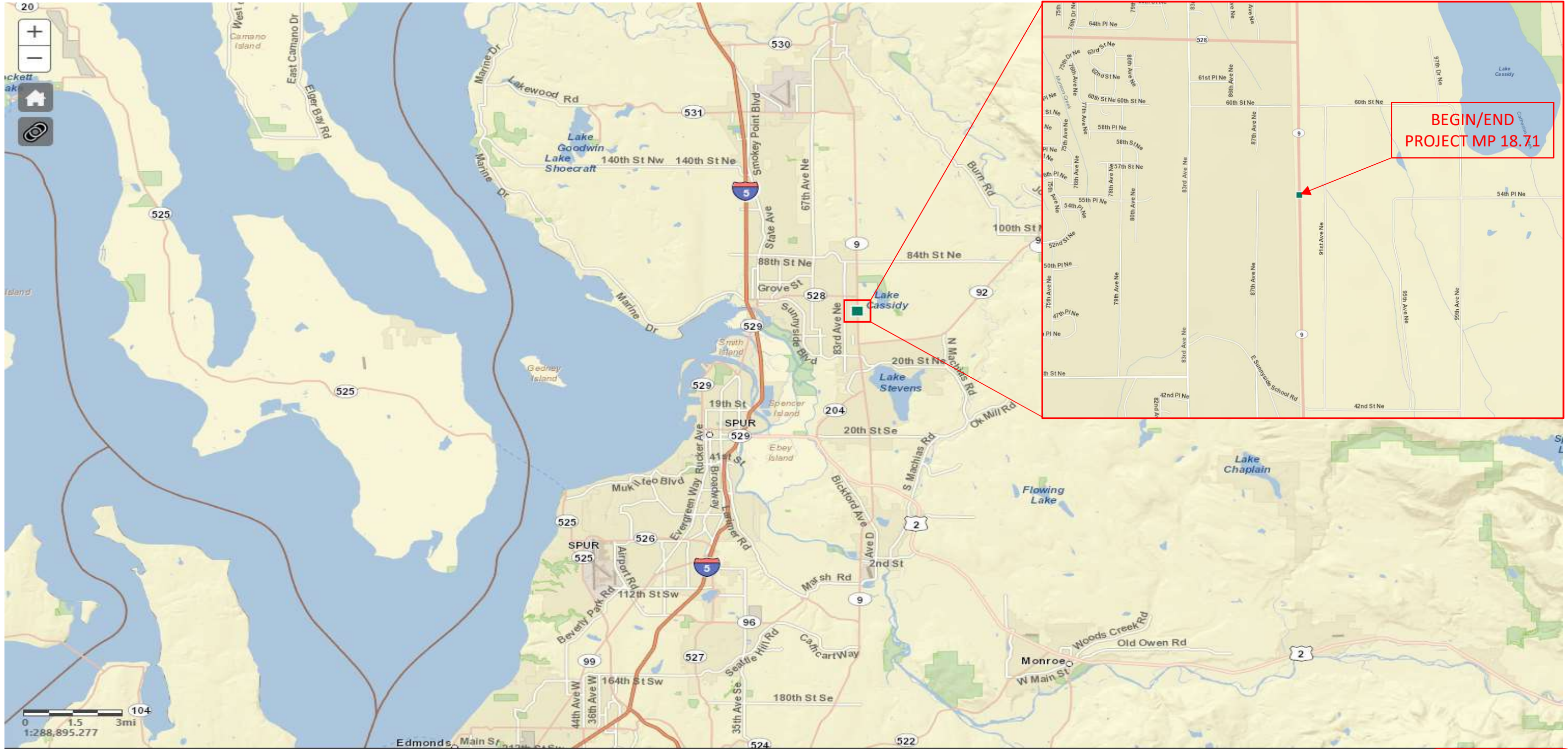
- 23. No access for construction, or maintenance of discharge pipe, and splash pad shall take place from the lanes or shoulders of SR 9 without an approved traffic control plan. Please provide a traffic control plan for review 14 working days prior to any maintenance activity.
- 24. The City of Marysville via General Maintenance Agreement GMB 1117, has agreed to take on maintenance responsibilities associated with the R4-8 Single Family High Sunny Side Five Acre Tracts parcel number 00590700006701 SR 9 stormwater discharge outfall at MP 18.71 and is the party designated as responsible for all maintenance activities related to this permit.
- 25. The designated limited access break at SR 9 MP 18.71 is related to maintenance of the stormwater discharge facilities at SR 9 MP 18.71. The City of Marysville, as the party designated as responsible for maintenance shall have sole use of the limited access break for the purposes of maintenance of the stormwater discharge facilities located at SR 9 MP 18.71. No other entities related to parcel 00590700006701 such as a Homeowners Association shall have access rights to or from SR 9.

Exhibit D
GMB 1117
Page 12 of 26

Exhibit 'A'
S1-19-12
Special Provisions for
Permits and Franchises
Page 4 of 4

Vicinity Map

S1-19-12 Hunter's Landing SR 9 MP 18.71

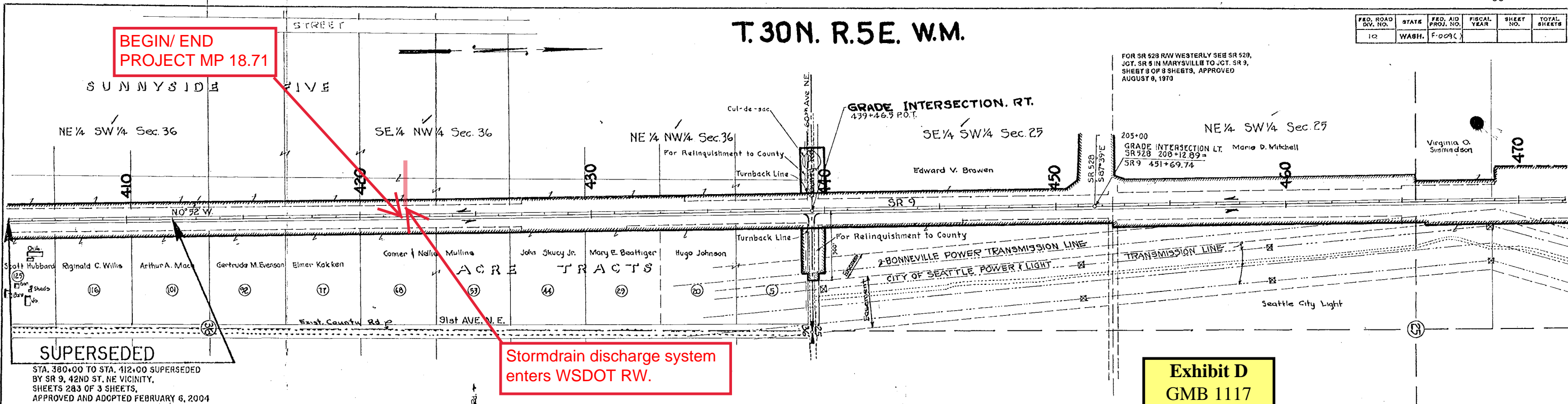


FED. ROAD DIV. NO.	STATE	FED. AID PROJ. NO.	FISCAL YEAR	SHEET NO.	TOTAL SHEETS
10	WASH.	F-009(C)			

T. 30N. R. 5E. W.M.

BEGIN/ END PROJECT MP 18.71

FOR SR 528 RW WESTERLY SEE SR 528, JCT. SR 9 IN MARYSVILLE TO JCT. SR 3, SHEET 8 OF 8 SHEETS, APPROVED AUGUST 8, 1970



SUPERSEDED

STA. 380+00 TO STA. 412+00 SUPERSEDED BY SR 9, 42ND ST. NE VICINITY, SHEETS 283 OF 3 SHEETS, APPROVED AND ADOPTED FEBRUARY 6, 2004

Stormdrain discharge system enters WSDOT RW.

Exhibit D
GMB 1117
Page 15 of 26

SUPERSEDED

STATION 476+00 TO STATION 519+50+ SUPERSEDED BY SR 9, LAKE STEVENS TO ARLINGTON, SHEETS 8 AND 9 OF 21 SHEETS, APPROVED APRIL 5, 1955.

T. 30N. R. 5E. W.M.

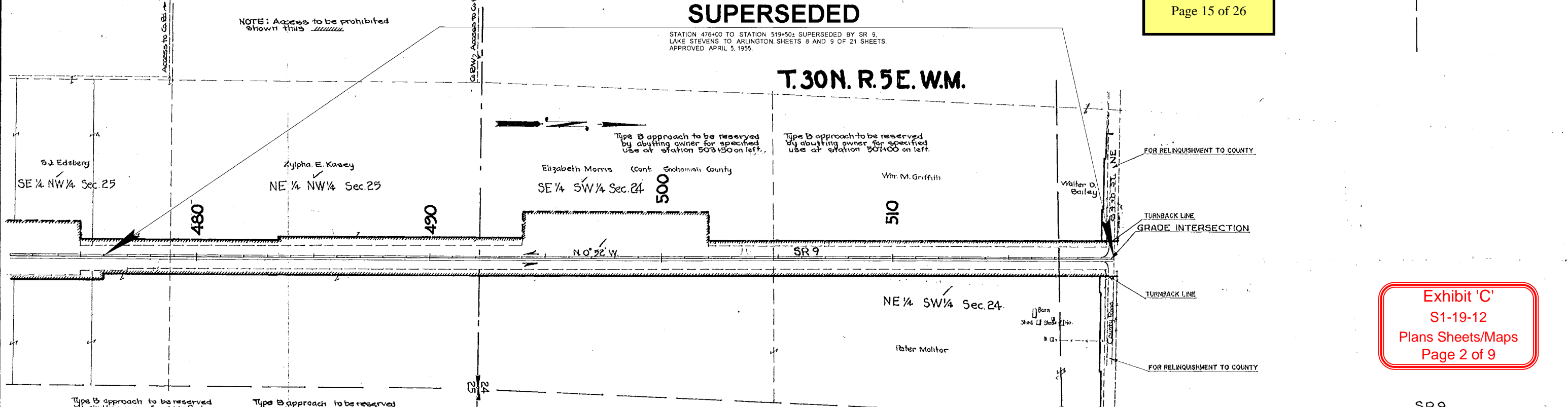


Exhibit 'C'
S1-19-12
Plans Sheets/Maps
Page 2 of 9

- No. 5 This approach is to be used for the operation, maintenance and repair of the utility specified. The approach shall not exceed 20 feet in width.
- No. 6 At such time as SR 528 is constructed, this approach shall be removed.
- No. 7 This approach is to be used for the operation of a tree farm or tree farms including the removal of raw forest products therefrom and may not be used for retail marketing. The approach shall not exceed 30 feet in width.

Type C approach is an Off and On approach in legal manner, for special purpose and width to be agreed upon. It may be specified at a point satisfactory to the State at or between designated highway stations.

No. 21. The privilege of access to areas within the right of way is permitted from outside the right of way to the user designated, solely for use authorized by and subject to the conditions of the Franchise, Permit, or Agreement specified. No Access will be allowed to the traveled highway lanes or ramps.

CITY OF MARYSVILLE	422+22 & 427+85 LT. (Maintenance Agreement GMB 1117)	21
CITY OF MARYSVILLE	446+40 Lt. - Permit No. Everett 3581	C-5-9 X
CITY OF MARYSVILLE	418+80 Lt. - Permit No. Everett 3009	Temporary C-1-9
SPECIFIED USER	STATION ON ROADWAY	TYPE
ACCESS APPROACH SCHEDULE		

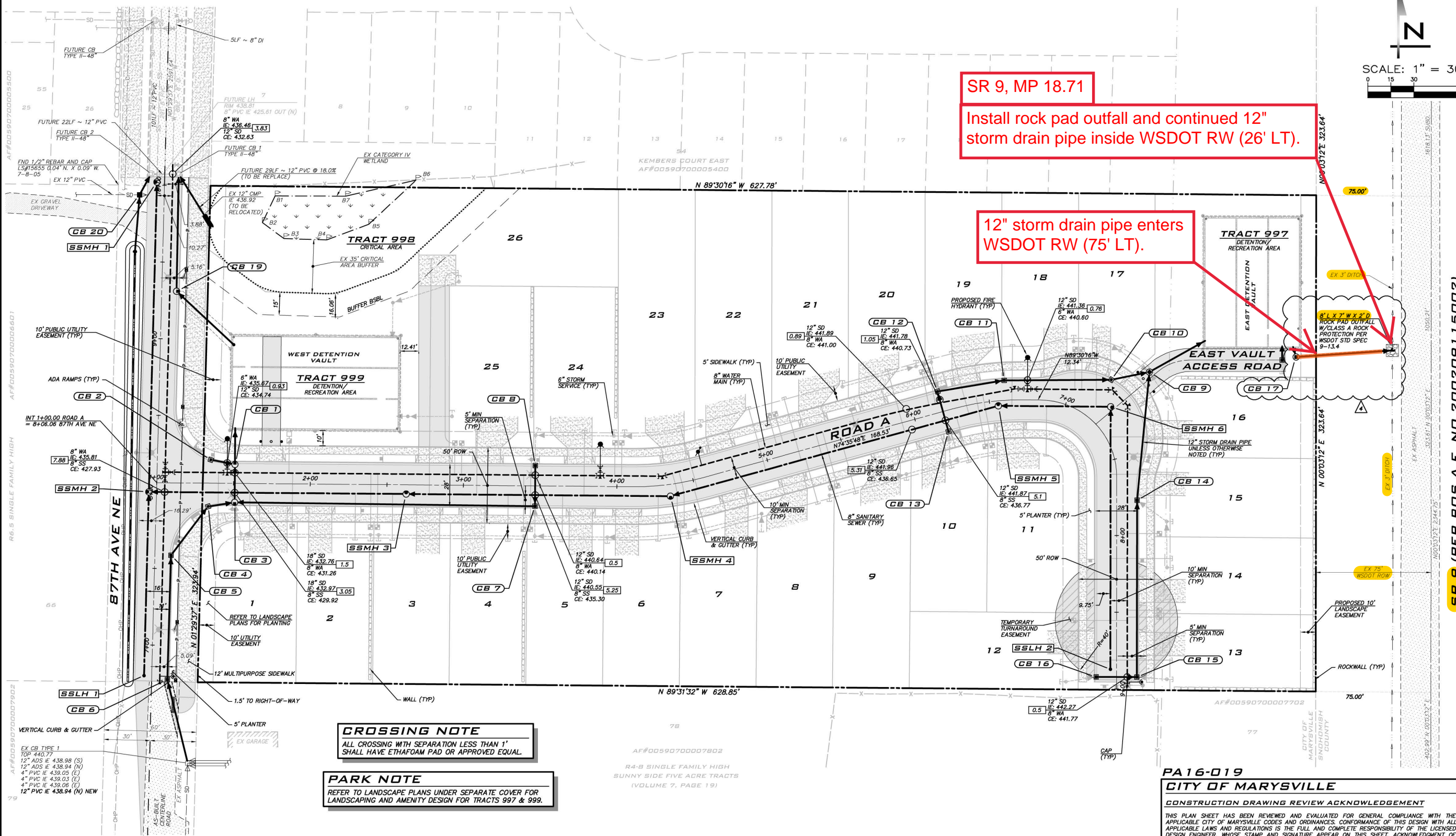
LETTER	DATE	DESCRIPTION	BY
Letter 2-8-13	3-21-13	Superseded Plan Sta 476+00 to 519+50+	STW
Letter 1-13-04	2-13-04	Superseded Plan Sta. 405+00 to 412+00	STW
Letter 11-13-91	1-31-92	Added Turnback Lines, Noted areas for Relinquishment, Rev. RW (LIA)	JTD
Letter 4-28-81	6-5-81	Added Type C-5-9* approach 446+40 Lt. - Permit No. Everett 3581	RLS
Comm. Res. No. 2193	10-28-17	Deleted temp. Type C-1-9 approach Sta. 413+80 Lt.	RLS
Comm. Res. No. 2237	7-1-18	Added temp. Type C-1-9 approach 418+80 Lt. - Permit No. Everett 3009	RLS
Comm. Res. No. 2237	8-6-70	Added 439+463 grade structure over SR 9 at Sta. 413+80 Lt. rev. RW (LIA), add point.	TS
AUTHORITY	DATE	SUBSEQUENT APPROVAL	BY



SR 9
~~SECONDARY STATE HIGHWAY NO. 1A~~
LAKE STEVENS TO ARLINGTON
PLAN SHOWING ACCESS
SNOHOMISH COUNTY
WASHINGTON STATE HIGHWAY COMMISSION
DEPARTMENT OF HIGHWAYS
OLYMPIA, WASHINGTON
R. A. Meisio, Chairman
E. C. Hensley, Member H. E. Moran, Member
R. B. Hesser, Member Oscar E. Spore, Member

SCALE: 1 inch = 200 FEET
APPROVED: MARCH 1, 1955

SHEET 2 OF 6 SHEETS
Established by Commission Resolution No. 224 March 22, 1955

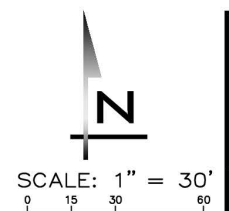


SR 9, MP 18.71
 Install rock pad outfall and continued 12" storm drain pipe inside WSDOT RW (26' LT).

12" storm drain pipe enters WSDOT RW (75' LT).

CROSSING NOTE
 ALL CROSSING WITH SEPARATION LESS THAN 1' SHALL HAVE ETHAFOAM PAD OR APPROVED EQUAL.

PARK NOTE
 REFER TO LANDSCAPE PLANS UNDER SEPARATE COVER FOR LANDSCAPING AND AMENITY DESIGN FOR TRACTS 997 & 999.



BLUELINE

25 CENTRAL WAY, SUITE 400,
 KIRKLAND, WA 98033
 P: 425.216.4051 F: 425.216.4052
 WWW.THEBLUENEGROUP.COM

SCALE:
 AS NOTED

PROJECT MANAGER:
 BRETT K PUDISTS, PE

PROJECT ENGINEER:
 YANNICK METS, PE

DESIGNER:
 DOMINIQUE GABALDON

ISSUE DATE:
 5/9/2019

NO	DATE	BY	REVISIONS
1	12/12/18	DWG	REVISED PER CITY & WSDOT COMMENTS
2	3/9/19	DWG	UPDATED PER MEMBERS COURT JUDICIAL ELEVATIONS
3	3/28/19	CHK	ELIMINATED CE IN WSDOT ROW & UPDATED ROCK PROTECTION @ OUTFALL
4	5/9/19	CHK	ADD ROCK PAD OUTFALL DIMENSIONS

SR 9 (PER ROS A.F. NO.200209115002)

COMPOSITE UTILITY PLAN
HUNTERS LANDING
 SITE DEVELOPMENT PLANS
 PARCEL# 00590700006701
 CITY OF MARYSVILLE WASHINGTON

PA16-019
CITY OF MARYSVILLE

CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT

THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. CONFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER, WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRED OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, WSDOT HYDRAULIC PROJECT APPROVAL (HPA), WSDOT NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT.

THIS _____ DAY OF _____, 201__.

BY:
 DOUGLAS VAN GELDER, PE, ENGINEERING SERVICES MANAGER

THESE APPROVED CONSTRUCTION PLANS EXPIRE AFTER PERIOD OF 18 MONTHS FROM THE DATE OF SIGNATURE SHOWN ABOVE, PER MMC 22A.040.020 AND 22A.040.030.

UNDERGROUND UTILITY NOTE

UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES, TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL. THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON811.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

Exhibit D GMB 1117 Page 16 of 26

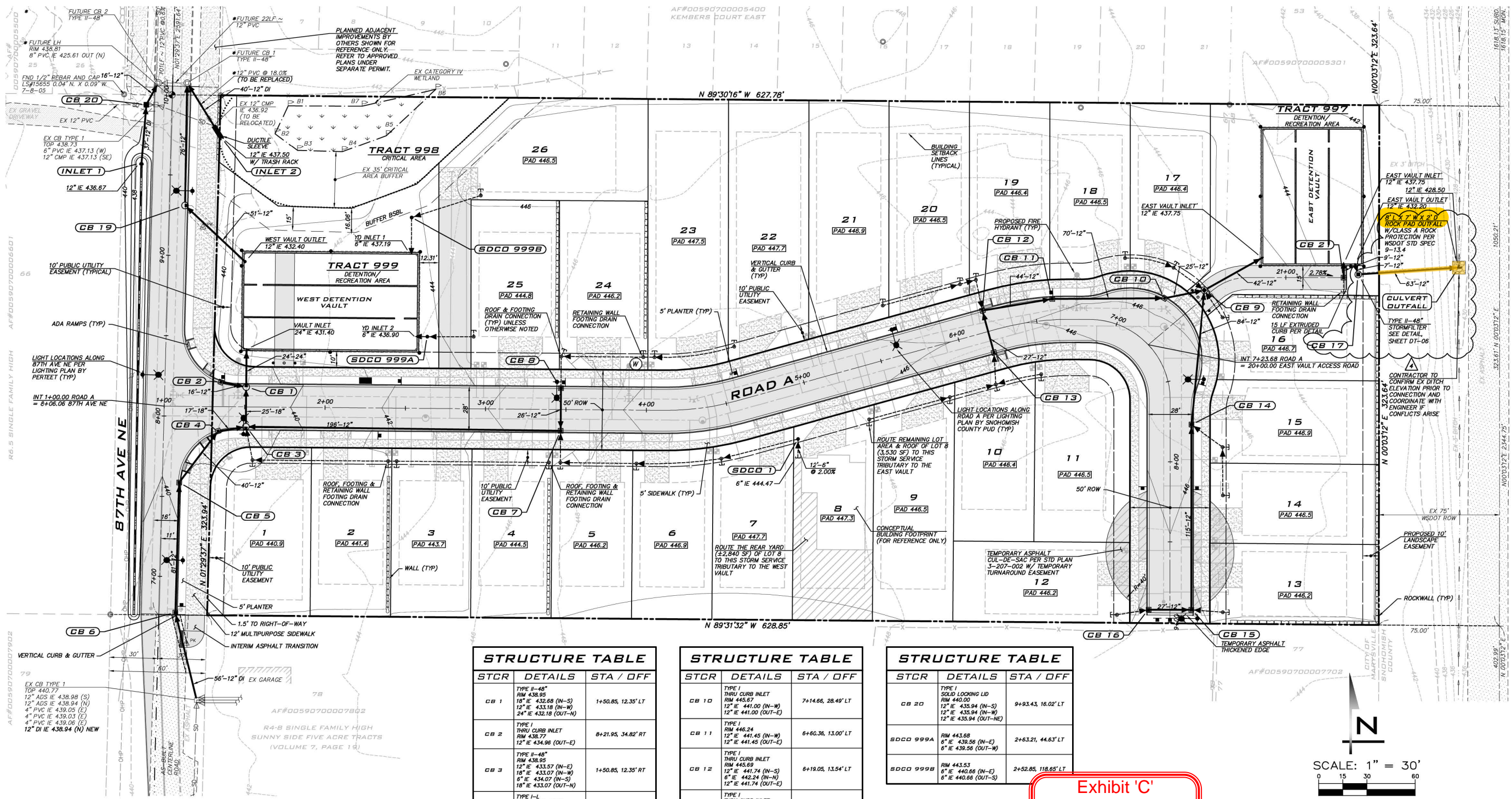
Exhibit 'C'
 S1-19-12
 Plans Sheets/Maps
 Page 3 of 9

5/9/19

JOB NUMBER:
17-114

SHEET NAME:
GU-01

SHT **8** OF **29**



YARD DRAINS			YARD DRAINS		
LOT	RIM	IE	LOT	RIM	IE
SDCC 1	447.49	444.23	YD 15	446.81	442.40
YD 1	439.87	436.41	YD 16	446.50	443.13
YD 2	441.99	439.48	YD 17	446.38	442.48
YD 3	442.53	439.68	YD 18	446.48	443.10
YD 4	445.79	441.58	YD 19	446.38	442.63
YD 5	446.01	444.00	YD 20	446.42	442.84
YD 6	446.69	442.43	YD 21	446.72	443.63
YD 7	447.59	443.49	YD 22	447.65	443.77
YD 8	447.93	444.45	YD 23	447.11	442.74
YD 9	446.44	443.41	YD 24	446.57	441.58
YD 10	446.37	442.82	YD 24W	446.50	442.60
YD 11	446.43	443.40	YD 25	444.67	440.25
YD 12	446.11	442.50	YD 26	446.37	442.87
YD 13	446.06	442.43			
YD 14	446.53	443.00			

STRUCTURE TABLE		
STCR	DETAILS	STA / OFF
CB 1	TYPE II-48" THRU CURB INLET RIM 438.95 18" IE 432.68 (N-S) 12" IE 433.18 (N-W) 24" IE 432.18 (OUT-N)	1+50.85, 12.35' LT
CB 2	TYPE I THRU CURB INLET RIM 438.77 12" IE 434.96 (OUT-E)	8+21.95, 34.82' RT
CB 3	TYPE II-48" THRU CURB INLET RIM 438.95 12" IE 433.57 (N-E) 18" IE 433.07 (N-W) 6" IE 434.07 (N-S) 18" IE 433.07 (OUT-N)	1+50.85, 12.35' RT
CB 4	TYPE I-L THRU CURB INLET RIM 438.77 12" IE 435.28 (N-SW) 18" IE 434.78 (OUT-E)	7+91.47, 33.89' RT
CB 5	TYPE I THRU CURB INLET RIM 439.82 12" IE 441.01 (N-S) 12" IE 435.81 (OUT-NE)	7+58.85, 10.54' RT
CB 6	TYPE I THRU CURB INLET RIM 440.48 12" IE 438.43 (N-S) 12" IE 438.43 (OUT-N)	6+77.75, 10.25' RT
CB 7	TYPE I THRU CURB INLET RIM 444.83 6" IE 440.51 (N-N) 12" IE 440.09 (N-S) 12" IE 440.51 (OUT-W)	3+46.77, 13.25' RT
CB 8	TYPE I THRU CURB INLET RIM 444.83 6" IE 441.18 (N-N) 12" IE 440.68 (OUT-S)	3+46.77, 13.25' LT
CB 9	TYPE II-48" SOLID LOOKING LID RIM 445.76 12" IE 438.50 (N-W) 12" IE 440.80 (N-S) 6" IE 442.00 (N-W) 6" IE 442.00 (N-S) 12" IE 438.50 (OUT-NE)	20+48.58, 3.42' LT

STRUCTURE TABLE		
STCR	DETAILS	STA / OFF
CB 10	TYPE I THRU CURB INLET RIM 445.61 12" IE 441.00 (N-W) 12" IE 441.00 (OUT-E)	7+14.86, 28.49' LT
CB 11	TYPE I THRU CURB INLET RIM 446.24 12" IE 441.48 (N-W) 12" IE 441.45 (OUT-E)	6+60.36, 13.00' LT
CB 12	TYPE I THRU CURB INLET RIM 445.69 12" IE 441.74 (N-S) 6" IE 442.24 (N-N) 12" IE 441.74 (OUT-E)	6+19.05, 13.54' LT
CB 13	TYPE I THRU CURB INLET RIM 445.69 6" IE 442.42 (N-S) 12" IE 441.92 (OUT-N)	6+19.05, 13.54' RT
CB 14	TYPE I THRU CURB INLET RIM 446.18 12" IE 441.48 (N-S) 6" IE 441.98 (N-SE) 12" IE 441.48 (OUT-N)	7+78.83, 13.25' LT
CB 15	TYPE I THRU CURB INLET RIM 445.40 12" IE 442.23 (N-W) 6" IE 442.73 (N-E) 12" IE 442.23 (OUT-N)	8+92.24, 13.25' LT
CB 16	TYPE I THRU CURB INLET RIM 445.40 6" IE 442.90 (N-W) 12" IE 442.40 (OUT-E)	8+92.24, 13.25' RT
CB 17	TYPE II-48" STORMFILTER RIM 433.00 12" IE 432.12 (N-N) 12" IE 429.07 (OUT-E)	21+45.00, 2.00' LT
CB 19	TYPE II-48" THRU CURB INLET RIM 438.40 12" IE 432.10 (N-N) 6" IE 431.88 (N-E) 6" IE 431.88 (N-SE) 12" IE 432.10 (OUT-N)	9+31.20, 9.64' RT

STRUCTURE TABLE		
STCR	DETAILS	STA / OFF
CB 20	TYPE I SOLID LOOKING LID RIM 440.00 12" IE 435.94 (N-S) 12" IE 435.94 (N-W) 12" IE 435.94 (OUT-NE)	9+93.43, 16.02' LT
SDCC 999A	RIM 443.68 6" IE 439.56 (N-E) 6" IE 439.56 (OUT-W)	2+63.21, 44.63' LT
SDCC 999B	RIM 443.53 6" IE 440.68 (N-E) 6" IE 440.68 (OUT-S)	2+52.85, 118.65' LT

Exhibit 'C'
S1-19-12
Plans Sheets/Maps
Page 4 of 9

NOTE
SEE SHEET AL-01 FOR SIGNAGE AND CHANNELIZATION (87TH AVE NE).

***ADJACENT IMPROVEMENTS NOTE**
PLANNED ADJACENT IMPROVEMENTS BY OTHERS ARE SHOWN ON THESE PLANS FOR REFERENCE ONLY. AS-BUILT ELEVATIONS WERE PROVIDED FOR FUTURE CB 1 & 2 AND SEWER CONNECTION BY APPLICANT'S SURVEYOR (PCS). CONTRACTOR TO CONFIRM ELEVATIONS OF IMPROVEMENTS INSTALLED BY OTHERS PRIOR TO CONSTRUCTION & COORDINATE WITH ENGINEER IF CONFLICTS ARISE.

VAULT WATER SURFACE
DESIGN WATER SURFACE OF THE WEST VAULT IS CALCULATED TO BE 437.90. RIMS OF STORM STRUCTURES CONNECTING TO THE WEST VAULT ARE DESIGNED TO BE 438.70 OR ABOVE. FOOTING DRAINS CONNECTING TO THE WEST VAULT SHALL BE ABOVE 439.0.
DESIGN WATER SURFACE OF THE EAST VAULT IS CALCULATED TO BE 439.50. RIMS OF STORM STRUCTURES CONNECTING TO THE EAST VAULT ARE DESIGNED TO BE 445.40 OR ABOVE. FOOTING DRAINS CONNECTING TO THE EAST VAULT SHALL BE ABOVE 441.00.


PA16-019
CITY OF MARYSVILLE

CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT
THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. CONFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER, WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRED OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, WSDFW HYDRAULIC PROJECT APPROVAL (HPA), WSDOE NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT.
THIS _____ DAY OF _____, 201____.
BY: DOUGLAS VAN GELDER, PE, ENGINEERING SERVICES MANAGER

UNDERGROUND UTILITY NOTE
UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES, TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL. THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON11.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

Exhibit D GMB 1117 Page 17 of 26

Item 5 - 50



BLUELINE

25 CENTRAL WAY, SUITE 400,
KIRKLAND, WA 98033
P: 425.216.4091 F: 425.216.4052
WWW.THEBLUELINEGROUP.COM

SCALE: AS NOTED

PROJECT MANAGER:
BRETT K. PUISTIS, PE

PROJECT ENGINEER:
YANNICK METS, PE

DESIGNER:
DOMINIQUE GABALDON

ISSUE DATE:
5/9/2019

NO	DATE	BY	REVISIONS
1	12/12/18	DWG	REVISED PER CITY & WSDOT COMMENTS
2	3/9/19	DWG	REVISED PER MEMBERS COURT ASBUILT ELEVATIONS
3	3/28/19	CHK	ELIMINATED CB IN WSDOT ROW & UPDATED ROCK PROTECTION @ OUTFALL
4	5/9/19	CHK	ADD ROCK PAD OUTFALL DIMENSIONS


ROAD & STORM PLAN

HUNTERS LANDING

SITE DEVELOPMENT PLANS

PARCEL# 00590700006701

CITY OF MARYSVILLE WASHINGTON



5/9/19

JOB NUMBER:
17-114

SHEET NAME:
RS-01

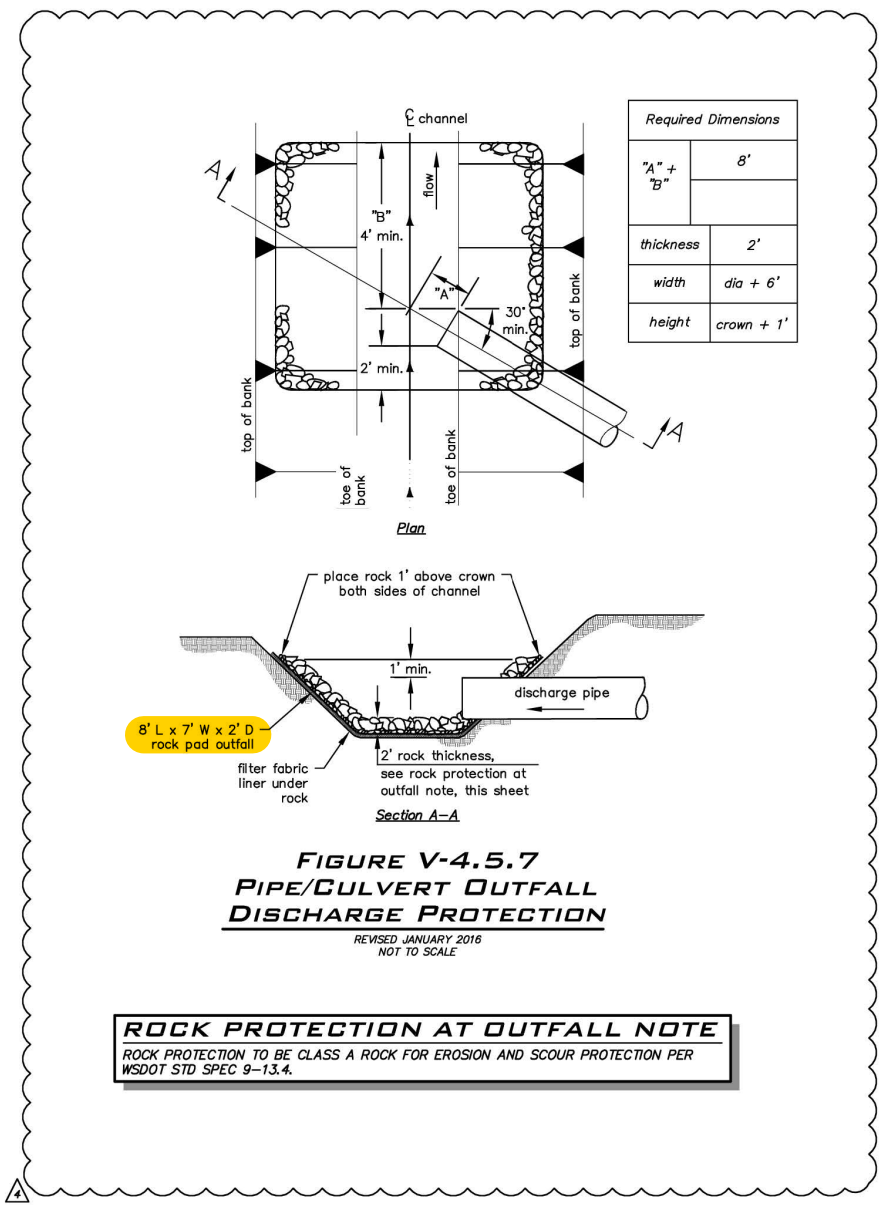
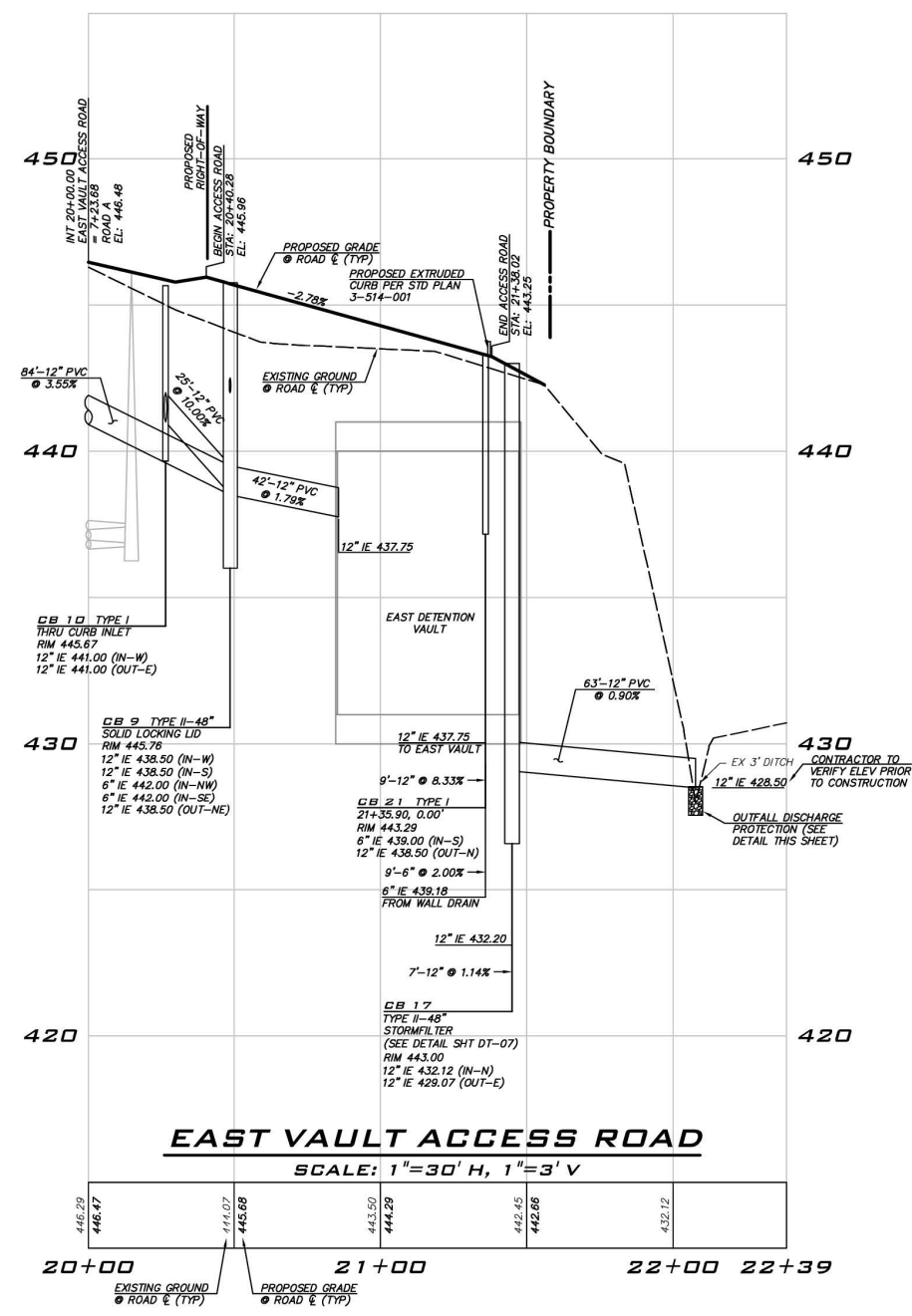
SHT **9** OF **29**



BLUELINE
 25 CENTRAL WAY, SUITE 400,
 KIRKLAND, WA 98033
 P: 425.216.4051 F: 425.216.4052
 WWW.THEBLUELINEGROUP.COM

SCALE:
 AS NOTED
 PROJECT MANAGER:
 BRETT K PUDISTS, PE
 PROJECT ENGINEER:
 YANNICK METS, PE
 DESIGNER:
 DOMINIQUE GABALDON
 ISSUE DATE:
 5/9/2019

NO	DATE	BY	REVISIONS
1	12/12/16	DAG	REVISED PER CITY & WSDOT COMMENTS
2	3/9/19	DAG	UPDATED PER MEMBERS COURT JUDICIAL ELEVATIONS
3	3/28/19	MMK	ELIMATED C&I IN WSDOT ROW & UPDATED ROCK PROTECTION @ OUTFALL
4	5/9/19	MM	ADD ROCK PAD OUTFALL DIMENSIONS



ROCK PROTECTION AT OUTFALL NOTE
 ROCK PROTECTION TO BE CLASS A ROCK FOR EROSION AND SCOUR PROTECTION PER WSDOT STD SPEC 9-13.4.


PA16-019
CITY OF MARYSVILLE
CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT
 THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. CONFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER, WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRED OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, WSDFW HYDRAULIC PROJECT APPROVAL (HPA), WSDOE NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT.
 THIS _____ DAY OF _____, 201_____
 BY:
 DOUGLAS VAN GELDER, PE, ENGINEERING SERVICES MANAGER
 THESE APPROVED CONSTRUCTION PLANS EXPIRE AFTER PERIOD OF 18 MONTHS FROM THE DATE OF SIGNATURE SHOWN ABOVE, PER MMC 22A.040.020 AND 22A.040.030.

Exhibit D
GMB 1117
 Page 18 of 26

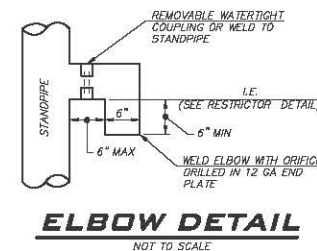
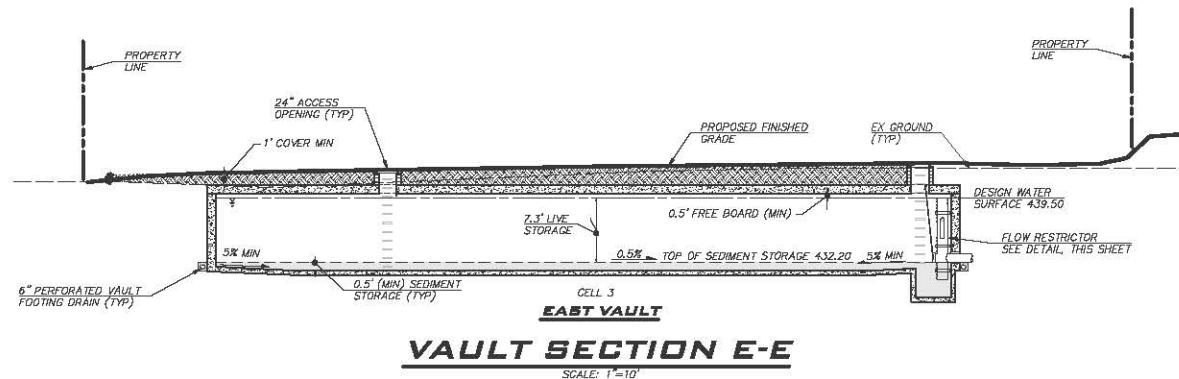
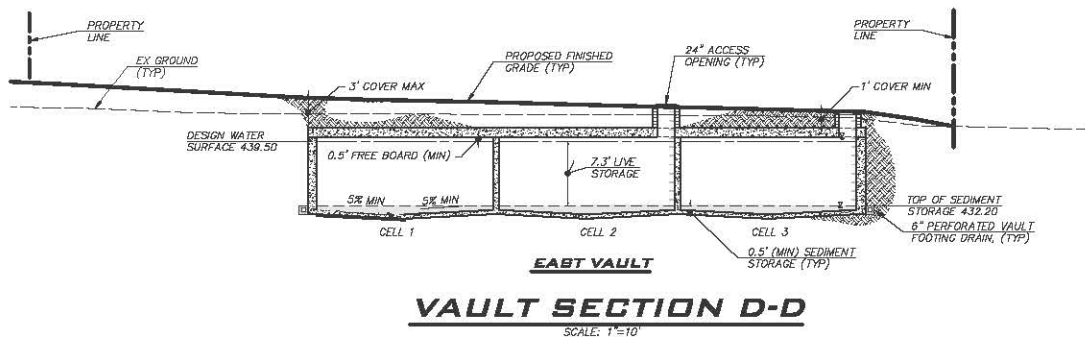
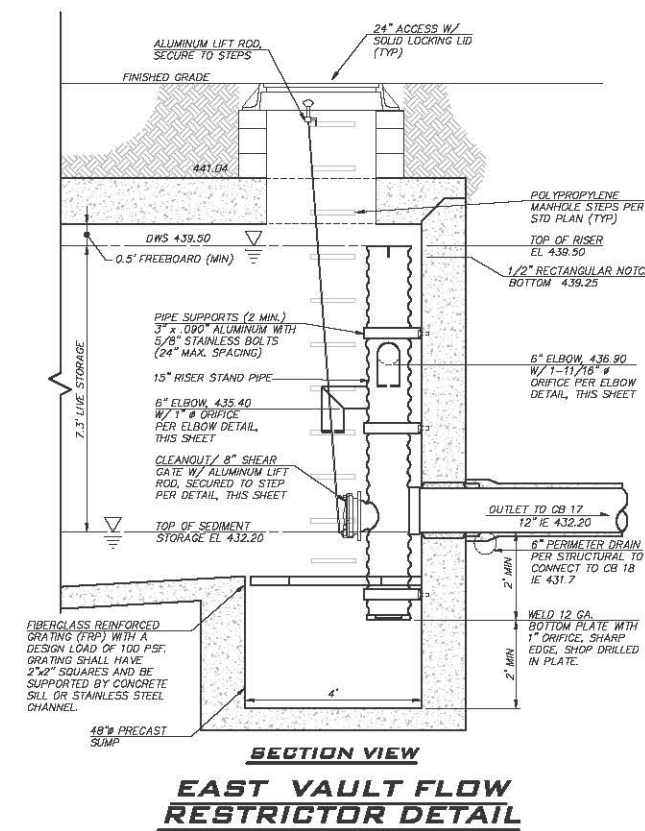
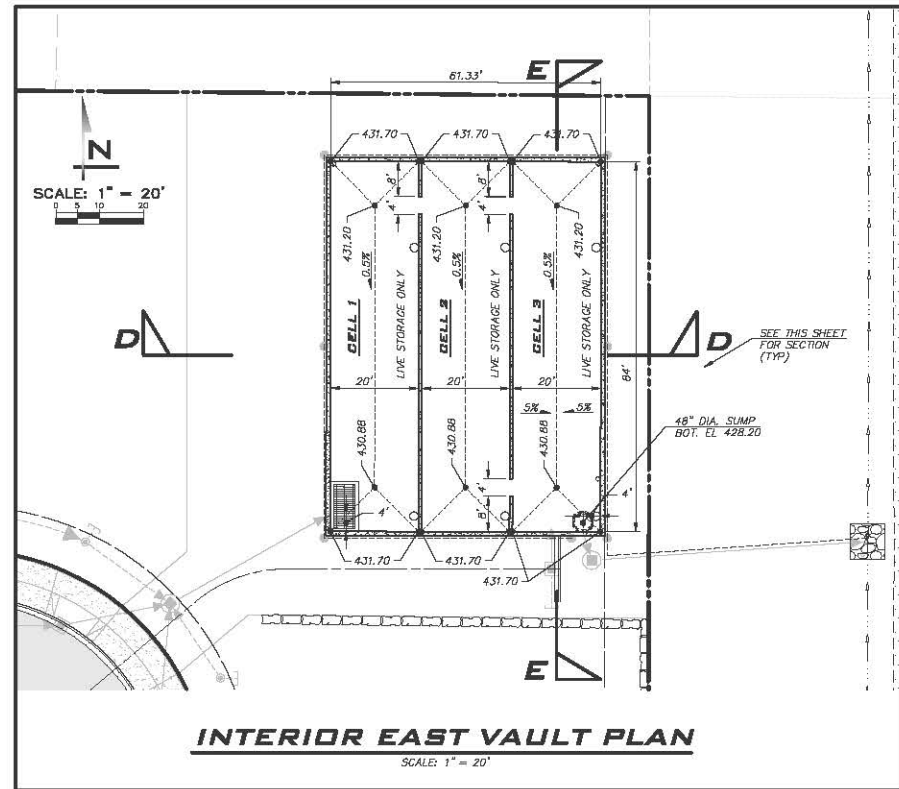
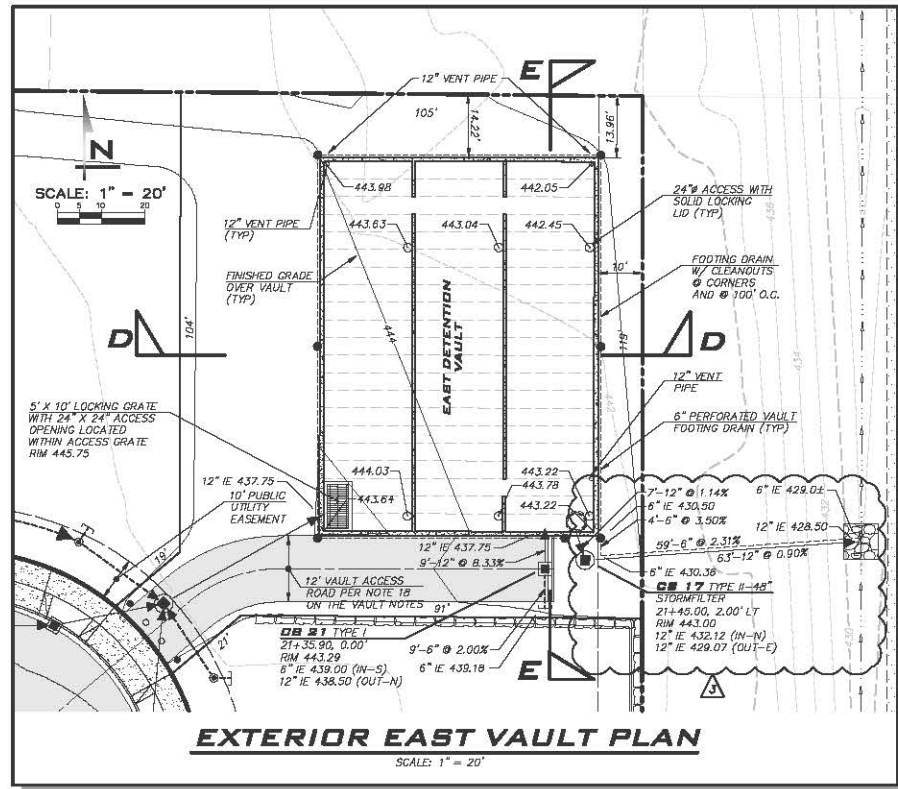
Exhibit 'C'
S1-19-12
Plans Sheets/Maps
 Page 5 of 9

UNDERGROUND UTILITY NOTE
 UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES, TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL. THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON11.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

ROAD & STORM PROFILE
HUNTERS LANDING
SITE DEVELOPMENT PLANS
 PARCEL# 00590700006701
 WASHINGTON
 CITY OF MARYSVILLE



5/9/19
 JOB NUMBER:
17-114
 SHEET NAME:
RP-02
 SHT 11 OF 29



VAULT NOTES

- DIMENSIONS DEPICTING OVERALL SIZE OF VAULT ARE FOR REFERENCE ONLY. SEE STRUCTURAL PLANS FOR TOTAL LENGTH, WIDTH, HEIGHT AND WALL THICKNESS DESIGN, AS WELL AS LOCATIONS FOR ALL MAINTENANCE ACCESS POINTS AND PROPOSED PENETRATIONS.
- SEE COM STD PLAN 4-080-023 FOR LOOKING MANHOLE COVER DETAIL.
- SEE COM STD PLAN 4-080-022 FOR LOOKING MANHOLE FRAME DETAIL.
- SEE COM STD PLAN 4-040-003 FOR PROP-T SHEAR GATE DETAIL.
- JOINTS AND PENETRATIONS IN VAULT AND LID TO BE WATER TIGHT. PROVIDE WATERSTOPS IN CAST IN PLACE JOINTS.
- ALL WATERSTOPS TO BE INSTALLED PER PLAN AND SPECIFICATION AND TO BE INSPECTED BY CITY.
- PIPES SEALED WITH GROUT.
- VENTILATION PIPES (MIN 12 INCH DIAMETER) PROVIDED AT CORNERS VENT PIPE SHALL BE SCHEDULE 40 PVC OR BETTER AND SHALL HAVE LOCKING DUCTILE IRON RINGS AND LIDS.
- WALL DRAINS TO BE CONSTRUCTED OF A MINIMUM 6-INCH PERFORATED PVC PIPE SURROUNDED BY 6" MIN THICK WASHED ROCK (ALL SIDES) UNLESS OTHERWISE NOTED BY STRUCTURAL ENGINEER. DRAIN TO BE LOCATED AT THE WALL BASE, SHALL INCLUDE CLEANOUT AT ALL CORNERS, AND SHALL GRAVITY FLOW TO DISCHARGE POINT. NO ONE-WAY VALVES ALLOWED. DRAINS TO BE INSTALLED AT ELEVATION SHOWN. CONNECT PERFORATED DRAIN TO A 6" SOLID WALL PVC AT 2% MIN. SLOPE DIRECTED TO DOWNSTREAM CATCH BASIN. INSTALL CLEANOUT AT BENDS TOTALING 90° AND AT 100' MAX O.C.
- ACCESS OPENINGS TO HAVE OSHA CONFINED SPACE WARNING.
- PIPE SIZES AND SLOPES: PER PLANS.
- FINISHED GRADE OVER VAULT TO BE PER PLAN.
- VAULT EXCAVATION TO BE FENCED AND SECURED BY CONTRACTOR. SAFETY FENCING, SHORING, EXCAVATION SAFETY, AND OTHER SAFETY ITEMS ARE THE RESPONSIBILITY OF THE CONTRACTOR. ALL ACCESS TO HAVE SECURE COVERING DURING CONSTRUCTION.
- THE CONTRACTOR AND HIS SUBCONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSION AND ELEVATIONS SHOWN ON THESE DRAWINGS WITH THE CURRENT PERMITTED SET OF STRUCTURAL DRAWINGS, AND SHALL NOTIFY BOTH THE STRUCTURAL & CIVIL ENGINEERS IN WRITING OF ALL DISCREPANCIES BETWEEN THE CIVIL DRAWINGS AND THESE DRAWINGS TO CONSTRUCTION.
- CONCRETE FINISH TO BE SMOOTH WITH NO FINIS, VOIDS, ROCK POCKETS, OR OTHER IRREGULARITIES.
- CONE SNAP TIES ARE REQUIRED FOR FORMWORK AND EPOXY GROUT SEALED AT ALL INTERIOR AND EXTERIOR WALL SURFACES. NO FLAT TIES ALLOWED.
- PER THE 2014 SMMVM, ALL VAULTS SHALL BE DESIGNED FOR H 20 LOADING. THE WEST VAULT SHALL BE DESIGNED TO SUPPORT VACTOR TRUCK LOADING.
- MINIMUM AND MAXIMUM GRADES OVER VAULT AS SHOWN. FOOTING DRAIN ELEVATIONS ARE PROVIDED FOR REFERENCE.

**PA16-019
CITY OF MARYSVILLE**

CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT

THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. PERFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER, WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRED OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS AND AUTHORIZATIONS WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, WSDFW HYDRAULIC PROJECT APPROVAL (HPA), WSDOE NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT.

THIS _____ DAY OF _____, 201____.

BY: DOUGLAS VAN GELDER, PE, ENGINEERING SERVICES MANAGER

THESE APPROVED CONSTRUCTION PLANS EXPIRE AFTER PERIOD OF 18 MONTHS FROM THE DATE OF SIGNATURE SHOWN ABOVE; PER MMC 22A.040.020 AND 22A.040.030.

**Exhibit D
GMB 1117
Page 19 of 26**

**Exhibit 'C'
S1-19-12
Plans Sheets/Maps
Page 6 of 9**

	LIVE STORAGE (CF)			RELEASE RATE (CF/S)		
	REQUIRED	DESIGNED	ASBUILT	REQUIRED	DESIGNED	ASBUILT
2 YR	16,466	16,874		0.0924	0.0592	
50 YR	23,427	24,021		0.1798	0.1103	
50 YR	26,746	27,423		0.2796	0.1750	

UNDERGROUND UTILITY NOTE

UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES, TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL. THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON811.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

BLUELINE
28 CENTRAL WAY, SUITE 400,
KIRKLAND, WA 98033
P: 425.218.4091 F: 425.218.4092
WWW.THEBLUENEGROUP.COM

SCALE: AS NOTED
PROJECT MANAGER: BRETT K PUDISTS, PE
PROJECT ENGINEER: YANNICK METS, PE
DESIGNER: DOMINIQUE GABALDON
ISSUE DATE: 3/28/2018

NO	DATE	BY	REVISIONS
1	12/11/19	DOG	REVISED PER CITY & MSDOT COMMENTS
2	3/9/19	DOG	UPDATED PER MEMBERS COURT ASBUILT ELEVATIONS
3	3/28/19	RNK	ELIMINATED CE IN MSDOT ROW

EAST VAULT PLANS & SECTIONS
HUNTERS LANDING
SITE DEVELOPMENT PLANS
PARCEL# 00590700006701
CITY OF MARYSVILLE WASHINGTON

3/28/19
JOB NUMBER: 17-114
SHEET NAME: VT-02
SHT 18 OF 29

3/28/2019 10:41:51 AM User: nkrumova
E:\Projects\17114\19\DOCS\VT02\17114VT.dwg
© 2019 THE BLUENEGROUP



BLUELINE

28 CENTRAL WAY, SUITE 400,
KIRKLAND, WA 98033
P: 425.219.4001 F: 425.219.4002
WWW.THEBLUELINEGROUP.COM

SCALE:
AS NOTED

PROJECT MANAGER:
BRETT K PUDISTS, PE


PROJECT ENGINEER:
YANNICK METS, PE

DESIGNER:
DOMINIQUE GABALDON

ISSUE DATE:
3/28/2018

NO	DATE	BY	REVISIONS
1	12/11/16	DDG	REVISED PER CITY & WSDOT COMMENTS
2	3/9/19	DDG	UPDATED PER MEMBERS COURT ASBULE ELEVATIONS
3	3/28/19	RNK	ELIMINATED CIP IN WSDOT ROW

STORMFILTER NOTES & DETAIL
HUNTERS LANDING
SITE DEVELOPMENT PLANS
 PARCEL# 00590700006701
WASHINGTON
CITY OF MARYSVILLE

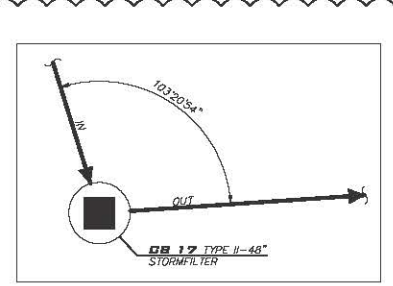


3/28/19

JOB NUMBER:
17-114

SHEET NAME:
DT-07

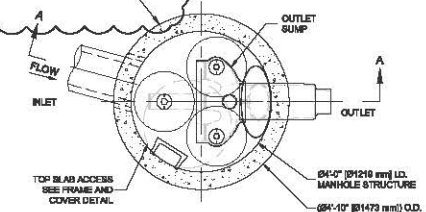
SHT **25** OF **29**



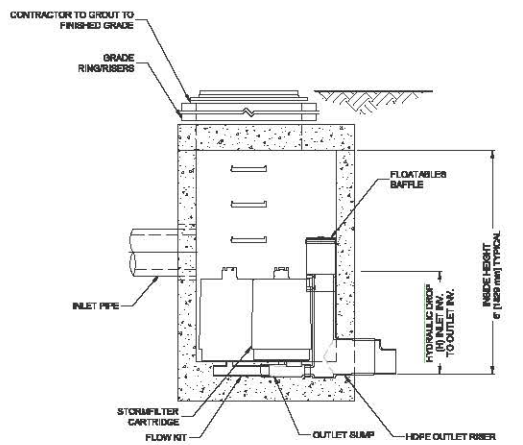
CB 17 TYPE II-48" STORMFILTER

CB 17 DETAIL
NOT TO SCALE

PIPE IN AND OUT IS SCHEMATIC. SEE CB 17 DETAIL AT RIGHT



PLAN VIEW
STANDARD OUTLET RISER
FLOWKIT: 40A



SECTION A-A

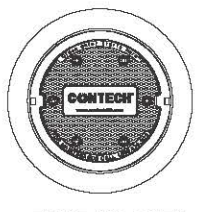
STORMFILTER DESIGN NOTES

STORMFILTER TREATMENT CAPACITY IS A FUNCTION OF THE CARTRIDGE SELECTION AND THE NUMBER OF CARTRIDGES. THE STANDARD MANHOLE STYLE IS SHOWN WITH THE MAXIMUM NUMBER OF CARTRIDGES (3). VOLUME SYSTEM IS ALSO AVAILABLE WITH MAXIMUM 3 CARTRIDGES. 34" (1219 mm) MANHOLE STORMFILTER PEAK HYDRAULIC CAPACITY IS 1.0 CFS (28.3 L/s). IF THE SITE CONDITIONS EXCEED 1.0 CFS (28.3 L/s) AN UPSTREAM BYPASS STRUCTURE IS REQUIRED.

CARTRIDGE SELECTION	27" (686 mm)	18" (457 mm)	LOW DROPT
RECOMMENDED HYDRAULIC DROPT (in)	3.00 (76.2 mm)	2.0 (50.8 mm)	1.0 (25.4 mm)
SPECIFIC FLOW RATE (gpm/ft ²) (L/min/m ²)	2 (1.36)	1.67 (1.28)	1 (0.76)
CARTRIDGE FLOW RATE (gpm) (L/min)	22.5 (1.42)	18.9 (1.18)	11.25 (0.71)
	18 (0.98)	12.25 (0.76)	7.5 (0.48)
	10 (0.63)	8.33 (0.54)	5 (0.32)

* 1.47 gpm/ft² (1.08 L/min/m²) SPECIFIC FLOW RATE IS APPROVED WITH PHOSPHORUS (P) MEDIA ONLY.

FRAME AND COVER
(DIAMETER VARIES)
N.T.S.



SITE SPECIFIC DATA REQUIREMENTS

STRUCTURE ID	CB 17
WATER QUALITY FLOW RATE (cfs) (L/s)	0.02
PEAK FLOW RATE (cfs) (L/s)	0.01
RETURN PERIOD OF PEAK FLOW (yr)	100
CARTRIDGE HEIGHT (SEE TABLE ABOVE)	27"
NUMBER OF CARTRIDGES REQUIRED	3
CARTRIDGE FLOW RATE	11.25
MEDIA TYPE (PERLITE, ZPS, P) (P) (P) (P)	ZPS

PIPE DATA	I.E.	MATERIAL	DIAMETER
INLET PIPE #1	482.12	PVC	12"
INLET PIPE #2	*	*	*
OUTLET PIPE	429.07	PVC	10"

FIN ELEVATION: 445.85

ANTI-FLOTATION BALLAST	WIDTH	HEIGHT

NOTES/SPECIAL REQUIREMENTS:
* PER ENGINEER OF RECORD

GENERAL NOTES

- CONTECH TO PROVIDE ALL MATERIALS UNLESS NOTED OTHERWISE.
- DIMENSIONS MARKED WITH () ARE REFERENCE DIMENSIONS. ACTUAL DIMENSIONS MAY VARY.
- FOR SITE SPECIFIC DRAWINGS WITH DETAILED VAULT DIMENSIONS AND WEIGHTS, PLEASE CONTACT YOUR CONTECH ENGINEERED SOLUTIONS LLC REPRESENTATIVE: www.contech.com
- STORMFILTER WATER QUALITY STRUCTURE SHALL BE IN ACCORDANCE WITH ALL DESIGN DATA AND INFORMATION CONTAINED IN THIS DRAWING.
- STRUCTURE SHALL MEET ASHTO HS-20 LOAD RATING, ASSUMING EARTH COVER OF 7'-0" (2134 mm) AND GROUNDWATER ELEVATION AT, OR BELOW, THE OUTLET PIPE INVERT ELEVATION. ENGINEER OF RECORD TO CONFIRM ACTUAL GROUNDWATER ELEVATION. CASTINGS SHALL MEET ASHTO MINE AND BE DARY WITH THE CONTECH LEGS.
- FILTER CARTRIDGES SHALL BE MEDIA-FILLED, PASSIVE, SIPHON-ACTIVATED, RADIAL FLOW, AND SELF-CLEANING. RADIAL MEDIA DEPTH SHALL BE 7-INCHES (178 mm). FILTER MEDIA CONTACT TIME SHALL BE AT LEAST 30 SECONDS.
- SPECIFIC FLOW RATE IS EQUAL TO THE FILTER TREATMENT CAPACITY (gpm) (L/min) DIVIDED BY THE FILTER CONTACT SURFACE AREA (sq ft) (m²).
- STORMFILTER STRUCTURE SHALL BE PRECAST CONCRETE CONFORMING TO ASHTO C-70R AND ASHTO LOAD FACTOR DESIGN METHOD.

INSTALLATION NOTES

- ANY SUB-BASE, BACKFILL, DEPTH, AND/OR ANTI-FLOTATION PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL BE SPECIFIED BY ENGINEER OF RECORD.
- CONTRACTOR TO PROVIDE EQUIPMENT WITH SUFFICIENT LIFTING AND REACH CAPACITY TO LIFT AND SET THE STORMFILTER STRUCTURE.
- CONTRACTOR TO INSTALL JOINT SEALANT BETWEEN ALL STRUCTURE SECTIONS AND ASSEMBLE STRUCTURE.
- CONTRACTOR TO PROVIDE, INSTALL, AND GROUT INLET PIPES.
- CONTRACTOR TO PROVIDE AND INSTALL CONNECTOR TO THE OUTLET RISER BUTL. STORMFILTER EQUIPPED WITH A DUAL DIAMETER HOPE OUTLET STUB AND BAND COLLAR. IF OUTLET PIPE IS LARGER THAN 8 INCHES (203 mm), CONTRACTOR TO REMOVE THE 8 INCH (203 mm) OUTLET STUB AT HOLES IN CUT LINE, COUPLING BY PERIOD OR EQUAL, AND PROVIDED BY CONTRACTOR.
- CONTRACTOR TO TAKE APPROPRIATE MEASURES TO PROTECT CARTRIDGES FROM CONSTRUCTION-RELATED EROSION RUNOFF.

CONTECH
ENGINEERED SOLUTIONS LLC

8085 Centre Pointe Dr., Suite 400, West Chester, OH 45386
800-388-1122 614-846-7002 614-846-7083 FAX

SFMH48
STORMFILTER
STANDARD DETAIL

Exhibit D
GMB 1117
 Page 20 of 26

Exhibit 'C'
S1-19-12
Plans Sheets/Maps
 Page 7 of 9

CITY OF MARYSVILLE

CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT

THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. CONFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER, WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRED OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, WSDOT HYDRAULIC PROJECT APPROVAL (HPA), WSDOT NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT.

THIS _____ DAY OF _____, 201____,

By: DOUGLAS VAN GELDER, PE, ENGINEERING SERVICES MANAGER

THESE APPROVED CONSTRUCTION PLANS EXPIRE AFTER PERIOD OF 18 MONTHS FROM THE DATE OF SIGNATURE SHOWN ABOVE, PER MMC 22A.040.020 AND 22A.040.030.

Item 5.53

PA16-019

CITY OF MARYSVILLE

CONSTRUCTION DRAWING REVIEW ACKNOWLEDGEMENT

THIS PLAN SHEET HAS BEEN REVIEWED AND EVALUATED FOR GENERAL COMPLIANCE WITH THE APPLICABLE CITY OF MARYSVILLE CODES AND ORDINANCES. CONFORMANCE OF THIS DESIGN WITH ALL APPLICABLE LAWS AND REGULATIONS IS THE FULL AND COMPLETE RESPONSIBILITY OF THE LICENSED DESIGN ENGINEER, WHOSE STAMP AND SIGNATURE APPEAR ON THIS SHEET. ACKNOWLEDGMENT OF CONSTRUCTION DRAWING REVIEW DOES NOT IMPLY CITY APPROVAL FOR CONSTRUCTION ACTIVITIES THAT REQUIRED OTHER COUNTY, STATE OR FEDERAL PERMIT REVIEW AND APPROVAL. THE PROPERTY OWNER AND LICENSED DESIGN ENGINEER SHALL BE RESPONSIBLE FOR THE ACQUISITION AND COMPLIANCE OF ALL APPLICABLE PERMITS OR AUTHORIZATIONS WHICH MAY INCLUDE, BUT ARE NOT LIMITED TO, WSDOT HYDRAULIC PROJECT APPROVAL (HPA), WSDOT NOTICE OF INTENT (NOI), ANY CORPS OF ENGINEERS FILL PERMITS AND THE REQUIREMENTS OF THE ENDANGERED SPECIES ACT.

THIS _____ DAY OF _____, 201____,

By: DOUGLAS VAN GELDER, PE, ENGINEERING SERVICES MANAGER

THESE APPROVED CONSTRUCTION PLANS EXPIRE AFTER PERIOD OF 18 MONTHS FROM THE DATE OF SIGNATURE SHOWN ABOVE, PER MMC 22A.040.020 AND 22A.040.030.

UNDERGROUND UTILITY NOTE

UNDERGROUND UTILITIES ARE SHOWN IN THE APPROXIMATE LOCATION. THERE IS NO GUARANTEE THAT ALL UTILITY LINES ARE SHOWN, OR THAT THE LOCATION, SIZE AND MATERIAL IS ACCURATE. THE CONTRACTOR SHALL UNCOVER ALL INDICATED PIPING WHERE CROSSING, INTERFERENCES, OR CONNECTIONS OCCUR PRIOR TO TRENCHING OR EXCAVATION FOR ANY PIPE OR STRUCTURES, TO DETERMINE ACTUAL LOCATIONS, SIZE AND MATERIAL. THE CONTRACTOR SHALL MAKE THE APPROPRIATE PROVISION FOR PROTECTION OF SAID FACILITIES. THE CONTRACTOR SHALL NOTIFY ONE CALL AT 8-1-1 (WASHINGTON811.COM) AND ARRANGE FOR FIELD LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION.

Hunter's Landing Project Location S1-19-12 SR 9 MP 18.71



Install 12" storm drain pipe
Enters RW.

WSDOT RW
(Approx.)

Install rock pad outfall
inside RW.

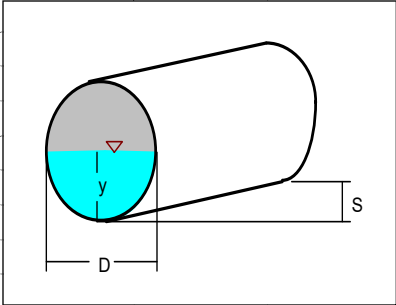
NORTHBOUND

SR 9

SOUTHBOUND

West
Marysville
LEFT 1/2 MILE

Pipe

	Input	Output				
Q (cfs)	0.00	2.15	100 YR DEVELOPED FLOW			
n	0.012	0.012	PVC			
d (ft)	1.00	1.00	1	0	/16	inches
y (ft)	0.55	0.55				
S (ft/ft)	0.009	0.009				
						
			A (sf)	0.443		
			Pw (ft)	1.672	V (ft/s)	4.846
			R (ft)	0.265		
			Critical y (ft) =			
			Qmax @ y (ft) =	0.9382		
			Vmax @ y (ft) =	0.8128		
Job:	Hunter's Landing		Description:	Oufall Protection Sizing		
By:	YM		Date:	5/22/2019		

ROCK PAD SIZE: 8' L X 7' W X 2' D

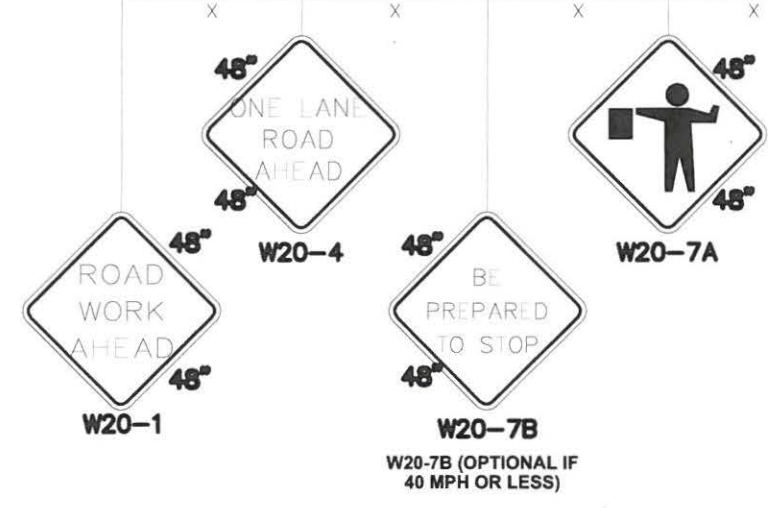
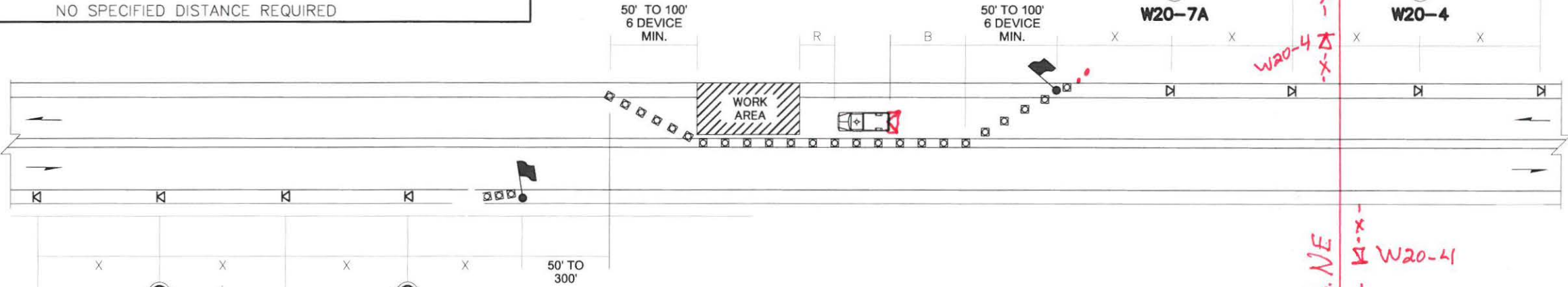
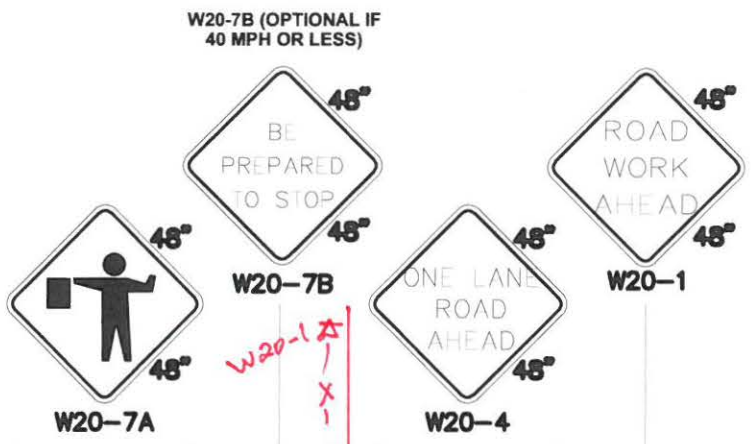
Exhibit D
GMB 1117
 Page 22 of 26

Exhibit 'C'
 S1-19-12
 Plans Sheets/Maps
 Page 9 of 9

BUFFER DATA											
LONGITUDINAL BUFFER SPACE = B											
SPEED (MPH)	25	30	35	40	45	50	55	60	65	70	
LENGTH (feet)	155	200	250	305	360	425	495	570	645	730	
TRANSPORTABLE ATTENUATOR ROLL AHEAD DISTANCE = R											
HOST VEHICLE WEIGHT 9,900 TO 22,000 lbs.			HOST VEHICLE WEIGHT > 22,000 lbs.								
< 45 MPH	45-55 MPH	> 55 MPH	< 45 MPH	45-55 MPH	> 55 MPH	< 45 MPH	45-55 MPH	> 55 MPH	< 45 MPH	45-55 MPH	> 55 MPH
100'	123'	172'	74'	100'	150'						
PROTECTIVE VEHICLE (WORK VEHICLE) = R											
NO SPECIFIED DISTANCE REQUIRED											

SIGN SPACING = X (1)		
RURAL HIGHWAYS	60 / 65 MPH	800'
RURAL ROADS	45 / 55 MPH	500'
RURAL ROADS & URBAN ARTERIALS	35 / 40 MPH	350'
RURAL ROADS, URBAN ARTERIALS, RESIDENTIAL & BUSINESS DISTRICTS	25 / 30 MPH	200' (2)
URBAN STREETS	25 MPH OR LESS	100' (2)

(1) ALL SPACING MAY BE ADJUSTED TO ACCOMMODATE INTERSECTIONS AND DRIVEWAYS.
(2) THIS SPACING MAY BE REDUCED IN URBAN AREAS TO FIT ROADWAY CONDITIONS.



- WSDOT Approval Notes: SR-9 MP 18.66, flagging**
1. WSDOT approval is valid for 4 months and within WSDOT ROW only.
 2. Channelizing devices to be traffic safety drums with type C steady burn lights.
 3. During hours of darkness, illuminate all flagging stations and add type C lights to all channelizing devices.
 4. Work Zone Clear Zone (WZCZ) = 20' from the travelled way's fog line. During non-work hours, equipment and materials shall not be within the WZCZ unless behind guardrail or existing concrete barrier.
 5. Notify WSDOT a minimum of 5 days in advance of work beginning: 206-440-4454 or via e-mail to: Seguink@wsdot.wa.gov
 6. Contact WSDOT NW Region Radio approx. 5 min. prior to start of closure and again after opening (206-440-4490)
 7. All signs shall be 48" x 48" black on orange w/ reflective sheeting unless otherwise noted.
 8. Channelizing devices shall not encroach into an open lane.
 9. Work in local agency right-of-way is not reviewed by WSDOT, but shall be reviewed and approved by the local agency.
 10. When excavating, all drop-offs shall comply with WSDOT Std. Spec. 1-07.23(1)
 11. Flagging station shall be visible from sign W20-7A. Add an additional W20-7A if needed due to limited sight distance.

Allowable Closure Hours
Monday to Thursday: 9pm - 5am (nightly) for flagging
Holiday Impacts:
No lane closures permitted between noon the day prior to a holiday or holiday weekend through noon the day following a holiday or holiday weekend. It is a holiday weekend when the holiday falls on a Friday, Saturday, Sunday, or Monday.

CHANNELIZATION DEVICE SPACING (FEET)		
MPH	TAPER	TANGENT
50/65	10 TO 20	80
35/45	10 TO 20	60
25/30	10 TO 20	40

APPROVED AS NOTED
TRAFFIC OPERATIONS
5-30-15

- NOTES**
1. ALL SIGNS ARE BLACK ON ORANGE.
 2. EXTENDING THE CHANNELIZING DEVICE TAPER ACROSS SHOULDER IS RECOMMENDED.
 3. NIGHT WORK REQUIRES ADDITIONAL ROADWAY LIGHTING AT FLAGGING STATIONS. SEE THE STANDARD SPECIFICATIONS FOR ADDITIONAL DETAILS.

Hand Sunyside

SR-528

60th St. NE

Exhibit 'D'
S1-19-12
Traffic Control Plan
Page 1 of 2

ONE-LANE, TWO-WAY TRAFFIC CONTROL WITH FLAGGERS
NOT TO SCALE

Exhibit D GMB 1117 Page 23 of 26

FILE NAME		REGION NO.		STATE		FED.AID PROJ.NO.	
TIME	DATE	WASH					
PLOTTED BY	DESIGNED BY	JOB NUMBER		CONTRACT NO.		LOCATION NO.	
ENTERED BY	CHECKED BY	PROJ. ENGR.		REGIONAL ADM.		REVISION	
DATE		DATE		DATE		DATE	



HUNTERS LANDING
MARYSVILLE, WA

TRAFFIC CONTROL PLAN

MINIMUM SHOULDER TAPER LENGTH = L/3 (feet)

SHOULDER WIDTH (feet)	Posted Speed (mph)									
	25	30	35	40	45	50	55	60	65	70
8'	-	-	-	-	120	130	150	160	170	190
10'	-	-	-	-	150	170	190	200	220	240

USE A MINIMUM 3 DEVICES TAPER FOR SHOULDER LESS THEN 8'.

SIGN SPACING = X (1)

FREEWAYS & EXPRESSWAYS	55 / 70 MPH	1500'
RURAL HIGHWAYS	60 / 65 MPH	800'
RURAL ROADS	45 / 55 MPH	500'

(1) ALL SPACING MAY BE ADJUSTED TO ACCOMMODATE INTERCHANGE RAMP, AT-GRADE INTERSECTIONS AND DRIVEWAYS.

CHANNELIZATION DEVICE SPACING (feet)

MPH	TAPER	TANGENT
50/70	40	80
35/45	30	60

BUFFER DATA

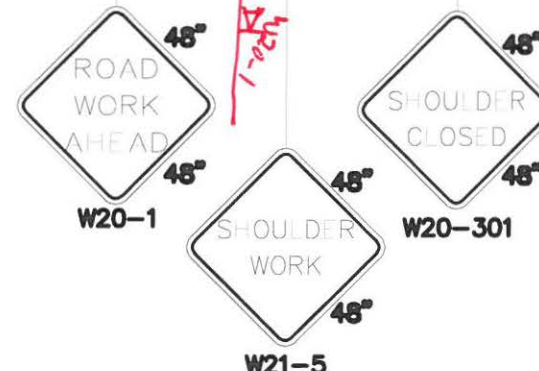
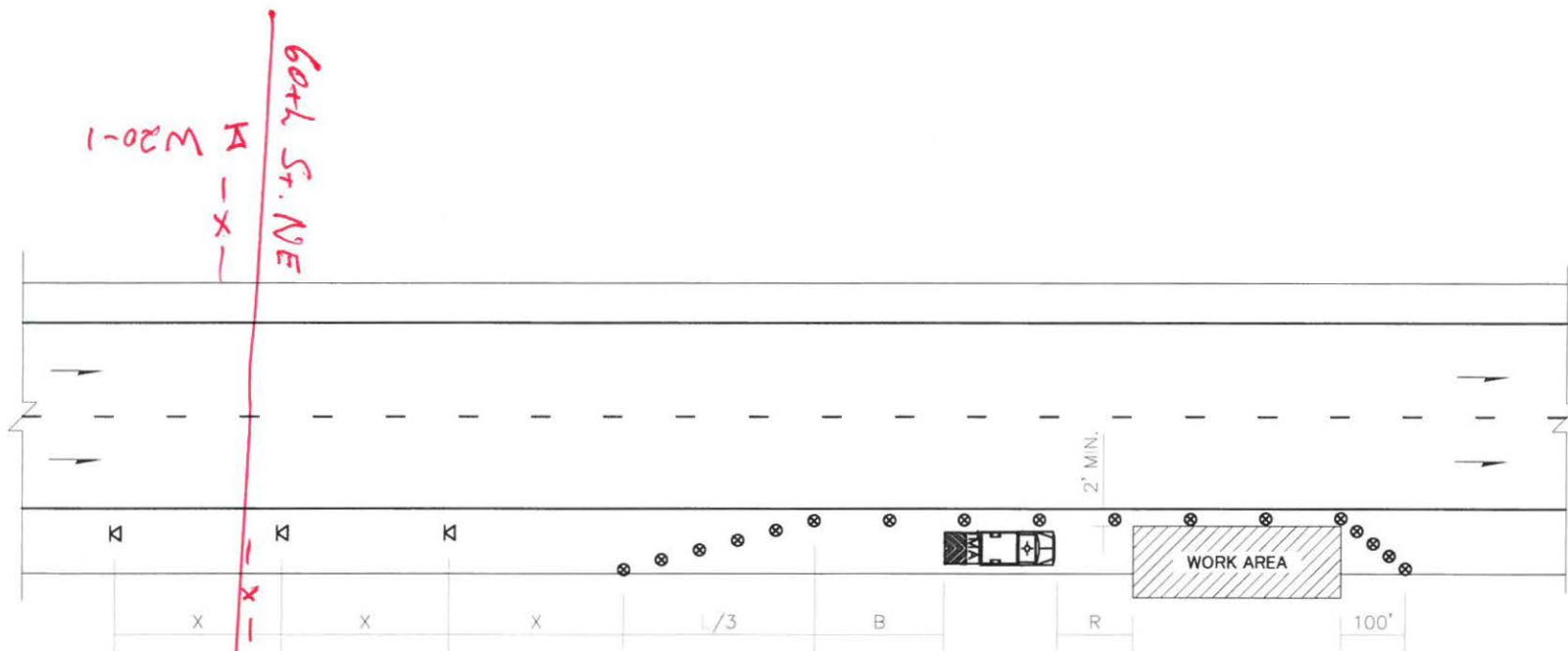
LONGITUDINAL BUFFER SPACE = B

SPEED (MPH)	25	30	35	40	45	50	55	60	65	70
LENGTH (feet)	155	200	250	305	360	425	495	570	645	730

TRANSPORTABLE ATTENUATOR ROLL AHEAD DISTANCE = R

HOST VEHICLE WEIGHT 9,900 TO 22,000 lbs.			HOST VEHICLE WEIGHT > 22,000 lbs.		
< 45 MPH	45-55 MPH	> 55 MPH	< 45 MPH	45-55 MPH	> 55 MPH
100'	123'	172'	74'	100'	150'

2/2



- WSDOT Approval Notes: SR-9 MP 18.66, shoulder closure**
- WSDOT approval is valid for 4 months and within WSDOT ROW only.
 - Channelizing devices to be traffic safety drums with type C steady burn lights.
 - During hours of darkness, illuminate all flagging stations and add type C lights to all channelizing devices.
 - Work Zone Clear Zone (WZCZ) = 20' from the travelled way's fog line. During non-work hours, equipment and materials shall not be within the WZCZ unless behind guardrail or existing concrete barrier.
 - Notify WSDOT a minimum of 5 days in advance of work beginning: 206-440-4454 or via e-mail to: Seguink@wsdot.wa.gov
 - Contact WSDOT NW Region Radio approx. 5 min. prior to start of closure and again after opening (206-440-4490)
 - All signs shall be 48" x 48" black on orange w/ reflective sheeting unless otherwise noted.
 - Channelizing devices shall not encroach into an open lane.
 - Work in local agency right-of-way is not reviewed by WSDOT, but shall be reviewed and approved by the local agency.
 - When excavating, all drop-offs shall comply with WSDOT Std. Spec. 1-07.23(1)
 - Flagging station shall be visible from sign W20-7A. Add an additional W20-7A if needed due to limited sight distance.
- Allowable Closure Hours**
Monday to Thursday - 9am-3pm *for shoulder closure*
- Holiday Impacts:**
No lane closures permitted between noon the day prior to a holiday or holiday weekend through noon the day following a holiday or holiday weekend. It is a holiday weekend when the holiday falls on a Friday, Saturday, Sunday, or Monday.

Exhibit D GMB 1117 Page 24 of 26

Exhibit 'D'
S1-19-12
Traffic Control Plan
Page 2 of 2

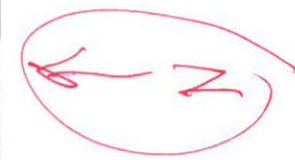
APPROVED AS NOTED
[Signature] 5-30-19
TRAFFIC OPERATIONS

NOTES

NO ENCROACHMENT IN TRAVELED LANE. IF ENCROACHMENT IS NECESSARY, LANE SHALL BE CLOSED.

DEVICE SPACING FOR THE DOWNSTREAM TAPER SHALL BE 20' (FT) O.C.

ALL SIGNS ARE BLACK ON ORANGE.



LEGEND

K TEMPORARY SIGN LOCATION

⊙ TRAFFIC SAFETY DRUM

TRANSPORTABLE ATTENUATOR

FILE NAME	REGION NO.	STATE	FED.AID PROJ.NO.	Plot 1
TIME	WASH			PLAN REF NO
DATE	JOB NUMBER			TC6
PLOTTED BY	CONTRACT NO.			SHEET
DESIGNED BY	LOCATION NO.			2
ENTERED BY				OF
CHECKED BY				2
PROJ. ENGR.				SHEETS
REGIONAL ADM.				

Washington State Department of Transportation

HUNTERS LANDING MARYSVILLE, WA

TRAFFIC CONTROL PLAN

Pre-Construction Notification

In accordance with Washington State Department of Transportation (WSDOT) Special Provisions for Permits and Franchises, provide requested information to below-designated WSDOT construction contacts prior to the beginning of construction. Use Alternate Contact or surface mail if phone or e-mail are no longer in effect. This form is NOT for maintenance work.

No work shall take place until the Utility has participated in the Pre-Construction conference.

Accommodation No.:	S1-19-12	State Route No	SR 9
Expiration Date:	N/A	From Mile Post:	18.71
WO/Charge Code:	Hunter's Landing / MT0595 GRP (To Mile Post:		18.71

WSDOT Construction Contacts

WSDOT Inspector (notify at least five (5) days prior to starting work)

NW Local Agency & Development Services Office
 15700 Dayton Ave. N.
 PO BOX 330310, MS 82-240
 Seattle, WA 98133-9710

NAME: Michael Gallop
 TITLE: WSDOT Inspector
 PHONE: 206-440-4913/206-940-2736
 E-MAIL: GALLOPM@wsdot.wa.gov

WSDOT Traffic Control (notify at least five (5) days prior to starting work)

Construction Traffic Coordination Office
 15700 Dayton Ave. N.
 P.O. BOX 330310, NB82-125
 Seattle, WA 98133-9710

NAME: Ken Seguin
 TITLE: WSDOT NWR CTCO Engineer
 PHONE: 206-440-4454
 E-MAIL: SEGUINK@wsdot.wa.gov

Construction Contacts and Schedule

Anticipated Start Date:	Estimated Duration:
--------------------------------	----------------------------

Permit/Franchise Holder

Pacific Ridge-DHR
COMPANY

NAME:

STREET ADDRESS

TITLE:

CITY, STATE ZIP

PHONE:

OFFICE PHONE

E-MAIL:

Contractor

COMPANY

NAME:

STREET ADDRESS

TITLE:

CITY, STATE ZIP

PHONE:

OFFICE PHONE

E-MAIL:

THE PERMIT/FRANCHISE HOLDER OR THEIR REPRESENTATIVE SHALL NOTIFY NORTHWEST REGION UTILITIES IMMEDIATELY IF THEY ARE UNABLE TO START CONSTRUCTION ON THE DATE INDICATED ABOVE. FAILURE TO PROVIDE NOTIFICATION MAY RESULT IN INSPECTION CHARGES BEING INCURRED.

Exhibit D
 GMB 1117
 Page 25 of 26

S1-19-12
 EXHIBIT 'E'
 PAGE 1 OF 1

S1-19-12

NEW INSTALLATION ONLY

Maintenance Notification

Update and re-use this form as needed for in-kind repair or replacement of EXISTING primary and secondary facilities associated with the referenced utility permit or franchise number ONLY. Maintenance activities are subject to the general and special provisions of the referenced utility permit or franchise, a WSDOT-approved, site-specific Traffic Control Plan, and submittal of this Notification Form.

This form does NOT apply if there will be an upgrade, change in capacity, location/route, appurtenances, or subcontracted/ outsourced work. Please call the NW Region Utilities Office if you have questions.

No work shall take place until the Utility has received written or verbal authorization from WSDOT to proceed.

Accommodation No S1-19-12	State Route No: SR 9
Expiration Date: N/A	From Mile Post: 18.71
WO/Charge Code: Hunter's Landing / MT0595 GRP 01	To Mile Post: 18.71

In accordance with Washington State Department of Transportation (WSDOT) Special Provisions for Permits and Franchises, provide the project information below to the following WSDOT representative ten (10) working days prior to the beginning of construction. **Use Alternate Contact or surface mail if phone or e-mail are no longer in effect.**

WSDOT NW REGION UTILITIES 15700 DAYTON AVE. N., NB82-113 P.O. BOX 330310 SEATTLE, WA 98133-9710	Contact: Khoi Pham Phone: 206-440-4130 E-Mail: PHAMK@wsdot.wa.gov Alt. Contact: NWR Utilities Office Alt. Phone: 206.440.4120
---	--

Provide Description of Work Activity

Anticipated Start Date: _____ **Estimated Duration:** _____

Provide Utility Contacts

Permit/Franchise Holder

Pacific Ridge-DHR <small>COMPANY</small>	CONTACT NAME:	_____
STREET ADDRESS	TITLE:	_____
CITY, STATE ZIP	PHONE:	_____
OFFICE PHONE	E-MAIL:	_____

Contractor

_____ <small>COMPANY</small>	CONTACT NAME:	_____
STREET ADDRESS	TITLE:	_____
CITY, STATE ZIP	PHONE:	_____
OFFICE PHONE	E-MAIL:	_____

WSDOT Authorization

NWR UTILITIES OFFICE	SIGNATURE:	_____
TITLE	DATE:	_____

THE PERMIT/FRANCHISE HOLDER OR THEIR REPRESENTATIVE SHALL NOTIFY NORTHWEST REGION UTILITIES IMMEDIATELY IF THEY ARE UNABLE TO START WORK ON THE DATE INDICATED ABOVE. FAILURE TO PROVIDE NOTIFICATION MAY RESULT IN INSPECTION CHARGES BEING INCURRED.

Exhibit D GMB 1117 Page 26 of 26

S1-19-12
EXHIBIT 'F'
PAGE 1 OF 1

S1-19-12
MAINTENANCE WORK ONLY

Index #6

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 2/10/2020

AGENDA ITEM:	
INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY AND THE CITY OF MARYSVILLE FOR THE CITY'S CONTRIBUTION OF TWO PERCENT OF LIQUOR TAXES TO SUPPORT A SUBSTANCE USE DISORDER PROGRAM OPERATED BY SNOHOMISH COUNTY	
PREPARED BY:	DIRECTOR APPROVAL:
Sandy Langdon, Finance Director & Jan Berg, Asst. Finance Director	
DEPARTMENT:	
Finance	
ATTACHMENTS:	
Interlocal	
BUDGET CODE:	AMOUNT:
00199566.549000	\$15,100.00
SUMMARY:	

The City receives, from the State, a portion of liquor taxes and profits based upon population. RCW 71.24.255 requires that no less than 2% of the state shared portion be used to support a substance use disorder program. The City utilizes Snohomish County's program.

The proposed interlocal will solidify the arrangement between the City and County for the substance use disorder program and add quarterly report by the County to the City.

RECOMMENDED ACTION: Staff recommends Council consider authorizing the Mayor to sign Interlocal with Snohomish County for Substance Use Disorder Program.

PROPOSED MOTION: I move to authorize the Mayor to execute the Interlocal Agreement with Snohomish County.

**INTERLOCAL AGREEMENT BETWEEN SNOHOMISH COUNTY AND THE CITY OF
MARYSVILLE FOR THE CITY'S CONTRIBUTION OF TWO PERCENT OF LIQUOR TAXES
TO SUPPORT A SUBSTANCE USE DISORDER PROGRAM OPERATED BY SNOHOMISH
COUNTY**

WHEREAS, the City of Marysville (City) must devote no less than two percent of its share of liquor taxes and profits to the support of a substance use disorder program in compliance with RCW 71.24.555; and

WHEREAS, the City does not have its own facility or program for the treatment and rehabilitation of persons with substance use disorders; and

WHEREAS, Snohomish County (County) through its Human Services Department supports a variety of substance use disorder prevention, treatment, detox and ancillary services designed for indigent and low-income residents throughout the county. Snohomish County (County) operates a substance use disorder program that is approved by the behavioral health organization and the director of the Washington state health care authority and licensed or certified by the department of health; and

WHEREAS, to meet its obligations under state law the City wishes to contribute two percent of its share of liquor taxes and profits to support the County's substance use disorder program as authorized by RCW 71.24.550; and

WHEREAS, this arrangement between the County and City will benefit public health in both jurisdictions; and

WHEREAS, this Interlocal Agreement is entered pursuant to chapter 39.34 RCW and RCW 71.24.550.-

NOW THEREFORE, the City and County agree as follows:

1. The Snohomish County Department of Human Services will invoice the City for two percent of the City's liquor taxes and profits quarterly. The City will remit funds within thirty days of the invoice.
2. The County will use the City funds to support its facilities and/or programs for substance use disorders programs that qualify under RCW 71.24.555. The County will report quarterly to the City on expenditure of funds.
3. No separate legal entity is created by this Interlocal agreement. The County will acquire, hold, and dispose of any personal or real property used for the purposes contemplated by this agreement.
4. This agreement ~~is shall become~~ effective upon signature by both parties and either (a) listing of the Agreement by subject on either party's web site or (b) recording of the Agreement with the Snohomish County Auditor. ~~the date of the last signature below and~~ The Agreement will expire on December 31, 2029. The County and City may extend the agreement for an additional term or terms. Either party may terminate the agreement on one year's written notice.
5. This agreement will be administered by the County's Director of Human Services (or designee) and the City's Finance Director (or designee).

SNOHOMISH COUNTY

CITY OF MARYSVILLE

DAVE SOMMERS, COUNTY EXECUTIVE
DATE:

JON NEHRING, MAYOR
DATE:

ATTEST:

ATTEST:

TINA BROCK, DEPUTY CITY CLERK

APPROVED AS TO FORM:

APPROVED AS TO FORM:

DEPUTY PROSECUTING ATTORNEY

JON WALKER, CITY ATTORNEY

Index #7

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 2/10/2020

AGENDA ITEM: AN ORDINANCE OF THE CITY OF MARYSVILLE, WA, AUTHORIZING THE CITY OF MARYSVILLE TO CONTINUE TO IMPOSE A SALES AND USE TAX AS AUTHORIZED BY RCW 82.14.415 AS A CREDIT AGAINST STATE SALES AND USE TAX; CERTIFYING THE COSTS TO PROVIDE MUNICIPAL SERVICES TO THE CENTRAL MARYSVILLE ANNEXATION AREA; AND SETTING A NEW THRESHOLD AMOUNT FOR FISCAL YEAR 2020 RELATING TO ANNEXATIONS.	
PREPARED BY: Sandy Langdon, Finance Dir. DEPARTMENT: Finance	DIRECTOR APPROVAL:
ATTACHMENTS: Proposed Ordinance	
BUDGET CODE:	AMOUNT:

SUMMARY:

The attached ordinance authorizes the continuance of the current 0.2% state sales and use tax credit as provided by RCW 82.14.415

RCW 82.14.515 allows the City to impose a 0.2% credit against state sales and use tax for annexation populations of at least 20,000 to assist with funding the costs of a newly annexed area, Central Marysville, for a period of ten years. This credit is funded from the State’s portion of sales and use tax (6.5%) and is calculated on the entire City sales and use tax gross receipts

In order to continue receiving the credit the City is required to provide the Department of Revenue a new threshold amount for the next fiscal year, and notice of any applicable tax rate changes. The City estimates the projected cost to be at least \$11,767,366 to provide municipal services to the annexation area which exceeds the projected general revenue to be \$9,149,226 that the City would otherwise receive from the Central Marysville Annexation Area on an annual basis and which results in an estimated revenue shortfall of \$2,618,140. The estimated 0.2% of 2020 retail sales is \$1,300,807.

<p>RECOMMENDED ACTION: Staff recommends Council adopt the ordinance to continue to impose sales and use tax as authorized by RCW 82.14.415 as a credit against state sales and use tax; certifying the costs to provide municipal services to the central Marysville annexation area; and setting a new threshold amount for the fiscal year 2020 relating to annexations.</p> <p>RECOMMENDED MOTION: I move to adopt ordinance number _____ to continue to impose sales and use tax as authorized by RCW 82.14.415.</p>
--

CITY OF MARYSVILLE
Marysville WA, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AUTHORIZING THE CITY OF MARYSVILLE TO CONTINUE TO IMPOSE A SALES AND USE TAX AS AUTHORIZED BY RCW 82.14.415 AS A CREDIT AGAINST STATE SALES AND USE TAX; CERTIFYING THE COSTS TO PROVIDE MUNICIPAL SERVICES TO THE CENTRAL MARYSVILLE ANNEXATION AREA; AND SETTING A NEW THRESHOLD AMOUNT FOR FISCAL YEAR 2020 RELATING TO ANNEXATIONS.

WHEREAS, state law authorizes the reallocation of the sales tax already collected by the state to be remitted to the City to assist with funding the costs of certain newly annexed areas; and

WHEREAS, the City Council of the City of Marysville, Washington, adopted its Ordinance No. 2792, annexing the Central Marysville Annexation Area with a population of at least 20,000 people, effective December 30, 2009 (“Central Marysville Annexation Area”); and

WHEREAS, pursuant to RCW 82.14.415, the City is authorized, under the circumstances of this annexation, to impose a sales and use tax as authorized with that tax being a credit against the state tax; and

WHEREAS, with the passage of Ordinance No. 2799 in November 2009, the City imposed such a sales and use tax under RCW 82.14.415 for the Central Marysville Annexation Area; and

WHEREAS, the City Council finds and determines that the projected cost of at least \$11,767,366 to provide municipal services to the annexation area exceeds the projected general revenue estimated to be \$9,149,226 that the City would otherwise receive from the Central Marysville Annexation Area on an annual basis and which results in an estimated revenue shortfall of \$2,618,140; and

WHEREAS, due to said revenue shortfall, the City Council finds that it is appropriate to continue said sales and use tax for the Central Marysville Annexation Area under the authority of RCW 82.14.415.

NOW THEREFORE, the City Council of the City of Marysville, Washington, does ordain as follows:

Section 1. Continuation of sales and use tax under authority of RCW 82.14.415 and Ordinance No. 2799. The continuation of the sales and use tax for the Central Marysville Annexation Area as previously authorized and imposed pursuant to RCW 82.14.415 and Ordinance No. 2799 at a tax rate of 0.2% is hereby authorized and renewed for 2020.

Section 2. Certification of costs to provide municipal services to Central Marysville Annexation Area. In accordance with RCW 82.14.415(9), it is hereby certified that the costs to provide municipal services to the Central Marysville Annexation Area fiscal year 2020 is \$11,767,366.

Section 3. Threshold amount. The threshold amount for the Central Marysville Annexation Area for fiscal year 2020 for imposing the sales and use tax credit under RCW 82.14.415 is \$2,618,140.

Section 4. Effective Date. This Ordinance shall be effective (5) five days following adoption and publication.

PASSED by the City Council and APPROVED by the Mayor this ____ day of February, 2020.

JON NEHRING, Mayor

ATTEST:

TINA BROCK, Deputy City Clerk

APPROVED AS TO FORM:

JON WALKER, City Attorney

Index #8

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: February 10, 2020

AGENDA ITEM:	
An Ordinance to amend the City of Marysville Shoreline Master Program as well as Marysville Municipal Code chapters 22A.020 – Definitions and 22E.050 – Shoreline Management Master Program.	
PREPARED BY:	DIRECTOR APPROVAL:
Jeff Thomas, Community Development Director	
DEPARTMENT:	
Community Development	
ATTACHMENT:	
Adopting Ordinance (including): <ul style="list-style-type: none"> • Exhibit A – Resolution 2470 • Exhibit B – DOE Required Changes • Exhibit C – Marysville Shoreline Master Program • Exhibit D – New MMC Chapter 22E.050 <i>Shoreline Management Master Program</i> 	
BUDGET CODE:	AMOUNT:
SUMMARY:	

The Washington State Shoreline Management Act (SMA), RCW 90.58 requires each city and county to periodically review, and, if necessary, revise their Shoreline Master Program (SMP) at least once every eight years following a benchmark comprehensive update. The presumption of a benchmark comprehensive update was each local government SMP needed to be substantially revised to comply with the full suite of Washington State Department of Ecology (DOE) guidelines.

By contrast, a periodic review addresses changes in SMA requirements and DOE guidelines since the benchmark comprehensive update and assures consistency with revised comprehensive plans and development regulations as well as any other necessary changes to reflect changed circumstances, new information and/or improved data. There is no minimum requirement for a periodic review to comprehensively revise shoreline inventory and characterization reports or restoration plans that were wholly created with the benchmark comprehensive update.

The City of Marysville completed a timely SMP periodic review on June 10, 2019 by approval of Resolution 2470 (**Exhibit A**). The approved amendments were subsequently transmitted to the DOE for review who formally responded on January 6, 2020 with 3 required amendments related to outdated referencing (**Exhibit B**). These required amendments have been incorporated into the Ordinance (**Exhibit C**) for adoption by City Council, which in conjunction with amendments to Marysville Municipal Code chapters 22A.020 – Definitions and 22E.050 – Shoreline Management Master Program (**Exhibit D**) will be transmitted back to DOE and become effective 14 days after the issuance of a Notice of Final Action to the City.

<p>RECOMMENDED ACTION: Staff recommends Council adopt the Ordinance amending the City of Marysville Shoreline Master Program as well as Marysville Municipal Code chapters 22A.020 – Definitions and 22E.050 – Shoreline Management Master Program.</p> <p>RECOMMENDED MOTION: I move to adopt the Ordinance presented to amend the City of Marysville Shoreline Master Program as well as Marysville Municipal Code Chapter 22A.020 – Definitions and Chapter 22E.050 – Shoreline Management Master Program.</p>

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING ORDINANCE 3000 RELATING TO THE MARYSVILLE GROWTH MANAGEMENT COMPREHENSIVE PLAN, APPROVING THE RECOMMENDATION OF THE MARYSVILLE PLANNING COMMISSION TO ADOPT AN UPDATE TO THE 2006 SHORELINE MASTER PLAN ELEMENT, REPEALING MARYSVILLE MUNICIPAL CODE CHAPTER 22E.050 SHORELINE MANAGEMENT MASTER PROGRAM, AMENDING MARYSVILLE MUNICIPAL CODE TITLE 22 UNIFIED DEVELOPMENT CODE, ADOPTING A NEW SHORELINE MANAGEMENT MASTER PROGRAM CHAPTER AND AMENDING DEFINITIONS IN MARYSVILLE MUNICIPAL CODE SECTIONS 22A.020.050, 22A.020.060, 22A.020.070 AND 22A.020.200.

WHEREAS, on September 15, 2015, the Marysville City Council enacted ordinance 3000, adopting a Growth Management Comprehensive Plan for the City of Marysville; and

WHEREAS, the Growth Management Act allows comprehensive plans to be amended more frequently than once a year for the adoption and or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW; and

WHEREAS, on February 14, 2011 the Marysville City Council adopted Ordinance 2852, adding Chapter 22G.020 of the Marysville Municipal Code (MMC), entitles "procedures for Legislative Actions," which established procedures for processing and review of legislative actions relating to amendments to the City's Growth Management Comprehensive Plan and development regulations, and said procedures have been followed by the City as recited below; and

WHEREAS, the Marysville Planning Commission, after review of the proposed update to the 2006 Shoreline Master Plan at a public workshop on March 12, 2019, held a public hearing on March 26, 2019, as advertised in accordance with WAC 173-26-100, and received testimony from the Department of Ecology and staff following public notices; no public testimony was received; and

WHEREAS, the Marysville City Council, after review of the proposed updates to the 2006 Shoreline Master Plan at public workshop on June 3, 2019, held a public meeting on June 10, 2019 and reviewed the Planning Commission's recommendation and adopted Resolution 2470, attached hereto as **Exhibit A**, declaring the Council's intent to adopt (and codify), by ordinance, the April 2019 amendments to the Shoreline Master Program and proposed revisions to Title 22 MMC Unified Development Code, pending Department of Ecology review and approval; and

WHEREAS, the City received written confirmation from the Department of Ecology, stating that the Department determined the City's proposed Shoreline Master Program update, subject to the Finding and Conclusions and Required Changes, outlined in **Exhibit B**, is consistent with Chapter 90.58 RCW, the Shoreline Management Act of 1971 and the Shoreline Master Program Guidelines outlined in Chapter 173-26 WAC – Part III; and

WHEREAS, on February 10, 2020 the City Council reviewed the proposed updates to the 2006 Shoreline Master Plan including the Required Changes, outlined in **Exhibit B**, and the proposed revisions to Title 22 MMC Unified Development Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON. DO ORDAIN AS FOLLOWS:

Section 1. Required Findings. In accordance with MMC 22G.010.500, the following findings are made regarding the comprehensive plan and development regulation amendments subject of this ordinance:

- (1) The amendments are consistent with the purposes of the comprehensive plan;
- (2) The amendments are consistent with the purpose of MMC Title 22;
- (3) There have been significant changes in the circumstances to warrant these amendments; and
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant adoption of the amendments.

Section 2. The City Council hereby adopts the updates to the 2006 Shoreline Master Plan as an element of, and amendment to the Marysville Growth Management Comprehensive Plan, subject to the modification set forth in the Department of Ecology's Required Changes, which are attached hereto as **Exhibit B**. A copy of the Comprehensive Plan Amendment, entitled "Marysville Shoreline Master Program", is attached here as **Exhibit C** and is hereby incorporated by reference.

Section 3. Ordinance 3000 and the Marysville Growth Management Comprehensive Plan area hereby amended as set forth in Section 1 of this Ordinance.

Section 4. MMC Chapter 22E.050 *Shoreline Management Master Program*, adopted by Ordinance 2852, on February 14, 2011, is hereby repealed in its entirety.

Section 5. MMC Title 22 *Unified Development Code* is hereby amended by adoption of a new Chapter 22E.050 *Shoreline Master Program*, attached hereto as **Exhibit D**.

Section 6. MMC Section 22A.020.050, entitled "D" definitions is hereby amended in order to amend and add the following definitions (All other provisions of MMC 22A.020.050 remain in effect and unchanged):

"Development" means any proposed land use, zoning, or rezoning, comprehensive plan amendment, annexation, subdivision, short subdivision, planned residential development, binding site plan, conditional use permit, ~~shoreline development permit~~, or any other property development action permitted or regulated by the Marysville Municipal Code.

"Development (Shoreline Master Program)" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulk heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.

Section 7. MMC Section 22A.020.060, entitled "E" definitions is hereby amended to add the following definitions (All other provisions of MMC 22A.020.060 remain in effect and unchanged):

"Exceptions (Shoreline Master Program)". "Requirements to obtain shoreline permits or local reviews (Shoreline Master Program)". Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

(i) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts remedial action under Chapter 70.105D RCW.

(ii) Boat yard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

(iii) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

(iv) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

(v) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

"Exemption (Shoreline Master Program)". Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3e); WAC 173-27-040.) The external retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 USC Sec. 12010 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

Section 8. MMC Section 22A.020.070, entitled "F" definitions is hereby amended to add the following definition (All other provisions of MMC 22A.020.070 remain in effect and unchanged):

"Floodway (shoreline management)" means the area that has been established in effective federal management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Section 9. MMC Section 22A.020.200, entitled "S" definitions is hereby amended to add the following definition (All other provisions of MMC 22A.020.200 remain in effect and unchanged):

"Substantial development" (Shoreline Master Program)". Any development of which the total cost or fair market value exceeds the dollar threshold established in RCW 90.58.030(e), or any development that materially interferes with the normal public use of the water or shorelines of the state; except as specifically exempted pursuant to RCW 90.58.030(3)(e). See also definition of "development" and "exemption".

Section 10. MMC 22A.010.160 is hereby amended to add the following reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

"22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	Shoreline Master Program Adoption and Definition Amendments	_____, 2020"

Section 11. Effective Date. Pursuant to RCW 90.58.090(7), this ordinance shall be effective fourteen (14) days from the date of the Department of Ecology’s Written Notice of Final Action to the City.

Section 12. 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.

PASSED by the City Council and APPROVED by the Mayor this _____ day of February, 2020.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
APRIL OBRIEN, CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: See Section 11

CITY OF MARYSVILLE
Marysville, Washington
RESOLUTION NO. 2470

A RESOLUTION OF THE CITY OF MARYVILLE DECLARING THE COUNCIL’S APPROVAL AND INTENTION TO ADOPT THE APRIL 2019 AMENDMENTS TO THE SHORELINE MASTER PROGRAM AND PROPOSED REVISIONS TO THE UNIFORM DEVELOPMENT CODE

WHEREAS, the State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW) requires that Counties and Cities incur certain duties, obligations and responsibilities with regard to implementation of said Act; and

WHEREAS, the City Council finds that certain revisions to the existing City Shoreline Master Program are necessary in furtherance of the provisions of Chapter 90.58 RCW, and that such revisions are in the best interest of the citizens of Marysville; and

WHEREAS, the City Planning Commission, after review of the proposed Shoreline Master Plan amendments and development code revisions at a public workshop on March 12, 2019, held a public hearing on March 26, 2019, as advertised in accordance with WAC 173-26-100, and received testimony from a Department of Ecology representative and staff following public notices; no public testimony was received; and

WHEREAS, comments were solicited from federal, state, local, regional and tribal interests in accordance with Chapter 90.58.130 RCW and no comments were received; and

WHEREAS, the April 2019 DRAFT amendments to the City Shoreline Master Program and proposed development code revisions were sent to the Department of Ecology on April 20, 2019 for comments in accordance with WAC 173-26-100(5) and one memorandum from Ecology was received on May 29, 2019; and

WHEREAS, the April 2019 DRAFT amendments to the City Shoreline Master Program and proposed development code revisions were sent to the Department of Commerce on March 20, 2019 for 60-day review in compliance with RCW 36.70A.106; and

WHEREAS, in taking the actions set forth in this Resolution, the City of Marysville has complied with the requirements of the State Environmental Policy Act, Chapter 43.21C RCW, (SEPA) by issuing Addendum No. 28 on March 8, 2019 to the City of Marysville Comprehensive Plan DEIS, dated January 13, 2005, and FEIS, dated April 12, 2005 for the Comprehensive Plan, development regulations, and the Official Zoning Map amendments; and

WHEREAS the City Council held a public workshop on June 3, 2019 to review the proposed Shoreline Master Program amendments and development code revisions; and

WHEREAS, the revised Shoreline Master Program and development code revisions were formally considered by the City Council during a public meeting held on June 10, 2019;


WHEREAS, the City Council directed the Community Development Department to send the proposed master program amendments and supporting materials, consistent with WAC 173-26-110 submittal requirements, to the Department of Ecology for its review and adoption;

NOW THEREFORE, BE IT RESOLVED by the City Council of Marysville, as follows:

1. The City Council approves the April 2019 Shoreline Master Program amendments and code revisions that are attached to this resolution and incorporated herein by reference, with the understanding that in accordance with RCW 90.58.190(3), the proposed shoreline master program amendments will become effective locally immediately upon formal State Department of Ecology adoption; and
2. Following Department of Ecology adoption of the amendments, the City Council intends to adopt (and codify), by ordinance, the subject Shoreline Master Program amendments and revisions to the development code.

PASSED by the City Council and APPROVED by the Mayor this 10 day of June 2019.

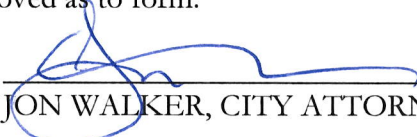
CITY OF MARYSVILLE

By: 
JON NEHRING, MAYOR

Attest:

By: 
TINA BROCK, DEPUTY CITY CLERK

Approved as to form:

By: 
JON WALKER, CITY ATTORNEY

Attachment B: Ecology Required Changes

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	<p>Chapter 4 General Provisions, section 3, Critical Areas:</p>	<p>Critical Areas Regulations (CAR) Referencing</p>	<p>3. The Marysville Critical Areas Regulations, as codified in Chapter 1924-22E.010 MMC (dated May 2, 2005, Ordinance #2571 and amending Ordinance <u>3073</u>, dated December 11, 2017), are herein incorporated into this master program except as noted below.</p> <p>4. Provisions of Marysville Critical Area Regulations that include a reasonable use determination" shall not apply within Shoreline Jurisdiction. Specifically,</p> <ul style="list-style-type: none"> • The sentence in MMC 19.24-020 <u>22E.010.020</u> referring to reasonable use determination does not apply. • MMC Section 19.22-420 <u>22E.010.410</u> does not apply. <p>5. Provisions of Marysville Critical Areas Regulations relating to variance procedures and criteria do not apply in Shoreline Jurisdiction. Within Shoreline Jurisdiction, the purpose of a variance permit is strictly limited to granting relief from specific bulk,</p>	<p>Current SMP CAR referencing is outdated. Reference to 2017 amended CAR and revised city municipal code is needed for consistency with WAC 173-26-221 (2) (Critical Areas).</p>

			<p>dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Specifically,</p> <ul style="list-style-type: none"> • MCC section 19.24.330(7) <u>22E.010.310 (2)</u> shall not apply. Variance procedures and criteria shall be established in this SMP. Chapter 8 Section B <u>MMC Chapter 22E.050 Shoreline Management Master Program</u> and in Washington Administrative code WAC 173-27-170.4 Environmental Impacts <p>6. Criteria (b) and)c) describing exceptions for approved plats and legally created lots in MMC section 19.24.330(7) <u>22E.010.320 (7)</u> shall not apply, except where adjacent to the QWULOOLT Restoration Project.</p>	
--	--	--	--	--

Marysville Shoreline Master Program

February 2020

**City Council Approved, _____, 2020
Ordinance No. _____**

Table of Contents

Chapter 1	4
Introduction to the SMP Handbook	4
A. History of the SMA.....	4
B. Geographic Applications of the SMA	5
Chapter 2	7
Goals and Objectives	7
A. Introduction.....	7
B. Elements	7
1. Shoreline Use Element.....	7
2. Economic Development Element	8
3. Circulation Element	8
4. Conservation Element	9
5. Public Access Element.....	9
6. Recreational Element.....	10
7. Historical/Cultural Element	10
8. Flood Damage Minimization Element.....	10
Chapter 3	11
Environment Designation Provisions	11
A. Introduction.....	11
B. Environment Descriptions.....	11
1. Aquatic Environment	11
2. Aquatic Urban Shoreline Environment	12
3. High-Intensity Environment	13
4. Urban Conservancy Environment	14
5. Shoreline Residential Environment	15
C. Shoreline Use and Modification Matrices	18
Chapter 4	23
General Provisions	23
A. Introduction.....	23
B. Policies and Regulations	23

1. Universally Applicable Policies and Regulations	23
2. Archaeological and Historic Resources	24
3. Critical Areas	26
4. Environmental Impacts	26
5. Flood Hazard Reduction and River Corridor Management	28
6. Parking	31
7. Public Access	32
8. Shorelines of State-Wide Significance Regulations	35
9. Signage	37
10. Utilities (Accessory)	38
11. Vegetation Conservation	39
12. Water Quality	41
Chapter 5	43
Shoreline Modification Provisions	43
A. Introduction and Applicability	43
B. Policies and Regulations	43
1. General Policies and Regulations	43
2. Shoreline Stabilization (Including Bulkheads)	45
3. Pier and Docks	49
4. Fill	52
5. Breakwaters, Jetties, and Groins	53
6. Dredging and Disposal	55
7. Shoreline Restoration and Ecological Enhancement	57
Chapter 6	59
Shoreline Use Provisions	59
A. Introduction	59
B. Shoreline Use Policies and Regulations	59

1. General Use Policies	59
2. Agriculture	59
3. Boating Facilities	61
4. Commercial Development	65
5. Industry.....	66
6. In-Stream Structures	69
7. Recreational Development	70
8. Residential Development	72
9. Transportation and Parking	74
10. Utilities.....	77
Chapter 7	80
Definitions	80
Chapter 8	92
Restoration Plan	92
A. Restoration Goals and Objectives	92
1. Goals	92
2. List of Existing and Ongoing Projects and Programs	93

CHAPTER 1

Introduction to the SMP Handbook

A. History of the SMA

In 1969, the Washington State Supreme Court decided in the case of *Wilbur v. Gallagher* (77 Wn.2d 302), commonly known as the "Lake Chelan Case," that certain activities along shorelines were contrary to the public interest. The court findings required that the public interest be represented in the proper forum for determining the use of shoreline properties. The ramifications of this decision were significant in that developers, environmentalists, and other interested parties began to recognize—although probably for different reasons—the need for a comprehensive planning and regulatory program for shorelines.

Wilbur v. Gallagher was a case primarily involving property rights. It was decided at a time of heightened environmental awareness. At the same time, Congress was considering environmental legislation and subsequently passed a number of laws relating to protection of the environment including the National Environmental Policy Act (1969) and the Coastal Zone Management Act (1972). "Earth Day" and the concept of "spaceship earth" were part of the American scene. "Conservationists" had become "environmentalists" and some had even gone so far as to call themselves "ecologists." Whatever the name or concept, concern for fragile ecological areas became important, along with the rights associated with property ownership.

Voters of the state, seeing the failure of the Seacoast Management Bill in the state legislature, validated an initiative petition commonly titled the "Shoreline Protection Act." The state legislature, choosing between adoption of the people's initiative petition or its own alternative, passed into law the "Shoreline Management Act of 1971" (SMA) effective June 1, 1971, which contained the provision for both statutes to be deferred to the electorate in the November 1972 election. The election issue required that voters respond to two questions: (1) Did they favor shoreline management? and (2) Which alternative management program did they prefer? Most Washington voters favored both shoreline management and the legislature's alternative (providing greater local control), by an approximately 2-to-1 margin. It is important to keep in mind that the SMA was a response to a people's initiative and was ratified by the voters, giving the Act a populist foundation as well as an environmental justification.

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

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

amended shoreline master programs (SMPs), reviews substantial development permits, and approves conditional use permits and variances.

After the Act's passage in 1971, Ecology adopted Chapter 173-16 WAC to serve as a standard for the implementation of the Act and to provide direction to local governments and Ecology in preparing master programs. Two hundred forty-seven cities and counties have prepared SMPs based on that WAC chapter. Over the years, local governments, with the help of Ecology, developed a set of practices and methodologies, the best of which were collected and described in the 1994 *Shoreline Management Guidebook*.

In 1995, the state legislature passed Engrossed Substitute House Bill 1724, which included several RCW amendments to better integrate the Growth Management Act (GMA), the Shoreline Management Act, and the State Environmental Policy Act (SEPA). The bill also directed Ecology to review and update the state SMA guidelines every five years. In response, Ecology undertook a primarily in-house process to prepare a new WAC chapter (also referred to in this *Handbook* as the "Guidelines"). After meeting with a series of advisory committees and producing a number of informal drafts, Ecology formally proposed a new WAC rule for the SMA in April 1999. Subsequently, in 2003, the Legislature further clarified the integration of the SMA and GMA.

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

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

B. Geographic Applications of the SMA

The Shoreline Management Act covers all shorelines of the state, including "shorelines" and "shorelines of state-wide significance" (SSWS). Provisions of the Act apply to the following geographical shoreline areas. (See RCW 90.58.030 (2).)

1. All marine waters of the state, together with the lands underlying them.
2. Streams and rivers with a minimum mean annual flow of 20 cubic feet per second.
3. Lakes and reservoirs larger than 20 acres in area.
4. "Shorelands," which are upland areas extending 200 feet landward from the edge of these waters, and the wetlands and river deltas areas *associated* with one of the above.

Local governments have the option of including the entire 100-year floodplain. The City has chosen a combined approach, which includes a portion of the floodplain. Most notably, the City has chosen not to include the area surrounding the waste water treatment plant and Allen Creek upstream of the tide gate. The shoreline jurisdiction in Marysville is identified in Figures 1 and 2. For the Ebey Slough area, Figure 1 illustrates shoreline jurisdiction identified at this time. Figure 1 also illustrates shoreline jurisdiction based on the proposed

dike breach on the north side of Ebey Slough. The inundated floodplain will overtime establish an ordinary high water mark. Until then, as allowed by RCW 90.58.030(2)(b), the mean higher high tide (8.86 feet, NAVD 88) will be used as the ordinary high water mark.

CHAPTER 2

Goals and Objectives

A. Introduction

The following goals and objectives were derived from the SMA objectives, provisions in Marysville's Comprehensive Plan, and other civic activities. They were reviewed at the public open house on March 12, 2005.

B. Elements

1. Shoreline Use Element

Goals

1. Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, industrial, residential, recreational, and open space uses.
2. Ensure that activities and facilities are located on the shorelines in such a manner as to retain or improve the quality of the environment as it is designated for that area.
3. Ensure that proposed shoreline uses do not infringe upon the rights of others or upon the rights of private ownership.
4. Encourage shoreline uses that enhance their specific areas or employ innovative features for purposes consistent with this program.
5. Encourage joint-use activities in proposed shoreline developments.
6. Ebey Slough is a shoreline of state-wide significance and is of value to the entire state and should be protected and managed. In order of preference, the priorities are to:
 - a. Recognize and protect the state-wide interest over local interest.
 - b. Preserve the natural character of the shoreline.
 - c. Result in long-term over short-term benefit.
 - d. Protect the resources and ecology of shorelines.
 - e. Increase public access to publicly owned areas of the shorelines.
7. Encourage intensive mixed-use development with public access on the city's central waterfront consistent with the 2004 Downtown Plan, and the 2005 Comprehensive Plan.
8. Ensure that planning, zoning, and other regulatory and non-regulatory programs governing lands adjacent to shoreline jurisdiction are consistent with SMA and GMA policies and regulations and the provisions of this SMP.

9. When determining allowable uses and resolving use conflicts, apply the following preferences and priorities in order of sequence listed below with a. being given top priority.
 - a. Uses and activities that protect and restore ecological functions, to control pollution, and prevent damage to the natural environment and public health
 - b. Water-dependent uses
 - c. Water related and water enjoyment uses.
 - d. Single family residences where they are appropriate and consistent with the comprehensive plan and where they can be developed without significant impact to ecological functions or displacement of water oriented uses
 - e. Non-water-oriented uses where they are consistent with the comprehensive plan and where they can be developed without significant impact to ecological functions or displacement of water oriented uses.

Note that joint-use projects that combine two or more of the categories above are encouraged and should be evaluated with respect to the degree that they achieve a balance of the priorities above and the provisions of this master program.

2. Economic Development Element

Goals

1. Ensure healthy, orderly economic growth by allowing development and/or re-development activities which will be an asset to the community and local economy and which result in the least possible adverse effect on the quality of the shoreline and surrounding environment.
2. Protect current economic activity (e.g., marinas, industrial businesses, etc.) that is consistent with the objectives of the Comprehensive Plan, the SMP, and provide for environmentally sensitive new development.
3. Seek opportunities that will rely on a landscape analysis to both support appropriate development within shoreline jurisdiction and provide for an improvement or restoration of environmental functions.
4. Develop, as an economic asset, the recreation industry along shorelines in a manner that will enhance the public enjoyment of, and public access to shorelines. Encourage improvement of boat launches, marina facilities, and public access trails when coupled with environmental protection and/or restoration.
5. Ensure that any economic activity taking place along the shoreline operates without harming the quality of the site's environment or adjacent shorelands.
6. Encourage new economic development to locate in areas already developed with similar uses that are consistent with the City's Comprehensive Plan including this master program.

3. Circulation Element

Goals

1. Provide safe, reasonable, and adequate circulation systems to shorelines where routes will have the least possible adverse effect on unique or fragile shoreline features and existing ecological systems, while contributing to the functional and visual enhancement of the shoreline.

2. To the extent feasible, locate land circulation systems that are not shoreline dependent in a manner that will reduce or eliminate interference with either natural shoreline resources or other appropriate shoreline uses. Where possible, avoid creating barriers between adjacent uplands and the shoreline.
3. Protect and enhance those characteristics of shoreline roadway corridors that are unique or have historic significance or aesthetic quality for the benefit and enjoyment of the public.

4. Conservation Element

Goals

1. As a long-term goal, seek no further degradation of environmental functions and where appropriate, the restoration of the Ebey Slough and associated wetlands to perform their natural ecological functions within the Snohomish River Estuary.
2. Ensure that utilization of a natural resource takes place with the minimum adverse impact to natural systems and quality of the shoreline environment.
3. Reclaim and restore areas that are biologically and aesthetically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline. Consider the restoration of the Qwuloolt site and add trails with interpretive displays describing the natural ecology and the restoration process.
4. Require that shoreline ecological restoration be a condition of all non-water-dependent development fronting directly on the ordinary high water mark (OHWM).
5. Preserve the scenic aesthetic quality of shoreline areas and vistas to the greatest extent feasible.
6. Pursue a comprehensive program of ecological enhancements as identified in the Shoreline Ecological Restoration Plan attached to this SMP.
7. Minimize the loss of native vegetation and preserve tree cover in riparian areas by establishing conservation standards.
8. To the extent feasible, locate and design development to avoid impacts to shoreline natural resources and the functions provided by these resources. Shoreline development projects should follow best management practices that protect water quality. Encourage public and private shoreline owners to control populations of invasive or noxious plants and animals as defined by the Washington Department of Fish & Wildlife.

5. Public Access Element

Goals

1. Provide, protect, and enhance a public access system that is both physical and visual, utilizing both private and public lands, which increases the amount and diversity of public access to the State's shorelines consistent with the natural shoreline character, private rights, and public safety.
2. Construct a continuous public path along the Ebey Slough shoreline while providing for protection of ecological functions.
3. Integrate public access to shorelines as a part of the City public trail system consistent with the adopted GMA Plan.

4. Develop a comprehensive public access system that incorporates public access into new shoreline development and unifies individual public access elements.

6. Recreational Element

Goals

1. Increase recreational opportunities in shoreline areas that can reasonably tolerate active, passive, competitive, or contemplative uses without diminishing or degrading the integrity and character of the shoreline.
2. Coordinate with the City Department of Parks and Recreation to optimize opportunities for water-oriented recreation.
3. Integrate recreational elements into other regional trail systems and into federal, state, and local public access planning.
4. Ensure existing and proposed recreational uses are of a safe and healthy nature.

7. Historical/Cultural Element

Goals

1. Identify, protect, preserve, and restore important archaeological, historical, and cultural sites located in shorelands of the State for educational, scientific, and enjoyment of the general public.
2. Encourage educational projects and programs that foster a greater appreciation of the importance of shoreline management, marine activities, environmental conservation, and local history.

8. Flood Damage Minimization Element

Goals

1. Reduce the likelihood of flood damage within and outside the city limits by locating development away from flood-prone areas and by protecting and restoring natural geohydrological processes.
2. Participate in watershed-wide programs to reduce flood hazards and improve the shoreline ecology.

CHAPTER 3

Environment Designation Provisions

A. Introduction

The Shoreline Management Act (RCW 90.58) and Shoreline Guidelines (WAC 173-26) provide for shoreline designations to serve as a tool for applying and tailoring the general policies of the Act to local shorelines. Shoreline classifications provide a means of adapting broad policies to shoreline segments while recognizing different conditions and valuable shoreline resources, and a way to integrate comprehensive planning into shoreline master program regulations.

B. Environment Descriptions

1. Aquatic Environment

a. Purpose

The purpose of the Aquatic Environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark (OHWM).

b. Designation Criteria

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

c. Management Policies

- New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.
- The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
- Provisions for the Aquatic Environment should be directed towards maintaining and restoring habitat for priority aquatic species.
- All developments and uses on navigable waters or their beds should be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- Uses that cause significant ecological impacts to critical saltwater and freshwater habitats should be discouraged. Where those uses are necessary to achieve the objectives of RCW 90.58.020, their impacts shall be mitigated according to the sequence defined in Section 4.B.4.
- Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- All developments and activities using navigable waters or their beds should be located and designed to minimize interference with surface navigation, to

minimize adverse visual impacts, and to allow for the safe, unobstructed passage of fish and animals, particularly those whose life cycles are dependent on such migration.

- Development of underwater pipelines and cables on first- and second-class tidelands should include adequate provisions to ensure against substantial or irrevocable damage to the environment.
- Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with the provision of this program.

2. Aquatic Urban Shoreline Environment

a. Purpose

The purpose of the Aquatic Urban Environment Designation is to allow for the removal, maintenance or construction of high-intensity, water-oriented uses that require piers/docks for operations or for access to the water including essential public transportation facilities, recreational, and mixed-use commercial development.

b. Designation Criteria

An Aquatic Urban Environment designation includes all water waterward of the OHWM that is currently occupied by, or planned for development or redevelopment by water-dependent; water-related; and water-enjoyment uses, including water dependent/water-related transportation, mixed-use commercial, and recreational uses.

For the purposes of this plan, the Aquatic Urban Environment designation includes areas waterward from the OHWM on the north side of Ebey Slough a maximum of 175' or to the edge of navigable water, whatever comes first. The width of the 'Aquatic Urban Shoreline Environment' lies between Interstate 5 to the west and the eastern boundary of the Marysville Waste Water Treatment Plant to the western city boundary along Interstate-5.

c. Management Policies

- All development, activities and uses waterward of the OHWM shall: minimize interference with surface navigation; consider impacts to public views, and allow for the safe, unobstructed passage of fish and wildlife.
- Ensure that public and private use of the aquatic environment and its natural resources occurs with minimal adverse impacts to the quality of the aquatic areas waterward of the shoreline with focus on maintaining and restoring the nearshore and aquatic environments.
- Minimize adverse impacts of overwater structures, docks, and boat moorage on the aquatic environment's ecological functions.
- Over water uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.

3. High-Intensity Environment

a. Purpose

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

b. Designation Criteria

A High-Intensity Environment designation will be assigned to shorelands within City jurisdiction if they currently support or are suitable and planned for high-intensity water-dependent uses related to commerce, transportation, or navigation, or if they support the City of Marysville Comprehensive Plan goals and environmental management goals.

The following shorelands landward of the OHWM are designated High-Intensity:

- All shorelands landward of the OHWM on the north side of Ebey Slough from the eastern boundary of the Marysville Waste Water Treatment Plant to the western city boundary.
- All shorelands in the public right-of-way, state and local, and railroad properties existing in public or railroad ownership at the time of adoption of this SMP to the south of Ebey Slough.
- Land located east of SR 529, north of Steamboat Slough, south and west of Ebey Slough (aka TP #300533-002-002-00) and in the northwest and southwest quarters of Section 33, Township 30N, Range 5E, W.M. (the concrete plant).
- Public rights-of-way (streets and utilities) crossing or near Quilceda Creek.

c. Management Policies

- In regulating uses in the High-Intensity Environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses. Non-water-oriented uses should be discouraged except as part of mixed-use developments or existing developed areas supporting water-dependent uses and/or shoreline restoration. Non-water-oriented uses may also be allowed in limited situations where they do not conflict with or limit opportunities for water-oriented uses or on sites where there is no direct access to the shoreline if shoreline restoration is included as part of development.
- New development should protect and, where feasible, restore shoreline ecological functions, with particular emphasis on habitat for priority species. Where applicable, new development shall include environmental cleanup and restoration of the shoreline in accordance with state and federal requirements.
- Visual and physical public access should be required as provided for in SMP Section 4.B.7, except as noted in that section.
- Aesthetic objectives should be actively implemented by means such as sign control regulations, appropriate development siting, screening and

architectural standards, and maintenance of natural vegetative buffers. These objectives may be implemented either through this master program or other City ordinances.

- Development in the High-Intensity Environment should be managed so that it enhances and maintains the shorelines for a variety of urban uses, with priority given to water-dependent, water-related, water-enjoyment uses and public access.
- In order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses, the redevelopment and renewal of substandard, degraded, obsolete urban shoreline areas should be encouraged.

4. Urban Conservancy Environment

a. Purpose

The purpose of the Urban Conservancy Environment is to protect and restore ecological functions in urban and developed settings, while allowing limited water-oriented uses.

b. Designation Criteria

An Urban Conservancy Environment designation will be assigned to shorelands appropriate and planned for development that are not generally suitable for water-dependent uses and that lie in incorporated municipalities, urban growth areas, or commercial or industrial rural areas of more intense development with any of the following characteristics:

- They are suitable for water-related or water-enjoyment uses;
- They are flood plains, steep slopes, or other areas that should not be more intensively developed;
- They have potential for ecological restoration;
- They retain important ecological functions, even though partially developed; or

The following shorelands are designated Urban Conservancy:

- All shorelands southward of Ebey Slough, except those noted as High-Intensity in the immediately preceding section.
- All shorelands bordering on Quilceda Creek (except public rights-of-way (street and utility crossings)).
- All lands lying within the 100-year floodplain north of Ebey Slough between the eastern boundary of the Waste Water Treatment Plant (WWTP) and the eastern city boundary, except for residential lots less than 6,000 square feet in area and those areas designated High-Intensity in the previous section.
- All shorelands not otherwise designated in this Master Program.

c. Management Policies

- During development and redevelopment, all reasonable efforts should be taken to restore ecological functions. Where feasible, restoration and public access should be required of all non-water-dependent development on previously developed shorelines.

- Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the urban conservancy designation to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat for priority species.
- Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
- Water-oriented uses should be given priority over non-water-oriented uses. For shoreline areas adjacent to commercially navigable waters, water-dependent uses should be given highest priority.
- Derelict, unsafe and unlawful structures should be removed or brought into conformance of this SMP.

5. Shoreline Residential Environment

a. Purpose

The purpose of the Shoreline Residential Environment is to accommodate residential development and appurtenant structures that are consistent with this chapter. An additional purpose is to provide appropriate public access and recreational uses.

b. Designation Criteria

A Shoreline Residential Environment designation will be assigned to shorelands inside urban growth areas, as defined in RCW 36.70A.110, incorporated municipalities, rural areas of more intense development, or master planned resorts, as described in RCW 36.70A.360, if they are predominantly single-family or multifamily residential development or are planned and platted for residential development.

The following shorelands are designated Shoreline Residential:

- Shorelands lying north of Ebey Slough and adjacent to the slough or its associated wetlands with existing residential uses on lots less than 6,000 square feet in area as of the date of adoption of this SMP.

c. Management Policies

- Densities or minimum frontage width standards in the Shoreline Residential Environment should be set to protect the shoreline ecological functions, taking into account the environmental limitations and sensitivity of the shoreline area, the level of infrastructure and services available, and other comprehensive planning considerations.
- Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.
- Water-oriented recreational uses should be allowed.

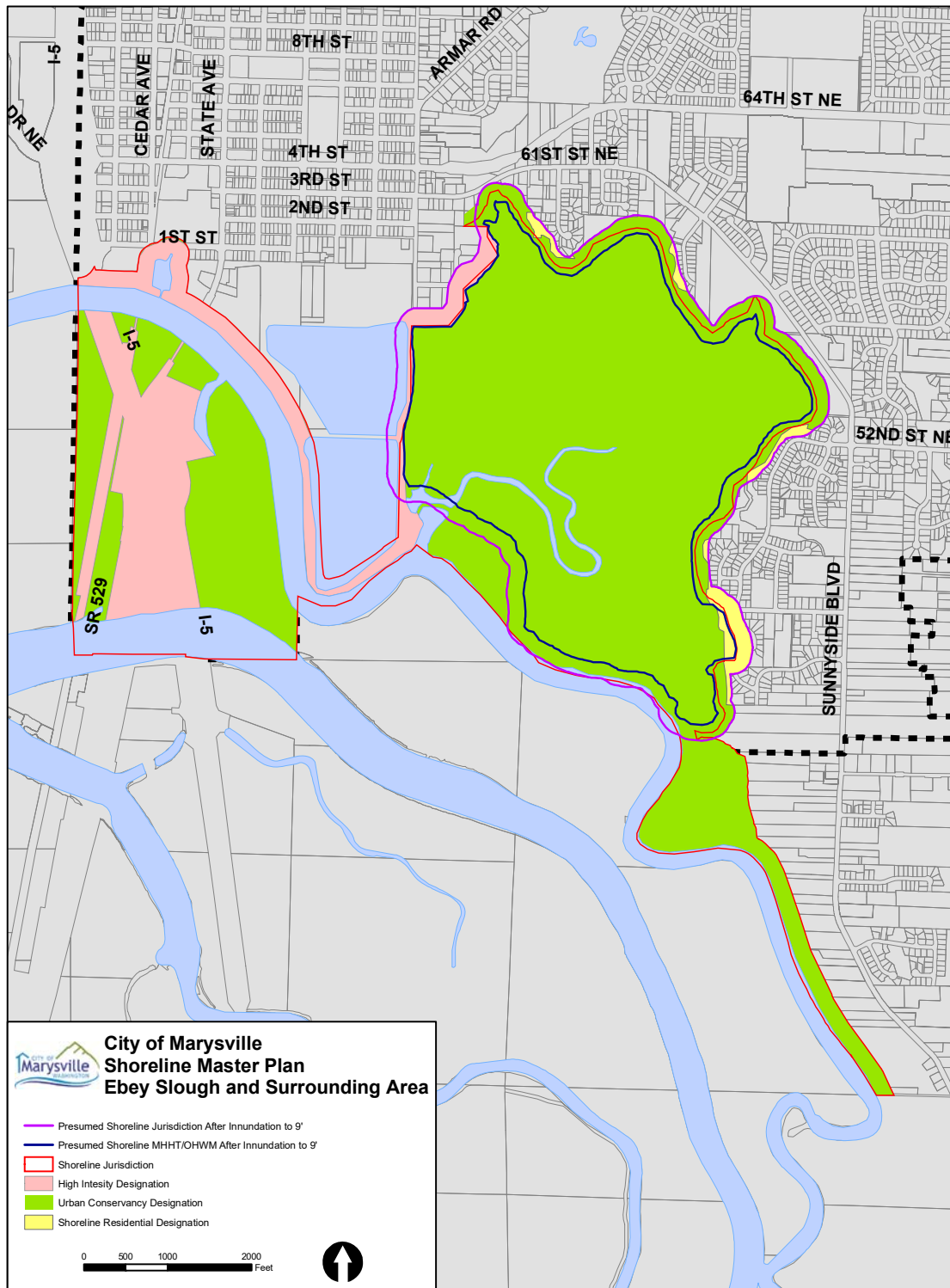


Figure 1. Shoreline environment designations for City of Marysville - Ebey Shough and associated shorelands.

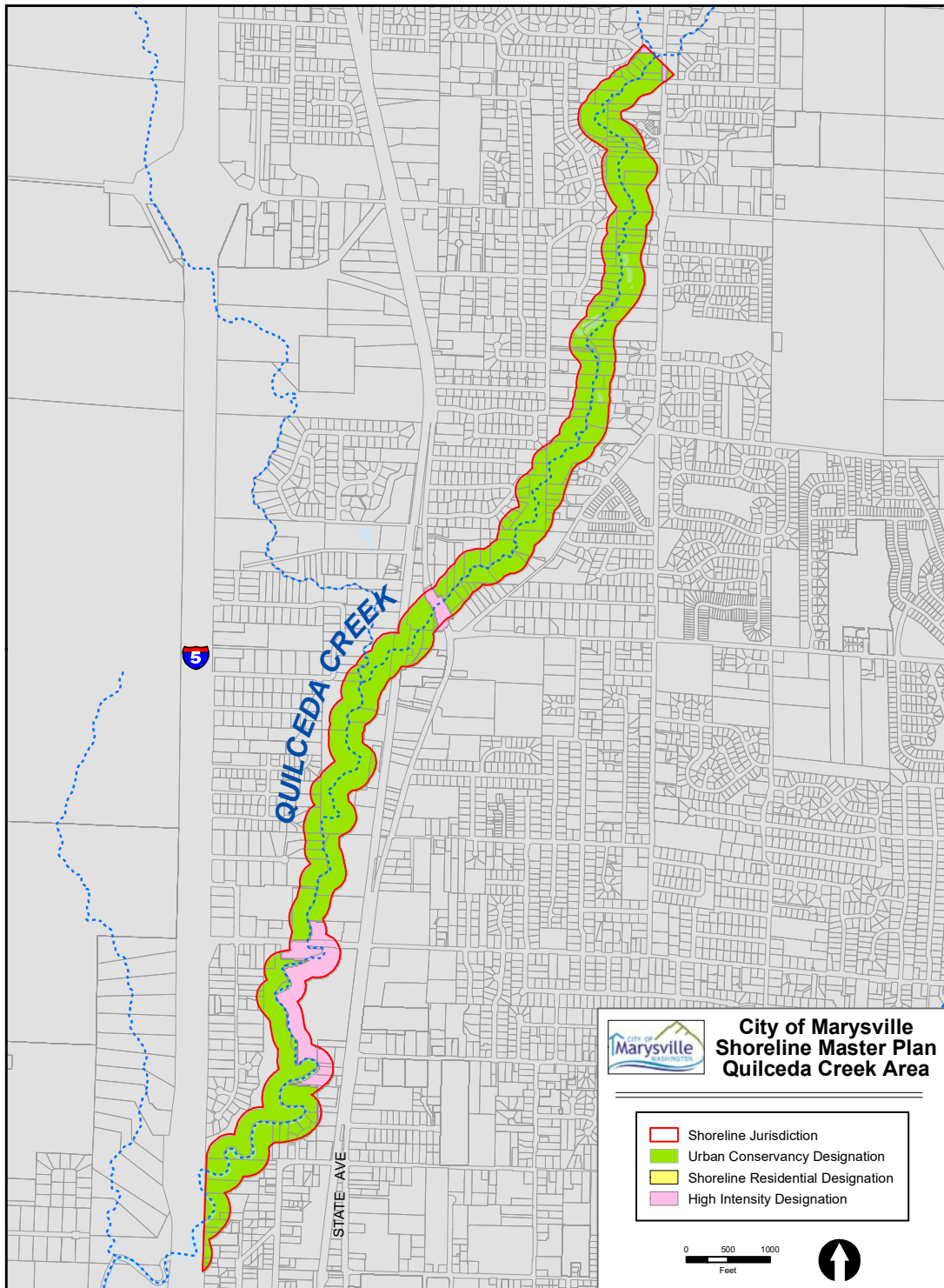


Figure 2. Shoreline environment designations for City of Marysville - Quilceda Creek.

C. Shoreline Use and Modification Matrices

The following matrices indicate the allowable uses and shoreline modifications and some of the standards applicable to those uses and modifications. Where there is a conflict between the chart and the written provisions in Chapters 4, 5, or 6 of this master program, the written provisions shall apply.

The charts are coded according to the following legend. Where a hyphen is used (e.g., P-X), see “Notes to Matrices” following the charts for an explanation.

P = May be permitted

C = May be permitted as a conditional use only

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

N/A = Not applicable

SHORELINE USE	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic Urban	Aquatic
Agriculture	P	P	X	X	X
Aquaculture	X	X	X	X	X
Boating facilities (including marinas)	P	C ³	X	P	P ¹
Commercial:					
Water-dependent	P	X	X	P	P ¹
Water-related, water-enjoyment	P ²	X	X	P	X ¹⁵
Non-water-oriented	P ²	X	X	P ²	X
Flood hazard management	P	P ³	P	X	X
Forest practices	X	X	X	X	X
Industrial:					
Water-dependent	P	X	X	P ¹	P ¹
Water-related, water-enjoyment	P ²	X	X	X ¹⁵	X ¹⁵
Non-water-oriented	C ²	X	X	X	X
Mining	X	X	X	X	X
Parking (accessory)	P	P ³	P	X	X
Parking (primary, including paid)	X	X	X	X	X
Recreation:					
Water-dependent	P	P ³	P	P	P
Water-enjoyment	P	P ³	P	P	X
Non-water-oriented	P ²	X	P	P ²	X

SHORELINE USE	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic Urban	Aquatic
Single-family residential	X	X-P ⁹ ,	P	X	X
Multifamily residential	P ²	X	P	X	X
Land division (See Section 6.B.7.)	P	X	P	X	X
Signs:					
On premises	P	X	X	X	X
Off premise	X	X	X	X	X
Public, highway	P	P	X	X	X
Solid waste disposal	X	X	X	X	X
Transportation:					
Water-dependent	P	P	C	P	P
Non-water-oriented	P ⁴	C ⁴	C ⁴	P ⁴	C ^{4,17}
Roads, railroads	P ⁴	C ⁴	P ⁴	C ^{4,17}	C ^{4,17}
Utilities (primary)	P ⁴	C ⁴	P ⁴	P ⁴	C ⁴

SHORELINE MODIFICATIONS	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic Urban	Aquatic
Shoreline stabilization ¹³ :					
Beach restoration/enhancement	P	P ⁵	P	P	P ⁵
Bioengineering	P	P ⁵	P	P	C ⁵
Revetments	P	C ⁵	P	P	C ⁵
Bulkheads	P	C ⁵	P	X	X
Breakwaters/jetties/rock weirs/groins	P	C ⁵	P	C	C ⁵
Dikes, levees	P	C ⁵	P	C	X
Dredging	N/A	N/A	N/A	P ⁶	C ⁶
Hazardous waste cleanup	P	P	P	P	P
Fill ³	P	C ⁵	P	P	C ⁵

Piers, docks, buoys, floats	P	P ⁷	X	P ^{1,2}	P ¹
-----------------------------	---	----------------	---	------------------	----------------

DEVELOPMENT STANDARDS ¹²		High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic Urban	Aquatic
Boating Facilities						
Water-dependent setback		0	0	0	N/A	N/A
Water-related Building setback		25'	50'	N/A	N/A	N/A
Commercial, Recreational, and Industrial Development						
Water-dependent setback		0	N/A	N/A	N/A	N/A
Water-related, water-enjoyment setback		70' ⁸	N/A	N/A	N/A	N/A
Non-water-oriented setback		70' ⁸	N/A	N/A	N/A	N/A
Building height limit		65'	N/A	N/A	40'	N/A
Parking (Accessory)						
Setback		70' ⁸	N/A	20'	N/A	N/A
Residential Development						
Setbacks for all dwelling units		70' ⁸	N/A ¹⁰	20' ¹¹	N/A	N/A
Height limit		85'	25'	40'	N/A	N/A

Notes to Matrices:

1. The use or shoreline modification may be allowed in the Aquatic Environment and Urban Aquatic Environment if, and only if, permitted in the adjacent upland environment.
2. Public access, as approved by the City, is a condition of non-water-dependent development.
3. The use may be allowed provided it does not cause significant ecological impacts.
4. The use may be allowed providing there is no other feasible route or location.
5. The shoreline modification may be allowed for environmental restoration or if the City determines that there will be a net increase in desired shoreline ecological functions.
6. Dredging may be allowed only in support of a water-dependent use when the City finds that the need is demonstrated.
7. Piers or docks may be allowed only for public access or hand-held vessels and only if significant adverse ecological impacts are avoided.
8. The setback space shall include a 50-foot minimum strip of shoreline restoration measures and/or native vegetation plantings as approved by the City plus a 20-foot-wide public access easement running parallel with the shoreline. (See General Provisions, Vegetation Conservation, Section 4.B.11.)

The City may reduce the required setback to 40 feet for mixed-use development as part of master planned marinas or water-dependent recreation facilities, provided public access to the shoreline is provided in some other way and the vegetation enhancement is provided in the 40-foot setback.

9. *New residential development is not allowed in the Urban Conservancy Environment except along the Quilceda Creek shoreline. For shoreline lots existing prior to the adoption of this shoreline master program along the Quilceda Creek shoreline, new residential development is allowed provided it meets the provisions of this master program and the City of Marysville Critical Area Ordinance.*
10. *Note that new residential development is prohibited in the Urban Conservancy Environment except for lots fronting Quilceda Creek created prior to the adoption of this shoreline master program. All new and redeveloped lots must meet the buffer requirements listed in the Critical Areas section of the SMP. See also regulations related to Residential Development and Nonconforming Use within the SMP.*
11. *Properties abutting the Qwuloolt Restoration Project are not required to obtain a Shoreline substantial development permit pursuant to RCW 90.58.580(3) "A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a restoration project creating a landward shift in the ordinary high water mark." .*
12. *See also Section 3, "Critical Areas" and Section 4.B.11, "Vegetation Conservation."*
13. *See also setback requirements in Chapter 5, Section B.2.c.3.*
14. *Fill in the floodway requires a conditional use permit. See Chapter 5, Section B.4.c.4.*
15. *Except for some mixed-use development. See Chapter 5, Section B.3.c.3.*
16. *The High-Intensity designations along Quilceda Creek must meet the buffer requirements listed in the Critical Areas section of the SMP.*
17. *Expansion of existing facilities does not require a conditional use.*

CHAPTER 4

General Provisions

A. Introduction

General policies and regulations are applicable to all uses and activities (regardless of master program environment designation) that may occur along a jurisdiction's shorelines. If used properly, they can also reduce redundancy in a master program by eliminating the need to repeat regulations over and over for each environment designation.

This chapter is broken up into twelve different topic headings and is arranged alphabetically. Each topic begins with a discussion of background master program issues and considerations, followed by general policy statements and regulations. The intent of these model provisions is to be inclusive, making them applicable over a wide range of environments as well as particular uses and activities. They can be used directly or modified to include more restrictive language as necessary.

B. Policies and Regulations

1. Universally Applicable Policies and Regulations

a. **Applicability**

The following regulations describe the requirements for all shoreline uses and modifications in all environment designation.

b. **Policies**

1. The City will periodically review conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore the ecology, protect human health and safety, upgrade the visual qualities, and enhance residential and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:
 - a. Water quality.
 - b. Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions).
 - c. Upland vegetation.
 - d. Changing visual character as a result of new residential development, including additions, and individual vegetation conservation practices.
 - e. Shoreline stabilization and modifications.

2. The City will keep records of all project review actions within shoreline jurisdiction, including shoreline permits, letters of exemption, and building permits.
3. Where appropriate, the City will pursue the policies of this master program in other land use, development permitting, public construction, and public health and safety activities. Specifically, such activities include, but are not limited to:
 - a. Water quality and storm water management activities, including those outside shoreline jurisdiction but affecting the shorelines of the state.
 - b. Aquatic vegetation management.
 - c. Health and safety activities, especially those related to sanitary sewage.
 - d. Public works and utilities development.
4. Involve affected federal, state, and tribal governments in the review process of shoreline applications.

c. Regulations

1. All proposed shoreline uses and development, including those that do not require a shoreline permit, must conform to the Shoreline Management Act, Chapter 90.58 RCW, and to the policies and regulations of this master program.
2. All new shoreline modifications must be in support of an allowable shoreline use that conforms to the provisions of this master program. Except as otherwise noted, all shoreline modifications not associated with a legally existing or an approved shoreline use are prohibited.
3. Shoreline uses, modifications, and conditions listed as "prohibited" shall not be eligible for consideration as a shoreline variance or shoreline conditional use permit.
4. The "policies" listed in this master program will provide broad guidance and direction and will be used by the City in applying the "regulations." The policies, taken together, constitute the Shoreline Element of the Marysville Comprehensive Plan.
5. Where provisions of this master program conflict, the provisions most directly implementing the objectives of the Shoreline Management Act, as determined by the City, shall apply unless specifically stated otherwise.
6. See Section 4 for regulations, including exemptions, variances, conditional uses, and nonconforming uses.

2. Archaeological and Historic Resources

a. Applicability

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

b. Policy

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

c. Regulations

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City if any phenomena of possible archaeological value are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged or mapped.
2. Permits issued in areas known to contain archaeological artifacts and data shall include a requirement that the developer provide for a site inspection and evaluation by an archaeologist. The permit shall require approval by the City before work can begin on a project following inspection. Significant archaeological data or artifacts shall be recovered before work begins or resumes on a project.
3. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued which would pose a threat to the site. The City may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 2744 (Indian Graves and Records) and RCW 2753 (Archaeological Sites and Records) and shall comply with WAC 25-48 as well as the provisions of this master program.
6. Archaeological excavations may be permitted subject to the provisions of this program.
7. Identified historical or archaeological resources shall be considered in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.
8. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.
9. The City will work with affected tribes and other agencies to protect Native American artifacts and sites of significance and other archaeological and cultural resources as mandated by Chapter 27.53 RCW.

3. Critical Areas

The Marysville Critical Areas Regulations, as codified in Chapter [19.24 22E.010](#) MMC (dated May 2, 2005, Ordinance #2571 [and amending Ordinance 3073, dated December 11, 2017](#)), are herein incorporated into this master program except as noted below.

Exceptions to the applicability of Marysville Critical Areas Regulations in Shoreline Jurisdiction in the instances specified below.

1. If provisions of the Critical Areas Regulations and other parts of the master program conflict, the provisions most protective of the ecological resource shall apply, as determined by the City.
2. Provisions of the Critical Areas Regulations that are not consistent with the Shoreline Management Act Chapter, 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in Shoreline jurisdiction.
3. The provisions of Marysville Critical Areas Regulations do not extend Shoreline Jurisdiction beyond the limits specified in this SMP. For regulations addressing critical area buffer areas that are outside Shoreline Jurisdiction, see Marysville Critical Areas Regulations.
4. Provisions of Marysville Critical Area Regulations that include a “reasonable use determination” shall not apply within Shoreline Jurisdiction. Specifically,
 - The sentence in MMC [19.24.020 22E.010.020](#) referring to reasonable use determination does not apply.
 - MMC Section [19.24.420 22E.010.410](#) does not apply.
5. Provisions of Marysville Critical Areas Regulations relating to variance procedures and criteria do not apply in Shoreline Jurisdiction. Within Shoreline Jurisdiction, the purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Specifically, MMC [19.24.320\(2\) 22E010.310\(2\)](#) shall not apply. Variance procedures and criteria shall be established in the SMP, ~~Chapter 8 Section B~~ [MMC Chapter 22E.050 Shoreline Master Program](#) and in Washington Administrative Code WAC 173-27-170.
6. Criteria (b) and (c) describing exceptions for approved plats and legally created lots in MMC section [19.24.330\(7\) 22E.010.320\(7\)](#) shall not apply, except where adjacent to the QWULLOLT Restoration Project.

4. Environmental Impacts

a. Applicability

The following policies and regulations apply to all uses and development in shoreline jurisdiction.

b. Policies

1. In implementing this master program, the City will take necessary steps to ensure compliance with Chapter 43.21 RCW, the Washington State Environmental Policy Act of 1971, and its implementing guidelines.
2. All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible.

c. Regulations

1. All project proposals, including those for which a shoreline permit is not required, shall comply with Chapter 43.21c RCW, the Washington State Environmental Policy Act.
2. Projects that cause significant ecological impacts, as defined in Definitions, are not allowed unless mitigated according to the sequence in Item 4 below to avoid reduction or damage to ecosystem-wide processes and ecological functions.
3. Projects that cause significant adverse impacts, other than significant ecological impacts, shall be mitigated according to the sequence in Item 4 below.
4. When applying mitigation to avoid or minimize significant adverse effects and significant ecological impacts, the City will apply the following sequence of steps in order of priority, with (a) being top priority:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.

The City will set mitigation requirements or permit conditions based on impacts identified. In determining appropriate mitigation measures, avoidance of impacts by means such as relocating or redesigning the proposed development will be applied first. Lower priority measure will be applied only after higher priority measures are demonstrated to be not feasible or not applicable. (See definition of “feasible” in Definitions.)

5. All shoreline development shall be located and constructed to avoid significant adverse impacts to human health and safety.

5. Flood Hazard Reduction and River Corridor Management

a. Applicability

The provisions in this section apply to those areas within shoreline jurisdiction lying along Ebey Slough and the Snohomish River floodplain corridors, including rivers, streams, associated wetlands in the floodplain, and river deltas.

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

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

For this Section 5, "Flood Hazard Reduction and River Corridor Management," only, the term "floodway" refers to the FEMA definition.

b. Policies

1. Implement a comprehensive program to manage the City's riparian corridors that integrates the following City ordinances and activities:
 - a. Regulations in this master program.
 - b. The City's Critical Area Ordinance.
 - c. The City's zoning ordinance.
 - d. The City's storm water management plan and implementing regulations.
 - e. The City's flood hazard minimization ordinance, Chapter 16.32 MMC, "Floodplain Management."
 - f. The City's participation in flood hazard reduction programs, including the Federal Emergency Management Act and the Washington State Flood Control Assistance Account Program.
 - g. The construction or improvement of new public facilities, including roads, dikes, utilities, bridges, and other structures.
 - h. The ecological restoration of selected shoreline areas.
2. In regulating development on shorelines within SMA jurisdiction, endeavor to achieve the following:
 - a. Maintenance of human safety.
 - b. Protection and, where appropriate, the restoration of the physical integrity of the ecological system processes, including water and sediment transport and natural channel movement.
 - c. Protection of water quality and natural groundwater movement.
 - d. Protection of fish, vegetation, and other life forms and their habitat vital to the aquatic food chain.
 - e. Protection of existing legal uses and legal development unless the City determines relocation or abandonment of a use or structure is the only

feasible option or that there is a compelling reason to the contrary based on public concern and the provisions of the SMA.

- f. Protection of recreation resources and aesthetic values, such as point and channel bars, islands, and other shore features and scenery.
3. Undertake flood hazard planning, where practical, in a coordinated manner among affected property owners and public agencies and consider entire drainage systems or sizable stretches of rivers, lakes, or marine shorelines. This planning should consider the off-site erosion and accretion or flood damage that might occur as a result of stabilization or protection structures or activities. Flood hazard management planning should fully employ nonstructural approaches to minimizing flood hazard to the extent feasible.
4. Give preference to and use nonstructural solutions over structural flood control devices wherever feasible, including prohibiting or limiting development in historically flood-prone areas, regulating structural design and limiting increases in peak storm water runoff from new upland development, public education, and land acquisition for additional flood storage. Structural solutions to reduce shoreline hazard should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the hazard.
5. In designing publicly financed or subsidized works, give consideration to providing public pedestrian access to the shoreline for low-impact outdoor recreation.
6. Encourage the removal or breaching of dikes to provide greater wetland area for flood water storage and habitat; provided, such an action does not increase the risk of flood damage to existing human development.

c. Regulations

1. The applicant shall provide the following information as part of a shoreline permit application on Ebey Slough.
 - a. Location of ordinary high water mark (OHWM), 100-year floodplain boundary, floodway boundary as defined by FEMA, and bankfull width boundary.
 - b. Existing shoreline stabilization and flood-protection works on the site.
 - c. Physical, geological, and soil characteristics of the area.
 - d. Predicted impacts upon area shore and ecological processes, adjacent properties, and shoreline and water uses.
 - e. Analysis of alternative construction methods, development options, or flood protection measures, both structural and nonstructural.
 - f. Description of existing shoreline vegetation and measures to protect existing vegetation and to re-establish vegetation.
2. New development must be consistent with items a through d below in addition to the provisions of this master program. In cases of inconsistency, the provisions most protective of shoreline ecological functions and processes shall apply:

- a. The City's comprehensive flood hazard reduction plan, Chapter 16.32 MMC, "Floodplain Management."
- b. The applicable provisions of the City floodplain regulations adopted under Chapter 86.16 RCW.
- c. The flood insurance study for Snohomish County, Washington, prepared by FEMA in accordance with Chapter 86.16 RCW and the National Flood Insurance Program.
- d. The 2001 Washington Department of Ecology Stormwater Manual, as adopted by the City of Marysville.

Conditions of Hydraulic Project Approval, issued by Washington State Department of Fish and Wildlife, may be incorporated into permits issued for flood protection.

3. New structural flood hazard reduction measures, including dikes, levees, and overflow channels, may be allowed only when all of the following can be demonstrated:
 - a. The project does not further restrict natural channel movement, except that flood hazard reduction measures that protect an existing building, roadway, bridge, or utility line may be installed, provided the measure is placed as close to the existing structure as possible;
 - b. Other, nonstructural measures would not be feasible or adequate;
 - c. The measures are necessary to protect existing development or new public development, such as a roadway, that cannot be located further from the stream channel; and
 - d. Shoreline vegetation necessary to provide ecological functions is protected or restored.
4. New flood hazard reduction measures, including dikes and levees, may be constructed to protect properties as part of a shoreline environmental restoration project, such as the breaching of a dike to create additional wetlands.
5. Otherwise allowed development in the 100-year floodplain and flood hazard reduction measures shall employ the type of construction or measure that causes the least significant ecological impacts. Authorizing development within the 100-year floodplain, the City will require that the construction method with the least negative significant ecological impacts be used. For example, the City will not allow rock revetments to be used for erosion control if a "softer" approach using vegetation plantings and engineered woody debris placement is possible.
6. Existing hydrological connections into and between water bodies, such as streams, tributaries, wetlands, and dry channels, shall be maintained. Where feasible, obstructed channels shall be re-established as a condition of non-water-dependent uses, development in the 100-year floodplain, and structural flood hazard reduction measures.
7. Re-establishment of native vegetation waterward of a new structure on Ebey Slough is required where feasible. The City may require re-establishment of

vegetation on and landward of the structure if it determines such vegetation is necessary to protect and restore ecological functions.

8. Designs for flood hazard reduction measures and shoreline stabilization measures in river corridors must be prepared by qualified professional engineers (or geologists or hydrologists) who have expertise in local riverine processes.
9. Structural flood hazard reduction projects that are continuous in nature, such as dikes or levees, shall provide for public access unless the City determines that such access is not feasible or desirable according to the criteria in the "Public Access" section.
10. Refer to the use, shoreline modification and development standards table in Chapter 3 for allowable uses and modification and development standards such as setbacks and clearing and grading within each environment designation.
11. Residential, commercial, and industrial uses that may be damaged by flooding are prohibited in 100-year floodplains. In determining whether a use may be damaged, the local government should consider its location, its design, the extent to which development has occurred in the floodplain, and whether access will be available to the use during flood events.
12. Hospitals, health care facilities, nursing homes, and retirement homes are prohibited within 100-year floodplains.
13. Residential, commercial, and industrial subdivisions and short subdivisions shall be designed so that each lot will have a building site outside the 100-year floodplain and new buildings shall be located outside the 100-year floodplain. The subdivision's internal street system should be laid out to provide access to each lot that is passable by passenger car during a 100-year flood event.
14. Bridges, culverts, and other river, stream, and waterway crossings shall be designed and constructed so they do not restrict flood flows such that flood elevations are increased. Where a bridge, culvert, or other waterway crossing replaces an existing crossing, the replacement structure shall not increase flood heights over those caused by the original structure.
15. The removal of gravel for flood control may be allowed only if biological and geomorphologic study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution.

6. Parking

a. Applicability

Parking is the temporary storage of automobiles or other motorized vehicles. Except as noted the following provisions apply only to parking that is "accessory" to a permitted shoreline use. Parking as a "primary" use and parking which serves a use not permitted in the shoreline jurisdiction is prohibited.

b. Policies

1. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).
2. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.
3. Low-impact parking facilities, such as permeable pavements, are encouraged.

c. Regulations

1. Parking as a primary use or that serves a use not permitted in the applicable shoreline environment designation shall be prohibited over water and within shoreline jurisdiction.
2. Parking in shoreline jurisdiction must directly serve a permitted shoreline use.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon the adjacent shoreline and abutting properties. Landscaping shall consist of native vegetation and/or plant materials approved by the City and be planted before completion of the parking area in such a manner that plantings provide effective screening within three years of project completion.
4. Parking facilities serving individual buildings on the shoreline shall be located landward from the principal building being served, EXCEPT when the parking facility is within or beneath the structure and adequately screened, or in cases when an alternate location would have less environmental impact on the shoreline.
5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
6. Parking facilities shall provide adequate facilities to prevent surface water runoff from contaminating water bodies, using best available technologies and include a maintenance program that will assure proper functioning of such facilities over time.

7. Public Access

a. Applicability

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and/or the ability to have a view of the water and the shoreline from upland locations. Public access facilities may include picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launches, and improved street ends. The City has prepared a plan for a proposed "Ebey Waterfront Trail" extending along the Ebey Slough waterfront and connecting to the existing pedestrian trail to Sunnyside public access point and to the east to connect to a regional trail system. Trails and public access points are also shown on the trail network maps in the City of Marysville Parks and Recreation Plan

Along Quilceda Creek, public access will be primarily views of the stream from public roadways.

b. Policies

1. Public access should be considered in the review of all private and public developments (including land division) with the exception of the following:
 - a. One- and two-family dwelling units; or
 - b. Where deemed inappropriate due to health, safety and environmental concerns.

Public access should be required when land is divided into more than four residential lots.

2. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the rights of navigation.
3. Public access, including historical recreational access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.
4. Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and enhanced.
5. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.
6. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views.
7. Public access and interpretive displays should be provided as part of publicly funded restoration projects where significant ecological impacts can be avoided.
8. The Ebey Waterfront Trail and, where applicable, the City's Parks and Recreation Plan should be implemented to provide a continuous waterfront multi-purpose trail from the City's Waterfront Park to the east and north to connect to the Sunnyside Drive Public Access Point and to proposed regional trails.
9. Commercial and industrial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area wherever feasible.
10. The acquisition of suitable upland shoreline properties to provide access to publicly owned shorelands should be encouraged.

c. Regulations

1. Except as provided in regulations 2 and 3, shoreline substantial developments or conditional uses shall provide public access where any of the following conditions are present:
 - a. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact.

- b. Where a development or use will interfere with an existing public access way, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.
- c. Where a use which is not a priority shoreline use under the Shoreline Management Act locates on a shoreline of the state, the use or development shall provide public access to mitigate this impact.
- d. Where a use or development will interfere with a public use of lands or waters subject to the public trust doctrine, the development shall provide public access to mitigate this impact.
- e. Where the development is proposed by a public entity or on public lands.
- f. Where called for under the City's public access plan, including the Ebey Waterfront Trail.
- g. Where the rights of navigation are impacted, the proposed development will include mitigation for that impact.
- h. As part of development for non-water-dependent uses (including water-enjoyment and water-related uses) and subdivisions of land into more than four parcels.

The shoreline permit file shall describe the impact, the required public access conditions, and how the conditions address the impact. Mitigation for public access impacts shall be in accordance with the definition of mitigation and mitigation sequence in Section 4.B.4.

- 2. An applicant need not provide public access where the City determines that one or more of the following conditions apply.
 - a. The adopted City's public access planning indicates that public access is not required.
 - b. Unavoidable health or safety hazards to the public exist which cannot be prevented by any practical means;
 - c. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
 - d. The cost of providing the access as determined by the City, easement or an alternative amenity is unreasonably disproportionate to the total long-term cost of the proposed development;
 - e. Significant ecological impacts will result from the public access which cannot be mitigated; or
 - f. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.
- 3. In order to meet any of the conditions "a" through "f" above, the applicant must first demonstrate and the City determine in its findings that all reasonable alternatives have been exhausted, including but not limited to:
 - a. Regulating access by such means as maintaining a gate and/or limiting hours of use;

- b. Designing separation of uses and activities (e.g. fences, terracing, use of one-way glazings, hedges, landscaping, etc.); and
 - c. Developing provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.
4. Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished (This is a requirement of RCW 35.79.035 and RCW 36.87.130).
 5. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.
 6. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.
 7. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, at a minimum. Said recording with the County Auditor's Office shall occur at the time of permit approval (RCW 58.17.110).
 8. Minimum width of public access easements shall be 20 feet, unless the City determines that undue hardship would result.

In such cases, easement width may be reduced only to the minimum extent necessary to relieve the hardship.
 9. The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. In accordance with regulation 3-a, signs may control or restrict public access as a condition of permit approval.
 10. Future actions by the applicant successors in interest or other parties shall not diminish the usefulness or value of the public access provided.

8. Shorelines of State-Wide Significance Regulations

a. Applicability

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

b. Policies

In implementing the objectives of RCW 90.58.020, the City will base decisions and actions on the following policies in order of priority, 1 being the highest and 6 being lowest.

1. Recognize and protect the state-wide interest over local interest.

- a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the master program, and any amendments there of affecting shorelines of state-wide significance, to state agencies, adjacent jurisdictions, citizen's advisory committees and local officials and state-wide interest groups.
 - b. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.
 - c. Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
2. Preserve the natural character of the shoreline.
 - a. Designate and administer shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
 - b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low-intensity use or underdeveloped areas.
 - c. Protect and restore existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.
 - d. Protect and restore habitats for State-listed "priority species."
 3. Result in long-term over short-term benefit.
 - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
 - b. In general, preserve resources and values of shorelines of state-wide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.
 4. Protect the resources and ecology of the shoreline.
 - a. All shoreline development should be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
 - b. Actively promote esthetic considerations when contemplating new development, redevelopment of existing facilities or general enhancement of shoreline areas.
 5. Increase public access to publicly owned areas of the shoreline.
 - a. Give priority to developing paths and trails to shoreline areas, linear access along the shorelines and to developed upland parking.
 - b. Locate development landward of the ordinary high water mark so that access is enhanced.
 - c. Prevent development that would impede navigation on waters of the state.
 6. Increase recreational opportunities for the public on the shoreline.

- a. Plan for and encourage development of facilities for recreational use of the shoreline.
- b. Reserve areas for lodging and related facilities on uplands well away from the shorelines with provisions for nonmotorized access to the shoreline.

9. Signage

a. Applicability

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

b. Policies

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

c. Regulations

1. All signs shall be located and designed to avoid interference with vistas, viewpoints and visual access to the shoreline.
2. Over-water signs, signs on floats or pilings, and signs for goods, services, or businesses not located directly on the site proposed for a sign are prohibited.
3. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.
4. Signs shall not exceed 32 square feet in surface area. On-site freestanding signs shall not exceed 6 feet in height. When feasible, signs shall be flush-mounted against existing buildings.
5. Temporary or obsolete signs shall be removed within 10 days of elections, closures of business, or termination of any other function. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.
6. Signs that do not meet the policies and regulations of this program shall be removed or conform within two years of the adoption of this master program.
7. No signs shall be placed in a required view corridor.
8. Allowable Signs: The following types of signs may be allowed in all shoreline environments:
 - a. Water navigational signs, and highway and railroad signs necessary for operation, safety and direction.
 - b. Public information signs directly relating to a shoreline use or activity.

- c. Off-premise, free standing signs for community identification, information, or directional purposes.
 - d. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
 - e. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.
9. Prohibited Signs: The following types of signs are prohibited:
- a. Off-premises detached outdoor advertising signs.
 - b. Commercial signs for products services, or facilities located off-site.
 - c. Spinners, streamers, pennants, flashing lights and other animated signs used for commercial purposes. Highway and railroad signs are exceptions.
 - d. Signs placed on trees or other natural features.

10. Utilities (Accessory)

a. Applicability

Accessory utilities are those that effect small-scale distribution services connected directly to the uses along the shoreline. They are addressed in this section because they concern all types of development and have the potential to impact the quality of the shoreline and its waters.

b. Policies

1. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation.
2. Accessory utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
3. Accessory utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.

c. Regulations

1. In shoreline areas, accessory utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way, corridors and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.
2. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple use of sites and rights-of-way. Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.
3. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation.

4. Utility discharges and outfalls should be located, designed, constructed, and operated in accordance with best management practices to ensure degradation to water quality is kept to a minimum.

11. Vegetation Conservation

a. Applicability

The following provisions apply to any activity that results in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities. They do not apply to forest practices managed under the Washington State Forest Practices Act. See Chapter 7 for definitions of “significant vegetation removal,” “ecological functions,” “clearing,” “grading,” and “restore.”

b. Policies

1. Vegetation within the city shoreline areas should be enhanced over time to provide a greater level of ecological functions, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of this master program, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline, as described in the Shoreline Inventory and Characterization Report.
2. This master program in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.
3. Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.

c. Regulations

For All Shoreline Environments:

1. The creation of new land parcels or lots that would require significant vegetation removal in order to develop is not allowed. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant must demonstrate that development can be accomplished without significant vegetation removal. The City may make exceptions to this standard for water dependent development and for development in the High Intensity Environment only.
2. All development, including clearing and grading, shall minimize significant vegetation removal in shoreline jurisdiction to the extent feasible. In order to implement this regulation, applicants proposing development that includes significant vegetation removal, clearing, or grading within shoreline jurisdiction must provide, as a part of a substantial development permit or a letter of exemption application, a site plan, drawn to scale, indicating the extent of proposed clearing and/or grading within 50 feet of the OHWM. The City may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions.

3. Vegetation restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which originally occurred on-site unless the City finds that native plant materials are inappropriate or not hardy in the particular situation.
4. In addressing impacts from significant vegetation removal the City will apply the mitigation sequence described in Section 4.B.4.
5. Where shoreline restoration is required, the vegetation plantings shall adhere to the specifications in Appendix A unless the City finds that another method is more appropriate.
6. For properties within areas planned for residential development within the Urban Conservancy or Shoreline Residential environments, new development that will cause significant vegetation removal shall not be allowed except where the dimensions of existing lots or parcels are not sufficient to accommodate permitted primary residential structures outside of the vegetation conservation area or where the denial of reasonable use would result in a takings. In these instances the City will apply the mitigation sequence in Section 4.B.4 to minimize ecological impacts. Generally, this will mean placing the development away from the shoreline as far as possible, locating the development to avoid tree cutting, and modifying building dimensions to reduce vegetation removal.

For Shorelines in the Urban Conservancy Environment

1. Wherever possible, development along Ebey Slough shall be located at least 50- feet landward of the OHWM, except where the development is part of a project that increases water area or wetlands through inundation (e.g., the proposed Qwuloolt restoration project).
2. A condition of all development shall be that those shorelands on the site not occupied by structures, shoreline uses, or human activities shall be revegetated with native vegetation.
3. The enhancement of vegetation shall be a condition of all non-water-dependent development in the urban conservancy environment except where the City finds that:
 - Vegetation enhancement is not feasible on the project site. In these cases the City may require off-site vegetation enhancement that performs the same ecological functions within the watershed or drift cell.
 - The restoration of ecological processes and functions can be better achieved through other measures such as the removal of channel constraints.
 - Sufficient native vegetation already exists

For Shorelines in the High-Intensity Environment

1. The impacts due to significant vegetation removal shall be mitigated according to the sequence described in Section 4.B.4.
2. A condition of all development shall be that those shorelands on the site not occupied by structures, shoreline uses, or human activities shall be revegetated. Vegetation within 50 feet of the shoreline must be native vegetation or species approved by the City. For mixed-use development as part of a marina or water-dependent recreation, the City may reduce the

vegetated strip to a 40-foot strip if a 50-foot strip does not allow enough room for proposed development.

For Shorelines in the Aquatic Environment

1. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
2. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit.
3. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment or benthos shall be considered development for which a substantial development permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit.
4. Where large quantities of plant material are generated by control measures, they shall be collected and disposed of in an appropriate, identified upland location.
5. Use of herbicides to control aquatic weeds shall be prohibited except where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. A conditional use permit shall be required in such case.

12. Water Quality

a. Applicability

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

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

Because the policies of this master program are also policies of the City's comprehensive plan, the policies also apply to activities outside shoreline jurisdiction that affect water quality within shoreline jurisdiction.

b. Policies

1. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts by altering water quality, quantity, or hydrology.
2. The City should require reasonable setbacks, buffers, and storm water storage basins and encourage low-impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.
3. All measures for controlling erosion, stream flow rates, or flood waters through the use of stream control works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade the existing water quality.
4. As a general policy, the City will seek to improve water quality, quantity, and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. The City will implement this policy through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs. The City will implement the 2001 Washington Department of Ecology Stormwater Manual, as updated and adopted by City ordinance.
5. All measures for the treatment of runoff for the purpose of maintaining and/or enhancing water quality should be conducted on-site before shoreline development impacts waters off-site.

c. Regulations

1. All shoreline development, both during and after construction, shall avoid or minimize significant ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that the receiving water quality and shore properties and features are not adversely affecting. Control measures include, but are not limited to, dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls.
2. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this master program.

CHAPTER 5

Shoreline Modification Provisions

A. Introduction and Applicability

Shoreline modifications are structures or actions which permanently change the physical configuration or quality of the shoreline, particularly at the point where land and water meet. Shoreline modification activities include, but are not limited to, structures such as revetments, bulkheads, levees, breakwaters, docks, and floats. Actions such as clearing, grading, landfilling, and dredging are also considered shoreline modifications.

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

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

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

B. Policies and Regulations

1. General Policies and Regulations

a. Applicability

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

b. Policies

1. Structural shoreline modifications should be allowed only where they are demonstrated to be necessary to support or protect an allowed primary structure or a legally existing shoreline use that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
2. The adverse effects of shoreline modifications should be reduced and, as much as possible, shoreline modifications be limited in number and extent.
3. Allowed shoreline modifications should be appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

4. The City should take steps to assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modifications.
5. Where applicable, the City will base provisions on “best available science,” scientific and technical information, and a comprehensive analysis of site-specific conditions for river and stream systems.
6. Impaired ecological functions should be enhanced and/or restored where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, the City will incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
7. In reviewing shoreline permits, the City should require steps to reduce significant ecological impacts according to the mitigation sequence in WAC 173-26- 201(2)(e).
8. When shoreline modifications are necessary, they should be as compatible as possible with ecological shoreline processes and functions.

c. Regulations

1. All shoreline modification activities must be in support of a permitted shoreline use. Shoreline modification activities which do not support a permitted shoreline use are considered “speculative” and are prohibited by this master program; unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resource values.
2. Structural shoreline modification measures shall be permitted only if nonstructural measures are unable to achieve the same purpose. Nonstructural measures considered shall include alternative site designs, increased setbacks, drainage improvements, relocation, and vegetation enhancement.
3. Stream channel modification (i.e., realignment) shall be prohibited as a means of shoreline stabilization or shoreline protection, unless it is the only feasible alternative.
4. All new shoreline development shall be located and designed to prevent or minimize the need for shoreline modification activities.
5. Proponents of shoreline modification projects shall obtain all applicable federal and state permits and shall meet all permit requirements.
6. In addition to the permit information required by WAC 173-27-190, the City shall require and consider the following information when reviewing shoreline modification proposals:
 - a. Construction materials and methods.
 - b. Project location relative to the ordinary high water mark (OHWM).
 - c. General direction and speed of prevailing winds.
 - d. Profile rendition of beach and uplands.
 - e. Beach and upland soil type, slope and material.

- f. Physical or geologic stability of uplands.
 - g. Potential impact to natural shoreline processes, adjacent properties, and upland stability.
7. Shoreline modification materials shall be only those approved by applicable state agencies. No toxic (e.g.: creosote) or quickly degradable materials (e.g., plastic or fiberglass that deteriorates under ultraviolet exposure) shall be used.

2. Shoreline Stabilization (Including Bulkheads)

a. Applicability

Shoreline stabilization includes actions taken to address erosion impacts to property, dwellings, or essential structures caused by natural processes, such as current, flood, tides, wind, or wave action. These include structural and nonstructural methods.

Nonstructural methods include building setbacks, relocation of the structure to be protected, ground water management, planning and regulatory measures to avoid the need for structural stabilization.

“Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads, while “soft” structural measures rely on softer materials, such as biotechnical vegetation measures or beach enhancement.

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

WAC 173-27-040(2)(b) defines normal replacement and repair of existing structures and notes that normal maintenance and repair actions are not exempt from substantial development permits if they “cause substantial adverse effects to shoreline resources or the environment.”

Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

a. Policies

1. “Soft” shoreline stabilization of natural materials such as protective berms, beach enhancement or vegetation stabilization are strongly preferred over structural shoreline stabilization made of materials such as steel, wood, or concrete. Nonstructural or “soft” measures have less adverse and cumulative impacts on shore features and habitats. Proposals for structural solutions including bulkheads should demonstrate that natural methods are unworkable.
2. Bulkheads and other structural stabilizations should be located, designed, and constructed primarily to prevent damage to existing development and minimize adverse impacts to ecological functions. New development requiring bulkheads and/or similar protection should not be allowed. Shoreline uses should be located in a manner so that bulkheading and other structural stabilization are not likely to become necessary in the future.

c. Regulations

1. New stabilization measures are not allowed except to protect or support an existing or approved development, for the restoration of ecological functions, or for hazardous substance remediation pursuant to Chapter 70.105D RCW.
2. New development shall, where feasible, be located and designed to eliminate the need for concurrent or future shoreline stabilization. New development that would require shoreline stabilization such as a new stormwater outfall that would cause significant adverse impacts to adjacent or down-current properties is prohibited.
3. New or replacement structural shoreline stabilization measures are allowed in the High-Intensity Environment if set back at least 50 feet from the OHWM and a 50-foot strip of native vegetation, including trees and shrubs, is installed between the shoreline stabilization measure and the shoreline. A landscape plan indicating types, sizes, and location of plant materials must be submitted to the City for approval.

Exception: The City may permit shoreline stabilization measures that may be necessary to protect private property as a result of shoreline restoration/inundation of the Qwuloolt site. New or replacement shoreline stabilization measures may be allowed closer to the OHWM if the City determines that it is necessary to protect existing development or new water-dependent uses from aggressive erosion. In these cases, the City will determine the depth of the setback from the OHWM.

4. New development shall, where feasible, be located and designed to not require structural shoreline stabilization or flood hazard protection. New development, including single-family residences, that includes structural shoreline stabilization will not be allowed unless all of the conditions below apply:
 - The need to protect the development from destruction due to erosion caused by natural processes, such as tidal action, currents, and waves, is demonstrated through a geotechnical report.
 - The erosion is not being caused by upland conditions, such as loss of vegetation and drainage.
 - Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - The structure will not cause significant ecological impacts to priority species.
5. New development on steep slopes or bluffs shall be set back, as required in the City's Critical Area Ordinance, sufficiently to ensure that shoreline stabilization will not be needed during the life of the structure, as demonstrated by a geotechnical analysis by a licensed geotechnical engineer or related licensed professional.
6. New or enlarged structural shoreline stabilization measures for an existing development or residences shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis by a licensed geotechnical engineer or

related licensed professional, is not demonstration of need. The geotechnical report must include estimates of erosion rates and damage within three years and must evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. The project design and analysis must also evaluate vegetation enhancement as a means of reducing undesirable erosion.

7. An existing shoreline stabilization structure shall not be replaced with a similar structure unless there is need to protect primary structures from erosion caused by currents, tidal action, or waves. At the discretion of the City Engineer, the demonstration of need does not necessarily require a geotechnical report by a licensed geotechnical engineer or related licensed professional. The replacement structure shall be designed, located, sized, and constructed to minimize harm to ecological functions. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structures unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure. Where significant ecological impacts to critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure. Soft shoreline stabilization that restores ecological functions may be permitted waterward of the OHWM.
8. Where structural shoreline stabilization measures are demonstrated to be necessary, as in the above provisions, the size of stabilization measures shall be limited to the minimum necessary. The City may require that the proposed structure be altered in size or design. Impacts to sediment transport shall be avoided or minimized.
9. The City will require mitigation of adverse impacts to shoreline functions in accordance with the mitigation sequence defined in Section 4.B.4 of the General Provisions. The City may require the inclusion of vegetation conservation, as described in Section 4.B.11, as part of shoreline stabilization, where feasible.
10. Shoreline modification activities, with the exception of shoreline restoration or enhancement efforts, are prohibited in wetlands and in salmon and trout spawning waters. Shoreline stabilization and shoreline protection shall be located landward of the floodway and all associated wetlands.
11. Shoreline stabilization measures along the shoreline that incorporate ecological restoration through the placement of rocks, gravel or sand, and native shoreline vegetation may be allowed.
12. Repair of existing shoreline stabilization measures is allowed. Replacement of existing shoreline stabilization measures, as defined in the Applicability statement above, is allowed if it conforms to Regulations 3 and 5 above or if the residence on the site was occupied prior to January 1, 1992 and the City determines that replacement is necessary to prevent damage to residences, appurtenant structures, or the shoreline ecology from shoreline erosion; and impacts to the natural environment are minimized. When an existing bulkhead is being repaired or replaced by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead

has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual OHWM.

13. Stream channel modification (i.e., realignment) shall be prohibited as a means of shoreline stabilization or shoreline protection, unless it is the only feasible alternative or if the City determines that it would improve shoreline ecological functions.
14. Bulkhead design and development shall conform to all other applicable City and state agency policies and regulations including the Department of Fisheries criteria governing the design of bulkheads.
15. Gabions (wire mesh filled with concrete or rocks) are prohibited unless there is no reasonable alternative as determined by the City Engineer for locating a new regional stormwater outfall along the shoreline.
16. The construction of a bulkhead for the primary purpose of retaining or creating dry land that is not specifically authorized as a part of the permit shall be prohibited.
17. Use of a bulkhead to protect a platted lot where no structure presently exists is prohibited unless the City determines that it is part of the residence construction and is the only feasible way to protect the otherwise lawful structure.
18. Bulkheads shall be designed with the minimum dimensions necessary to adequately protect the development for the expected life of the development.
19. Stairs, boat ramps or other permitted structures may be built as integral to a bulkhead but shall not extend waterward of it.
20. Bulkheads shall be designed to permit the passage of surface or ground water without causing ponding or over-saturation of retained soil/materials of lands above the OHWM.
21. Adequate toe protection consisting of proper footings, a fine retention mesh, etc., shall be provided to ensure bulkhead stability without relying on additional riprap.
22. Materials and dimensional standards:
 - a. New bulkheads and other shoreline stabilization structures shall not be constructed higher than 24 inches (twenty-four inches) above the OHWM or, if the bulkhead is set back from the shoreline, 24 inches above grade at the base of the bulkhead or structure. On steep slopes, new bulkheads may be built taller than 24 inches high if necessary to meet the existing slope. Replacement bulkheads may be built to the height of the original bulkhead. Exception: The City may waive this provision for flood hazard minimization measures conforming to this master program.
 - b. The following materials are examples of acceptable materials for shoreline stabilization structures:
 - Cast-in-place reinforced concrete.
 - Stacked masonry units (e.g., interlocking cinder block wall units).
 - Large stones, with vegetation planted in the gaps. Stones should not be stacked in a wall greater than 2 horizontal to 1 vertical slope.

- Timbers or logs. Note the prohibition against toxic wood treatments.
- c. The following materials are not acceptable for shoreline stabilization structures:
- Degradable plastics and other nonpermanent synthetic materials.
 - Sheet materials, including metal, plywood, fiberglass, or plastic.
 - Broken concrete, asphalt, or rubble.
 - Car bodies, tires or discarded equipment.
23. Following completion of shoreline modification activities, disturbed shoreline areas shall be restored to pre-project conditions to the greatest extent possible. Plantings shall consist of native grasses, shrubs, and/or trees in keeping with preexisting bank vegetation. If native species are not available and vegetation is needed for shoreline stabilization purposes, the City will determine acceptable plant substitutes.
24. Fill behind bulkheads shall be limited to an average of 1 cubic yard per running foot of bulkhead. Any filling in excess of this amount shall be considered landfill and shall be subject to the provisions for landfill and the requirement for obtaining a shoreline substantial development permit.
25. The City may require and utilize the following information, in addition to the standard permit information required by WAC 173-27, in its review of all bioengineering projects:
- a. Proposed construction timing.
 - b. Hydrologic analysis, including predicted flood flows.
 - c. Site vegetation, soil types, and slope stability analysis.
 - d. Proposed project materials, including rock size, shape, and quantity; plant types; and soil preparations.
 - e. Existing and proposed slope profiles, including location of OHWM.
 - f. Proposed designs for transition areas between the project site and adjacent properties.
 - g. Documentation (including photos) of existing (preconstruction) shoreline characteristics.
26. Bioengineering projects shall use native trees, shrubs, and/or grasses, unless such an approach is unfeasible.
27. Cleared areas shall be replanted following construction. Vegetation shall be fully reestablished within three years. Areas which fail to adequately reestablish vegetation shall be replanted with approved plants until the plantings are viable.
28. All bioengineering projects shall include a program for monitoring and maintenance.

3. Pier and Docks

a. Applicability

Piers and docks are structures that abut the shoreline and are used as a landing or moorage place for water craft. Piers are built on fixed platforms above the water, while docks float upon the water. Mooring floats, buoys and other mooring facilities are also covered in this section.

Piers and docks are utilized for commercial, industrial, military, and recreational purposes. Often they are mixed, serving several uses. Because of this, regulations concerning specific uses that may employ a pier or dock will be located in that specific section. For instance, piers and docks containing more than ten moorage spaces are considered marinas and are addressed in the “Boating Facilities” provisions.

b. Policies

1. Pier and dock construction should be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.
2. Multiple-use and expansion of legally existing piers, wharves, and docks should be encouraged over the addition and/or proliferation of new facilities. Joint-use facilities are preferred over new single-use piers, docks, and floats.
3. Piers, floats, and docks should be sited and designed to avoid or minimize possible significant ecological impacts, including potential impacts on littoral drift, sand movement, water circulation and quality, and fish and wildlife habitat.
4. The proposed size of the structure and intensity of use or uses of any dock, pier, and/or float should be compatible with the surrounding environment and land and water uses.

c. Regulations

General

1. Proposals for piers or docks shall include, at a minimum, the following information:
 - a. Description of the proposed structure, including its size, location, design, and any shoreline stabilization or other modification required by the project.
 - b. Ownership of tidelands, shorelands, and/or bedlands.
 - c. Proposed location of piers, floats, buoys, or docks relative to property lines and the OHWM.
 - d. Location, width, height, and length of piers or docks on adjacent properties within 300 feet.
2. Piers, docks, and floats are not allowed in critical aquatic habitats unless it can be established that the dock or pier project, including auxiliary impacts and established mitigation measures, will not be detrimental to the natural habitat or species of concern.
3. New piers and docks shall be allowed only for water-dependent uses or public access. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated. New pier or dock construction shall be permitted only when the applicant has

demonstrated that a specific need exists to support the intended water-dependent uses.

4. Piers, floats, buoys, and docks shall not significantly interfere with use of navigable waters.
5. The length of piers and docks shall be limited in constricted water bodies to assure navigability and protect public use. The City may design or require reconfiguration of pier and dock proposals where necessary to protect navigation, public use, or ecological functions.
6. All piers and docks shall be constructed and maintained in a safe and sound condition. Abandoned or unsafe docks and piers shall be removed or repaired promptly by the owner. Where any such structure constitutes a hazard to the public, the City may, following notice to the owner, abate the structure if the owner fails to do so within ninety days and may impose a lien on the related shoreline property in an amount equal to the cost of the abatement.

Design and Construction

7. Materials and coatings of all dock members shall conform to applicable state and federal agency material standards as well as to the City of Marysville building codes. The use of materials with toxic substances such as creosote or degradable materials (some plastics and foam products) is prohibited.
8. No over-water field applications of paint, preservative treatment, or other chemical compounds shall be permitted except in accordance with best management practices set forth by applicable state agencies.
9. Pilings employed shall be installed so that the top elevation is at least one foot above extreme high water.
10. All docks shall include stops that serve to keep the floats off the bottom of tidelands at low tide or water level.
11. When plastics or other nonbiodegradable materials are used in float, pier, or dock construction, precautions shall be taken to ensure their containment.
12. Overhead wiring or plumbing is not permitted on piers or docks.
13. Lighting should be the minimum necessary to locate the dock at night. Lights shall be directed to prevent light spillage onto water surfaces.

Commercial/Industrial Facilities

These standards apply to piers and docks intended for any commercial or industrial use.

14. Piers and docks will be permitted to the outer harbor line or combined U.S. Pierhead/Bulkhead Line for water-dependent and multiple-use facilities if the majority use is water-dependent and public access can safely be provided. The length should be no more than that required for the draft of the largest vessel expected to moor at the facility. Maximum size of the pier or dock shall be no greater than necessary to serve the intended use and will be determined by the City on a case-by-case basis.

15. Facilities and procedures for receiving, storing, dispensing, and disposing of oil and other toxic products shall be designed to ensure that such oil and other toxic products are not introduced into the water body.
16. Bulk storage for gasoline, oil, and other petroleum products for any use or purpose is prohibited on piers and docks. Bulk storage means nonportable storage in fixed tanks.
17. Storage for boat fueling facilities shall be located landward of the OHWM and meet the applicable policies and regulations for utilities (accessory and primary), commercial, and industrial development.
18. Spill clean-up facilities shall be available for prompt response and application at all piers and docks involved in oil and hazardous products transfer.

4. Fill

a. Applicability

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

b. Policies

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

c. Regulations

1. Applications for fill permits shall include the following:
 - a. Proposed use of the fill area;
 - b. Physical, chemical and biological characteristics of the fill material;
 - c. Source of fill material;
 - d. Method of placement and compaction;
 - e. Location of fill relative to natural and/or existing drainage patterns and wetlands;
 - f. Location of the fill perimeter relative to the OHWM;
 - g. Perimeter erosion control or stabilization means; and
 - h. Type of surfacing and runoff control devices.
2. Fill waterward of OHWM may be permitted only when:
 - a. In conjunction with a water-dependent or public use permitted by this master program;

- b. In conjunction with a bridge or navigational structure for which there is a demonstrated public need and where no feasible upland sites, design solutions, or routes exist; or
 - c. As part of an approved shoreline restoration project.
- 3. Waterward of OHWM, pile or pier supports shall be utilized whenever feasible in preference to fills. Fills for approved road development in floodways or wetlands shall be permitted only if pile or pier supports are proven unfeasible.
- 4. Fills are **prohibited** in flood plains except where it can be clearly demonstrated that the hydrologic characteristics and flood storage capacity will not be altered to increase flood hazard or other damage to life or property. Fills are **prohibited** in floodway, except when approved by conditional use permit and where required in conjunction with a proposed water-dependent or other use, specified in Regulation #2 above.
- 5. Fill shall be permitted only where it is demonstrated that the proposed action will not:
 - a. Result in significant ecological damage to water quality, fish, shellfish, and/or wildlife habitat; or
 - b. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities.
- 6. Environmental cleanup action involving excavation/fill, as authorized by the City, may be permitted.
- 7. Sanitary fills shall not be located in shoreline jurisdiction.

5. Breakwaters, Jetties, and Groins

a. Applicability

Breakwaters are protective structures built off shore to protect harbor areas, moorage, navigation, beaches and bluffs from wave action. Breakwaters may be fixed (for example, rubble mound or rigid wall), open-pile, or floating.

Rock weirs and groins are structures built seaward perpendicular to the shore for the purpose of building or preserving an accretion beach by trapping littoral sand drift. Generally narrow and of varying lengths, groins may be built in a series along the shore.

Rock groins are also used to protect buried pipes of cables from erosion or other damage, anchor dragging, etc.

b. Policy

In general, breakwaters should be allowed only through a conditional use permit and where there is a demonstrated need to support a water-dependent use because these structures permanently impact natural shoreline processes, create the need for ongoing maintenance dredging or beach replenishment programs, and adversely affect shorelines located downdrift of the project site. Rock weirs and groins should be prohibited except as necessary to support shoreline restoration.

c. Regulations

1. The design and construction of breakwaters, rock weirs and groins shall conform to all applicable state agency policies and regulations.
2. The City shall require and use the following information in its review of breakwater, rock weir, or groin proposals:
 - a. Purpose of the structure.
 - b. Net and seasonal direction and quantity of littoral drift and tidal currents.
 - c. Seasonal wind data (wind rose).

The following information also is required for groins:

- d. Profile of uplands.
 - e. Beach types, slope, and materials
 - f. Upland slope, geology, vegetation, and stability.
 - g. Soils types. (Soil Conservation Service)
 - h. Potential impact to adjacent shoreline processes, properties and upland stability.
3. The effect of proposed breakwaters, rock weirs and groins on sediment movement shall be evaluated during permit review. The beneficiaries and/or owners of large scale works that substantially alter, reduce or block littoral drift and cause new erosion of downdrift shores shall be required to establish and maintain an adequate long term beach replenishment program (either by artificially transporting sand to the downdrift side of an inlet or) by artificial beach replenishment (in the case of breakwaters, rock weirs, and groins).
 4. All breakwater, rock weir and groin proposals must be in support of an allowable shoreline use which is in conformance with the provisions of this master program; unless it can be demonstrated that such activities are necessary and in the public interest for the maintenance of shoreline environmental resources.
 5. Breakwaters shall be allowed for the following purposes only:
 - a. Navigation.
 - b. Industrial activities: as an integral component of a harbor, marina, or port where water-dependent uses are located seaward of the existing shoreline and where protection from strong wave action is essential.
 - c. Marinas: where water-dependent uses are located seaward of the existing shoreline and where protection from strong wave action is essential.
 6. Anchored-in-place open-pile or floating breakwaters shall be preferred over fixed breakwaters; unless, it can be demonstrated that solid breakwaters will have no significant adverse impacts to natural shoreline processes or that such adverse impacts can be adequately mitigated.
 7. Rock weirs and groins shall be allowed only for fisheries or habitat enhancement as part of an adopted resource management plan or to protect utilities where no other option is feasible.

8. Rock weirs, or groins which would cause a net adverse impact to adjacent and nearby shorelines are prohibited.
9. Groin construction across tidal areas to provide access to deep water is prohibited unless integral to a public access project.

6. Dredging and Disposal

a. Applicability

Dredging is the removal or displacement of earth or sediment (gravel, sand, mud, silt and/or other material or debris) from a stream, river, lake, marine water body, or associated marsh, bog or swamp. Activities which require dredging include the construction and maintenance of navigation channels, turning basins, harbors, and marinas.

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

b. Exemptions

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

c. Policies

1. Dredging operations should be planned and conducted to minimize interference with navigation and adverse impacts to other shoreline uses, properties, and values.
2. When allowed, dredging and dredge material disposal should be limited to the minimum amount necessary.

d. Regulations

General

1. Permit applications for shoreline dredging and dredge material disposal may be required to provide the following information:
 - a. Physical, chemical and biological assessment of the proposed dredged material applicable to the particular dredging site.
 - b. Specific data to be considered include:
 - i. Physical - Grain size, clay, silt, sand or gravel as determined by sieve analysis.
 - ii. Chemical - Including conventional parameters, metals and organics.
 - iii. Biological - Bioassays useful in determining the suitability of dredged material for a selected disposal option.
 - c. Dredging volumes, methods, schedule, frequency, hours of operation and procedures;
 - d. Method of disposal, including the location, size, capacity and physical characteristics of the disposal site, transportation method and routes, hours of operation, schedule;

- e. Stability of bedlands adjacent to proposed dredging area;
 - f. Hydraulic analyses, including tidal fluctuation, current flows, direction and projected impacts. Hydraulic modeling studies are required for large scale, extensive dredging projects, particularly in estuaries, in order to identify existing hydrological and geological patterns and probable effects of dredging;
 - g. Assessment of water quality impacts; and
 - h. Biological assessment including migratory, seasonal and spawning use areas.
2. Dredging and dredge disposal shall be permitted only where it is demonstrated that the proposed actions will not:
 - a. Result in significant and/or ongoing damage to water quality, fish, shellfish, and other essential marine biological elements;
 - b. Adversely alter natural drainage and circulation patterns, currents, river and tidal flows or significantly reduce flood water capacities; or
 - c. Cause other significant ecological impacts.
 3. Proposals for dredging and dredge disposal shall include all feasible mitigating measures to protect marine habitats and to minimize adverse impacts such as turbidity, release of nutrients, heavy metals, sulfides, organic material or toxic substances, dissolved oxygen depletion, disruption of food chains, loss of benthic productivity and disturbance of fish runs and important localized biological communities.
 4. Dredging and dredge disposal shall not occur in wetlands, except as authorized by conditional use permit as a shoreline restoration project.
 5. Dredging and dredge disposal shall be carefully scheduled to protect biological productivity (e.g. fish runs, spawning, benthic productivity, etc.) and to minimize interference with fishing activities.
 6. Dredging and dredge disposal shall be **prohibited** on or in archaeological sites that are listed on the Washington State Register of Historic Places until such time that they have been released by the State Archaeologist.
 7. Dredging shall utilize techniques which cause minimum dispersal and broadcast of bottom material.
 8. Dredging shall be permitted only:
 - a. For navigation or navigational access and recreational access;
 - b. In conjunction with a water-dependent use of water bodies or adjacent shorelands;
 - c. As part of an approved habitat improvement project;
 - d. To improve water quality;
 - e. In conjunction with a bridge, navigational structure or wastewater treatment facility for which there is a documented public need and where other feasible sites or routes do not exist;

- f. To improve water flow and/or manage flooding only when consistent with an approved flood/storm water comprehensive management plan; or
 - g. To clean up contaminated sediments.
9. When dredging is permitted, the dredging shall be the minimum necessary to accommodate the proposed use.
 10. New dredging activity is prohibited:
 - a. In estuaries, except as part of an approved shoreline restoration project;
 - b. In shoreline areas with bottom materials which are prone to significant sloughing and refilling due to currents or tidal activity; which result in the need for continual maintenance dredging; except by conditional use permit; and
 - c. In habitats identified as critical to the life cycle of officially designated or protected fish, shellfish or wildlife.
 11. Dredging for the primary purpose of obtaining material for landfill is prohibited.
 12. New development shall be located and designed to avoid or minimize the need for new or maintenance dredging where feasible.
 13. Maintenance dredging of established navigation channels, public access facilities and basins is restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

Regulations -- Dredge Material Disposal

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

7. Shoreline Restoration and Ecological Enhancement

a. Applicability

Shoreline restoration and/or enhancement is the improvement of the natural characteristics of upland, tidal, or submerged shoreline using native materials. The

materials used are dependent on the intended use of the restored or enhanced shoreline area. An Ecological Restoration Plan accompanies this SMP that recommends ecological enhancement and restoration measures.

b. Policies

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

c. Regulations

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

CHAPTER 6

Shoreline Use Provisions

A. Introduction

The provisions in this section apply to specific common uses and types of development to the extent they occur within shoreline jurisdiction. All uses and development must be consistent with the provisions of the environment designation in which they are located and the general regulations of the master program.

B. Shoreline Use Policies and Regulations

1. General Use Policies

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

2. Agriculture

a. **Applicability**

Agriculture includes, but is not limited to, the production of horticultural, vinicultural, floricultural, livestock, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, or Christmas trees; the operation and maintenance of farm and stock ponds, drainage ditches, or irrigation systems; normal crop rotation and crop change; and the normal maintenance and repair of existing structures, facilities, and lands currently under production or cultivation. Excluded are agricultural processing industries.

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

b. **Policies**

1. The creation of new agricultural lands by diking, draining, or filling tidelands, tidal marshes, channel migration zones, and associated marshes, bogs, and swamps should be prohibited.
2. A vegetative buffer should be maintained between agricultural lands and water bodies or wetlands in order to reduce harmful bank erosion and resulting sedimentation, enhance water quality, reduce flood hazard, and maintain habitat for fish and wildlife.
3. Animal feeding operations, retention and storage ponds, and feedlot waste and manure storage should be located out of shoreline jurisdiction and constructed to prevent contamination of water bodies and degradation of the adjacent shoreline environment.
4. Appropriate farm management techniques and new development construction should be utilized to prevent contamination of nearby water bodies and adverse effects on valuable plant, fish, and animal life from fertilizer and pesticide use and application.
5. Where ecological functions have been degraded, new development should be conditioned with the requirement for ecological restoration.

c. Regulations

1. Agricultural uses are allowed in the High Intensity and Urban Conservancy environments as a permitted use.
2. Agricultural development shall conform to applicable state and federal policies and regulations, provided they are consistent with the Shoreline Management Act and this master program.
3. New manure lagoons, confinement lots, feeding operations, lot wastes, stockpiles of manure solids, aerial spraying, and storage of noxious chemicals are prohibited within shoreline jurisdiction.
4. A buffer of natural or planted permanent native vegetation shall be maintained between areas of new development for crops, grazing, or other agricultural activity and adjacent waters, channel migration zones, and marshes, bogs, and swamps. The City will determine the extent and composition of the buffer when the permit or letter of exemption is applied for.
5. Stream banks and water bodies shall be protected from damage due to concentration and overgrazing of livestock by providing the following:
 - a. Suitable bridges, culverts, or ramps for stock crossing.
 - b. Ample supplies of clean fresh water in tanks on dry land for stock watering.
 - c. Fencing or other grazing controls to prevent bank compaction, bank erosion, or the overgrazing of or damage to buffer vegetation.
6. Agricultural practices shall prevent and control erosion of soils and bank materials within shoreline areas and minimize siltation, turbidity, pollution, and other environmental degradation of watercourses and wetlands.
7. The application of agricultural chemicals shall prevent the direct runoff of chemical-laden waters into water bodies or aquifer recharge areas. Adequate provision shall be made to minimize their entry into any body of water.

8. All shoreline development must conform to the General Provisions (see Chapter 4), the Shoreline Modification Provisions (see Chapter 5), and the Environment Designation Provisions (see Chapter 3) stated in the master plan.

3. Boating Facilities

a. Applicability

Boating facilities include marinas, both backshore and foreshore, dry storage and wet-moorage types; boat launch ramps; covered moorage; boat houses; mooring buoys; and marine travel lifts. See also “Piers and Docks” in Chapter 5, “Shoreline Modification Provisions,” for non-marina-associated boating facility provisions.

A marina is a water-dependent use that consists of a system of piers, buoys, or floats to provide moorage for ten or more boats. There are two common types of backshore marinas, one with wet-moorage that is dredged out of the land to artificially create a basin; and the other a dry moorage which has upland storage with a hoist, marine travel lift, or ramp for water access. Foreshore marinas are located in the intertidal or offshore zone and may require breakwaters of open-type construction (floating breakwater and/or open pile work) and/or solid-type construction (bulkhead and landfill), depending on the location.

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

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

b. Policies

1. Boating facilities should be located, designed, and operated to provide maximum feasible protection and restoration of ecological processes and functions and all forms of aquatic, littoral, or terrestrial life—including animals, fish, shellfish, birds, and plants—and their habitats and migratory routes. To the extent possible, marinas should be located in areas of low biological productivity.
2. Boating facilities should be located and designed so their structures and operations will be esthetically compatible with the area visually affected and will not unreasonably impair shoreline views. However, the need to protect and restore ecological functions and to provide for water-dependent uses carries higher priority than protection of views.
3. Backshore marinas or launch ramps should generally be preferred over foreshore marinas in cases where they have substantially less impact on shoreline natural features, vegetation, uses, fisheries, and shellfish resources, as well as less irreversible appropriation of navigable waters.

4. Car top (hand held) boat launch facilities should be provided at appropriate public access sites.

c. Regulations

General

1. The City shall require and utilize the following information in its review of boating facility and marina proposals:
 - a. Existing natural shoreline and backshore features and uses and bathymetric contours (1-foot increments).
 - b. Hydrologic processes and flushing characteristics, volume, rates and frequencies.
 - c. Biological resources and habitats for the backshore, foreshore, and aquatic environments.
 - d. Area of surface waters appropriated and leased areas.
 - e. Site orientation; exposure to wind, waves, flooding, or tidal/storm surges; type and extent of shore defense works or shoreline stabilization and flood protection necessary.
 - f. Impact upon existing shoreline and water uses, including public access, recreation, and views.
 - g. The design of the facilities, including sewage disposal, water quality controls, provisions for the prevention and control of fuel spillage, and a landscaping plan.
 - h. Other information as necessary to comply with other regulations and codes.
2. Boating facility development and/or renovations shall comply with all other applicable state agency policies and regulations, including, but not limited to: the Department of Fish and Wildlife criteria for the design of bulkheads, landfills, and marinas; Federal Marine Sanitation standards (EPA 1972) requiring water quality certification from the U.S. Army Corps of Engineers (Section 10); U.S. Army Corps of Engineers dredging standards (Section 404); and state and federal standards for the storage of fuels and toxic materials.
3. New boating facilities shall not significantly impact the rights of navigation on the waters of the state.
4. Vessels shall not moor permanently on waters of the state without obtaining a lease or permission from the applicable state agency.

Location

5. When new sites are considered, sufficient evidence must be presented to show that existing marinas are inadequate and cannot be expanded to meet regional demand. The City may require a demand or marketing study indicating a need for a new boating facility.
6. Boating facilities shall not be located where their development would reduce the quantity or quality of critical aquatic habitat or where significant ecological impacts would necessarily occur.

7. Marinas and public launch ramps shall, where feasible, be located only on stable shorelines where water depths are adequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach enhancement, and other river, lake, harbor, and channel maintenance activities.
8. Marinas and launch ramps shall be located only in areas where there is adequate water mixing and flushing and shall be designed so as not to retard or negatively influence flushing characteristics.
9. Marinas and launch ramps shall be located so as not to adversely affect flood channel capacity or otherwise create a flood hazard.

Design/Renovation/Expansion

10. Boating facilities shall be designed to avoid or minimize significant ecological impacts. The City shall apply the mitigation sequence defined in Section 4.B.4 in the review of boating facility proposals. On degraded shorelines, the City may require ecological restoration measures to account for environmental impacts and risks to the ecology.
11. Marina design shall provide thorough flushing of all enclosed water areas and shall not restrict the movement of aquatic life requiring shallow water habitat.
12. The marina design shall minimize interference with geohydraulic processes and disruption of existing shore forms.
13. The perimeter of parking, dry moorage, and other storage areas shall be landscaped to provide a visual and noise buffer between adjoining dissimilar uses or scenic areas. The permit application shall identify the size, location, and species list of landscaping that will be used, stressing native vegetation.
14. Public access, both visual and physical, shall be an integral part of all marina development and design and must be consistent with the following:
 - a. Provision for the Ebey Waterfront Trail, where applicable.
 - b. Covered moorage in marinas shall not be constructed.
 - c. Public and private boating facilities shall provide public access as described in the Public Access regulations. See Section 4.B.7. Where the City determines that providing direct public access along the shoreline and onto the boating facilities would create a safety or security conflict, public access requirements may be met through alternate means. The City will determine what alternative means are required.
15. Foreshore marinas extending into the river channel that must involve solid bulkhead, breakwater, and/or landfill construction are prohibited.
16. Location of fueling stations on docks, floats, and/or the shore shall be considered on an individual basis in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, and, where applicable, the Department of Natural Resources.
17. Location of boat waste disposal facilities (pump-outs, dump stations, and toilets) shall conform to local and state regulations and shall be considered on an individual basis with consultation with Departments of Health, Ecology, and Parks as needed. Boating facilities shall locate stationary boat waste disposal

facilities in close proximity to boat refueling locations unless the City determines an alternate location is more desirable.

18. Washington State Water Quality Standards shall be strictly adhered to at all times. The discharge of untreated sewage and/or toxic material from boats and/or shore installations shall be prohibited within any marina. "Toxic material" is herein defined as any material damaging marine life and includes, but is not limited to, paints, varnishes, detergents, petroleum, and bilge waste water.
19. Upland facilities shall be designed and managed in compliance with storm water BMPs in order to minimize or prevent negative impacts to water quality.
20. If a marina or boating facility is to be improved or expanded beyond normal repair and maintenance, then the marina or boating facility must be brought into compliance with the provisions of this SMP.

Parking and Storage

21. Over-water parking facilities are prohibited.
22. To the maximum extent possible, marinas and accessory uses shall share parking facilities, with marina usage given preference.

Circulation and Utilities

23. Marinas and launch ramps shall provide access adequate to handle the traffic load generated by the facility and shall be designed to minimize other circulation and access conflicts. Backing of trailers on public roads shall be prohibited.
24. All pipes, plumbing, wires and cables at a marina site shall be placed at or below ground and dock levels.
25. Adequate fire protection shall be provided as required by the Washington State Fire Code.

Residential Uses

26. Moorage of floating homes is prohibited.
27. No more than ten percent of total moorage slips in a marina shall accommodate liveaboard vessels and houseboats. Where permitted, each liveaboard or houseboat mooring slip shall be connected to utilities that provide potable water and wastewater conveyance to an approved disposal facility.

Boat Launches

28. Launch ramps may be permitted on marine or riverine accretion shoreforms, provided any necessary grading is not harmful to affected resources and any accessory facilities are located out of the floodway.
29. Launch ramps shall be permitted only on stable, non-erosional banks, where no or a minimum number of current deflectors or other stabilization structures will be necessary.
30. Ramps shall be placed and kept near flush with the foreshore slope to minimize the interruption of hydrologic processes.

Covered Moorage

31. New covered moorage is prohibited.

4. Commercial Development

a. **Applicability**

Commercial development means those uses that are involved in wholesale, retail, service, and business trade. Examples include hotels, motels, grocery markets, shopping centers, restaurants, shops, offices, and private or public indoor recreation facilities.

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

b. **Policy**

Multi-use commercial projects that include some combination of ecological restoration, public access, open space, and recreation should be encouraged in the High-Intensity Environment consistent with the City's Comprehensive Plan.

c. **Regulations**

General

1. The City shall require and utilize the following information in its review of commercial development proposals:
 - a. Nature of the commercial activity (e.g., water-dependent, water-related, water-enjoyment, non-water-oriented, mixed-use), including a breakdown of specific shoreline use components.
 - b. The reason(s) why the project needs a shoreline location.
 - c. Design measures to take advantage of the shoreline location.
 - d. Provisions for ecological restoration and for public visual and physical access to the shoreline.
 - e. Provisions to ensure that the development will not cause significant ecological impacts or adverse environmental impacts.
 - f. Layout, size, height, and general appearance of all proposed structures.
 - g. Pedestrian and vehicular circulation, public access features, pavements, landscaping, and view corridors.
 - h. For mixed-use proposals, the mix of water-oriented and non-water-oriented uses and activities, structure locations, site designs and bulk considerations, enhancements for physical and visual public access to the shoreline (both public and private space), and other design measures that address the goals and policies of the master program.

2. Water-oriented commercial developments may be permitted as indicated in Chapter 3, Section C, "Shoreline Use and Shoreline Modification Matrices." In accordance with said matrix and other provisions of this master program, non-water-oriented commercial developments may be permitted by CUP only where all three of the following can be demonstrated:
 - a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, incompatible surrounding land uses, physical features, or the site's separation from the water.
 - b. The proposed development does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.
 - c. The proposed development will be of appreciable public benefit by increasing ecological functions together with public use of or access to the shoreline.
3. Commercial development shall be designed to avoid or minimize ecological impacts, to protect human health and safety, and to avoid significant adverse impacts to surrounding uses and the area's visual qualities. To this end, the City may adjust the project dimensions and setbacks (so long as they are not relaxed below minimum standards without a shoreline variance permit) and/or prescribe operation intensity and screening standards as deemed appropriate. Need and special considerations for landscaping and buffer areas shall also be subject to review.
4. All new commercial development proposals will be reviewed by the City for ecological restoration and public access opportunities. When restoration and/or public access plans indicate opportunities exist, the City may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

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

All new non-water-oriented development, where allowed, shall be conditioned with the requirement to provide ecological restoration and public access.

The City shall consult the Environmental Restoration Plan and the Ebey Waterfront Trail Plan and determine the applicability and extent of ecological restoration and/or public access required.

5. All commercial loading and service areas shall be located on the upland side of the commercial activities, or provisions must be made to set back and screen the loading and service area from the shoreline and water body.
6. Commercial development and accessory uses must conform to the setback and height standards established in Chapter 3, "Environment Designations."

5. Industry

a. Applicability

Industrial developments and uses are facilities for processing, manufacturing, and storing of finished or semi finished goods. Included in industry are such activities as container ship terminals, log storage, log rafting, petroleum storage, hazardous waste generation, transport and storage, ship building, concrete and asphalt batching, construction, manufacturing, warehousing, lumber mills, and tug and barge operations. Excluded from this category and covered under other sections of the master program are boating facilities, piers and docks, mining (including on-site processing of raw materials), utilities, solid waste disposal, and transportation facilities.

Shoreline modifications and other uses associated with port and industrial development are described separately in this master program. These include dredging, fill, transportation facilities, utilities piers and docks, bulkheads, breakwaters, jetties and groins, shoreline stabilization and flood protection, and signs. They are subject to their own regulations in addition to the provisions for ports and industry established in this section.

b. Policies

1. Expansion or redevelopment of existing legally established industrial areas, facilities, and services to incorporate mixed-use development should be encouraged over the addition and/or location of new or single-purpose industrial facilities.
2. Joint use of piers, cargo handling, storage, parking, and other accessory facilities among private or public entities should be required or strongly encouraged in waterfront industrial areas.
3. Ecological restoration should be a condition of all non-water-oriented industrial development.

c. Regulations

General

1. Only water-dependent and water-related industrial development shall be permitted in the shoreline jurisdiction. Existing non-water-oriented uses may be expanded, provided ecological restoration is provided, as directed by the City.
2. The amount of impervious surface shall be the minimum necessary to provide for the intended use. The maximum impervious surface is 85 percent total lot area. The remaining land area shall be landscaped with native plants or treated as directed by the City.
3. Water-dependent industry shall be located and designed to minimize the need for initial and/or continual dredging, filling, spoil disposal, and other harbor and channel maintenance activities.
4. Piers, moorage, slips, floats, and launching facilities may be permitted accessory to industrial development, provided:
 - a. The facility will serve a water-dependent or water-related use.
 - b. The facility does not constitute a hazard to navigation.
 - c. All other provisions pertaining to these uses are met. (See "Piers and Docks," Section 5.B.3.)

5. Storage and/or disposal of industrial wastes is prohibited within shoreline jurisdiction; PROVIDED, that wastewater treatment systems may be allowed in shoreline jurisdiction if alternate, inland areas have been adequately proven infeasible.
6. At new or expanded industrial developments, the best available facilities practices and procedures shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water, and optimum means shall be employed for prompt and effective cleanup of those spills that do occur. The City may require specific facilities to support those activities as well as demonstration of a cleanup/spill prevention program.
7. All new or expanded upland industrial development shall be set back from the shoreline at least 70 feet and buffered from adjacent shoreline properties which are used for non-industrial purposes according to the standard described in the environment designation matrix. Industrial buildings, parking lots, storage areas, and work areas shall be set back from side property lines at least 10 feet and planted with native vegetation as directed by the City or as otherwise outlined in MMC 19.12.040 and 19.16.090.
8. Consistent with other provisions of this master program, ports and/or industry shall provide public access to the shoreline and/or provide opportunities for public viewing of the industrial activity according to Section 4.B.7, "Public Access."
9. Display and other exterior lighting shall be designed, shielded, and operated to minimize glare, avoid illuminating nearby properties, and prevent hazards for public traffic.
10. Storm water BMPs shall be followed. See the City's storm water management ordinance.

Log Storage

11. Unpaved storage areas underlain by permeable soils shall have at least a three-foot separation between the ground surface and the highest seasonal water table.
12. Berms, dikes, grassy swales, vegetated buffers, retention ponds, or other means shall be used to ensure that surface runoff is collected and discharged from the storage area at one point, if possible. New development shall be conditioned with the requirement that it be demonstrated that state water quality standards and/or criteria will not be violated by such runoff under any conditions of flow leaving the site and entering into nearby water courses. If such demonstration is not possible, treatment facilities for runoff shall be provided, meeting state and federal standards.
13. Offshore log storage, when allowed, shall be located where natural tidal or current flushing and water circulation is optimal to disperse polluting wastes.
14. Log storage shall not be permitted in public waters where water quality standards cannot be met at all times or where these activities are a hindrance to other beneficial water uses, such as small craft navigation.
15. The free-fall, violent dumping of logs into water shall be prohibited. Easy let-down devices shall be employed for placing logs in the water.

16. Positive bark and wood debris control, collection, and disposal methods shall be employed at log dumps, raft building areas, and mill-side handling zones. This shall be required for both floating and sinking particles.
17. Log dumps shall not be located in rapidly flowing waters or other water zones where bark and debris controls cannot be effectively provided.
18. Bark and other debris shall be kept out of the water and immediately removed if accidentally allowed to enter the water.
19. Logs shall not be dumped, stored, or rafted where grounding will occur.
20. Where water depths will permit the floating of bundled logs, they shall be secured in bundles on land before being placed in the water. Bundles shall not be broken again except on land or at millside.

Ship and Boat Building and Repair Yards

21. Ship and boat building and repair yards shall employ best management practices (BMPs) concerning the various services and activities they perform and their impacts on the surrounding water quality. Standards for BMPs are found in Water Quality Manual: Best Management Practices.

6. In-Stream Structures

a. Applicability

In-stream structures are constructed waterward of the OHWM and either cause or have the potential to cause water impoundment or diversion, obstruction, or modification of water flow. They typically are constructed for hydroelectric generation and transmission (including both public and private facilities), flood control, irrigation, water supply (both domestic and industrial), recreational, or fisheries enhancement. Both the structures themselves and their support facilities are covered by this section. This applies to their construction, operation, and maintenance, as well as the expansion of existing structures and facilities.

b. Policies

In-stream structures should provide for the protection, preservation, and restoration of ecosystem-wide processes, ecological functions, and cultural resources, including, but not limited to, fish and fish passage, wildlife and water resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas. Within the City of Marysville, in-stream structures should be allowed only for the purposes of environmental restoration.

c. Regulations

1. In-stream structures are permitted only for the purposes of environmental restoration.
2. In-stream structures may be required to provide public access, provided public access improvements do not create significant ecological impacts or other adverse environmental impacts to and along the affected shoreline nor create a safety hazard to the public. Public access provisions shall include, but not be limited to, any combination of trails, vistas, parking, and any necessary sanitation facilities. Required public access sites shall be dedicated for public

use through fee acquisition or recorded easement. The public access provisions in Section 4.B.7 apply.

7. Recreational Development

a. Applicability

Recreational development includes public and commercial facilities for passive recreational activities such as hiking, photography, viewing, and fishing. It also includes facilities for active or more intensive uses, such as parks, campgrounds, golf courses, and other outdoor recreation areas. This section applies to both publicly and privately owned shoreline facilities intended for use by the public or a private club, group, association or individual.

Recreational uses and development can be part of a larger mixed-use project. For example, a resort will probably contain characteristics of, and be reviewed under, both the “Commercial Development” and the “Recreational Development” sections. Primary activities such as boating facilities, subdivisions, and motels are not addressed directly in this category.

Uses and activities associated with recreational developments that are identified as separate use activities in this program, such as “Boating Facilities,” “Piers and Docks,” “Residential Development,” and “Commercial Development,” are subject to the regulations established for those uses in addition to the standards for recreation established in this section.

b. Policies

1. The coordination of local, state, and federal recreation planning should be encouraged to satisfy recreational needs. Shoreline recreational developments should be consistent with all adopted park, recreation, and open space plans. State-owned shorelines, being particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses, should be given special consideration for park and recreational uses.
2. Recreational developments and plans should promote the primacy of preserving the natural character, resources and ecological functions and processes
3. A variety of compatible recreational experiences and activities should be encouraged to satisfy diverse recreational needs.
4. Water-dependent recreational uses, such as angling, boating, and swimming, should have priority over water-enjoyment uses, such as picnicking and golf. Water-enjoyment uses should have priority over non-water-oriented recreational uses, such as baseball or soccer.
5. The linkage of shoreline parks, recreation areas, and public access points with linear systems, such as hiking paths, bicycle paths, easements, and/or scenic drives, should be encouraged. Recreational facilities should be integrated with public access systems.
6. Where appropriate, non-intensive recreational uses may be permitted in floodplain areas. Non-intensive recreational uses include those that do not do any of the following:
 - Adversely affect the natural hydrology of the river.

- Create any flood hazards.
- Damage the shoreline environment through modifications such as structural shoreline stabilization or vegetation removal.

c. Regulations

1. Water-oriented recreational developments may be permitted as indicated in Chapter 3, Section C, "Shoreline Use and Shoreline Modification Matrices." In accordance with said matrix and other provisions of this master program, non-water-oriented recreational developments may be permitted only where it can be demonstrated that:
 - a. A water-oriented use is not reasonably expected to locate on the proposed site due to topography, surrounding land uses, physical features, or the site's separation from the water.
 - b. The proposed use does not usurp or displace land currently occupied by a water-oriented use and will not interfere with adjacent water-oriented uses.
 - c. The proposed use will be of appreciable public benefit by increasing ecological functions together with public use, enjoyment, or access to the shoreline.
2. Accessory parking shall not be located in shoreline jurisdiction unless the City determines there is no other feasible option.
3. All new recreational development proposals will be reviewed by the City for ecological restoration and public access opportunities. When restoration and/or public access plans indicate opportunities exist, the City may require that those opportunities are either implemented as part of the development project or that the project design be altered so that those opportunities are not diminished.

All new non-water-oriented recreational development, where allowed, shall be conditioned with the requirement to provide ecological restoration and public access.

The City shall consult the Environmental Restoration Plan and the Ebey Waterfront Trail Plan and determine the applicability and extent of ecological restoration and/or public access required.

4. Substantial structures, such as restrooms, recreation halls and gymnasiums, recreational buildings and fields, access roads, and parking areas, shall be set back from the OHWM at least 70 feet unless it can be shown that such facilities are essentially water-dependent or there is no feasible alternative. These areas may be linked to the shoreline by walkways.
5. For recreation developments that require the use of fertilizers, pesticides, or other toxic chemicals, such as golf courses and play fields, the applicant shall submit plans demonstrating the methods to be used to prevent these applications and resultant leachate from entering adjacent water bodies. Buffer strips and, if practical, shade trees shall be included in the development. The City shall determine the maximum width necessary for buffer strips, but in no case shall the buffer strip be less than 50 feet. The proponent shall also be required to leave a chemical-free swath at least 100 feet in width next to water bodies and wetlands.

6. Snags and living trees (i.e., large cottonwoods) shall not be removed within the 50-foot setback unless a professional forester or horticulturalist determines them to be extreme hazards and likely to fall into a park use area. Snags and living trees within the setback which do not present an extreme hazard shall be retained.

8. Residential Development

a. Applicability

Residential development means one or more buildings, structures, lots, parcels or portions thereof which are designed for and used or intended to be used to provide a place of abode for human beings, including single-family residences, duplexes, other detached dwellings, floating homes, multi-family residences, apartments, townhouses, mobile home parks, other similar group housing, condominiums, subdivisions and short subdivisions, together with accessory uses and structures normally applicable to residential uses including but not limited to garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas and guest cottages. Residential development does not include hotels, motels or any other type of overnight or transient housing, recreational vehicle parks, or camping facilities.

The Shoreline Management Act identifies single-family residences as a priority use when (and only when) developed in a manner consistent with the control of pollution and prevention of damage to the natural environment. Although some owner-occupied single-family residences are exempt from the substantial development permit process, they still must comply with all of the provisions of this section and of the master program. Subdivisions and short subdivisions must also comply with all of the provisions of this section and the master program. All development is subject to the variance and conditional use requirements and permit processes, when indicated.

Uses and facilities associated with residential development which are identified as separate use activities or shoreline modifications in this program, such as Boating Facilities, Piers, Shoreline Stabilization and Flood Protection, Utilities, Landfill and Clearing and Grading, are subject to the regulations established for those modifications in addition to any special conditions relating to residential areas established in this section.

b. Policies

1. Recognizing the single-purpose, irreversible, and space-consumptive nature of shoreline residential development, new development should provide adequate setbacks and natural buffers from the water and ample open space between structures to provide space for outdoor recreation, to protect and restore ecological functions and ecosystem-wide processes, to preserve views, and to minimize use conflicts.
2. New residential development should be designed so as to not cause significant ecological impacts or significant adverse impacts to shoreline esthetic characteristics, views, and improve public use of the shoreline and the water.
3. New residential development should be located and designed so as to minimize conflicts or incompatibilities with water-oriented uses. Residential

development should not be allowed where occupants would be exposed to noise, bright lights, or other necessary impacts of water development uses, such as water-dependent-industrial activities.

c. Regulations

1. In accordance with the SMA, Chapter 90.58 RCW, the following categories of development on single-family residential properties do not require a shoreline substantial development permit.
 - Construction in shoreline jurisdiction by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his family that does not exceed a height of 35 feet above average grade level and meets all of the requirements of this master program and other applicable local, state, and federal laws.
 - “Appurtenances” to single-family residences located landward of the OHWM and the perimeter of a wetland, including such structures as garages, decks, driveways, utilities, fences, installation of a septic tank and drainfield, and grading that does not exceed 250 cubic yards and that does not involve placement of fill in any wetland or waterward of the OHWM.
 - The construction of shoreline stabilization, including vegetation enhancement, beach enhancement, upland drainage control, revetments, bulkheads, and seawalls.

HOWEVER, all of the development described above shall meet the provisions of this master program. In order to implement the objectives of the Shoreline Management Act, RCW 90.58.020, the City shall review development proposals for such actions. Persons intending to carry out the types of single-family development described above shall apply for a “letter of exemption.” Piers, docks and mooring floats accessory to single family residences are not allowed.

2. Residential development, including appurtenances and accessory uses, shall be prohibited within floodways, channel migration zones, wetlands, critical wildlife habitats, and other hazardous areas, such as steep slopes and areas with unstable soils or geologic conditions.
3. New residential development is not allowed in the Urban Conservancy Environment. Existing residential development constructed and occupied prior to the adoption of this master program may be allowed to be altered or expanded, provided the new development does not increase the nonconformance and meets the requirements of the City’s Critical Area Ordinance, adopted May 2, 2005, and this master program.

New residential development may be allowed on lots along Quilceda Creek existing prior to the adoption of this SMP, provided the proposal meets the Marysville Critical Area Ordinance and the “Critical Areas” section of this SMP.

4. Appurtenances, as defined in this master program consistent with Chapter 173-27 WAC (or in the definitions; see also Regulation 2 above), shall be subject to the same conditions as primary residences, except that for the protection of human health and safety and ecological functions further restrictions may apply.

5. Accessory uses that are not appurtenant structures shall be reasonable in size and purpose and compatible with on-site and adjacent structures, uses, and natural features.

Accessory structures that are not water-dependent are prohibited waterward of the principal residence.

6. The creation of new lots shall be prohibited unless all of the following can be demonstrated.
 - a. A primary residence can be build on each new lot without any of the following being necessary:
 - New structural shoreline stabilization.
 - New development or clearing and grading within 50 feet of the OHWM.
 - New structures in the required shoreline setback, 100-year floodplain, geohazardous areas, wetland, required wetland buffer, critical habitat, or critical habitat buffer.
 - Causing significant erosion or reduction in slope stability.
 - Causing increased flood hazard or erosion in the new development or to other properties.
 - b. Adequate sewer, water, access, and utilities can be provided.
 - c. The intensity and type of development is consistent with the City comprehensive plan and development regulations.
 - d. Potential significant adverse environmental impacts (including significant ecological impacts) can be avoided or mitigated to achieve no net loss of ecological functions, taking into consideration temporal loss due to development and potential adverse impacts to the environment.
7. Over-water residences and floating homes are prohibited.
8. Multiunit development, including the subdivision of land into more than four parcels, shall be required to provide public access according to Section 4.B.7, "Public Access," and the Ebey Waterfront Trail Program.

The City will determine whether or not a proposed development meets the above conditions.

9. Transportation and Parking

a. Applicability

Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods, and services. They include roads and highways, bridges and causeways, bikeways, trails, railroad facilities, ferry terminals, float plane terminals, airports, heliports, and other related facilities.

The various transport facilities that can impact the shoreline cut across all environmental designations and all specific use categories. The policies and regulations identified in this section pertain to any project, within any environment, that is effecting some change in present transportation facilities.

b. Policies

1. Circulation system planning to and on shorelands should include systems for pedestrian, bicycle, and public transportation where appropriate. Circulation planning and projects should support existing and proposed shoreline uses that are consistent with the master program.
2. Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner compatible with the natural character, resources, and ecology of the shoreline. P.77,9b.4: Trail and bicycle paths should be encouraged along shorelines and should be constructed in a manner that does not reduce or substantially impact shoreline resources or ecological functions.
3. When existing transportation corridors are abandoned, they should be reused for water-dependent use or public access.
4. Abandoned or unused road or railroad rights-of-way that offer opportunities for public access to the water should be acquired and/or retained for such use.

c. Regulations

General

1. Applications for new or expanded transportation facilities development in shoreline jurisdiction shall include the following information:
 - Demonstration of the need for the facility.
 - An analysis of alternative alignments or routes, including where feasible, alignments or routes outside shoreline jurisdiction.
 - An analysis of potential impacts complying with the State Environmental Policy Act, including an analysis of comparative impacts of feasible alternative routes. (See the definition of “feasible” in Chapter 7.)
 - Description of construction, including location, construction type, and materials.
 - If needed, description of mitigation and restoration measures.
2. New non-water-dependent transportation facilities shall be located outside shoreline jurisdiction, if possible. In determining the feasibility of a non-shoreline location, the City will apply the definition of “feasible” in Chapter 7 and weigh the action’s relative public costs and benefits, considered in the short- and long-term time frames.
3. All new and expanded transportation facilities development shall be conditioned with the requirement to mitigate significant adverse impacts consistent with Section 4.B.4 of this master program. New or expanded transportation facilities development that cause significant ecological impacts shall not be allowed unless the development includes shoreline mitigation/restoration that increases the ecological functions being impacted to the point where:
 - Significant short- and long-term risks to the shoreline ecology from the development are eliminated.
 - Long-term opportunities to increase the natural ecological functions and processes are not diminished.

If physically feasible, the mitigation/restoration shall be in place and functioning prior to project impacts. The mitigation/restoration shall include a monitoring and adaptive management program.

4. All roads and railroads, if permitted parallel to shoreline areas, shall be adequately set back from water bodies (see Section 3.c) and shall provide buffer areas of compatible, self-sustaining vegetation. Shoreline scenic drives and viewpoints may provide breaks periodically in the vegetative buffer to allow open views of the water.
5. New transportation facilities shall be located and designed to prevent or to minimize the need for shoreline protective measures such as riprap or other bank stabilization, fill, bulkheads, groins, jetties, or substantial site grading. Transportation facilities allowed to cross over water bodies and wetlands shall utilize elevated, open pile, or pier structures whenever feasible. All bridges must be built high enough to allow the passage of debris and provide three feet of freeboard above the 100-year flood level.
6. All new and expanded transportation facilities development in shoreline jurisdiction shall be consistent with the City's comprehensive plan and applicable capital improvement plans.
7. New and expanded transportation facilities development shall include provisions for pedestrian, bicycle, and public transportation where appropriate as determined by the City. Circulation planning and projects shall support existing and proposed shoreline uses that are consistent with the master program.
8. Transportation facilities and services shall utilize existing transportation corridors whenever possible, P.79: Expansions, additions or modifications shall be designed and/or conditioned to eliminate or minimize adverse impacts consistent with Section 4.B.4.
9. Transportation and primary utility facilities shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies if practicable, where adverse impact to the shoreline can be minimized by doing so.
10. Fills for transportation facilities development are prohibited in water bodies, wetlands, and accretion beaches; EXCEPT, when all structural and upland alternatives have been proven infeasible and the transportation facilities are necessary to support uses consistent with this program, such fill may be permitted as a CUP.
11. New and expanded transportation facilities development shall not diminish but may modify public access to the shoreline, as described in Section 4.B.7.
12. Waterway crossing shall be designed to provide minimal disturbance to banks.
13. Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts.
14. Culverts and similar devices shall be designed with regard to the 25-year storm frequencies and allow continuous fish passage. Culverts shall be located so as to avoid relocation of the stream channel.
15. Bridges, crossings, debris grates, culverts, and similar devices used by fish shall meet all requirements set by the State Department of Fish and Wildlife.
16. All transportation facilities shall be designed, constructed, and maintained to contain and control all debris, overburden, runoff, erosion, and sediment generated from the affected areas. Relief culverts and diversion ditches shall

not discharge onto erodible soils, fills, or sidecast materials without appropriate BMP's.

17. Bridge abutments and necessary approach fills shall be located landward of wetlands or the OHWM for water bodies without wetlands; PROVIDED, bridge piers may be permitted in a water body or wetland as a conditional use.
18. All shoreline areas disturbed by transportation facility construction and maintenance shall be replanted and stabilized with compatible, self-sustaining vegetation by seeding, mulching, or other effective means immediately upon completion of the construction or maintenance activity. Such vegetation shall be maintained until established by the agency or developer constructing or maintaining the road. The vegetation restoration/replanting plans shall be as approved by the City.

10. Utilities

a. Applicability

Utilities are services and facilities that produce, transmit, carry, store, process, or dispose of electric power, gas, water, sewage, communications, oil, and the like. The provisions in this section apply to primary uses and activities, such as solid waste handling and disposal, sewage treatment plants and outfalls, public high-tension utility lines on public property or easements, power generating or transfer facilities, and gas distribution lines and storage facilities. See Section 4.B.10, "Utilities," for on-site accessory use utilities.

Solid waste disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste on any land area or in the water.

Solid waste includes all putrescible and nonputrescible solid and semisolid wastes, including garbage, rubbish, ashes, industrial wastes, wood wastes and sort yard wastes associated with commercial logging activities, swill, demolition and construction wastes, abandoned vehicles and parts of vehicles, household appliances and other discarded commodities. Solid waste does not include sewage, dredge material or agricultural or other commercial logging wastes not specifically listed above.

b. Policies

1. New utility facilities should be located so as not to require extensive shoreline protection works.
2. Utility facilities and corridors should be located so as to protect scenic views. Whenever possible, such facilities should be placed underground or alongside or under bridges.
3. Utility facilities and rights-of-way should be designed to preserve the natural landscape and to minimize conflicts with present and planned land uses.

c. Regulations

1. Applications for new or expanded utility facilities development in shoreline jurisdiction shall include the following:
 - a. Demonstration of the need for the facility.

- b. An analysis of alternative alignments or routes, including where feasible, alignments or routes outside shoreline jurisdiction.
 - c. An analysis of potential impacts complying with the State Environmental Policy Act, including an analysis of comparative impacts of feasible alternative routes. (See the definition of “feasible” in Chapter 7.)
 - d. Description of construction, including location, construction type, and materials.
 - e. Location of other utility facilities in the vicinity of the proposed project and any plans to include the facilities of other types of utilities in the project.
 - f. Plans for reclamation of areas disturbed during construction .
 - g. Plans for control of erosion and turbidity during construction and operation.
 - h. Identification of any possibility for locating the proposed facility at another existing utility facility site or within an existing utility right-of-way.
2. All utility facilities shall be designed and located to minimize harm to shoreline ecological functions, preserve the natural landscape, and minimize conflicts with present and planned land and shoreline uses while meeting the needs of future populations in areas planned to accommodate growth. The City may require the relocation or redesign of proposed utility development in order to avoid significant ecological impacts or significant adverse impacts.
 3. Utility production and processing facilities, such as power plants or parts of those facilities that are non-water-oriented shall not be allowed in shoreline areas unless it can be demonstrated that no other feasible option is available. In such cases, significant ecological impacts shall be avoided.
 4. Transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, shall be located to cause minimum harm to the shoreline and shall be located outside of the shoreline area where feasible. Utilities should be located in existing rights-of-way and corridors whenever possible.
 5. Development of pipelines and cables on tidelands, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance or that cause significant ecological impacts shall not be allowed unless no other feasible option exists. When permitted, those facilities shall include adequate provisions to protect against significant ecological impacts.
 6. Restoration of ecological functions shall be a condition of new and expanded non-water-dependent utility facilities.
 7. Utility development shall, through coordination with local government agencies, provide for compatible, multiple use of sites and rights-of-way. Such uses include shoreline access points, trail systems and other forms of recreation and transportation, providing such uses will not unduly interfere with utility operations, endanger public health and safety or create a significant and disproportionate liability for the owner.
 8. New solid waste disposal sites and facilities are prohibited. Existing solid waste disposal and transfer facilities in shoreline jurisdiction shall be expeditiously phased out and rehabilitated.

9. New electricity, communications and fuel lines shall be located underground, except where the presence of bedrock or other obstructions make such placement infeasible or if it is demonstrated that above-ground lines would have a lesser impacts. Existing above ground lines shall be moved underground during normal replacement processes.
10. Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
11. Utility developments shall be located and designated so as to avoid or minimize the use of any structural or artificial shore defense or flood protection works.
12. Utility production and processing facilities shall be located outside SMA jurisdiction unless no other feasible option exists. Where major facilities must be placed in a shoreline area, the location and design shall be chosen so as not to destroy or obstruct scenic views.
13. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, unless no other feasible alternative exists. In those limited instances when permitted by conditional use, automatic shut-off valves shall be provided on both sides of the water body.
14. Filling in shoreline jurisdiction for utility facility or line development purposes is prohibited, except where no other feasible option exists and the proposal would avoid or minimize impacts more completely than other methods. Permitted crossings shall utilize pier or open pile techniques.
15. If allowed, power-generating facilities shall require a conditional use permit.
16. Clearing of vegetation for the installation or maintenance of utilities shall be kept to a minimum and upon project completion any disturbed areas shall be restored to their pre-project condition.
17. Telecommunication towers, such as radio and cell phone towers, are specifically prohibited.

CHAPTER 7

Definitions

Accessory use. Any structure or use incidental and subordinate to a primary use or development.

Act. The Shoreline Management Act (Chapter 90.58 RCW).

Adjacent lands. Lands adjacent to the shorelines of the state (outside of shoreline jurisdiction).

Administrator. The City of Marysville Community Development Director or his/her designee, charged with the responsibility of administering the shoreline master program.

Appurtenance. A structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and also of the perimeter of any wetland. (On a state-wide basis, normal appurtenances include a garage, deck, driveway, utilities, fences and grading which does not exceed two hundred fifty cubic yards.)

Aquatic. Pertaining to those areas waterward of the ordinary high water mark.

Aquaculture. The cultivation of fish, shellfish, and/or other aquatic animals or plants, including the incidental preparation of these products for human use.

Archaeological. Having to do with the scientific study of material remains of past human life and activities.

Average grade level. See “base elevation.”

Base elevation. The average elevation of the approved topography of a parcel at the midpoint on each of the four sides of the smallest rectangle that will enclose the proposed structure, excluding eaves and decks. The approved topography of a parcel is the natural topography of a parcel or the topographic conditions approved by the City prior to August 10, 1969, or as approved by a subdivision, short subdivision, binding site plan, shoreline substantial development permit, filling and grading permit, or SEPA environmental review issued after August 10, 1969. An approved benchmark will establish the relative elevation of the four points used to establish the base elevation.

Beach. The zone of unconsolidated material that is moved by waves and wind currents, extending landward to the shoreline.

Beach enhancement/restoration. Process of restoring a beach to a state more closely resembling a natural beach, using beach feeding, vegetation, drift sills and other non-intrusive means as applicable.

Berm. A linear mound or series of mounds of sand and/or gravel generally paralleling the water at or landward of the line of ordinary high tide. Also, a linear mound used to screen an adjacent activity, such as a parking lot, from transmitting excess noise and glare.

Bioengineering. The use of biological elements, such as the planting of vegetation, often in conjunction with engineered systems, to provide a structural shoreline stabilization measure with minimal negative impact to the shoreline ecology.

Biofiltration system. A storm water or other drainage treatment system that utilizes as a primary feature the ability of plant life to screen out and metabolize sediment and pollutants. Typically, biofiltration systems are designed to include grassy swales, retention ponds and other vegetative features.

Bog. A wet, spongy, poorly drained area which is usually rich in very specialized plants, contains a high percentage of organic remnants and residues and frequently is associated with a spring, seepage area, or other subsurface water source. A bog sometimes represents the final stage of the natural process of eutrophication by which lakes and other bodies of water are very slowly transformed into land areas.

Buffer area. A parcel or strip of land that is designed and designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic or wetland site from upland impacts, to provide habitat for wildlife and to afford limited public access.

Building height. The vertical distance from the base elevation of a building to the highest point of the roof, exclusive of building appurtenances.

Bulkhead. A solid wall erected generally parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from waves or current action.

Buoy. An anchored float for the purpose of mooring vessels.

Channel. An open conduit for water, either naturally or artificially created; does not include artificially created irrigation, return flow, or stock watering channels.

City. The City of Marysville Washington.

Clearing. The destruction or removal of vegetation ground cover, shrubs and trees including, but not limited to, root material removal and/or topsoil removal.

Conditional use. A use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program.

Covered moorage. Boat moorage, with or without walls, that has a roof to protect the vessel.

Department of Ecology. The Washington State Department of Ecology.

Development. A use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.

Development regulations. The controls placed on development or land uses by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under Chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

Director. City of Marysville Community Development Director.

Dock. A structure which abuts the shoreline and is used as a landing or moorage place for craft. A dock may be built either on a fixed platform or float on the water. See also “development” and “substantial development.”

Document of record. The most current shoreline master program officially approved or adopted by rule by the Department of Ecology for a given local government jurisdiction, including any changes resulting from appeals filed pursuant to RCW 90.58.190

Dredging. Excavation or displacement of the bottom or shoreline of a water body.

Ecological functions (or shoreline functions). The work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem.

Ecosystem-wide processes. The suite of naturally occurring physical and geologic processes of erosion, transport, and deposition and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

EIS. Environmental Impact Statement.

Emergency. An unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow full compliance with the master program. Emergency construction is construed narrowly as that which is necessary to protect property and facilities from the elements. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, these regulations, or the local master program, obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and the local master program. As a general matter, flooding or seasonal events that can be anticipated and may occur but that are not imminent are not an emergency. (RCW 90.58.030(3eiii).)

Enhancement. Alteration of an existing resource to improve or increase its characteristics, functions, or processes without degrading other existing ecological functions. Enhancements are to be distinguished from resource creation or restoration projects.

Erosion. The wearing away of land by the action of natural forces.

Exception developments not required to obtain shoreline permits or local reviews. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other reviews to implement the Shoreline Management Act do not apply to the following:

- (a) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts remedial action under Chapter 70.105D RCW.
- (b) Boat yard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.
- (c) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.
- (d) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.
- (e) Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to chapter 80.50 RCW.

Exemption. Certain specific developments as listed in WAC 173-27-040 are exempt from the definition of substantial developments are therefore exempt from the substantial development permit process of the SMA. An activity that is exempt from the substantial development provisions of the SMA must still be carried out in compliance with policies and standards of the Act and the local master program. Conditional use and/or variance permits may also still be required even though the activity does not need a substantial development permit. (RCW 90.58.030(3e); WAC 173-27-040.) The external retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 USC Sec. 12010 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities. (See also “development” and “substantial development.”)

Fair market value. The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services, and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation, and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed, or found labor, equipment, or materials.

Feasible. For the purpose of this master program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

- (a) The action can be accomplished with technologies and methods that have been used in the past, or studies or tests have demonstrated that such approaches are currently available and likely to achieve the intended results.
- (b) The action provides a reasonable likelihood of achieving its intended purpose.
- (c) The action does not physically preclude achieving the project's primary intended use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant.

In determining an action's infeasibility, the City may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

Fill. The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the ordinary high water mark, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.

Floats. An anchored, buoyed object.

Floodway. The area that has been established in effective federal management agency flood insurance rate maps or floodway maps. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

Gabions. Structures composed of masses of rocks, rubble or masonry held tightly together usually by wire mesh so as to form blocks or walls. Sometimes used on heavy erosion areas to retard wave action or as foundations for breakwaters or jetties.

Geotechnical report (or geotechnical analysis). A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local shoreline geology and processes.

Grade. See “base elevation.”

Grading. The movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.

Grassy Swale. A vegetated drainage channel that is designed to remove various pollutants from storm water runoff through biofiltration.

Guidelines. Those standards adopted by the Department of Ecology into the Washington Administrative Code (WAC) to implement the policy of Chapter 90.58 RCW for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria for local governments and the Department of Ecology in developing and amending master programs.

Habitat. The place or type of site where a plant or animal naturally or normally lives and grows.

Height. See “building height.”

Hydrological. Referring to the science related to the waters of the earth including surface and ground water movement, evaporation and precipitation. Hydrological functions in shoreline include, water movement, storage, flow variability, channel movement and reconfiguration, recruitment and transport of sediment and large wood, and nutrient and pollutant transport, removal and deposition,

Letter of exemption. A letter or other official certificate issued by a local government to indicate that a proposed development is exempted from the requirement to obtain a shoreline permit as provided in WAC 173-27-050. Letters of exemption may include conditions or other provisions placed on the proposal in order to ensure consistency with the Shoreline Management Act, this chapter, and the applicable master program.

Littoral. Living on, or occurring on, the shore.

Littoral drift. The mud, sand, or gravel material moved parallel to the shoreline in the nearshore zone by waves and currents.

May. Refers to actions that are acceptable, provided they conform to the provisions of this master program and the Act.

Mitigation (or mitigation sequencing). The process of avoiding, reducing, or compensating for the environmental impact(s) of a proposal, including the following listed in the order of sequence priority, with (a) of this subsection being top priority.

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

Multi-family dwelling (or residence). A building containing two or more dwelling units, including but not limited to duplexes, apartments and condominiums.

Must. A mandate; the action is required.

Nonconforming development. A shoreline use or structure which was lawfully constructed or established prior to the effective date of the applicable master program provision, and which no longer conforms to the applicable shoreline provisions.

Non-point pollution. Pollution that enters any waters of the state from any dispersed land-based or water-based activities, including, but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

Non-water-oriented uses. Those uses that are not water-dependent, water-related, or water-enjoyment.

Normal maintenance. Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition. See also "normal repair."

Normal protective bulkhead. Those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion.

Normal repair. To restore a development to a state comparable to its original condition, including, but not limited to, its size, shape, configuration, location, and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment. (WAC 173-27-040.) See also “normal maintenance” and “development.”

Off-site replacement. To replace wetlands or other shoreline environmental resources away from the site on which a resource has been impacted by a regulated activity.

OHWM. See “ordinary high water mark.”

Ordinary high water mark (OHWM). That mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology. See RCW 90.58.030(2)(b).

Party of record. All persons, agencies, or organizations who have submitted written comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

Periodic. Occurring at regular intervals.

Person. An individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated. (RCW 90.58.030(1d).)

Provisions. Policies, regulations, standards, guideline criteria or designations.

Public interest. The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected such as an effect on public property or on health, safety, or general welfare resulting from a use or development.

Qwuloolt or Qwuloolt/Portinga site. Lowland area surrounding the mouths of Allen Creek and Jones Creek and bounded by 47th Avenue NE, Sunnyside Boulevard, and existing upland development.

RCW. Revised Code of Washington.

Residential development. Development which is primarily devoted to or designed for use as a dwelling(s).

Restore (restoration). To significantly re-establish or upgrade shoreline ecological functions through measures such as revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic sediments. To restore does not necessarily imply returning the shoreline area to aboriginal or pre-European settlement condition.

Revetment. Facing of stone, concrete, etc., built to protect a scarp, embankment, or shore structure against erosion by waves or currents.

Riprap. A layer, facing, or protective mound of stones placed to prevent erosion, scour, or sloughing of a structure or embankment; also, the stone so used.

Runoff. Water that is not absorbed into the soil but rather flows along the ground surface following the topography.

Sediment. The fine grained material deposited by water or wind.

SEPA (State Environmental Policy Act). SEPA requires state agencies, local governments and other lead agencies to consider environmental factors when making most types of permit decisions, especially for development proposals of a significant scale. As part of the SEPA process, EISs may be required to be prepared and public comments solicited.

Setback. A required open space, specified in shoreline master programs, measured horizontally upland from and perpendicular to the ordinary high water mark.

Shall. A mandate; the action must be done.

Shorelands. All lands within Shoreline Management Act jurisdiction lying upland or higher in elevation of the OHWM.

Shoreline areas (and shoreline jurisdiction). The same as "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

Shoreline environment designations. The categories of shorelines established by local shoreline master programs in order to provide a uniform basis for applying policies and use regulations within distinctively different shoreline areas. Shoreline designations in Marysville include: Aquatic, High Intensity, Urban Conservancy and Shoreline Residential.

Shoreline functions. See "ecological functions."

Shoreline jurisdiction. The term describing all of the geographic areas covered by the SMA, related rules and the applicable master program. Also, such areas within a specified local government's authority under the SMA. See definitions of "shorelines", "shorelines of the state", "shorelines of state-wide significance" and "wetlands." See also the "Shoreline Management Act Scope" section in the "Introduction" of this master program.

Shoreline master program, master program, or SMP. This Shoreline Master Program, as adopted by the City of Marysville and approved by the Washington Department of Ecology.

Shoreline modifications. Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, dock, weir, dredged basin, fill, bulkhead, or other shoreline structures. They can include other actions, such as clearing, grading, or application of chemicals.

Shoreline permit. A substantial development, conditional use, revision, or variance permit or any combination thereof.

Shoreline property. An individual property wholly or partially within shoreline jurisdiction.

Shoreline restoration, restoration, or ecological restoration. The re-establishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures, and removal or treatment of toxic materials. Shoreline restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

Shorelines. All of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes.

Shorelines of the state. The total of all “shorelines” and “shorelines of state-wide significance” within the state.

Shorelines Hearings Board (SHB). A six member quasi-judicial body, created by the SMA, which hears appeals by any aggrieved party on the issuance of a shoreline permit, enforcement penalty and appeals by local government on Department of Ecology approval of master programs, rules, regulations, guidelines or designations under the SMA.

Shorelines of state-wide significance. A select category of shorelines of the state, defined in RCW 90.58.030(2)(e), where special policies apply.

Should. The particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this shoreline master program, against taking the action.

Sign. A board or other display containing words and/or symbols used to identify or advertise a place of business or to convey information. Excluded from this definition are signs required by law and the flags of national and state governments.

Significant ecological impact. An effect or consequence of an action if any of the following apply:

- (a) The action measurably or noticeably reduces or harms an ecological function or ecosystem-wide process.
- (b) Scientific evidence or objective analysis indicates the action could cause reduction or harm to those ecological functions or ecosystem-wide processes described in (a) of this subsection under foreseeable conditions.
- (c) Scientific evidence indicates the action could contribute to a measurable or noticeable reduction or harm to ecological functions or ecosystem-wide processes described in (a) of this subsection as part of cumulative impacts, due to similar actions that are occurring or are likely to occur.

Significant vegetation removal. The removal or alteration of native trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive, non-native, or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

Single-family residence (SFR). A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance.

SMA. The Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended.

Storm water. That portion of precipitation that does not normally percolate into the ground or evaporate but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or constructed infiltration facility.

Stream. A naturally occurring body of periodic or continuously flowing water where: a) the mean annual flow is greater than twenty cubic feet per second and b) the water is contained within a channel. See also "channel."

Structure. A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above or below the surface of the ground or water, except for vessels.

Subdivision. The division or redivision of land, including short subdivision for the purpose of sale, lease or conveyance.

Substantial development. Any development of which the total cost or fair market value exceeds the dollar threshold established in RCW 90.58.030(e), or any development that materially interferes with the normal public use of the water or shorelines of the state; except as specifically exempted pursuant to RCW 90.58.030(3)(e). See also definition of "development" and "exemption".

Substantially degrade. To cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment if:

- (a) The damaged ecological function or functions significantly affect other related functions or the viability of the larger ecosystem; or
- (b) The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or
- (c) Scientific evidence indicates the action may contribute to damage or harm to ecological functions as part of cumulative impacts.

Swamp. A depressed area flooded most of the year to a depth greater than that of a marsh and characterized by areas of open water amid soft, wetland masses vegetated with trees and shrubs. Extensive grass vegetation is not characteristic.

Terrestrial. Of or relating to land as distinct from air or water.

Transportation (Facilities). A structure or development(s), that aid in the movement of people, goods or cargo by land, water, air or rail. They include but are not limited to highways, bridges, causeways, bikeways, trails, railroad facilities, ferry terminals, float plane – airport or heliport terminals, and other related facilities.

Upland. Generally described as the dry land area above and landward of the ordinary high water mark.

Utility. A public or private agency which provides a service that is utilized or available to the general public (or a locationally specific population thereof). such services may include, but are not limited to, storm water detention and management, sewer, water, telecommunications, cable, electricity, and natural gas.

Utility (Accessory). Utilities are small-scale distribution services connected directly to the uses along the shoreline and are not carrying significant capacity to serve other users that are not located in the shoreline jurisdiction.

Variance. A means to grant relief from the specific bulk, dimensional, or performance standards set forth in this master program and not a means to vary a use of a shoreline. Variance permits must be specifically approved, approved with conditions, or denied by the Administrator and the Department of Ecology.

Vessel. Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with normal public use of the water.

WAC. Washington Administrative Code.

Water-dependent. A use or a portion of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include fishing, boat launching, swimming, and storm water discharges.

Water-enjoyment. A recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to:

- (a) Parks with activities enhanced by proximity to the water.
- (b) Docks, trails, and other improvements that facilitate public access to shorelines of the state.
- (c) Restaurants with water views and public access improvements.
- (d) Museums with an orientation to shoreline topics.
- (e) Scientific/ecological reserves.
- (f) Resorts with uses open to the public and public access to the shoreline; and any combination of those uses listed above.

Water-oriented use. A use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

Water quality. The physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impervious surfaces and storm water handling practices. Water quantity, for purposes of this master program, does

not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Water-related use. A use or portion of a use which is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Weir. A structure generally built perpendicular to the shoreline for the purpose of diverting water or trapping sediment of other moving objects transported by water.

Wetland or wetlands. Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support—and that under normal circumstances do support—a prevalence of vegetation typically adapted for life in marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

Zoning. The system of land use and development regulations in Title 22 and related provisions of the Marysville Municipal Code.

In addition, the definitions and concepts set forth in RCW 90.58.030, as amended, and implementing rules shall also apply as used herein.

CHAPTER 8

Restoration Plan

A. Restoration Goals and Objectives

1. Goals

- a. Goal 1:** Assure preservation, protection and restoration of salmon habitat to a sufficient extent and quality to support the productivity and diversity of all wild salmon stocks in the Snohomish River basin at a level that will sustain fisheries and non-consumptive salmon-related cultural and ecological values (SBSRF 2001).

Objectives (excerpted from SBSRF 2001):

1. Maintain and restore natural streambank conditions and achieve a net increase in the amount of natural streambank functions while protecting critical public facilities and infrastructure. Stabilize erosion areas using bioengineering techniques.
2. Protect natural watershed functions in the channel migration zone and floodplain and decrease hazards to people, critical facilities, and infrastructure associated with natural channel migration and natural flooding.
3. Retain adequate quantity and quality of large woody debris in streams to support salmon populations and watershed processes. Install large woody debris where feasible, and increase density of native conifers in riparian areas to increase future recruitment potential.
4. Eliminate man-made barriers to anadromous fish passage, prevent the creation of new barriers, and provide for transport of water, sediment and organic matter at all stream crossings.
5. Achieve no net loss in area, functions and values of wetlands, and achieve a net increase in wetland area, functions and values where historic loss of wetlands adversely affects watershed processes or fish habitat.
6. Protect and restore riparian areas sufficiently to support salmon populations and watershed processes.
7. Avoid adverse habitat impacts to streams, riparian corridors, and wetlands.

- b. Goal 2:** Assure preservation, protection and restoration of all ecological functions.

Objectives:

1. Strive to control non-indigenous plants or weeds that are proven harmful to native and/or beneficial vegetation or habitats. In particular, Himalayan blackberry, Japanese knotweed, nightshade, and reed canary grass should be targeted.

2. Make efforts to meet and maintain state and county water quality standards in Ebey and Steamboat Sloughs and Quilceda Creek, and their contributing waters, through effective stormwater management of new developments and redevelopments, and through reductions in landscape chemical usage in City parks and other facilities.
3. Modify and regulate public access on the public-owned shorelines to insure that ecological functions are not unduly damaged by public use. Applies to downtown Waterfront Park and existing and future trail system components, particularly in the vicinity of the Poortinga restoration area.
4. Educate private property owners in the shoreline zone about the effects of vegetation removal and chemical use on fish and wildlife habitats.
5. Encourage reconnection of fragmented habitats, in particular the implementation of the Qwuloolt/Poortinga Estuarine Restoration Project which will include the removal of the existing tide gates at the mouths of Jones and Allen Creeks and the restoration of tidal flux to approximately 355 acres of formerly active estuary area now functionally separated from the estuary by dikes.
6. Continue involvement in WRIA 7 and related planning processes to understand the watershed context and the City's role in maximizing long-term achievement of WRIA 7 goals.

2. List of Existing and Ongoing Projects and Programs

a. Qwuloolt/Poortinga Estuarine Restoration Projects.

The primary element of the City's Shoreline Restoration Plan is its participation in the Qwuloolt/Poortinga Estuarine Restoration Project. A working group known as The Natural Resource Trustees (Trustees) was formed in the mid 1990s, after the Tulalip Landfill downstream was declared a Superfund Site. The Trustees have since been meeting regularly and otherwise working towards the implementation of a large-scale, approximately 355-acre, project to restore tidal and other estuarine habitat functions to previously drained and farmed tidal lands in and adjoining the City of Marysville, as compensation for impact related to the Landfill. The project area includes 18 acres of City-owned property. This area is still functionally separated from the estuary by a system of dikes and is drained, through tide gates, by a system of ditches constructed to facilitate use of the land for agriculture. Allen and Jones Creeks flow through the prospective restoration area, and the anadromous fish using them must also move in and out through the existing tide gates.

The Trustees include the Tulalip Tribes, National Oceanic and Atmospheric Administration (NOAA), USFWS, and Ecology. Other notable participating agencies and groups include the City of Marysville, the Natural Resource Conservation Service (NRCS), and others. The activities of the Trustees and other participants to date, geared towards formulation of the restoration plan and its eventual implementation, have included significant land acquisitions, preparation of a Technical Report by the U.S. Army Corps of Engineers, consideration of various conceptual design alternatives, and various permitting, funding,

implementation, and monitoring considerations. Sound Transit is considering assisting the trustees with some yet-needed land acquisitions as a way of fulfilling their mitigation requirements associated with rail line construction and improvements in the coming years.

In 1994, the City of Marysville implemented a similarly functioning estuarine restoration project for which a 400-foot section of dike was breached, allowing intertidal flow to return to a 13-acre area that had been in agricultural production for about 100 years. The project was implemented to satisfy mitigation requirements for improvements to the City's wastewater treatment facility and is located near the southeast corner of the City's sewage treatment lagoon and adjoining the Qwuloolt/Poortinga site. A required 10-year monitoring program for this City of Marysville restoration project has recently been completed. Monitoring results indicate that estuarine plant communities including Lyngby's sedge, hardstem bulrush, and cattail have become established and that waterfowl and juveniles of various salmonid fish species, including chinook salmon, are increasingly making use of the area. Sedimentation rates within the restoration project area have averaged 1.1 inches per year over the 10-year monitoring period (Jones and Stokes 2004).

This implemented City of Marysville estuarine restoration project is serving well as a prototype for the proposed Qwuloolt/Poortinga Estuarine Restoration Project, and will likely be incorporated into it. It may provide a basis for modifications to the project approach, for example, helping to decide whether tidal channels should be actively excavated or if they should be allowed to form on their own. The type and extent of the monitoring program proposed could also be benefited by the experience gained. The now well-established Marysville project serves to demonstrate a reasonable range of expectations for the completed Qwuloolt/Poortinga Estuarine Restoration Project.

Once the dike along Ebey Slough is breached, the location of the ordinary high water mark (OHWM) of Ebey Slough in the restoration area will change. SMA jurisdiction extends a minimum of 200 feet from the OHWM or floodway. The elevation of OHWM in this area is approximately 9 feet in elevation. To approximate the new shoreline area after the dike is breached, the 9-foot elevation was mapped using City point data, and a new line drawn 200 feet landward of that elevation (Figure 22). This Potential Shoreline Boundary line extends beyond the 100-year floodplain in some areas of the Qwuloolt/Poortinga site. Since the Potential Shoreline Boundary line reflects the minimum extent of the shoreline (i.e. the OHWM plus 200 feet), any change in the location of the OHWM would change the shoreline boundary as well.

The design for the Qwuloolt/Poortinga site has not been completed, and the timeline for breaching the dike on Ebey Slough has not yet been determined. However, it is clear that in some areas new dikes are likely to be needed, as some properties with established businesses will be flooded without the benefit of a dike. New dikes will change the location of the OHWM from the estimate made during this inventory, and hence change the potential shoreline boundary. Given the uncertainties in both the location and timing of potential new shoreline boundaries,

those areas that are not shoreline now, but may become shoreline once the dike is breached, are not covered in detail in this inventory.

b. Participation in Watershed and Basin Programs

The City is participating in the Snohomish Basin Salmon Recovery Forum. In July 2004, this Forum issued the *Draft Snohomish River Basin Salmon Conservation Plan*. One of the actions listed in the plan is the restoration of estuarine habitat at the Qwuloolt/Poortinga site in Segment C. The City is also an active member of the team that is planning that restoration project. Three studies have been commissioned so far on this restoration project. The City funded a study titled *Restoration Project – Potential Impacts to City-Owned Properties*. A Coastal Zone Management grant funded a study called *Allen Creek Enhancement At and Near Jennings Park – Conceptual Design Report*. Also funded by the Coastal Zone Management Grant was a study titled *Geotechnical Report Marysville Wastewater Treatment Plant – Stability Analysis Eastern Dike of the South Lagoon*.

The City is also part of the Allen/Quilceda Watershed Action (AQWA) Team. This group of citizens and local government staff has prepared a brochure called *A Citizen's Guide to Reporting Water Quality Problems*, which has been adopted for use by Snohomish County. The AQWA Team is currently planning a restoration project on Jones Creek, a tributary of Allen Creek, which will help to correct historic problems with dissolved oxygen levels on Allen Creek. The AQWA Team is also working on a community newsletter, and sponsoring various restoration and pollution prevention activities.

c. Stilly-Snohomish Fisheries Enhancement Task Force Projects

The City has partnered with the Stilly-Snohomish Fisheries Enhancement Task Force (SSFETF) on several projects in the Allen Creek watershed. A streamside restoration and buffer enhancement project was completed on Allen Creek in 2002 with the help of the SSFETF and volunteers. An ongoing effort between the City, the SSFETF and the school district provides environmental education opportunities for elementary students in the Allen Creek watershed. This education initiative includes classroom lessons and in-field activities on a piece of property that the school district has set aside as an environmental education site. The SSFETF and the City have jointly applied for a grant from the State Department of Natural Resources to continue to enhance environmental education opportunities in the watershed.

d. Critical Areas Regulations

The City of Marysville adopted a substantially revised update of the critical areas regulations on 25 April 2005. The updated regulations are based on “best available science,” and provide a high level of protection to critical areas in the City, particularly streams, wetlands, and fish and wildlife habitat conservation areas. Management of the City’s critical areas using these regulations will ensure that ecological functions and values are not degraded, and that any impacts to critical areas are fully mitigated. These critical areas regulations are one of several

important tools that will help the City meet its restoration goals. Category I wetlands within the shorelines of Marysville will be specifically protected by the updated Shoreline Master Program.

e. Stormwater Planning

In 2003, the City and Otak, Inc. produced the *City of Marysville Surface Water Management Plan and Surface Water Rate Study*. The intent of this plan is:

“to ensure that needed public storm and surface water (stormwater) facilities, as well as other stormwater-related programmatic services and capabilities, are available to address existing drainage problems and allow continued future development throughout the city. This includes effective use of existing revenue sources and the creation of adequate revenues sources to accommodate future growth and development.”

The plan identifies and prioritizes 16 projects that address needs in basin planning, conveyance/flooding, water quality treatment, retention/detention, and habitat. These projects are listed below:

1. Prepare Master Drainage Basin Plans for the Smokey Point/North Marysville, Lakewood, and Central Business District areas.
2. 136th Street NE and Smokey Point Creek West culvert replacement: replace existing box culvert with two 13-foot span by 5-foot rise concrete box culverts with flared wingwalls. This would mitigate flooding problems and provide passage for juvenile and adult salmon to upstream spawning and rearing habitat.
3. Grove Street and 70th Street NE conveyance: increase the conveyance capacity of the storm sewer system to accommodate up to 25-year storm events to reduce flooding.
4. State Avenue conveyance: increase the capacity of selected portions of the downtown Marysville conveyance system in order to reduce flooding frequency.
5. Jennings Park flood reduction and habitat improvements: dredge and reconstruct the Allen Creek channel and associated floodplain, revegetation the riparian corridor with trees, and install in-stream habitat structures. The project will reduce Jennings Park flood frequencies and reduce the spread of reed canary grass.
6. RR/Smokey Point Creek West culvert replacement.
7. 45th Avenue NE/Smokey Point Creek West culvert replacement.
8. 43rd Avenue NE/Smokey Point Creek culvert replacement.
9. East and West Field access culvert removal and bridge installation.
10. Marina outfall water quality improvement.

11. Smokey Point Creek/RR detention facility.
12. Munson Creek at North-Point Park habitat improvement: dredge and reconstruct the channel and associated floodplain, revegetate the riparian corridor with trees, and install in-stream habitat structures. The project will reduce the spread of reed canary grass.
13. 84th Street culvert replacement on Grace Creek.
14. 67th Avenue NE/52nd Street NE.

It also identifies potential funding sources for these projects between 2003 and 2008 by incrementally raising the City-wide surface water utility fee and supplementing that revenue with increased developer fees, impact fees for new development, forming special service districts, partnering with neighboring agencies, and pursuing outside funding in the form of grants and loans. Additionally, the plan recommends updating the City's flood ordinance to include compensatory storage for all new future development, re-evaluating the use of fill in low-lying areas, and partnering with the County, developers and other parties to develop regional detention and conveyance systems and enhancements.

f. Other Comprehensive Plan Policies

The *Environmental Element* chapter of the City of Marysville's 2004 draft Comprehensive Plan contains a number of general and specific goals and policies that direct the City to permit and condition development in such a way that the natural environment is preserved and enhanced. Techniques suggested by the various policies to protect the natural environment include requiring setbacks from sensitive areas, preventing adverse alterations to water quality and quantity, preserving existing vegetation, educating the public, and mitigating necessary sensitive area impacts, among others. The Comprehensive Plan policies also recognize the "amenity and utilitarian functions" of the shoreline and natural areas such as public access for visual enjoyment and recreation, water quality, and flood storage.

g. Additional Projects

The following is a summary of the specific potential projects identified in the *Opportunity Areas* sections of the individual Shoreline Inventory Segment Reaches above (see Figure 21). The list of potential projects for each shoreline segment was created after assessing conditions in each segment, and is intended to contribute to improvement of impaired functions.

1. Opportunity Area A-1 (Fish Passage): Provide appropriate hydraulic conditions at the State Avenue crossing (culvert replacement or bridge).
2. Opportunity Area A-2 (Fish Passage): Provide appropriate hydraulic conditions at the railroad crossing of Quilceda Creek just downstream of State Avenue (culvert replacement or bridge).

3. Opportunity Area A-3 (Fish Habitat): Place log structures in and along the Creek in the short and intermediate term and plant appropriate tree species along the stream banks to establish the kinds of forest plant communities that will provide for large woody debris recruitment in the long term. Remove non-native, invasive plant species.
4. Opportunity Area B-1 (Fish Habitat): As feasible, work with the County and the industries involved to reduce the extent and impacts of log rafting and to provide alternative means of transporting and storing logs.
5. Opportunity Area C-1: Restore (as a partner) approximately 355 acres on and around the Qwuloolt/Poortinga property through dike breaching and other activities.
6. Opportunity Area D-1: Preserve Segment D.

In general, all shoreline areas that are protected from flooding and/or tidal influences, have been cleared of native vegetation, and have been covered with impervious surfaces or over-water structures are degraded and have impaired ecological functions. Ideally, redevelopment proposals should include a site-specific plan to improve and restore some level of lost ecological function. For example, projects could provide bands of native vegetation along the waterward edge of the property, reduce impervious surfaces through innovative use of pervious materials and reduce the impact of impervious surfaces through stormwater management that focuses on runoff quantity and quality, pull back or remove berms and other barriers that separate the site from tidal and flood influences, and minimize the amount and impact of over water cover through size minimization and use of light-transmitting decking materials.

h. Public Education

The draft 2004 Comprehensive Plan includes a number of policies specifically targeting public education as a priority of the City. As mentioned above, the City works with the SSFETF and the school district to provide environmental education opportunities to elementary school children in the Allen Creek watershed. The school district has set aside property on Allen Creek to serve as a field site for this initiative. Other education initiatives include:

Junk Tire Round-up - In conjunction with Les Schwab Tires, junk tires from Marysville were collected for proper disposal. Brochures advertising this round-up, and additional information about West Nile Virus, were included in the utility bills of all City customers.

Pet Waste Management – The City has prepared and distributed fliers to educate citizens on proper management of pet waste.

Water Quality Test Kits – The City sought and received a grant to purchase a turbidity meter, a dissolved oxygen meter, and a pH meter. This equipment is

available to the school district free of charge to assist teachers with their science curriculum.

Clean Water Car Wash Kits – This kit was compiled and is available free of charge to groups wishing to raise money by holding a car wash. Included in the kit are educational materials on how to protect water quality.

i. Proposed Implementation Targets and Monitoring Methods

Restoration Project/Program	Schedule	Funding Source or Commitment
8.3.1 Qwuloolt/Poortinga Estuarine Restoration Project	Design ongoing – implementation not scheduled	To date, a substantial amount of staff time and approximately 18 acres of City land have been invested in the project.
8.3.2 Participate in Watershed and Basin Programs	Ongoing	To date, staff time is the only resource commitment. Additional funds or commitments may be identified if specific projects or programs in the City are recommended during those processes (other than the Qwuloolt/Poortinga project listed above).
8.3.3 Stilly-Snohomish Fisheries Enhancement Task Force Projects	Ongoing	Currently, staff time and materials are the only City resource commitments. In addition, the City works with SSFETF to obtain grants.
8.3.4 Critical Areas Management ordinance	To be adopted in April 2005	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with the Critical Areas Management ordinance.
8.3.5 Stormwater Planning (see Section 9.2.5 for additional discussion)	Ongoing	Resources for stormwater plan implementation are derived from surface water utility fees, developer fees, impact fees for new development, forming special service districts, partnering with neighboring agencies, and pursuing grants and loans.
Quilceda Creek/ Tributary Projects		
Project 4	2004	City funds
Project 8	2005	Other funds (Snohomish County and others)
Project 9	2008	Other funds (Snohomish County and others)
Project 10	2008	Other funds (Snohomish County and others)

Table 7 Implementation Schedule and Funding for Restoration Projects, Programs and Plans		
Restoration Project/Program	Schedule	Funding Source or Commitment
Project 11	2004	Other funds (Snohomish County and others)
Project 13	2006	Other funds (Snohomish County and others)
Ebey Slough/ Tributary Projects		
Project 5	2003	City funds
Project 6	2008	City funds
Project 7	2006	City funds
Project 12	2005	City funds
Project 15	2003	City funds
Project 16	2003	City funds
8.2.6 Comprehensive Plan Policies	To be adopted in April 2005	The City makes a substantial commitment of staff time in the course of project and program reviews to determine consistency and compliance with the Comprehensive Plan.
8.2.7 Additional Projects	As opportunity and funding allows.	Projects identified in Opportunity Areas discussions would likely be implemented either when grant funds are obtained, when partnerships are formed between the City and other agencies or non-profit groups, or as may be required by the State or other agencies in the course of road improvement projects.
8.2.8 Public Education	Ongoing	Staff time and materials are the only City resource commitments. In addition, the City seeks out grants for public education-related projects.

Monitoring of project implementation and results should be tracked by the Community Development Department, with input from other departments as needed. The Community Development Department should annually assemble a memo quantitatively or qualitatively, as appropriate, outlining implementation of various restoration actions (by the City or other groups) in or affecting the City's shorelines. When available, the memo should include a description of the success of actions accomplished in prior years. If staffing and funding are limited, the Community Development Department should investigate partnerships with local environmental groups, other state or county agencies, or tribes to implement projects and conduct follow-up monitoring and reporting. Most of the projects implemented under the auspices of the Critical Areas Management ordinance would be implemented on private property in either a critical area or its buffer, and

are likely mitigation for a project that required a permit. Under the new Critical Areas Management ordinance, up to five years of monitoring is required for mitigation projects. The City should annually assemble a memo outlining projects implemented that year in the shoreline zone, and attach monitoring reports submitted by the property owner. Restoration projects implemented by private property owners are dependent on volunteers or on submittal of a land use permit application.

EXHIBIT D

Chapter 22E.050 SHORELINE MANAGEMENT MASTER PROGRAM

Sections:

- 22E.050.010 Adoption.**
- 22E.050.020 Compliance Required.**
- 22E.050.030 Permit Required.**
- 22E.050.040 Permit – Fees.**
- 22E.050.050 Application – Form.**
- 22E.050.060 Review Process.**
- 22E.050.070 Notice Publication.**
- 22E.050.080 Decision.**
- 22E.050.090 Filing With Department Of Ecology.**
- 22E.050.100 Appeals.**
- 22E.050.110 Commencement Of Construction – Time Lapse.**
- 22E.050.120 Time Requirements Of Permit.**
- 22E.050.130 Scope Of Chapter.**
- 22E.050.140 Burden Of Proof.**
- 22E.050.150 Permit Rescinded.**
- 22E.050.160 Rescission – Hearing.**
- 22E.050.170 Director’s Authority.**
- 22E.050.180 Revisions To Permit.**
- 22E.050.190 Nonconforming Uses.**
- 22E.050.200 Documentation Of Project Review Actions And Changing Conditions In Shoreline Areas.**
- 22E.050.210 Amendments To Shoreline Master Program.**
- 22E.050.220 Violation – Penalty.**

22E.050.010 Adoption.

The city council hereby adopts the 2020 Shoreline Master Plan as an element of, and amendment to, the Marysville Growth Management Comprehensive Plan, subject to the modifications set forth in the Department of Ecology’s required changes, which are attached to Ordinance No. ____ as Exhibit B. A copy of the comprehensive plan amendment, entitled Marysville Shoreline Master Program, is attached to Ordinance No. ____ as Exhibit C and is hereby incorporated by this reference.

22E.050.020 Compliance required.

No developments shall be undertaken on the shorelines of the city except those which are consistent with the policies of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations, or master program.

22E.050.030 Permit required.

No substantial development shall be undertaken on the shorelines of the city without first obtaining a permit from the city.

22E.050.040 Permit – Fees.

All persons desiring such a permit shall make application by paying a fee as set out in Chapter [22G.030](#) MMC and filing an application with the community development department.

22E.050.050 Application – Form.

Applications for permits shall be made on forms prescribed by the community development department, and shall contain the name and address of the applicant, a description of the development, the location of the development, and any other relevant information deemed necessary by the community development department.

22E.050.060 Review process.

(1) The community development department will review the substantial development permit proposals for consistency with:

- (a) The legislative policies stated in RCW 90.58.020, the Shoreline Management Act;
- (b) The shoreline management master program of the city of Marysville.

(2) Conditional Use Permits. The purpose of the conditional use permit is to allow greater flexibility in administering the use regulations of the master program in a manner consistent with the policies of the SMA. Conditional use permits may also be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in the SMA. The criteria for granting conditional use permits is the following:

(a) The uses which are classified or set forth in the master program as conditional use permits may be authorized, provided the applicant can demonstrate all of the following:

(i) That the proposed use will be consistent with the policies of the SMA and the policies of the master program;

(ii) That the proposed use will not interfere with the normal public use of public shorelines;

(iii) That the proposed use of this site and design of the project will be compatible with other permitted uses within the area;

(iv) That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located;

(v) That the public interest suffers no substantial detrimental effect.

(b) Other uses which are not classified or set forth in the master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in Subsection a of this section, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program;

(c) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

(3) Variances. The purpose of a variance is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the master program where there are extraordinary or unique circumstances relating to the properties such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in the SMA. The criteria for granting variances shall be consistent with WAC 173-27-170 and include the following:

(a) Variances should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in the SMA. In all instances, extraordinary circumstances should be shown, and the public interest shall suffer no substantial detrimental effect.

(b) Variances for development that will be located landward of the ordinary high water mark may be authorized provided the applicant can demonstrate all of the following:

(i) That the strict application of the bulk, dimensional, or performance standards as set forth in the master program precludes or significantly interferes with a reasonable permitted use of the property.

(ii) That the hardship is specifically related to the property and is the result of unique conditions, such as irregular lot shape, size, or natural features, in the application of the master program and not, for example, from deed restrictions or the applicant's own actions.

(iii) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(iv) That the variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the area, and will be the minimum necessary to grant relief.

(v) That the public interest will suffer no substantial detrimental effect.

(c) Variances for development that will be located waterward of the ordinary high water mark may be authorized provided the applicant can demonstrate all of the criteria specified in Subsection b of this section. The applicant must also demonstrate that the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance, and that the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property.

(d) In granting of all variances, consideration shall be given to the cumulative impact of additional requests or like actions in the area.

22E.050.070 Notice publication.

Upon receipt of an application for a permit, the city shall cause notice of application to be published at least once a week for two consecutive weeks in a newspaper of general circulation within the city. The second notice shall be published not less than 30 days prior to action by the community development department. The city shall also cause notice of the application to be mailed to each property owner of record within 300 feet of the proposed development. The date of the mailing shall not be less than seven days in advance of the department action.

22E.050.080 Decision.

The following decision making process shall apply to all substantial development, conditional use and variance permits:

(1) Exemption. Certain developments are exempt from the requirement to obtain a substantial development permit. Such developments still may require a variance or Conditional Use permit, and all development within the shoreline is subject to the requirements of the SMP, regardless of whether a substantial development permit is required. Developments which are exempt from obtaining a substantial development permit are identified in WAC 173-27-040 or as subsequently amended. Application shall be made to the Community Development Department for a shoreline exemption.

(2) Administrative Action. The community development director shall make a decision on applications for substantial development permits, recommendations on applications for conditional use and variance permits based upon:

(a) the Shoreline Master Plan (SMP) for the city; and

(b) the policies and procedures of the Shoreline Management Act (SMA) and related sections of the Washington Administrative Code (WAC).

In the event the community development director determines the substantial development is consistent with the above criteria, the community development director shall so state in written findings, and such findings shall be filed with the Department of Ecology. In the event the community development director determines the substantial development is inconsistent with the above criteria the application shall be denied. The permit shall issue upon the terms and conditions hereinafter prescribed and as prescribed by the community development director.

(3) Hearing Examiner action. The Hearing Examiner shall review an application for a shoreline variance and conditional use permit and make decisions as authorized by this Chapter, and as consistent with the SMP; SMA (RCW 90.58.100(5) and WAC 173-27-160). The permit shall issue upon the terms and conditions hereinafter prescribed by the Hearing Examiner.

(4) Exceptions - Requirements to obtain shoreline permits or local reviews. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

(a) Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order pursuant to Chapter 70.105D RCW, or to the department of ecology when it conducts remedial action under Chapter 70.105D RCW.

(b) Boat yard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

(c) WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

(d) Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

22E.050.090 Filing with Department of Ecology.

After all local permit administrative appeals or reconsideration periods are complete and the permit documents are amended to incorporate any resulting changes, the city will mail or digitally send the permit using return receipt for documentation of date of receipt to the Department of Ecology and the Office of the Attorney General. Projects that require both Conditional Use Permits and/or Variances shall be mailed simultaneously with and Substantial Development Permits for the project.

(a) The permit and documentation of the final local decision will be mailed or digitally transferred together with the complete permit application; a findings and conclusions letter; a permit data form (cover sheet); and applicable SEPA documents.

(b) Consistent with RCW 90.58.140(6), the state's Shorelines Hearings Board twenty-one day appeal period starts with the filing date, which is defined below:

(i) For projects that only require a Substantial Development Permit (SDP): the date that Ecology receives the city decision.

(ii) For a Conditional Use Permit (CUP) or Variance (VAR): the date that Ecology's decision on the CUP or Variance is transmitted to the applicant and the City.

For SDPs simultaneously mailed with a CUP or VAR to Ecology: the date that Ecology's decision on the CUP or VAR is transmitted to the applicant and the City.

22E.050.100 Appeals.

Shoreline Hearings Board. Any decision made by the community development director on a substantial development permit, or by the Hearing Examiner on a Conditional Use or variance permit shall be final unless an appeal is made. Persons aggrieved by the grant, denial, rescission or modification of a permit may file a request for review to the Shoreline Hearings Board in accordance with the review process established by RCW 90.58.180 or as subsequently amended, and with the regulations of the Shoreline Hearings Board contained in Chapter 46-1-08 WAC or subsequently amended. The request for review must be filed with the Hearings Board within twenty-one (21) days of the date of filing.

22E.050.110 Commencement of construction – Time lapse.

No one who is issued a permit hereunder shall be authorized to commence construction until twenty-one (21) days have elapsed from the date that the permit is filed with the Washington State

Department of Ecology, or until all review proceedings are terminated if such proceedings were initiated within said 21-day period, per WAC 173-27-190.

22E.050.120 Time requirements of permit.

The following time requirements shall apply to all substantial development, conditional use and variance permits:

(1) Construction or substantial progress toward construction of a project for which a permit has been granted must be undertaken within two years after the approval of the permit. Substantial progress toward construction shall include, but not be limited to, the letting of bids, making of contracts, and purchase of materials involved in development, but shall not include development or uses which are inconsistent with the Shoreline Management Act or the city's master program. In determining the running of the two-year period hereof, there shall not be included the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue; provided, that the community development director may, at his/her discretion, extend the two-year time period for a reasonable time based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

(2) If a project for which a permit has been granted has not been completed within five years after the approval of the permit by the city, the community development director shall review the permit and, upon a showing of good cause, do either of the following:

- (a) Extend the permit for one year; or
- (b) Terminate the permit.

Provided, that the running of the five-year period shall not include the time during which a development was not actually pursued by construction and the pendency of litigation reasonably related thereto made it reasonable not to so pursue; provided further, that nothing herein shall preclude the city from issuing permits with a fixed termination date less than five years.

22E.050.130 Scope of chapter.

Nothing in this chapter shall authorize the issuance of a permit upon conditions or terms which are specifically contrary to the laws of the state of Washington.

22E.050.140 Burden of proof.

All applicants for permits shall have the burden of proving that a proposed development is consistent with the criteria which must be met before the permit is issued.

22E.050.150 Permit rescinded.

Any permit issued hereunder may be rescinded by the hearing examiner upon a finding that a permittee has not complied with the conditions of a permit, subject however to a hearing as hereinafter provided.

22E.050.160 Rescission – Hearing.

Before such permit is rescinded by the hearing examiner, the community development director shall set a date for a public hearing to determine whether the permittee has not complied with the conditions of the permit. This hearing will be held upon notice to the permittee by mailing such to permittee's address as shown on the application, by posting one notice at the development, and by notice in a newspaper of general circulation within the city at least 10 days prior to the hearing.

22E.050.170 Director's authority.

The community development director shall have the authority to immediately stop any work under a permit which the community development director believes, in good faith, is not in compliance with the permit and is likely to cause immediate and irreparable harm. Upon such a stop order

being issued, the permittee shall immediately cease and desist such portion of the development which is ordered stopped by the community development director, but may continue working on the other portions of the development. As soon as it is practical thereafter, a hearing will be held before the hearing examiner of the city to determine whether the conditions of the permit were being violated, and if so, whether to cancel the permit or determine what other action should be taken. Notice of hearing shall be in the form and manner prescribed hereinabove as to a hearing on cancellation of a permit.

22E.050.180 Revisions to permit.

When an applicant seeks to revise a substantial development, conditional use or variance permit, the city community development department shall request from the applicant detailed plans and text describing the proposed changes in the permit. If the community development director determines that the proposed changes are within the scope and intent of the original permit, the revision shall be automatically approved. "Within the scope and intent of the original permit" means the following:

- (1) No additional over-water construction will be involved;
- (2) Lot coverage and height may be increased a maximum of 10 percent from provisions of the original permit; provided, that revisions involving new structures not shown on the original site plan shall require a new permit;
- (3) Landscaping may be added to a project without necessitating an application for a new permit;
- (4) The use authorized pursuant to the original permit is not changed;
- (5) No additional significant adverse environmental impact will be caused by the project revision.

If the revision, or the sum of the revision and any previously approved revisions, will violate the criteria specified above, the city shall require the applicant to apply for a new substantial development, conditional use or variance permit, as appropriate, in the manner provided for herein.

22E.050.190 Nonconforming Uses.

The provisions of Chapter 22C.100 MMC, specifically sections 22C.100.010 thru 22C.100.050, relating to nonconforming uses are hereby incorporated into the Shoreline Master Plan as though fully set forth therein. All references to provisions contained in the Marysville Unified Development Code shall be construed as referring to the Shoreline Master Plan (including shoreline permits), and all references to zoning districts and classifications shall be construed as referring to environments established by the Shoreline Master Plan. Sections 22C.110.10 thru 22C.110.050 dealing with temporary use shall not be considered part of the Shoreline Master Plan.

22E.050.200 Documentation of project review actions and changing conditions in Shoreline areas.

The City will keep on file documentation of all projects, including applicant submissions and records of decisions, relating to shoreline management provisions in the Shoreline Master Program.

22E.050.210 Amendments to Shoreline Master Program.

If the city or ecology determines it necessary, the City will review shoreline conditions and update this SMP within seven years of its adoption.

22E.050.220 Violation – Penalty.

In addition to incurring civil liability, any person found to have willfully engaged in activities on the shorelines within the city in violation of the provisions of this chapter or any of the master programs, rules or regulations adopted pursuant thereto shall be guilty of a misdemeanor and shall be subject to Section MMC 4.02.040 Penalties and enforcement.

Index #9

**CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION**

CITY COUNCIL MEETING DATE: February 10, 2020

AGENDA ITEM:	
Golf Fee Revision Resolution	
PREPARED BY:	DIRECTOR APPROVAL:
Tara Mizell	
DEPARTMENT:	
Parks, Culture and Recreation	
ATTACHMENTS:	
Fee Proposal & Resolution	
BUDGET CODE:	AMOUNT:
SUMMARY:	

As a result in mandated increased costs associated with the operations of the golf course, staff recommended an increase of fees to the Parks and Recreation Advisory Board. The Park and recreation Advisory Board approved the increase unanimously.

Recent legislation requires an increase to the minimum wage, requires sick leave for seasonal staff and rising insurance costs justify an increase to meet impacts to the course operating budget.

RECOMMENDED ACTION:
Staff recommends the City Council authorize the Mayor to sign the attached Resolution adopting revised green fees for Cedarcrest Golf Course as approved by the Parks and Recreation Advisory Board on November 13, 2019.

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, ADOPTING REVISED GREENS FEES AND RENTAL FEES
FOR CEDARCREST GOLF COURSE.**

WHEREAS, staff and course operator Premier Golf have evaluated greens fees and rental fees at Cedarcrest Golf Course and at comparable golf courses; and

WHEREAS, setting fees as set forth in Exhibit A would maintain consistency with industry standards, offer competitive rates and are expected to meet revenue goals for the course.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE that Resolution No. 2481 is repealed and the schedule of greens fees and rental fees in Exhibit A is adopted effective March 1, 2020.

ADOPTED by the City Council at an open public meeting this _____ day of _____, 2020.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
TINA BROCK, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Cedarcrest Golf Course Rate Proposal

March 1st thru October 31st					Nov 1st thru Feb 28		
Adult -Peak Season					Adult-Off Peak		
	2019	2020 PRETAX	Proposed	Post tax		2020	Post tax
	PRETAX	<u>proposed</u>	increase	pricing		PRETAX	pricing
18 holes WD	\$ 29.75	\$ 30.00	\$ 0.25	\$ 34.29	18 holes WD	\$ 25.50	\$ 29.15
18 Holes WE	\$ 34.12	\$ 35.00	\$ 0.88	\$ 40.01	18 Holes WE	\$ 28.00	\$ 32.00
9 Holes WD	\$ 21.00	\$ 22.00	\$ 1.00	\$ 25.15	9 Holes WD	\$ 19.25	\$ 22.00
Twilight WD	\$ 21.00	\$ 22.00	\$ 1.00	\$ 25.15	Twilight WD	\$ 19.25	\$ 22.00
Twilight WE	\$ 21.87	\$ 23.00	\$ 1.13	\$ 26.29	Twilight WE	\$ 19.25	\$ 22.00
Tw-Late WD/WE	\$ 13.12	\$ 14.00	\$ 0.88	\$ 16.00	Tw-Late WD/WE	\$ 13.25	\$ 15.14
Early Bird	\$ 21.00	\$ 22.00	\$ 1.00	\$ 25.15	Early Bird	\$ 20.25	\$ 23.15
9 Holes WE (after Noon)	\$ 21.87	\$ 23.00	\$ 1.13	\$ 26.29	9 Holes WE (after Noon)	\$ 19.25	\$ 22.00
18 Hole playcard	\$ 271.22	\$ 283.00	\$ 11.78	\$ 323.47	18 Hole playcard	\$ 283.00	\$ 323.47
Playcard WE Surcharge	\$ 4.37	\$ 5.00	\$ 0.63	\$ 5.72	Playcard WE Surcharge	\$ 5.00	\$ 5.72
Adult Annual (valid anyday)	\$ 1,587.93	\$ 1,620.00	\$ 32.07	\$ 1,851.66	Adult Annual (valid anyday)	\$ 1,620.00	\$ 1,851.66
Senior/Military (weekday)-Peak Season					Senior/Military (weekday)-Off Peak		
	2019	2020 PRETAX	Proposed	Post tax		2020	Post tax
	PRETAX	<u>proposed</u>	increase	pricing		PRETAX	pricing
18 holes WD	\$ 23.62	\$ 24.00	\$ 0.38	\$ 27.43	18 holes WD	\$ 20.25	\$ 23.15
9 Holes WD	\$ 16.62	\$ 17.00	\$ 0.38	\$ 19.43	9 Holes WD	\$ 15.75	\$ 18.00
Twilight WD	\$ 21.00	\$ 22.00	\$ 1.00	\$ 25.15	Twilight WD	\$ 19.25	\$ 22.00
18 Hole playcard	\$ 205.60	\$ 211.00	\$ 5.40	\$ 241.17	18 Hole playcard	\$ 211.00	\$ 241.17
Senior Annual (Mon-Fri only)	\$ 1,049.87	\$ 1,080.00	\$ 30.13	\$ 1,234.44	Senior Annual (Mon-Fri only)	\$ 1,080.00	\$ 1,234.44
SupSenior Pass (Mon-Fri only)	\$ 892.39	\$ 900.00	\$ 7.61	\$ 1,028.70	SupSenior Pass (Mon-Fri only)	\$ 900.00	\$ 1,028.70
Junior-Peak Season					Junior-Off Peak		
	2019	2020 PRETAX	Proposed	Post tax		2020	Post tax
	PRETAX	<u>proposed</u>	increase	pricing		PRETAX	pricing
18 Holes WD	\$ 13.12	\$ 14.00	\$ 0.88	\$ 16.00	18 Holes WD	\$ 13.25	\$ 15.14
9 Holes WD	\$ 13.12	\$ 14.00	\$ 0.88	\$ 16.00	9 Holes WD	\$ 13.25	\$ 15.14
Twilight WD	\$ 13.12	\$ 14.00	\$ 0.88	\$ 16.00	Twilight WD	\$ 13.25	\$ 15.14

Index #10

**CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION**

CITY COUNCIL MEETING DATE: February 10, 2020

AGENDA ITEM:	
Re-appointment of Kay Smith and Kelly Huestis to the Marysville Parks, Culture, & Recreation Advisory Board	
PREPARED BY:	DIRECTOR APPROVAL:
Tina Brock, Deputy City Clerk	
DEPARTMENT:	
City Clerk	
ATTACHMENTS:	
Appointment Form	
BUDGET CODE:	AMOUNT:
SUMMARY:	

<p>RECOMMENDED ACTION: Mayor Nehring recommends City Council affirm his reappointment of Kay Smith and Kelly Huestis to the Marysville Parks, Culture, and Recreation Advisory Board for a three year term ending February 28, 2023.</p>



Office of the Mayor
Jon Nehring
1049 State Avenue
Marysville, WA 98020
Phone: 360-363-8000
Fax: 360-651-5033
marysvillewa.gov

APPOINTMENT

I, JON NEHRING, duly elected and acting Mayor of the City of Marysville, do hereby appoint Kay Smith as a member of the MARYSVILLE PARKS, CULTURE, AND RECREATION ADVISORY BOARD of the City of Marysville, pursuant to the provisions of the Marysville Municipal Code 2.20.030; dated this 10th day of February, 2020.

M A Y O R

I do swear and affirm I will perform the duties assigned to me as a member of the MARYSVILLE PARKS, CULTURE, AND RECREATION ADVISORY BOARD of the City of Marysville in the manner required by law.

Dated this 10th day of February, 2020



Kay Smith

This term of appointment expires the 28th day of February, 2023.



Office of the Mayor
Jon Nehring
1049 State Avenue
Marysville, WA 98020
Phone: 360-363-8000
Fax: 360-651-5033
marysvillewa.gov

APPOINTMENT

I, JON NEHRING, duly elected and acting Mayor of the City of Marysville, do hereby appoint Kelly Huestis as a member of the MARYSVILLE PARKS, CULTURE, AND RECREATION ADVISORY BOARD of the City of Marysville, pursuant to the provisions of the Marysville Municipal Code 2.20.030; dated this 10th day of February, 2020.

M A Y O R

I do swear and affirm I will perform the duties assigned to me as a member of the MARYSVILLE PARKS, CULTURE, AND RECREATION ADVISORY BOARD of the City of Marysville in the manner required by law.

Dated this 10th day of February, 2020



Kelly Huestis

This term of appointment expires the 28th day of February, 2023.