



MARYSVILLE
WASHINGTON

**Marysville, WA REGULAR MEETING
MONDAY, NOVEMBER 28, 2022 – 7:00 PM
501 DELTA AVENUE
MARYSVILLE, WA 98270**

AGENDA

PUBLIC NOTICE:

Pursuant to Governor Inslee’s Proclamation 20-28, to help prevent the spread of COVID-19, the City Council is conducting hybrid in-person/virtual meetings. Anyone wishing to provide written or verbal public comment, must pre-register at this link www.marysvillewa.gov/remotepubliccomment before noon on the day of the meeting.

To listen to the meeting without providing public comment:

Join Zoom Meeting

<https://us06web.zoom.us/j/86246307568>

Or

Dial toll-free US: 888 475 4499

Meeting ID: 862 4630 7568

Call to Order

Invocation

Pledge of Allegiance

Roll Call

Approval of the Agenda

Presentations

A. Sno-Isle Libraries

[City Council Presentation - Marysville_11.28.2022.pptx](#)

Audience Participation

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

1. October 10, 2022 City Council Meeting Minutes

[CC 10102022.docx](#)

2. October 24, 2022 City Council Special Meeting Minutes
[CC 10242022 Special Mtg.docx](#)
3. October 24, 2022 City Council Meeting Minutes
[CC 10242022.docx](#)
4. November 7, 2022 City Council Work Session Minutes
[WS 11072022.docx](#)
5. November 14, 2022 City Council Meeting Minutes
[CC 11142022.docx](#)

Consent

6. October 25, 2022 Payroll in the Amount of \$1,556,912.71 Paid by EFT Transactions and Check Numbers 34180 through 34192
7. November 4, 2022 Claims in the Amount of \$12,022.38 Paid by EFT Transactions and Check Number 158904 and 158905 with Check Number 158904 Voided
[110422.rtf](#)
8. November 9, 2022 Claims in the Amount of \$3,444,227.86 Paid by EFT Transactions and Check Numbers 158906 through 159063 with Check Number 157024 Voided
[110922.rtf](#)
9. November 10, 2022 Payroll in the Amount of \$1,629,614.79 Paid by EFT Transactions and Check Numbers 34193 through 34208
10. November 16, 2022 Claims in the Amount of \$590,378.56 Paid by EFT Transactions and Check Numbers 159064 through 159204
[111622.rtf](#)

Review Bids

Public Hearings

11. **Ordinance** to Adopt the 2023/2024 Biennial Budget

Recommended Motion: I move to adopt Ordinance No. _____.
[2023 2024Budget Ord.doc](#)

12. White Right-of-Way Vacation (PA22034) - **Ordinance** vacating the northerly 10 feet of that 40 foot portion of right-of-way per the plat of Kanikeberg Homesites

Recommended Motion: Approve Ordinance No.____ to vacate the unutilized portion of Right-of-Way that was dedicated by the plat recorded under AFN 1111391.
[1 White ROW Vacation Ordinance.pdf](#)
[2 Vacation Petition-White ROW Vacation-PA22034.pdf](#)
[3 Chapter 12.32 VACATION OF STREETS AND ALLEYS.pdf](#)

New Business

13. Supplemental Agreement to Little League Lease Agreement

Recommended Motion: I move to authorize the Mayor to sign and execute the agreement with Marysville Little League for extension of the current lease.
[Little League- 2023 Supplemental Lease Agreement.pdf](#)
[Little League Lease - Cedar Field.pdf](#)

14. **Ordinance** regarding Josephine Caring Community Rezone

Recommended Motion: I move to adopt Ordinance No. _____.
[Ord. with exhibits - Josephine Caring Community Rezone](#)
[Staff Recommendation Josephine Caring Community](#)

15. **Ordinance** regarding Marysville, Lake Stevens, and Lakewood School Districts' 2022 - 2027 Capital Facilities Plans (CFPs)

Recommended Motion: I move to adopt Ordinance No. _____.
[Memo re. School District 2022 - 2027 CFPs](#)
[Ordinance School District 2022 - 2027 CFPs](#)
[Marysville School District 2022-2027 CFP](#)
[Lake Stevens School District 2022-2027 CFP](#)
[Lakewood School District 2022-2027 CFP](#)
[PC Recommendation and Minutes - School District CFPs](#)

16. **Ordinance** regarding Quil Ceda Tannery Comprehensive Plan Map Amendment and Rezone, and concurrent repeal of the 88th Street Master Plan

Recommended Motion: I move to adopt Ordinance No. _____.
[Staff Rec. -Quil Ceda Tannery Rezone & 88th Street Master Plan repeal](#)
[Ordinance - Quil Ceda Tannery Rezone & 88th Street Master Plan repeal](#)
[PC Recommendation and Minutes - Quil Ceda Tannery Rezone](#)

17. **Ordinance** regarding Smokey Point Area-wide Rezone and associated permitted uses code amendments

Recommended Motion: I move to adopt Ordinance No. _____.
[Staff Rec. Smokey Point Area-wide Rezone](#)
[PC Recommendation and minutes - Smokey Point Area-wide Rezone](#)
[Ordinance - Smokey Point Area-wide Rezone](#)

18. **Ordinance** regarding Industrial Site and Building Design Standards, associated minor amendments to the parking and sign codes, and concurrent repeal of Chapters

9 and 10 of the Smokey Point Master Plan

Recommended Motion: I move to adopt Ordinance No. _____.

[Memo re Industrial Design Standards and associated exhibits](#)
[PC Recommendation and Minutes - Industrial Design Standards](#)
[Ordinance - Industrial Design Standards](#)

19. **Ordinance** regarding Residential Design Standards Applicability Amendments

Recommended Motion: I move to adopt Ordinance No. _____.

[Ord. residential design applicability](#)
[PC Recommendation and Minutes - residential design applicability](#)

20. SHI Quote # 22570333 for Microsoft 365 & Microsoft Enterprise Enrollment # 58565302.

Recommended Motion: I move to approve the contract for Microsoft 365 in the amount of \$115,931.49 based on Washington State Contract #AR2488 for this service/product.

[Microsoft - Enterprise Agreement.pdf](#)

21. 2021 Transportation Benefit District (TBD) Annual Report

Recommended Motion: I move to approve the 2021 Transportation Benefit District Annual Report

[TBD Annual Report - 2021 - Signed.pdf](#)
[2021 TBD Presentation.pptx](#)

22. 2023 Transportation Benefit District (TBD) Projects

Recommended Motion: I move to approve the list of 2023 Transportation Benefit District Projects.

[2023 TBD Projects.pptx](#)

23. Project Acceptance - Opera House Exterior Painting

Recommended Motion: I move to authorize the Mayor to accept the 2021 Opera House Exterior Painting project, starting the 60-day lien filing period for the project closeout.

[Opera House - Physical Completion Letter.pdf](#)

24. Project Acceptance - State Avenue HSIP (3rd to 80th)

Recommended Motion: I move to authorize the Mayor to accept the State Avenue HSIP (3rd to 80th) project, starting the 60-day lien filing period for project closeout.

[Letter 005A_Physical Completion_10-28-22.pdf](#)

25. Washington State Department of Commerce Growth Management Act Periodic

Update Grant - FY 2023

Recommended Motion: I move to authorize the Mayor to sign and execute the Washington State Department of Commerce Growth Management Act Periodic Update Grant contract agreement for FY 2023 (Contract Number 23-63210-078).
[Marysville-COM update grant 23-63210-078.pdf](#)

26. Provide easements to the City of Marysville for operation/maintenance of fire-hydrants on the Amazon Distribution Center property in Arlington.

Recommended Motion: I move to authorize the mayor to sign the easement document, accepting the proposed easements for recording with Snohomish County.

[01 Easement Document.pdf](#)
[02 Property Description \(Ex A\).pdf](#)
[03 Easement Description \(Ex B\).pdf](#)
[04 Easement Drawings \(Ex C\).pdf](#)
[05 Grantors Deed.pdf](#)
[06 As-Built Plans.pdf](#)

27. 2023 State and Federal Legislative Priorities

Recommended Motion: I move to approve the 2023 State and Federal Legislative Priorities.

[2023 Legislative Priorities.pdf](#)

28. Contract Extension for SCORE Jail Services

Recommended Motion: I move to authorize the Mayor to sign and execute ILA with SCORE.

[2023 SCORE Interlocal Housing Agreement_v07282022.mh.pdf](#)

29. Second Amendment to site lease with T-Mobile West Tower LLC

Recommended Motion: I move to authorize the mayor to sign and execute the second amendment to the site lease with option with T-Mobile West Tower LLC and the memorandum of second amendment to site lease.

[Second Amendment Crown Castle.pdf](#)
[Memorandum of Second Amendment Crown Castle.pdf](#)

Legal

Mayor's Business

Staff Business

Call on Councilmembers and Committee Reports

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.



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Genevieve Geddis, City Clerk

ITEM TYPE: Presentation

AGENDA SECTION: **Presentations**

SUBJECT: Sno-Isle Libraries

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:
[City Council Presentation - Marysville_11.28.2022.pptx](#)

Everyone is
CONNECTED
to their library.

Lois Langer Thompson
Executive Director
LThompson@sno-isle.org

Eric Spencer
Marysville Library Manager
ESpencer@sno-isle.org

SNO-ISLE LIBRARIES

Our Impact

We engage and inspire through equitable access to knowledge and resources.

23 libraries

450+ employees

800,000+ residents

2022 Budget

- \$66.6 M revenue | 95.1% general taxes
- \$64.8 M expenditures



1.47 M

Wi-Fi connections from the library

12,177

Laptop and Wi-Fi hotspot checkouts

4,553

Attendees at civic engagement events

SNO-ISLE LIBRARIES

Connecting Community

- Access to Wi-Fi
- Warming, Cooling, and Clean Air Center
- Popular in-person Storytimes and programs
- Multi-lingual Cultural Performance



Marysville Library by the numbers

36

Staff

241,400

Physical items
checked out YTD

213,400

Visitors YTD

SNO-ISLE LIBRARIES



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Genevieve Geddis, City Clerk

ITEM TYPE: Minutes

AGENDA SECTION: **Approval of Minutes**

SUBJECT: October 10, 2022 City Council Meeting Minutes

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:
[CC 10102022.docx](#)

City Council



1049 State Avenue
Marysville, WA 98270

**Regular Meeting
October 10, 2022**

Call to Order

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

Invocation

Rev. Kate Kilroy from United Methodist Church gave the invocation.

Pledge of Allegiance

Mayor Nehring led the Pledge of Allegiance.

Roll Call

Present:

Mayor: Jon Nehring

Council: Councilmember Peter Condyles, Councilmember Mark James,
Councilmember Tom King, Councilmember Michael Stevens, Councilmember
Kelly Richards, Councilmember Steve Muller

Excused: Council President Kamille Norton

Staff: Finance Director Crystil Wooldridge, City Clerk/Finance Planning Manager
John Nield, Deputy City Attorney Burton Eggertsen, Community Development
Director Haylie Miller, Public Works Director Jeff Laycock, IT Director Stephen
Doherty, Chief Administrative Officer (CAO) Gloria Hirashima

Motion to approve absence of Council President Norton moved by Councilmember
Steve Muller seconded by Councilmember Kelly Richards.

VOTE: Motion carried 6 - 0

Approval of the Agenda

Motion to approve the agenda moved by Councilmember Kelly Richards seconded by Councilmember Steve Muller.

VOTE: Motion carried 6 - 0

Audience Participation

None.

Consent

1. Consider Approving the Community Business Zone – Interim Regulations Extension
2. Consider Approving the Washington State Department of Commerce Local Government Division Growth Management Services – Early Implementation Climate Planning Grant in the Amount of \$80,000.00
3. Consider Approving the Supplemental Agreement No. 8 with HDR, Inc. on the State Avenue (100th Street NE to 116th Street NE) Corridor Improvement Project in the Amount of \$353,339.73 for a Total Allocation of \$3,573,560.33
4. Consider Approving the Purchase Order Authorization with King County Directors Association for the Comeford Playground Replacement in the Amount of \$296,540.00
5. Consider Approving the Purchase Order Authorization with King County Directors Association for the Harborview Playground Replacement in the Amount of \$172,287.54
6. Consider Approving the Allocation Agreement for Opioid Settlement
7. Consider Approving the Evidence Building Professional Services Agreement with Botesch, Nash & Hall in the Amount of \$328,485.00

Motion to approve consent agenda in its entirety moved by Councilmember Steve Muller seconded by Councilmember Mark James.

VOTE: Motion carried 6 - 0

Review Bids

Public Hearings

New Business

8. Consider Approving a Resolution to Re-schedule a Public Hearing for November 28, 2022 for Consideration of Vacating Unutilized Portion of Right of Way that was dedicated by the Plat Recorded under AFN 1111391

Director Miller explained this resolution would reschedule a public hearing that was previously set for tonight's date to November 28 for a right-of-way vacation.

Motion to approve Resolution 2523, to Consider Approving a Resolution to Re-schedule a Public Hearing for November 28, 2022 for Consideration of Vacating Unutilized Portion of Right of Way that was dedicated by the Plat Recorded Under AFN 1111391 moved by Councilmember Kelly Richards seconded by Councilmember Peter Condyles.

VOTE: Motion carried 6 - 0

9. Consider Approving the Assignment and Assumption of Construction, Credit and Reimbursement Agreement for the Whiskey Ridge Sewer System with PNW Investors IV, LLC

Director Laycock reviewed this item which would approve the Assignment and Assumption of Construction, Credit and Reimbursement Agreement for the Whiskey Ridge Sewer System with PNW Investors IV, LLC

Motion to authorize the Mayor to sign and execute the Assignment and Assumption of Construction, Credit and Reimbursement Agreement for the Whiskey Ridge Sewer System with PNW Investors IV, LLC moved by Councilmember Michael Stevens seconded by Councilmember Tom King.

VOTE: Motion carried 6 - 0

Mayor's Business

Mayor Nehring:

- There was a nice Economic Alliance of Snohomish County Public Officials reception last Thursday.
- They had another good meeting of the Government Affairs Committee with Tulalip.
- Thanks to everyone involved with the Domestic Violence Awareness walk last week. He has heard that Marysville is a leading city in this effort.
- There was a nice ribbon cutting event at Largo Tents.

Legal

Deputy City Attorney Eggertsen referred to the allocation agreement and clarified that legal counsel is recommending checking the box on page 6-10 regarding executing the MOU attached as Exhibit 3.

Staff Business

Finance Director Wooldridge:

- The auditors would like to set up the exit audit. She asked who would like to attend and what days and times work. Council requested that she pick a date and time and inform them.
- She solicited input on when to do Council training on the new software for meetings. There was consensus to hold a special meeting 30 minutes before the regular meeting on the 24th.

CAO Hirashima gave an update on Council's move-in date. It looks like the Council will be live at the new building the last meeting in November. There will be a public open house sometime in December.

Call on Councilmembers and Committee Reports

Councilmember Condyles had no comments.

Councilmember James:

- He reported that the Snohomish County Mayors meeting was a great event to be part of.
- He also attended the public officials' reception on Thursday.
- The Domestic Violence Awareness Walk was well-attended and a very worthy cause.
- He heard the Chamber of Commerce mega mixer was a good event.
- He attended the Salvation Army fundraiser which was a great event. He commended the work the Salvation Army does in the city.

Councilmember King:

- He attended the Governmental Affairs meeting with the Tribes last week where they discussed 4th Street, 88th Street, and the duplex which would provide access to the trail.
- The application went online for the new fire chief position.
- The Largo Tents ribbon cutting was a great event.
- Marysville for the Holidays parade is coming up.

Councilmember Stevens had no comments.

Councilmember Richards said he was unable to make the Domestic Violence Awareness Walk but was able to wear his purple Domestic Violence Awareness shirt to school and will be wearing it each Thursday in October. He reported that three officers came to his school last Friday to train the staff about school shootings. He stated they did a fantastic job.

Councilmember Muller:

- The Domestic Violence Awareness Walk went well and was fun.
- The Purple lights on the bridge look good.
- The meeting with the Tribes was very productive.

Adjournment

The meeting was adjourned at 7:22 p.m.

Approved this _____ day of _____, 2022.

Mayor
Jon Nehring



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Genevieve Geddis, City Clerk

ITEM TYPE: Minutes

AGENDA SECTION: **Approval of Minutes**

SUBJECT: October 24, 2022 City Council Special Meeting Minutes

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:
[CC 10242022 Special Mtg.docx](#)

City Council



**1049 State Avenue
Marysville, WA 98270**

**Special Meeting
October 24, 2022**

Call to Order

Mayor Nehring called the special meeting to order at 6:30 p.m.

Present:

Mayor: Jon Nehring

Council: Councilmember Peter Condyles, Councilmember Mark James, Councilmember Tom King, Councilmember Michael Stevens, Councilmember Kelly Richards, Councilmember Steve Muller, Council President Kamille Norton

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, City Clerk/Finance Planning Manager John Nield, Finance Director Crystil Wooldridge, Parks & Recreation Director Tara Mizell, IT Director Stephen Doherty, Community Development Director Haylie Miller, Police Chief Erik Scairpon, Public Works Director Jeff Laycock, City Attorney Jon Walker, Information Systems Administrator Chris Brown, Information Systems Analyst Mike Davis, Systems and Database Analyst Will Kaiser, Public Information Officer Connie Mennie

Granicus Training

Information Systems Analyst Mike Davis led an interactive training on new voting and recording software.

Adjournment

The meeting was adjourned at 7:00 p.m.

Approved this _____ day of _____, 2022.

Mayor
Jon Nehring



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Genevieve Geddis, City Clerk

ITEM TYPE: Minutes

AGENDA SECTION: **Approval of Minutes**

SUBJECT: October 24, 2022 City Council Meeting Minutes

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:
[CC 10242022.docx](#)

City Council



**1049 State Avenue
Marysville, WA 98270**

**Regular Meeting
October 24, 2022**

Call to Order

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

Invocation

Chaplain Dan Hazen gave the invocation.

Pledge of Allegiance

Mayor Nehring led the Pledge of Allegiance.

Roll Call

Present:

Mayor: Jon Nehring

Council: Councilmember Peter Condyles, Councilmember Mark James, Councilmember Tom King, Councilmember Michael Stevens, Councilmember Kelly Richards, Councilmember Steve Muller, Council President Kamille Norton

Absent: None

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, City Clerk/Finance Planning Manager John Nield, Finance Director Crystil Wooldridge, Parks & Recreation Director Tara Mizell, IT Director Stephen Doherty, Community Development Director Haylie Miller, Police Chief Erik Scairpon, Public Works Director Jeff Laycock, City Attorney Jon Walker, Information Systems Administrator Chris Brown, Information Systems Analyst Mike Davis, Systems and Database Analyst Will Kaiser, Public Information Officer Connie Mennie, Deputy City Clerk Genevieve Geddis

Approval of the Agenda

The budget presentation was pulled and will come back on November 7. The public hearing will be held on November 14th and 28th.

Motion to approve the agenda moved by Council President Norton seconded by Councilmember Richards.

AYES: ALL

Presentations

A. Police Officers' Promotional Swearing In

Derek Carlile and John Elton were sworn in.

Audience Participation

None.

Approval of Minutes

1. September 26, 2022 City Council Meeting Minutes

[CC 09262022.docx](#)

Motion to approve the September 26, 2022 City Council Meeting Minutes moved by Councilmember James seconded by Council President Norton.

VOTE: Motion carried 6 - 0

AYES: Peter Condyles, Mark James, Tom King, Kelly Richards, Steve Muller, Kamille Norton

ABSTAIN: Michael Stevens

2. October 3, 2022 City Council Work Session Minutes

[WS 10032022.docx](#)

Motion to approve the October 3, 2022 City Council Work Session Minutes moved by Councilmember Stevens seconded by Councilmember Muller.

AYES: ALL

Consent

3. September 23, 2022 Payroll in the Amount of \$1,758,091.59 Paid by EFT Transactions and Check Numbers 34151 through 34165

4. September 28, 2022 Claims in the Amount of \$958,167.49 Paid by EFT Transactions and Check Numbers 158161 through 158273 with Check Numbers 157681, 158215 and 158235 Voided

[092822.rtf](#)

5. October 5, 2022 Claims in the Amount of \$825,822.29 Paid by EFT Transactions and Check Numbers 158274 through 158391

[100522.rtf](#)

6. October 07, 2022 Payroll in the Amount of \$1,602,637.62 Paid by EFT Transactions and Check Numbers 34166 through 34179
7. October 12, 2022 Claims in the Amount of \$1,562,119.17 Paid by EFT Transactions and Check Numbers 158392 through 158589 with Check Numbers 140563 and 158365 Voided

[101222.rtf](#)

8. October 19th, 2022 Claims in the Amount of \$792,533.73 Paid by EFT Transactions and Check Numbers 158590 through 158719 with Check Numbers 157745 and 158514 Voided

[101922.rtf](#)

Motion to approve the Consent Agenda moved by Councilmember Richards seconded by Councilmember King.

AYES: ALL

Review Bids

9. Waste Water Treatment Plant (WWTP) Near Term Tertiary Treatment Improvements

[Bid Tab Certified.pdf](#)

[Marysville Near Term Project Manual - CONTRACT.pdf](#)

Director Laycock reviewed this item. The low bidder was McClure and Sons. Staff is recommending approval of the contract in the amount of \$3,238,504.03.

Motion to authorize the Mayor to sign and execute the WWTP Near Term Tertiary Treatment Improvements project contract with McClure and Sons, Inc. in the amount of \$2,944,094.03 and approve a management reserve of \$294,410.00 for a total allocation of \$3,238,504.03 moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

Public Hearings

10. Ordinance to extend the interim regulations established by Ordinance 3216, related to the maximum residential density allowed in the Community Business Zone.

0 AB-CB zone CA22-007.docx.pdf

Director Miller introduced the public hearing regarding extending the interim regulations for the Community Business zone. Staff is requesting the interim regulations be extended for six months to allow development of a form-based code.

Councilmember Muller asked for more regular updates regarding the Planning Commission meetings. Director Miller indicated they could provide those.

The public hearing was opened at 7:40 p.m. There were no comments. The public hearing was closed at 7:41 p.m.

Motion to adopt Ordinance No. 3235 extending the interim regulations adopted by Ordinance 3216 by six (6) months moved by Councilmember King seconded by Councilmember Richards.

AYES: ALL

11. Agreement to Relinquish Interest in Rucker Building to Snohomish County

Agmt to Relinquish Real Property Int 9.26.22.docx

City Attorney Walker reviewed this item related to the Rucker Building. It would transfer the City's fractional share of the ownership to the County.

The public hearing was opened at 7:41 p.m. Public comments were solicited. There were none. The hearing was closed at 7:42 p.m.

Motion to approve the relinquishment of the City's interest in the Rucker Building to Snohomish County, and to authorize the Mayor to sign the Agreement to Relinquish Real Property Interest and associated Quit Claim Deed moved by Council President Norton seconded by Councilmember Stevens.

AYES: ALL

New Business

12. Maplewood Crossing (PA20-064) – Easement Release

Easement Release (Maplewood).docx

Easement Release Exhibits.pdf

Existing Easement Document.pdf

[Maplewood Site Plan.pdf](#)

Director Miller reviewed this item related to an easement for water utilities. Staff is recommending release of the easement since it is no longer needed.

Motion to authorize the Mayor to execute the Release of Easement to Keystone Land, LLC for recording with Snohomish County moved by Councilmember Richards seconded by Councilmember King.

AYES: ALL

13. Amendment No. 1 to WSDOT Maintenance Agreement GMB 1117

[WSDOT Maintenance Agreement GMB 1117 Amendment 1.pdf](#)

[WSDOT Maintenance Agreement GMB 1117.pdf](#)

Director Laycock reviewed this item.

Motion to authorize the Mayor to sign and execute Amendment No. 1 to the WSDOT Maintenance Agreement number GMB 1117 moved by Councilmember Stevens seconded by Council President Norton.

AYES: ALL

14. Supplemental Agreement No. 1 to the Professional Services Agreement with BHC Consultants, LLC for the Wastewater Treatment Plant (WWTP) Near Term Tertiary Treatment Improvements Project

[PSA_SuppSF_BHC.docx](#)

[Exhibit A-1.pdf](#)

[Fee.pdf](#)

Director Laycock reviewed this item related to the wastewater treatment plant.

Motion to authorize the Mayor to sign and execute Supplemental Agreement No. 1 to the Professional Services Agreement with BHC Consultants, LLC for the Wastewater Treatment Plant Near Term Tertiary Treatment Improvements Project moved by Councilmember James seconded by Councilmember Condyles.

AYES: ALL

15. Ordinance Amending Chapter 2.04 of the Municipal Code to Update Location of Council Meetings

[Ordinance - Amending location of council meetings.docx](#)

City Attorney Walker explained they needed to update the Municipal Code to reflect the new location of Council meetings.

Motion to adopt Ordinance No. 3236 moved by Councilmember King seconded by Council President Norton.

AYES: ALL

16. Resolution Amending Council Procedures to Update Location of Council Meetings

Council Procedures Resolution- 10-24-22.docx

Motion to adopt Resolution No 2524 moved by Councilmember Condyles seconded by Council President Norton.

AYES: ALL

Legal

Mayor's Business

Mayor Nehring announced that this would be the last Council meeting in this building. Staff will be moving to the new Civic Campus by the end of next week.

Staff Business

Director Miller gave an update on a barn that burned down over on 116th. It is owned by the Tribes so the Fire District will be reaching out to representatives about cleaning that up. She noted there is also an abandoned gas station sign that was asked about on 4th Street. Staff is working with the owners of the property to have that sign removed.

CAO Hirashima noted that staff will get Council badges for access to the building prior to their first meeting there. If any councilmembers need a tour they should let staff know.

Councilmember King asked if there will be outdoor mailboxes for Council at the new building. CAO Hirashima replied that there will now be a Council workroom where they can put the mail.

City Attorney Walker stated the need for an Executive Session to address five items - one item regarding the purchase of real estate with action expected, one item regarding the lease of real estate with no action expected, and three collective bargaining items with action expected on one of those items. The total expected time was 20 minutes.

Call on Councilmembers and Committee Reports

Councilmember Condyles congratulated the new police officers. He is excited to move to the new civic center but a little nostalgic about leaving this building.

Councilmember James agreed that it was nostalgic that this was the last meeting. He asked if they would be getting business cards with the new address. CAO Hirashima confirmed that they would be updated.

Councilmember King:

- Congratulations to the new officers. It was nice to see the great turnout.
- There was great turnout to the Mayor's coffee klatch last week as well.
- The new sidewalks around town look great.
- The garage in the alley between second and third on Union that has been tagged. Chief Scairpon indicated he would look into that.

Councilmember Stevens stated he would miss this building but is looking forward to the new building. It was great to see all the support for new officers tonight.

Councilmember Richards:

- It was great to see all the support for officers tonight.
- When we add new developments, do we look at where we might need crosswalks? Director Laycock replied that they look at development as it is coming in, but they don't mark every crosswalk. Councilmember Richards expressed concern that people are crossing there, but it is not marked and not safe.

Councilmember Muller commented that it is nice to see all the families in the room to support the police officers. He is excited to move to the new building.

Council President Norton agreed it is wonderful to see the promotions and all the wonderful support. It is bittersweet leaving this building, but she is looking forward to being in the new building.

Adjournment/Recess

Council recessed at 8:10 for five minutes until 8:15 p.m.

Executive Session

Executive Session was held to address 5 items - one item regarding the purchase of real estate with action expected, one item regarding the lease of real estate with no action expected, and three collective bargaining items with action expected on one of those items. Executive Session started at 8:20 p.m. and was expected to last for 20 minutes. It was extended for 10 minutes and 5 minutes. Executive Session ended at 8:55 p.m.

Reconvene

The meeting reconvened at 8:55 p.m.

Motion to authorize the Mayor to sign and execute the Settlement Agreement with Teamsters regarding the police records unit moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL

Motion to authorize the Mayor to sign and execute the Purchase and Sale Agreement with Steven Cong for Tax Parcel Number 31053300100500 for a purchase price of \$2.7 million moved by Councilmember Muller seconded by Councilmember Stevens.

AYES: ALL

Adjournment

The meeting was adjourned at 8:58 p.m.

Approved this _____ day of _____, 2022.

Mayor
Jon Nehring



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Genevieve Geddis, City Clerk

ITEM TYPE: Minutes

AGENDA SECTION: **Approval of Minutes**

SUBJECT: November 7, 2022 City Council Work Session Minutes

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:
[WS 11072022.docx](#)

City Council



**1049 State Avenue
Marysville, WA 98270**

**Work Session
November 7, 2022**

Call to Order

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

Pledge of Allegiance

Mayor Nehring led the Pledge of Allegiance.

Roll Call

Present:

Mayor: Jon Nehring

Council: Councilmember Peter Condyles, Councilmember Mark James, Councilmember Tom King, Councilmember Michael Stevens, Councilmember Kelly Richards, Councilmember Steve Muller, Council President Kamille Norton

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, Finance Director Sandy Langdon, City Attorney Jon Walker, Parks & Recreation Director Tara Mizell, Community Development Director Haylie Miller, Police Chief Erik Scairpon, Finance Director Crystil Wooldridge, Information Systems (IS) Director Stephen Doherty, Public Works Director Jeff Laycock, City Clerk/Finance Planning Manager John Nield, System Analyst Mike Davis, Information Systems Administrator Chris Brown, Systems and Database Analyst Will Kaiser, Computer Technician Xay Keomongkhoun, Judge Fred Gillings, Community Information Officer (CIO) Connie Mennie, Courts Administrator Suzanne Elsner

Approval of the Agenda

Motion to Approve the agenda moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL

Presentations

- A. Proclamation Declaring November 2022 as Native American Heritage Month in Marysville

[PROCLAMATION Native American Heritage Month 2022.pdf](#)

Mayor Nehring read the proclamation.

- B. 2023/2024 Preliminary Budget

Mayor Nehring thanked Finance Director Langdon for 21 years of excellent service, noting that she will be retiring soon. He also thanked all the Finance staff and department directors for their work on the budget proposal. He made comments on the budget noting that the City is in a sound financial condition. He, the Council, and staff have continued to prioritize sound investments, economic growth, and fiscal discipline to position the City well for the future. He was pleased to report that the budget proposes no increase to the City's property tax rate. No changes to any other city taxing rates is proposed either. There is a standard 2% utility rate increase to help keep up with rising costs and inflation to some degree. He thanked the City Council for the excellent working relationship they have with him and staff and for their fiscal prudence and foresight.

Finance Director Langdon made the presentation regarding the 2023/2024 Preliminary Budget. She reviewed citywide revenues by department, revenue assumptions, citywide expenditures, expenditure assumptions, and a general fund preliminary revenue summary (total sources \$122.9M). She also reviewed property tax history and 2023 and 2024 proposed property taxes.

Councilmember Muller asked if we track landowners that are taking advantage of tax break incentives in the Cascade Industrial Center. Director Miller noted they haven't received any formal applications yet, but Community Development will be tracking those.

Director Langdon reviewed retail sales and use taxes from 2018 through the present and the 2023 and 2024 proposed sales tax rates. She compared general fund expenditures by department and by category. She summarized the 2021/2022 preliminary budget for the General Fund and discussed the forecast outlook and primary model assumptions. The General Fund capital reserve fund balance and special revenue amounts were reviewed. Transportation capital projects in the amount of \$42.7M were highlighted. Utilities capital projects total \$23.8M. Other capital projects reviewed were Parks (\$6.4M), Facilities (\$3.2M), and Public Works (\$250K) for a total for all capital projects of \$76.3M. Enterprise Funds expenditures were also reviewed: Utilities (\$87.2M); Garbage and Refuse (\$31.1M), and Golf (\$3.4M). Interfund Services expenditures include fleet services, facilities, information services, unemployment insurance, liability insurance, and medical insurance. Director Langdon highlighted a

personnel summary of full time equivalents. Budget hearings will be held on November 14 and November 28. Budgets by department were reviewed.

Councilmember Muller asked if they will still be using outside real estate services. CAO Hirashima explained they have found it is extremely valuable to have an internal city agent for right-of-way and property purchases but they will still be contracting for some services because there are too many purchases for one person to do internally. This will create a regular contact point in the city to manage those purchases.

Council President Norton asked for an explanation of the increase in salaries and wages. Finance Director Langdon explained that it has to do with the safety position moved from the executive office. They also added two other positions during the 2021-22 budget.

Councilmember Condyles asked how much will be left over from the Commerce grant. Director Miller replied that they earmarked \$75,000 for the transportation portion. The other \$100,000 will be used for the planning portion of the Comprehensive Plan.

Council President Norton asked how the volunteer and community event coordinator position would be used. Director Mizell replied that it will be a citywide volunteer coordinator. The growth in city events has been huge. Anything that is citywide would filter through that person to free up departments. She reviewed the multiple events that the person would be able to help with. The City has grown a lot, but staff has not over the years. Council President Norton asked about changes in user fees. Director Mizell reported that they were lowered in 2020 for COVID, but they have increased back up to pre-COVID rates again.

Councilmember King asked about the new park signs. Director Mizell explained that they plan to replace the park signs gradually each year with new ones to make them consistent throughout the city.

Councilmember Condyles asked about the hours of the Parks Administrative Associate position. Director Mizell explained these hours will expand the City's ability to provide customer service as well as safety and security.

Councilmember Condyles referred to line items for the Opera House and asked about the 60% reduction. Director Mizell explained there had been some overlap in line items, but this is being cleaned up.

Council President Norton asked Director Laycock for examples of improvements done under the neighborhood traffic safety program in the past. Director Laycock cited traffic circles and speed tables.

Council President Norton asked where the north-end snow and ice storage facility would go. Director Laycock replied they are looking at the end of 39th.

Councilmember Richards asked about the paint truck. Director Laycock explained that would be for painting the lines.

Councilmember Condyles referred to the drops in maintenance, street cleaning, and vegetation management in the line items. Director Laycock explained this has to do with reshuffling.

Councilmember King asked if the State would still continue to do 529 from 1st Street to 4th Street and 528. Director Laycock explained the City is still responsible for any pavement markings. The State is only responsible for maintaining the condition of the pavement.

Council President Norton asked about the intern position. Director Langdon replied that any department in the city could utilize this position.

Council President Norton asked if it is fair that the City pays half of the mental health court liaison position. Judge Gillings explained that this program is going very well. Director Langdon added that there is an agreement with Everett about a grant they are sharing at 50%. Courts Administrator Elsner explained the division of tasks for this position.

Councilmember Richards asked if the \$50,000 proposed for the re-vote will cover everything. Director Langdon explained it is expected to cover what they pay the county elections office, but it could cost more.

Councilmember King asked who owns the golf carts. Director Mizell replied that the City leases them for a period of time and then buys them. They are getting a brand new fleet in January and will be looking into getting electric carts in the future.

Councilmember King asked if they are starting to see some hotel/motel revenue tax from the new hotel up on 116th. Director Langdon replied that they are, but she didn't have details.

Council President Norton thanked Director Langdon for putting together the presentation. She expressed appreciation for how well this is put together.

Mayor Nehring reiterated that the public hearings would be held on November 14 and 28. He stated he is concerned they will have a recession during this budget period, so the budget was crafted with that in mind. There are also some safeguards built in in the event they are needed.

Discussion Items

Approval of Minutes

Consent

1. October 26, 2022, Claims in the Amount of \$478,625.57 Paid by EFT Transactions and Check Numbers 158720 through 158773 with Check Numbers 135525, 136053, 136079, 138680, 139280, 139418, 139573, 139594, 139682, 139846, 139968, 140060, 140253, 140397, 140417, 140451, 140455, 140507, 140536, 140561, 140583, 140599, 140770, 141090, 141116, 141127, 141133, 141142, 141180, 141207, 141222, 141820, 141992, 142347, 142397, 142540, 142921, 142992, 143125, 143164, 143311, 143347, 143408, 143652, 143840, 144029, 144174, 144285, 144333, 144374, 144527, 144672, 144863, 145153, 145185, 145247, 145436, 145508, 145745, 145748, 146135, 146453, 146564, 146726, 146852, 147080, 147322, 147968, 148056, 148325, 148339, 148530, 148723, 148802, 148939, 149022 Voided.

[102622.rtf](#)

Review Bids

Public Hearings

New Business

2. Emergency Resolution for Smokey Pt Blvd and 152nd St NE Signal Pole Repairs

Director Laycock reviewed this item related to a signal pole which needed emergency repair. A full, permanent repair will be done later.

[Emergency Resolution -- Smokey Point Blvd and 152nd St NE signal pole repairs.docx](#)

[Emergency Declaration -- Smokey Point Blvd and 152nd St NE.pdf](#)

Motion to Approve waiving regular business rules in order to take action on this item tonight moved by Councilmember Richards seconded by Councilmember Muller.

AYES: ALL

Motion to Approve Resolution No. 2525 moved by Councilmember Richards seconded by Councilmember King.

AYES: ALL

Legal

Mayor's Business

Mayor's Business:

- A draft of state and federal legislative priorities is included in Council's packet for review.

- It was a busy weekend with the big storm. Thanks to public works crews and the IS team for working on items throughout the weekend.
- Thanks to Councilmember Richards for the idea to offer free garbage service for those who had to dispose of perishable food items. The PUD is working their way through repairs. In the meantime city crews are removing as much debris as possible.
- He met with Girl Scout Troop 41262 last week and enjoyed their very astute questions.
- He and Council President Norton met today about providing a briefing to Council on the sports complex proposal topic.
- He referred to ordinances that other cities have passed around public consumption of drugs. Staff will be bringing a draft ordinance regarding this to provide police with some tools.

3. 2023 State and Federal Legislative Priorities

[2023 Legislative Priorities.pdf](#)

Staff Business

The new Human Resources Director Megan Hodgson introduced herself.

Communications Information Officer Connie Mennie reminded Council they would be doing a group photo and headshots next week before the Council meeting.

Director Laycock expressed appreciation for Public Works staff helping with the storm impacts. Public Works and Police are working together to address shopping carts left around the City with a model based on Everett.

City Attorney Walker stated the need for an Executive Session expected to last 15 minutes to address four collective bargaining items with action expected and one potential litigation item with no expected action.

CAO Hirashima thanked all the employees involved in the storm response. She noted there will be an event to celebrate Worth Norton and Sandy Langdon's retirement on Tuesday, November 15 from 12-2 at City Hall.

Call on Councilmembers and Committee Reports

Councilmember Condyles:

- Thanks to Director Langdon for the great work on the budget.
- He reported that the Affordable Housing group reviewed the 2024 work plan and reviewed the 2022 work plan.
- Snohomish County Tomorrow met and got an update on the County's 2024 Comprehensive Plan update. They also discussed an HO-5 report that is being

put together which is expected to bring a lot of changes to how cities in Snohomish County are expected to plan.

- He had a tour of the new community center and Deering Acres Park. He was pleased to see the old city hall furniture being reused at the new community center.
- He reviewed some history of Marysville's six city halls since 1891.

Councilmember James noted the new building is a great facility. Thanks to Sandy Langdon for her work on the budget. He asked about the results of the Pumpkin Trails Quest. Director Mizell reported that it was very successful with around 137 families participating.

Councilmember King:

- He stated that it was a privilege to be part of the new facility.
- Thanks to Director Langdon for the budget report.
- He reported on the Govt. Affairs Committee meeting with the school district. They plan to run another levy in February. There was also talk of having a police cadet program for students. Chief Scairpon reviewed the proposal to have a new youth cadet program.
- Councilmember King reported on last week's Public Works Committee meeting where they discussed the snow and ice plan; water shed planning; 88th and State intersection potential projects; and next year's TBD projects.
- He and his daughter participated in the Pumpkin Trails Quest and had a lot of fun.
- Volunteers set out 85 toy and food barrels around town.

Councilmember Stevens:

- Thanks to Sandy Langdon and her team.
- He enjoyed seeing a video on social media with staff dancing out in the plaza in costumes on Halloween.
- He reported on the Economic Development Committee meeting where they discussed the Lakewood area traffic plan, the sports facility proposal, and the Comprehensive Plan survey results.
- He gave an update on the Fire District's fire chief search.

Councilmember Richards:

- Thanks to the Mayor and staff for working out something to help people with disposing of spoiled food.
- He noted that Councilmember King is now the Public Works Committee chair.
- He commended Public Works for their work on dealing with the storm event.
- He commended Sandy Langdon for her work on the budget.
- The new building is fantastic.
- Congratulations and welcome to new Human Resources Director Hodgson.
- Thanks to Public Works and Police for dealing with the abandoned shopping cart issue.

Councilmember Muller:

- Thanks to Sandy Langdon for the budget presentation.
- Welcome to new Human Resources Director Megan Hodgson.
- He is looking forward to a lot of things coming forward from the Economic Development Committee.

Council President Norton:

- She expressed gratitude to the Public Works staff for their work after the storm.
- She welcomed Megan Hodgson to the City.
- She gave an update on the October 27 Public Safety Committee meeting where they discussed crime statistics and recruitment.
- She reported on the November 1 Finance Committee meeting where they had a great presentation on medical self-insurance.

Adjournment/Recess

The meeting went into recess at 8:51 p.m.

Executive Session

Council entered Executive Session at 8:59 p.m. for 15 minutes to address four collective bargaining items with action expected and one potential litigation item with no expected action. Executive Session was extended for five minutes.

Reconvene

Council reconvened the regular meeting at 9:19 p.m.

Motion to Approve waiving Council rules and authorizing taking action on four items moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

Motion to Approve authorizing the Mayor to sign and execute the Collective Bargaining Agreement (CBA) with MPOA-commissioned law enforcement officers for 2023-2025 moved by Council President Norton seconded by Councilmember Condyles.

AYES: ALL

Motion to Approve authorizing the Mayor to sign and execute the CBA with MPOA-commissioned sergeants for 2023-2025 moved by Councilmember James seconded by Council President Norton.

AYES: ALL

Motion to Approve authorizing the Mayor to sign and execute the CBA with MPOA custody officers/community service officers for 2023-2025 moved by Councilmember Muller seconded by Councilmember Richards.

AYES: ALL

Motion to Approve authorizing the Mayor to sign and execute the Letter of Agreement between the City and the Marysville Police Management Association regarding 2023 wages moved by Councilmember Richards seconded by Councilmember James.

AYES: ALL

Adjournment

Motion to Adjourn the meeting at 9:24 p.m. moved by Councilmember Richards seconded by Councilmember Stevens.

AYES: ALL

The meeting was adjourned at 9:24 p.m.

Approved this _____ day of _____, 2022.

Mayor
Jon Nehring



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Genevieve Geddis, City Clerk

ITEM TYPE: Minutes

AGENDA SECTION: **Approval of Minutes**

SUBJECT: November 14, 2022 City Council Meeting Minutes

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:
[CC 11142022.docx](#)

City Council



**1049 State Avenue
Marysville, WA 98270**

**Regular Meeting
November 14, 2022**

Call to Order / Pledge of Allegiance

Mayor Nehring called the meeting to order at 7:00 p.m. and led those present in the Pledge of Allegiance.

Invocation

Pastor Aaron Thompson gave the invocation.

Roll Call

Present:

Mayor: Jon Nehring

Council: Councilmember Peter Condyles, Councilmember Mark James, Councilmember Tom King, Councilmember Michael Stevens, Councilmember Kelly Richards, Councilmember Steve Muller, Council President Kamille Norton

Staff: Chief Administrative Officer (CAO) Gloria Hirashima, Community Development Director Haylie Miller, Finance Director Sandy Langdon, City Attorney Jon Walker, Finance Director Crystil Wooldridge, Parks & Rec Director Tara Mizell, Human Resources Director Megan Hodgson, Police Chief Erik Scairpon, Information Systems Administrator Chris Brown, Systems Analyst Mike Davis, Courts Administrator Suzanne Elsner, Systems and Database Analyst Will Kaiser, Community Information Officer (CIO) Connie Mennie, Assistant Police Chief Lawless

Approval of the Agenda

Mayor Nehring requested moving the Preliminary Budget from Presentations to Public Hearings.

Motion to approve the agenda as amended moved by Councilmember Muller seconded by Councilmember Condyles.

AYES: ALL

Audience Participation

Scott Allen, 3912 Sunnyside Blvd, asked if tonight's presentation would include information about bad debt for 2023 and 2024 (uncollectible bad debt for utilities). Mayor Nehring noted that was not planned for tonight's discussion. Mr. Allen also asked about the Utilities past due dollar amount that is 90 days and over. Staff indicated they will plan on including both of those at the November 28 Public Hearing.

Consent

1. October 26, 2022, Claims in the Amount of \$478,625.57 Paid by EFT Transactions and Check Numbers 158720 through 158773 with Check Numbers 135525, 136053, 136079, 138680, 139280, 139418, 139573, 139594, 139682, 139846, 139968, 140060, 140253, 140397, 140417, 140451, 140455, 140507, 140536, 140561, 140583, 140599, 140770, 141090, 141116, 141127, 141133, 141142, 141180, 141207, 141222, 141820, 141992, 142347, 142397, 142540, 142921, 142992, 143125, 143164, 143311, 143347, 143408, 143652, 143840, 144029, 144174, 144285, 144333, 144374, 144527, 144672, 144863, 145153, 145185, 145247, 145436, 145508, 145745, 145748, 146135, 146453, 146564, 146726, 146852, 147080, 147322, 147968, 148056, 148325, 148339, 148530, 148723, 148802, 148939, 149022 Voided.

[102622.rtf](#)

Motion to approve the Consent Agenda moved by Council President Norton seconded by Councilmember Richards.

AYES: ALL

Review Bids

Public Hearings

2. Ordinance Setting the Regular Property Tax Levy for Emergency Medical Care and Services on all Real, Personal, and Utility Property Subject to Taxation within the Corporate Limits of the City of Marysville for the Year 2023

Finance Director Langdon reviewed the EMS Ordinance which sets the levy for the 2023 tax period. She stated they are asking for an increase of \$725,319 which is a 13.46% increase. This keeps us on track with the RFA district which is part of the agreement.

[EMS levy ordinance2023.docx](#)

The public hearing was opened for testimony. There were no comments. The public hearing was closed.

Councilmember James asked what this would look like for the average resident. Director Langdon reviewed the EMS levy amounts and how this is calculated. She summarized it would be about a \$23/year increase for a \$400,000 home. This has more to do with the increase in assessed value than the increase in the levy itself. Mayor Nehring pointed out that this is a voter-approved EMS levy and is specific for EMS services.

Motion to authorize the Mayor to sign and execute Ordinance No. 3237 moved by Councilmember Richards seconded by Councilmember James.

AYES: ALL

3. Ordinance of the City of Marysville Levying Regular Taxes Upon all Property Real, Personal and Utility Subject to Taxation within the Corporate Limits of the City of Marysville, Washington for the Year 2023

[Regular levy ordinance2023.docx](#)

Finance Director Langdon briefed the Council. She noted they are asking for a 0% increase for 2023.

The public hearing was opened at 7:18 p.m. Public comments were solicited. There were none. The hearing was closed at 7:18 p.m.

Motion to authorize the Mayor to sign Ordinance No 3238 moved by Councilmember James seconded by Councilmember Muller.

AYES: ALL

- A. 2023/2024 Preliminary Budget

Director Langdon had no further comments. Council had no questions.

The public hearing was opened at 7:19 p.m. There were no comments. The hearing was closed at 7:20 p.m.

New Business

4. Operation Underground Railroad (O.U.R.) Domestic Law Enforcement Support Mutual Agreement for the Receipt of Contributions & Purchase of Gray Key Software Program

[OUR MAD \(Marysville PD WA\) \(002\).docx](#)

[2.9.22 Grayshift EULA signature fields 11-3-2022.pdf](#)

Asst. Chief Lawless reviewed this user agreement for Gray Key software and the agreement with Operation Underground Railroad (OUR). This software would be used to forensically analyze cell phones. It is generally used for sexual assault or trafficking situations. He discussed the agreement with OUR and the importance of this software in assisting with trafficking victims. OUR will offset half the cost of the software. The intent is to be a regional partner with other jurisdictions to help them in similar circumstances.

Council President Norton commended the police department for being a lead in this effort. She asked if the City would be charging other cities for use of the software. Asst. Chief Lawless replied that they would not for now, but it would be re-evaluated in the future. Council President Norton asked if it is an annual fee. Asst. Chief Lawless affirmed that it would be an annual expense.

Councilmember Richards asked about search warrants needed to get into someone's phone. Asst. Chief Lawless replied that it is a very lengthy and detailed process.

Motion to authorize the Mayor to sign the Mutual Agreement with Operation Underground Railroad, along with purchase of 50% of the Gray Key software from Grayshift LLC moved by Councilmember Richards seconded by Councilmember King.
AYES: ALL

Legal

Mayor's Business

Mayor Nehring stated that he and Councilmember James attended a nice ribbon cutting for Reboot Recovery. He expressed appreciation to the Council for their questions on the budget last week.

Staff Business

CAO Hirashima publicly thanked Worth Norton for his service to the City as he will be retiring, and this is his last Council meeting. There will be a celebration for him and Director Langdon on their retirement tomorrow. There are also cupcakes tonight to celebrate Director Langdon's birthday.

Call on Councilmembers and Committee Reports

Councilmember Condyles congratulated Worth Norton and Director Langdon on their retirement and wished happy birthday to Director Langdon.

Councilmember James:

- Congratulations to Worth Norton and Director Langdon and noted they would both be missed.
- He was at the Reboot Recovery ribbon cutting. It is nice to see that kind of business starting up in the city.

Councilmember King:

- Good luck to Director Langdon and Worth Norton.
- He reported on the Parks Board Meeting. They discussed great programs, events, and projects including the new community center opening up on January 6; the artificial turf going in on one field at Strawberry Fields; preliminary designs for the pump track at Jennings Nature Park; an update on the restrooms; and the holiday parade on December 3.
- He attended a ribbon cutting last week with the Mayor at Premier Mortuary.
- He thanked the City for the use of the old Baxter Auto Repair building on 1st over the last four years. Strawberry Festival is moving locations.

Councilmember Stevens thanked Worth Norton and Director Langdon for their service over the years.

Councilmember Richards:

- Thanks to Worth Norton and Director Langdon for all their years of service and assistance.
- Happy Birthday to Director Langdon.
- Thanks to Councilmember King for filling in for him at the Parks Board meeting.

Councilmember Muller:

- Happy Birthday to Director Langdon.
- Thanks and congratulations to Worth Norton and Director Langdon.
- Happy Thanksgiving to everyone.

Council President Norton:

- Happy birthday to Director Langdon.
- Congratulations to Worth Norton and Director Langdon in their retirement.
- She stressed that the City has not raised property taxes in Marysville for about 12 years. This shows their commitment to the taxpayer, living within their means, and being good stewards of the citizens' money.

Adjournment

The meeting was adjourned at 7:35 p.m.

Approved this _____ day of _____, 2022.

Mayor
Jon Nehring



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Senior Accounting Technician Shannon Early, Finance

ITEM TYPE: Payroll

AGENDA SECTION: **Consent**

SUBJECT: October 25, 2022 Payroll in the Amount of \$1,556,912.71 Paid by EFT Transactions and Check Numbers 34180 through 34192

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Accounting Technician Shauna Crane, Finance

ITEM TYPE: Claims

AGENDA SECTION: **Consent**

SUBJECT: November 4, 2022 Claims in the Amount of \$12,022.38 Paid by EFT Transactions and Check Number 158904 and 158905 with Check Number 158904 Voided

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:
[110422.rtf](#)

DATE: 11/10/2022
TIME: 3:20:39PM

CITY OF MARYSVILLE
INVOICE LIST
FOR INVOICES FROM 11/4/2022 TO 11/4/2022

PAGE: 1

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
158905	WASHINGTON FEDERAL	RETAINAGE ESCROW ACCOUNT	GMA-STREET	4,229.28
	WASHINGTON FEDERAL		GMA-STREET	7,793.10

WARRANT TOTAL: 12,022.38

WASHINGTON FEDERAL BANK	VOID	INITIATOR ERROR	158904	\$12,022.38
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REASON FOR VOIDS:

INITIATOR ERROR

CHECK LOST/DAMAGED

UNCLAIMED PROPERTY

WARRANT TOTAL: \$12,022.38



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Accounting Technician Shauna Crane, Finance

ITEM TYPE: Claims

AGENDA SECTION: **Consent**

SUBJECT: November 9, 2022 Claims in the Amount of \$3,444,227.86
Paid by EFT Transactions and Check Numbers 158906
through 159063 with Check Number 157024 Voided

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:
[110922.rtf](#)

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 11/9/2022 TO 11/9/2022

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
158906	LICENSING, DEPT OF	STATE GUN DEALERS LICENSE	INTERGOVERNMENTAL	125.00
158907	LICENSING, DEPT OF	DRIVING ABSTRACT - SWEENEY	PERSONNEL ADMINISTRATION	15.00
158908	LICENSING, DEPT OF	CPL OCT 2022	INTERGOVERNMENTAL	939.00
158909	BOYD, RAE	NURSE SERVICE	DETENTION & CORRECTION	28,600.00
158910	911 SUPPLY INC.	UNIFORM - WHEELER	DETENTION & CORRECTION	27.25
	911 SUPPLY INC.	UNIFORM - XIONG	POLICE PATROL	46.24
	911 SUPPLY INC.	UNIFORM - MARLIN	POLICE PATROL	246.39
	911 SUPPLY INC.	UNIFORM - KOWING	DETENTION & CORRECTION	597.58
	911 SUPPLY INC.	UNIFORM - GANN	POLICE PATROL	651.69
	911 SUPPLY INC.	UNIFORM - WHEELER	DETENTION & CORRECTION	703.37
	911 SUPPLY INC.	UNIFORM - THAMMARAT	DETENTION & CORRECTION	741.10
	911 SUPPLY INC.	UNIFORM - DELANTY	COMMUNITY SERVICES UNIT	753.91
	911 SUPPLY INC.	UNIFORM - MILLER	POLICE PATROL	1,056.46
158911	AKAU, BRAD	WASPC TRAINING	POLICE ADMINISTRATION	185.00
158912	ALCORN, YOLANDA	REFUND PITCH PERFECT	RECREATION SERVICES	97.00
158913	ALEXANDER PRINTING	BUSINESS CARDS - HASTINGS	COMMUNITY SERVICES UNIT	92.84
	ALEXANDER PRINTING	ENVELOPES - CD	COMMUNITY	229.42
	ALEXANDER PRINTING	BUSINESS CARDS FOR CD STAFF	COMMUNITY	1,007.97
158914	ALL BATTERY SALES &	ELECTRICAL CONNECTORS	EQUIPMENT RENTAL	373.36
158915	AMAZON CAPITAL	CREDIT FOR INV 16RY-MNG7-71FN	EXECUTIVE ADMIN	-90.75
	AMAZON CAPITAL	SUPPLIES	POLICE INVESTIGATION	5.79
	AMAZON CAPITAL		POLICE PATROL	8.74
	AMAZON CAPITAL		POLICE ADMINISTRATION	10.93
	AMAZON CAPITAL		CRIME PREVENTION	19.66
	AMAZON CAPITAL		OFFICE OPERATIONS	20.78
	AMAZON CAPITAL	EMPG GRANT CRIMP TERMINAL	EXECUTIVE ADMIN	23.27
	AMAZON CAPITAL	SUPPLIES	POLICE ADMINISTRATION	23.94
	AMAZON CAPITAL		POLICE ADMINISTRATION	23.98
	AMAZON CAPITAL		POLICE ADMINISTRATION	26.21
	AMAZON CAPITAL	SUPPLIES, CLOROX WIPES	POLICE ADMINISTRATION	27.32
	AMAZON CAPITAL	SUPPLIES	POLICE INVESTIGATION	30.62
	AMAZON CAPITAL		POLICE PATROL	31.67
	AMAZON CAPITAL		POLICE ADMINISTRATION	31.72
	AMAZON CAPITAL	WELLNESS/OFFICE SUPPLIES	DETENTION & CORRECTION	40.00
	AMAZON CAPITAL	WIRELESS DOORBELLS	CAPITAL EXPENDITURES	41.56
	AMAZON CAPITAL	SUPPLIES	COMMUNITY SERVICES UNIT	45.46
	AMAZON CAPITAL	EARBUDS, FOOT REST	COMMUNITY	45.86
	AMAZON CAPITAL	SUPPLIES	POLICE ADMINISTRATION	49.20
	AMAZON CAPITAL	BATTERIES	POLICE ADMINISTRATION	50.28
	AMAZON CAPITAL	PATCH PANEL	CAPITAL EXPENDITURES	51.18
	AMAZON CAPITAL	WIRELESS DOORBELL UB/CD RECEPTION	CAPITAL EXPENDITURES	53.58
	AMAZON CAPITAL	SUPPLIES	EMBEDDED SOCIAL WORKER	56.86
	AMAZON CAPITAL		POLICE INVESTIGATION	61.04
	AMAZON CAPITAL	DRONE CASE	EXECUTIVE ADMIN	64.24
	AMAZON CAPITAL	DUSTBUSTER	COMMUNITY	64.55
	AMAZON CAPITAL	STORAGE BINS	COMPUTER SERVICES	65.42
	AMAZON CAPITAL	WIRELESS DOORBELLS	CAPITAL EXPENDITURES	69.96
	AMAZON CAPITAL	SUPPLIES	POLICE INVESTIGATION	78.75
	AMAZON CAPITAL		POLICE ADMINISTRATION	81.68
	AMAZON CAPITAL	OFFICE SUPPLIES	COMPUTER SERVICES	83.77
	AMAZON CAPITAL	SUPPLIES	POLICE PATROL	85.20

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158915	AMAZON CAPITAL	SUPPLIES	OFFICE OPERATIONS	86.63
	AMAZON CAPITAL	WELLNESS/OFFICE SUPPLIES	MEDICAL CLAIMS	88.95
	AMAZON CAPITAL	MAGNET, GLOVE, MAGNIFYING GLASS	EQUIPMENT RENTAL	102.66
	AMAZON CAPITAL	CABLE MANAGEMENT SUPPLIES	CAPITAL EXPENDITURES	108.17
	AMAZON CAPITAL	AWARDS	POLICE ADMINISTRATION	125.76
	AMAZON CAPITAL	SUPPLIES	OFFICE OPERATIONS	157.12
	AMAZON CAPITAL	REPLACEMENT KEURIG	POLICE ADMINISTRATION	172.85
	AMAZON CAPITAL	HALLOWEEN PARADE SUPPLIES	COMPUTER SERVICES	189.34
	AMAZON CAPITAL	CABLE MANAGEMENT SUPPLIES	CAPITAL EXPENDITURES	214.35
	AMAZON CAPITAL	BOOKS	POLICE ADMINISTRATION	238.44
	AMAZON CAPITAL	CABLE MANAGEMENT SUPPLIES	CAPITAL EXPENDITURES	260.38
	AMAZON CAPITAL	SUPPLIES	POLICE INVESTIGATION	293.65
	AMAZON CAPITAL	WIRELESS HDMI TRANSMITTER	CAPITAL EXPENDITURES	339.06
	AMAZON CAPITAL	MISC. EQUIPMENT	CAPITAL EXPENDITURES	380.30
	AMAZON CAPITAL	NETWORK CABLES	CAPITAL EXPENDITURES	538.61
	AMAZON CAPITAL	TONER	POLICE ADMINISTRATION	779.98
	AMAZON CAPITAL	COUNCIL CHAMBERS DOCKS	CAPITAL EXPENDITURES	1,215.60
	AMAZON CAPITAL	MISC. EQUIPMENT	CAPITAL EXPENDITURES	1,248.47
	AMAZON CAPITAL		CAPITAL EXPENDITURES	1,597.01
	AMAZON CAPITAL	OPERATING SUPPLIES	COMPUTER SERVICES	2,882.75
158916	AMERICAN STAR ENTERP	REFUND ONLINE PERMIT	NON-BUS LICENSES AND	182.00
158917	ARAMARK UNIFORM	UNIFORM CLEANING	SMALL ENGINE SHOP	6.56
	ARAMARK UNIFORM		EQUIPMENT RENTAL	63.94
	ARAMARK UNIFORM	LINEN SERVICE	OPERA HOUSE	173.40
	ARAMARK UNIFORM		OPERA HOUSE	173.40
	ARAMARK UNIFORM		OPERA HOUSE	244.38
158918	ARMOR UP AMERICA	ARMOR UP AMERICA	POLICE ADMINISTRATION	444.00
158919	AXON ENTERPRISE INC	VR BUNDLE	POLICE PATROL	259,852.67
158920	BATTUELLO, TERRIE	IEDC ANNUAL CONFERENCE	EXECUTIVE ADMIN	236.80
158921	BEKINS NORTHWEST	MOVING SERVICE	CAPITAL EXPENDITURES	2,112.64
158922	BENDIKSEN & BALL	PRE-EMPLOYMENT POLYGRAPHS	POLICE ADMINISTRATION	300.00
158923	BENEFIT COORDINATORS	NOV 22 PREMIUMS	MEDICAL CLAIMS	152,385.72
158924	BENS CLEANER SALES	WASH RACK REPAIR SERVICE	SOLID WASTE OPERATIONS	451.44
158925	BICKFORD FORD	TAIL LIGHT ASSEMBLY	EQUIPMENT RENTAL	205.67
	BICKFORD FORD	TIRE PRESSURE SENSOR	EQUIPMENT RENTAL	251.57
	BICKFORD FORD	INTERCEPTOR WHEEL	EQUIPMENT RENTAL	311.79
	BICKFORD FORD	LAMP ASY	EQUIPMENT RENTAL	528.54
	BICKFORD FORD	WATER PUMP, IGNITION COIL, SPARK PLUG	EQUIPMENT RENTAL	570.56
	BICKFORD FORD	LAMP ASY, SHOCK	EQUIPMENT RENTAL	813.72
158926	BOMAR, RICK	INSTRUCTOR PAYMENT	RECREATION SERVICES	252.00
	BOMAR, RICK		RECREATION SERVICES	378.00
158927	BOSNICH, MARCO	REFUND BASKETBALL	PARKS-RECREATION	95.00
158928	BOWEN, BRADEN	REFUND MECHANICAL PERMIT	NON-BUS LICENSES AND	340.00
158929	BUD BARTON'S GLASS	WINDOW REPAIRS	GMA - STREET	1,969.20
158930	BUTCHER, NICOLE	REFUND BASKETBALL	PARKS-RECREATION	105.00
158931	CARSON-BLAKESLEY,VET	INSTRUCTOR PAYMENT	RECREATION SERVICES	432.00
158932	CASCADE COLUMBIA	PAX XL	WASTE WATER TREATMENT	16,193.76
158933	CASCADE RECREATION	LITTLE TIKES TRANSITION DECK	PARK & RECREATION FAC	794.24
158934	COLVIN, MICHAEL	HOLIDAY PERFORMANCE	COMMUNITY EVENTS	650.00
158935	COMCAST	ACCT #8498310021752089	COMPUTER SERVICES	633.17
158936	CONDYLES, PETER	NLC CITY SUMMIT	CITY COUNCIL	326.40

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158937	COPIERS NORTHWEST	PRINTER RELOCATION TO MCC	CAPITAL EXPENDITURES	329.73
158938	CORTEZA, AMBER	REFUND BASKETBALL	PARKS-RECREATION	85.00
158939	CRYSTAL SPRINGS	WATER DELIVERY	OFFICE OPERATIONS	30.00
	CRYSTAL SPRINGS		POLICE INVESTIGATION	44.78
	CRYSTAL SPRINGS		POLICE PATROL	200.00
158940	DATA QUEST LLC	PRE-EMPLOYMENT	POLICE ADMINISTRATION	50.00
158941	DAVIS, EVELYN	REFUND BASKETBALL	PARKS-RECREATION	85.00
158942	DEBORD, RUSSELL	UTILITY BILLING REFUND	WATER/SEWER OPERATION	213.27
158943	DELL	SERVER WARRANTY	IS REPLACEMENT ACCOUNTS	340.84
	DELL	MONITORS/SOUNDBARS	OFFICE OPERATIONS	2,297.29
	DELL		MAINT OF GENL PLANT	2,300.00
	DELL		IS REPLACEMENT ACCOUNTS	2,784.98
158944	DICKS TOWING	TOWING 22-48462	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-49036	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-49427	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-49753	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-50225	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-50696	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-51281	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-51460	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-51861	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-51942	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-58850	POLICE PATROL	77.54
	DICKS TOWING	TOWING 8E2978	POLICE PATROL	77.54
	DICKS TOWING	TOWING CCL0729	POLICE PATROL	77.54
	DICKS TOWING	TOWING 22-50432	POLICE PATROL	206.77
158945	DISCOUNT TOWING	TOWING BZT9261	POLICE PATROL	427.20
158946	DISHED BY RACHEL	REFRESHMENTS FOR TRAINING SEMINAR	MEDICAL CLAIMS	998.92
158947	DOBBS PETERBILT	WEATHERSTRIP FOR DOOR	EQUIPMENT RENTAL	70.81
	DOBBS PETERBILT		EQUIPMENT RENTAL	75.43
	DOBBS PETERBILT	RADIATOR REPLACEMENT #J034	EQUIPMENT RENTAL	5,420.78
158948	DOHERTY, STEPHEN	DEPARTMENTAL MOVE	COMPUTER SERVICES	87.34
158949	DONNELSON ELECTRIC	REPAIRS AT DUPLEX	FACILITY REPLACEMENT	1,258.10
	DONNELSON ELECTRIC	MCC INTERVIEW ROOM	CAPITAL EXPENDITURES	6,484.14
158950	E&E LUMBER	FASTENERS	FACILITY MAINTENANCE	0.72
	E&E LUMBER	SPRAY BOTTLE	CAPITAL EXPENDITURES	5.03
	E&E LUMBER	KEYS FOR DUPLEX	FACILITY MAINTENANCE	9.29
	E&E LUMBER	OUTLET BOX COVER	CAPITAL EXPENDITURES	9.53
	E&E LUMBER	DALYS FOR MCC	GMA-PARKS	12.59
	E&E LUMBER	WALL PLATES, BOLTS, HINGE, GASKET	FACILITY REPLACEMENT	44.99
	E&E LUMBER	PILOT BIT, HOLE SAW FOR MCC	CAPITAL EXPENDITURES	57.74
	E&E LUMBER	BITS, HOLE SAW ARBOR, FASTENERS	CAPITAL EXPENDITURES	76.03
	E&E LUMBER	TREATED BOARDS	EQUIPMENT RENTAL	183.09
158951	ELTON, JONATHAN	TRAINING WASPC CONFERENCE	POLICE ADMINISTRATION	185.00
158952	ENTERPRISE RENTAL	RENTAL CAR - SHACKLETON	POLICE INVESTIGATION	1,520.95
158953	EVERETT HYDRAULICS	HYDRAULIC BLOCK/REPAIR	EQUIPMENT RENTAL	315.96
158954	EVERETT OFFICE	COUNTER ISLAND	CAPITAL EXPENDITURES	3,172.60
	EVERETT OFFICE	FURNITURE	CAPITAL EXPENDITURES	18,598.00
	EVERETT OFFICE	FURNITURE FOR MCC	CAPITAL EXPENDITURES	85,332.00
158955	EVERETT TIRE & AUTO	TIRES	ER&R	1,720.76
158956	EVERETT, CITY TREAS	WATER FILTRATION SERVICE	SOURCE OF SUPPLY	339,797.25

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158957	EVIDENT, INC.	EVIDENCE SUPPLIES	GENERAL FUND	-3.95
	EVIDENT, INC.		GENERAL FUND	-2.45
	EVIDENT, INC.		POLICE PATROL	28.45
	EVIDENT, INC.		POLICE PATROL	45.95
	EVIDENT, INC.		POLICE PATROL	456.00
158958	FASTSIGNS	SIGNS, POSTS, INSTALLATION	GMA-PARKS	751.86
158959	FRY, CRYSTAL	WSAMA FALL CONFERENCE	LEGAL - PROSECUTION	88.50
158960	GEDDIS, GENEVIEVE	WAPRO CONFERENCE	CITY CLERK	84.26
158961	GESSNER, KRISTA	BAT RECERTIFICATION EXAM/MEALS	UTIL ADMIN	145.00
	GESSNER, KRISTA		UTIL ADMIN	237.00
158962	GOVCONNECTION INC	WIRELESS ACCESS POINT BRACKETS	CAPITAL EXPENDITURES	58.09
	GOVCONNECTION INC	SCANSNAP SCANNER	DETENTION & CORRECTION	514.18
	GOVCONNECTION INC	GFI LANGUARD LICENSES	COMPUTER SERVICES	653.39
158963	GOVERNMENTJOBS.COM	SUBSCRIPTION NEOGOV	PERSONNEL ADMINISTRATION	1,227.80
158964	GRAINGER	PUSHBTN HOLE SEAL, PLUGS	SEWER LIFT STATION	387.71
158965	GREENWOOD HEATING	REFUND MECHANICAL PERMIT	NON-BUS LICENSES AND	50.00
158966	GRIFFEN, CHRIS	PROFESSIONAL SERVICE	PUBLIC DEFENSE	187.50
	GRIFFEN, CHRIS		PUBLIC DEFENSE	225.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	300.00
158967	GRUENHAGEN, PAT	PROFESSIONAL ENG. LIC. RENEWAL FEE	ENGR-GENL	116.00
158968	GUARDIAN RFID	SUPPLIES	GENERAL FUND	-8.93
	GUARDIAN RFID		DETENTION & CORRECTION	103.93
158969	GUESS, VANESSA	ENTERTAINMENT	OPERA HOUSE	250.00
158970	GUSTAVSON, SCOTT	UTILITY BILLING REFUND	WATER/SEWER OPERATION	216.82
158971	H & S ROOFING	REFUND RESIDENTIAL REROOF PERMIT	NON-BUS LICENSES AND	150.00
158972	HAYER, GURPREET	REFUND BASKETBALL	PARKS-RECREATION	85.00
	HAYER, GURPREET		PARKS-RECREATION	85.00
158973	HAZEN, DANIEL EDWARD	CHAPLIN STIPEND	POLICE ADMINISTRATION	750.00
158974	HD FOWLER COMPANY	ROTATOR SPRINKLER HEADS	PARK & RECREATION FAC	185.30
	HD FOWLER COMPANY	QUICK JOINT COUPLING	WATER/SEWER OPERATION	440.45
	HD FOWLER COMPANY	PAINT MARKER STICK	ER&R	1,009.70
158975	HENLEY, LAURA	INSTRUCTOR PAYMENT #1	RECREATION SERVICES	1,596.60
	HENLEY, LAURA	INSTRUCTOR PAYMENT #2	RECREATION SERVICES	1,596.60
158976	HENNIG, JEANINE TULL	INSTRUCTOR PAYMENT	RECREATION SERVICES	576.00
158977	HOME DEPOT USA	RUBBERMAID GARBAGE CAN	CUSTODIAL SERVICES	53.47
	HOME DEPOT USA	RIM CADDY	CUSTODIAL SERVICES	121.46
	HOME DEPOT USA		CUSTODIAL SERVICES	121.46
	HOME DEPOT USA	RUBBERMAID TANDEM DOLLY	CUSTODIAL SERVICES	166.39
	HOME DEPOT USA	WET FLOOR SIGN JANITORIAL SUPPLY	CUSTODIAL SERVICES	178.80
	HOME DEPOT USA	WALL COVER BASE	FACILITY REPLACEMENT	504.22
	HOME DEPOT USA	JANITORIAL SUPPLIES	CUSTODIAL SERVICES	609.35
158978	ID LABEL	LABEL SUPPLIES	POLICE PATROL	832.64
158979	JALLOW, MARIS	REFUND BASKETBALL	PARKS-RECREATION	85.00
158980	JONES, CHRIS	FBI LEEDA TRAINING	POLICE PATROL	315.50

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158981	JP COOKE COMPANY,THE JP COOKE COMPANY,THE	ANIMAL LICENSE TAGS	GENERAL FUND COMMUNITY	-10.69 124.44
158982	JUDD & BLACK	REFRIGERATOR, MINI FRIDGES, DISHWASHER	CAPITAL EXPENDITURES	3,370.10
158983	KANEHEN, GREGORY	CHAPLIN STIPEND	POLICE ADMINISTRATION	750.00
158984	KENWORTH NORTHWEST	PIPE FLANGED ST	EQUIPMENT RENTAL	52.79
158985	KUEHN, ROBERT A	UTILITY BILLING REFUND	WATER/SEWER OPERATION	158.58
158986	KUSSY, KAREN	DEPARTMENT COATS	POLICE ADMINISTRATION	709.64
158987	LAB/COR, INC.	LAB ANALYSES	STORM DRAINAGE	144.00
158988	LAKEWOOD SCHOOL DIST	REFUND METER DROP IN FEE	WATER-UTILITIES/ENVIRONMN	500.00
158989	LAWLESS, JIM	IACP CONFERENCE	POLICE ADMINISTRATION	327.75
158990	LEIRA	TRAINING	POLICE TRAINING-FIREARMS	85.00
158991	LES SCHWAB TIRE CTR LES SCHWAB TIRE CTR	HIGHWAY RIB TIRE TIRES	EQUIPMENT RENTAL EQUIPMENT RENTAL	740.41 945.23
158992	LORD'S ELECTRIC LLC LORD'S ELECTRIC LLC LORD'S ELECTRIC LLC LORD'S ELECTRIC LLC LORD'S ELECTRIC LLC	REFUND ELECTRICAL PERMIT	COMMUNITY DEVELOPMENT COMMUNITY DEVELOPMENT COMMUNITY DEVELOPMENT COMMUNITY DEVELOPMENT COMMUNITY DEVELOPMENT	285.00 285.00 285.00 285.00 300.00
158993	LOWES HIW INC	BI-METAL HOLE SAW KIT	FACILITY REPLACEMENT	213.57
158994	MARYSVILLE FIRE MARYSVILLE FIRE	EMERGENCY AID SERVICE EMERGENCY AID SERVICES	FIRE-EMS FIRE-EMS	66,101.10
158995	MARYSVILLE, CITY OF MARYSVILLE, CITY OF MARYSVILLE, CITY OF	UTILITY SERVICE UTILITY SERVICE - GOLF	GOLF ADMINISTRATION GOLF ADMINISTRATION GOLF ADMINISTRATION	358.85 1,435.34 24,725.81
158996	MCDONALD, KEVIN D	HEARING EXAMINER SERVICE	COMMUNITY	1,400.00
158997	MORGAN, EMILY	FLOOR MATS	COMMUNITY	18.59
158998	MOTOR TRUCKS MOTOR TRUCKS	TURBO CHARGER EXHAUST STAINLESS FLEX EXHAUST/PIPE	EQUIPMENT RENTAL EQUIPMENT RENTAL	37.03 188.01
158999	MRSC	SMALL WORKS ROSTER FEE	FINANCE-GENL	575.00
159000	MULLER, STEVE	NLC CITY SUMMIT	CITY COUNCIL	262.40
159001	NAPA AUTO PARTS	AIR FILTERS, LED LIGHT	ER&R	549.87
159002	NATIONAL RESIDENTIAL	UB REFUND 8203 86TH AVE NE	WATER/SEWER OPERATION	70.70
159003	NAVIA BENEFIT	PARTICIPANT FEE - OCTOBER	PERSONNEL ADMINISTRATION	182.60
159004	NC MACHINERY COMPANY	AIR FILTERS	ER&R	109.88
159005	NORTH SOUND HOSE	HOSE, PLASTIC TEE, SWIVEL	SMALL ENGINE SHOP	56.60
159006	NORTHSTAR CHEMICAL NORTHSTAR CHEMICAL NORTHSTAR CHEMICAL	SODIUM HYPOCHLORITE SODIUM HYPCHLORITE	WATER/SEWER OPERATION WATER QUAL TREATMENT WASTE WATER TREATMENT	-78.96 918.96 3,400.15
159007	NORTON, KAMILLE	NLC CITY SUMMIT	CITY COUNCIL	326.40
159008	ODP BUSINESS SOLUTIO	SUPPLIES	POLICE TRAINING-FIREARMS	182.01
159009	OLASON, MONICA	INSTRUCTOR SERVICE	RECREATION SERVICES	1,519.20
159010	OREILLY AUTO PARTS OREILLY AUTO PARTS	V/C GASKET, OIL SEAL OIL PRESSURE SWITCH, A/C COMPRESSOR	EQUIPMENT RENTAL EQUIPMENT RENTAL	62.19 525.15
159011	OSW EQUIPMENT	ELECTRIC WINCH MOTOR ASSEMBLY	EQUIPMENT RENTAL	1,209.01
159012	OTAVA, JASON	UTILITY BILLING REFUND	WATER/SEWER OPERATION	613.68
159013	PACIFIC POWER BATTER PACIFIC POWER BATTER	BATTERIES	CAPITAL EXPENDITURES POLICE PATROL	113.80 226.50
159014	PEACE OF MIND	PLANNING COMMISSION MINUTES	COMMUNITY	214.20
159015	POTTERY NOOK, THE	INSTRUCTOR PAYMENT	RECREATION SERVICES	28.80
159016	PREMIER GOLF CENTERS	MANAGEMENT SERVICE	GOLF ADMINISTRATION	9,512.04
159017	PRO-TECTION SEATTLE	FROST PANES INSTALL	CAPITAL EXPENDITURES	1,010.86

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159018	PROFORCE LAW ENFORC	TASERS/SUPPLIES	POLICE TRAINING-FIREARMS	3,858.83
	PROFORCE LAW ENFORC		POLICE PATROL	6,091.70
159019	PROJECT RESOURCES	COMCAST PEG HEADEND MOVE	CAPITAL EXPENDITURES	10,374.83
159020	PUBLIC SAFETY TESTIN	PRE-EMPLOYMENT POLYGRAPHS	POLICE ADMINISTRATION	1,520.00
159021	PUD	ACCT #201225067	PARK & RECREATION FAC	46.12
159022	PUD	ACCT #205283641	STREET LIGHTING	10.82
	PUD	ACCT #205026479	STREET LIGHTING	11.84
	PUD		STREET LIGHTING	18.53
	PUD	ACCT #204584361	STREET LIGHTING	18.69
	PUD	ACCT #202791166	PUMPING PLANT	21.24
	PUD	ACCT #200998532	PARK & RECREATION FAC	21.31
	PUD	ACCT #204933311	PUMPING PLANT	21.31
	PUD	ACCT #202177861	PUMPING PLANT	22.40
	PUD	ACCT #201380995	PUMPING PLANT	24.05
	PUD	ACCT #201931193	PARK & RECREATION FAC	24.65
	PUD	ACCT #204584361	STREET LIGHTING	24.78
	PUD	ACCT #221303498	STREET LIGHTING	29.83
	PUD	ACCT #202220760	GOLF ADMINISTRATION	29.93
	PUD	ACCT #202368536	TRANSPORTATION	45.78
	PUD	ACCT #202102190	TRANSPORTATION	54.66
	PUD	ACCT #202183679	TRANSPORTATION	55.99
	PUD	ACCT #220153100	TRANSPORTATION	56.26
	PUD	ACCT #220792733	STREET LIGHTING	57.87
	PUD	ACCT #200800704	STREET LIGHTING	59.23
	PUD	ACCT #200869303	TRANSPORTATION	64.35
	PUD	ACCT #220298624	STREET LIGHTING	66.05
	PUD	ACCT #204879134	TRAFFIC CONTROL DEVICES	68.54
	PUD	ACCT #202557450	STREET LIGHTING	72.02
	PUD	ACCT #201046380	PARK & RECREATION FAC	88.41
	PUD	ACCT #201670890	TRANSPORTATION	91.97
	PUD	ACCT #202689105	WASTE WATER TREATMENT	95.49
	PUD	ACCT #203231006	TRANSPORTATION	96.30
	PUD	ACCT #202490637	SEWER LIFT STATION	118.50
	PUD	ACCT #202572327	STREET LIGHTING	120.30
	PUD	ACCT #202294336	STREET LIGHTING	128.10
	PUD	ACCT #202368197	PUMPING PLANT	130.37
	PUD	ACCT #202576112	STREET LIGHTING	131.58
	PUD	ACCT #202030078	TRANSPORTATION	153.31
	PUD	ACCT #220838882	TRAFFIC CONTROL DEVICES	153.45
	PUD	ACCT #222592917	PARK & RECREATION FAC	178.76
	PUD	ACCT #220731285	STREET LIGHTING	183.46
	PUD	ACCT #203344585	STREET LIGHTING	208.16
	PUD	ACCT #200084150	TRANSPORTATION	228.29
	PUD	ACCT #201639630	GOLF ADMINISTRATION	582.00
	PUD	ACCT #202604203	STREET LIGHTING	1,796.34
	PUD	ACCT #201098969	PUMPING PLANT	1,951.22
	PUD	ACCT #202576112	STREET LIGHTING	2,500.08
	PUD	ACCT #202604203	STREET LIGHTING	2,694.51
159023	PUGET SOUND ENERGY	ACCT #220026412746	CITY HALL	128.07
	PUGET SOUND ENERGY	ACCT #220026419946	PUBLIC SAFETY BLDG	288.82
159024	PUGET SOUND SECURITY	KEYS	POLICE PATROL	8.42

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159025	RIGHT SYSTEMS, INC.	ARUBA MOBILITY MASTER LICENSES	CAPITAL EXPENDITURES	1,440.47
159026	RODDA	DRIVELINE TP YELLOW ACRYLIC	TRAFFIC CONTROL DEVICES	150.42
	RODDA		TRAFFIC CONTROL DEVICES	150.42
159027	ROSE, JASON	UNIFORM - ROSE	SOLID WASTE OPERATIONS	157.71
159028	SAFEWAY INC.	SUPPLIES FOR PARKS	RECREATION SERVICES	47.58
	SAFEWAY INC.		RECREATION SERVICES	78.50
	SAFEWAY INC.		OPERA HOUSE	108.83
159029	SCAIRPON, ERIK	WASPC CONFERENCE	POLICE ADMINISTRATION	185.00
	SCAIRPON, ERIK	IACP CONFERENCE	POLICE ADMINISTRATION	327.75
159030	SCHEER, TIMOTHY	UTILITY BILLING REFUND	WATER/SEWER OPERATION	305.02
159031	SCHOENTRAP, WILLIAM		WATER/SEWER OPERATION	26.64
159032	SCHOENTRUP, WILLIAM		WATER/SEWER OPERATION	26.94
159033	SHERWIN WILLIAMS	PAINT, BRUSH	FACILITY REPLACEMENT	303.11
159034	SIX ROBBLEES INC	BOLTS	EQUIPMENT RENTAL	74.75
159035	SNOHOMISH CO 911	ASSESSMENT	COMMUNICATION CENTER	91,372.54
159036	SOUND PUBLISHING	ADVERTISING	OPERA HOUSE	847.20
159037	SOUND SAFETY	UNIFORM - UNRUH	STORM DRAINAGE	161.51
	SOUND SAFETY	UNIFORM - MECHLING	GENERAL	194.51
159038	SPRAGUE PEST SOLUTIO	RODENT EXTERIOR SERVICE	SOLID WASTE OPERATIONS	92.99
159039	STAPLES	WRITING PADS	RECREATION SERVICES	12.57
	STAPLES	FOLDERS, RUBBERBANDS	RECREATION SERVICES	22.20
	STAPLES		OPERA HOUSE	58.75
	STAPLES	OFFICE CHAIR	COMMUNITY	153.15
159040	STEVENS, MICHAEL A.	NLC CITY SUMMIT	CITY COUNCIL	262.40
159041	SUPERIOR RESTROOMS	PORTABLE RESTROOM SERVICE	ROADSIDE VEGETATION	142.22
159042	TACOMA SCREW PRODUCT	PAINT	ER&R	325.71
159043	TEREX UTILITES	LOCKING LEVER KIT	EQUIPMENT RENTAL	744.46
159044	TRANSPORTATION, DEPT	GOOD TO GO TRAVEL	POLICE PATROL	2.75
	TRANSPORTATION, DEPT		POLICE INVESTIGATION	5.75
	TRANSPORTATION, DEPT		POLICE INVESTIGATION	12.00
	TRANSPORTATION, DEPT		POLICE INVESTIGATION	14.75
159045	UNITED PARCEL SERVIC	SHIPPING/LATE FEE	POLICE PATROL	94.93
159046	USA BLUEBOOK	REPLACEMENT LAMP ASSEMBLY	WATER QUAL TREATMENT	250.22
	USA BLUEBOOK	STANDPIPE INSTALLATION	SUNNYSIDE FILTRATION	302.46
	USA BLUEBOOK	APRON W/SLEEVES	SUNNYSIDE FILTRATION	308.56
	USA BLUEBOOK	POCKET COLORIMETER, DPP SAMPLE	SUNNYSIDE FILTRATION	364.20
159047	UTILITIES UNDERGROUN	EXCAVATION NOTIFICATION	UTILITY LOCATING	859.32
159048	VAN DAM'S ABBEY	CARPET REPAIRS	FACILITY REPLACEMENT	355.55
	VAN DAM'S ABBEY	NEW TUB/SHOWER	FACILITY REPLACEMENT	945.57
	VAN DAM'S ABBEY	LVP/LVT INSTALLATION	WASTE WATER TREATMENT	3,325.62
	VAN DAM'S ABBEY		STORM DRAINAGE	3,325.62
	VAN DAM'S ABBEY	CARPET	FACILITY REPLACEMENT	9,135.96
	VAN DAM'S ABBEY	LAMINATE FLOOR INSTALL	FACILITY REPLACEMENT	11,229.94
159049	VERIZON	WIRELESS MODEMS	COMMUNITY SERVICES UNIT	160.32
	VERIZON		POLICE INVESTIGATION	480.14
	VERIZON		POLICE PATROL	2,440.73
159050	VERNON, DANNY	ENTERTAINMENT	OPERA HOUSE	2,500.00
159051	VOLUNTEERS OF AMERIC	COMMERCE GRANT COVID RELIEF	COMMUNITY	2,701.93
159052	WABO	MEMBERSHIP RENEWAL - SNOOK	COMMUNITY	185.00
159053	WAXIE SANITARY SUPPL	TRASH BAGS	PARK & RECREATION FAC	1,011.38
159054	WEBCHECK	WEBCHECK SERVICE OCT 2022	UTILITY BILLING	1,109.32

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 11/9/2022 TO 11/9/2022

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159055	WOLF, DANIEL & RYANN	UTILITY BILLING REFUND	GARBAGE	23.01
	WOLF, DANIEL & RYANN		GARBAGE	51.32
	WOLF, DANIEL & RYANN		WATER/SEWER OPERATION	198.20
159056	WORK WORLD	UNIFORM - JENSEN	UTIL ADMIN	182.97
159057	ZENNER USA	CREDIT FOR INC#0070062-IN	WATER CROSS CNTL	-27.75
	ZENNER USA	SALES TAX INV 0070062-IN	WATER CROSS CNTL	55.54
	ZENNER USA	HYDRANT METER	WATER CROSS CNTL	618.61
159058	ZIPLY FIBER	ACCT #3606517319	TRAFFIC CONTROL DEVICES	61.74
159059	ZIPLY FIBER	ACCT #3606577108	STREET LIGHTING	63.22
159060	ZIPLY FIBER	ACCT #3606594398	PUBLIC SAFETY BLDG	115.82
159061	ZIPLY FIBER	ACCT #3606534028	CITY HALL	118.03
159062	ZIPLY FIBER	PHONE SERVICE	PARK & RECREATION FAC	65.39
159063	ZIPLY FIBER	POTS LINES	POLICE ADMINISTRATION	47.03
	ZIPLY FIBER		POLICE PATROL	47.03
	ZIPLY FIBER		COMMUNICATION CENTER	47.03
	ZIPLY FIBER		UTILITY BILLING	47.03
	ZIPLY FIBER		GENERAL	47.03
	ZIPLY FIBER		GOLF ADMINISTRATION	47.03
	ZIPLY FIBER		COMMUNITY	94.07
	ZIPLY FIBER		DETENTION & CORRECTION	94.07
	ZIPLY FIBER		OFFICE OPERATIONS	94.07
	ZIPLY FIBER		GOLF ADMINISTRATION	94.07
	ZIPLY FIBER		CITY HALL	141.10
	ZIPLY FIBER		RECREATION SERVICES	188.13
	ZIPLY FIBER		WASTE WATER TREATMENT	235.16
	ZIPLY FIBER		UTIL ADMIN	235.16

WARRANT TOTAL: 3,445,010.36

ELITE K-9, INC. VOID INITIATOR ERROR 57024 \$782.50

REASON FOR VOIDS:

INITIATOR ERROR

CHECK LOST/DAMAGED

UNCLAIMED PROPERTY

WARRANT TOTAL: \$3,444,227.86



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Senior Accounting Technician Shannon Early, Finance

ITEM TYPE: Payroll

AGENDA SECTION: **Consent**

SUBJECT: November 10, 2022 Payroll in the Amount of \$1,629,614.79
Paid by EFT Transactions and Check Numbers 34193 through
34208

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Accounting Technician Shauna Crane, Finance

ITEM TYPE: Claims

AGENDA SECTION: **Consent**

SUBJECT: November 16, 2022 Claims in the Amount of \$590,378.56 Paid by EFT Transactions and Check Numbers 159064 through 159204

SUGGESTED ACTION:

SUMMARY:

ATTACHMENTS:
[111622.rtf](#)

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 11/16/2022 TO 11/16/2022

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159064	PREMERA BLUE CROSS	CLAIMS PAID 10/23 TO 10/31/22	MEDICAL CLAIMS	76,824.72
159065	STRIDER CONSTRUCTION	HYDRANT METER DEPOSIT/FEES	WATER/SEWER OPERATION	1,200.00
159066	LYDIG CONSTRUCTION	CIVIC CENTER TI PAYMENT #13	CAPITAL EXPENDITURES	45,625.83
	LYDIG CONSTRUCTION	CIVIC CENTER PAYMENT #34	CAPITAL EXPENDITURES	61,609.58
159067	STATE AUDITORS OFFIC	AUDIT PERIOD 2021	NON-DEPARTMENTAL	18.00
	STATE AUDITORS OFFIC		UTIL ADMIN	18.00
159068	911 SUPPLY INC.	UNIFORMS, WHEELER	DETENTION & CORRECTION	15.32
	911 SUPPLY INC.	UNIFORMS, CARLILE	POLICE PATROL	81.42
	911 SUPPLY INC.	UNIFORMS, FRANZEN	POLICE TRAINING-FIREARMS	216.83
	911 SUPPLY INC.	UNIFORMS, WHEELER, JUMPSUIT	DETENTION & CORRECTION	354.49
	911 SUPPLY INC.	UNIFORMS, LONG	COMMUNITY SERVICES UNIT	452.97
159069	AADVANTAGE PEST CONT	BEE NEST REMOVAL TREATMENT	ROADSIDE VEGETATION	246.15
159070	ABOU-ZAKI, KAMAL	INTERPRETER SERVICES	COURTS	140.63
159071	ABRAHAM, MARIA & JAQ	UTILITY BILLING REFUND	WATER/SEWER OPERATION	115.56
159072	ACLARA TECHNOLOGIES	RMA MTU'S WARRANTY	WATER SERVICES	16,162.18
	ACLARA TECHNOLOGIES	RMA MTU'S	WATER SERVICES	17,294.47
	ACLARA TECHNOLOGIES	MUT'S	WATER SERVICE INSTALL	27,568.80
	ACLARA TECHNOLOGIES		WATER SERVICES	27,568.80
	ACLARA TECHNOLOGIES	PALLET OF MTU'S	WATER SERVICES	27,568.80
	ACLARA TECHNOLOGIES		WATER SERVICE INSTALL	27,568.80
159073	ACOSTA, JESSE	INTERPRETER SERVICES	COURTS	132.50
159074	ADJUSTERS NORTHWEST	ADJUSTMENT SERVICES	RISK MANAGEMENT	1,028.50
159075	ALEXANDER PRINTING	WINDOW ENVELOPES	FINANCE-GENL	799.37
159076	ALPHA COURIER INC	INFLUENT SAMPLES	WASTE WATER TREATMENT	93.33
159077	ALPINE PRODUCTS INC	PAISLIES OF QUICK JOINT, DIE	WATER DIST MAINS	965.25
	ALPINE PRODUCTS INC		TRAFFIC CONTROL DEVICES	1,723.93
159078	AMAZON CAPITAL	BADGE HOLDERS	COMPUTER SERVICES	8.15
	AMAZON CAPITAL	CUBICLE HANGERS & FABRIC HOOKS	COMMUNITY	24.05
	AMAZON CAPITAL	CLIPBOARDS	RECREATION SERVICES	28.43
	AMAZON CAPITAL	ANTI-FATIGUE FLOOR MAT	COMMUNITY	40.22
	AMAZON CAPITAL	FILE HOLDERS, WALL FILES, HOOKS, TAPE	CITY CLERK	41.49
	AMAZON CAPITAL	HALLOWEEN PARADE DECORATIONS	UTIL ADMIN	154.92
	AMAZON CAPITAL	PRIVACY SCREENS	FINANCE-GENL	214.40
	AMAZON CAPITAL	FILE HOLDERS, WALL FILES, HOOKS, TAPE	FINANCE-GENL	226.52
	AMAZON CAPITAL	POPCORN, BB GRILL SET	MEDICAL CLAIMS	237.71
	AMAZON CAPITAL	MISC. ITEMS	COMPUTER SERVICES	291.80
	AMAZON CAPITAL	5 LOGITECH CAMERAS-PLANNING STAFF	COMMUNITY	373.85
	AMAZON CAPITAL	STOOLS, TABLE & INTEL STICK	COMPUTER SERVICES	654.59
159079	AMPED SOFTWARE USA	TRAINING REGISTRATION	POLICE TRAINING-FIREARMS	2,550.00
159080	ANDERSON, KRISTEN	PROTEM SERVICE	MUNICIPAL COURTS	740.00
159081	ARAMARK UNIFORM	LINEN SERVICE	OPERA HOUSE	173.40
159082	ARLINGTON HARDWARE	CORED PLUGS FOR SCREEN HOUSE	PUMPING PLANT	30.10
159083	ARLINGTON MACHINE &	COLLECTOR COVERS	SOURCE OF SUPPLY	7,671.30
159084	ASTOUND BUSINESS	I-NET	WATER QUAL TREATMENT	111.30
	ASTOUND BUSINESS	OPERA HOUSE FIBER IRU MAINTENANCE	CENTRAL SERVICES	111.40
	ASTOUND BUSINESS	I-NET	CENTRAL SERVICES	513.71
	ASTOUND BUSINESS		COMPUTER SERVICES	1,438.20
159085	BANK OF AMERICA	TRAVEL	POLICE PATROL	360.51
159086	BARTELS, JUDSON Q &	UTILITY BILLING REFUND	WATER/SEWER OPERATION	32.64
159087	BELL, KIRK		WATER/SEWER OPERATION	332.17
159088	BENNETT, MIKEALA	REFUND DEPOSIT FOR OPERA HOUSE	GENERAL FUND	250.00

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 11/16/2022 TO 11/16/2022

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159089	BILLING DOCUMENT SPE	TRANSACTION FEES - OCT 2022	UTILITY BILLING	2,231.21
	BILLING DOCUMENT SPE	BILL PRINTING SERVICE 10/24 TO 10/28	UTILITY BILLING	3,078.44
159090	BILLS BLUEPRINT INC	BINDING BOOKS	GMA - STREET	444.02
159091	BIXBY, KAREN	REFUND OVERPAID ANIMAL LICENSE FEE	NON-BUS LICENSES AND	15.00
159092	BRAKE AND CLUTCH	AIR BRAKE TREADLE VALVE	EQUIPMENT RENTAL	143.58
159093	BROTHERTON, ALLYN &	UTILITY BILLING REFUND	GARBAGE	66.95
159094	CASCADE COLUMBIA	POLY ALUM CHLOR	WASTE WATER TREATMENT	1,416.94
	CASCADE COLUMBIA		WASTE WATER TREATMENT	16,919.69
159095	CENTRAL WELDING SUPP	VESTS LIME YELLOW	ER&R	42.67
	CENTRAL WELDING SUPP	VESTS, GLOVES, CAUTION TAPE	ER&R	74.33
	CENTRAL WELDING SUPP	GLOVES FOAM NITRILE	ER&R	92.95
	CENTRAL WELDING SUPP	RUBBER GLOVES	ER&R	147.03
159096	CHAMPION BOLT	PIPE PLUG	EQUIPMENT RENTAL	9.51
159097	COASTAL COMM BANK	WILDER CONSTRUCTION RETAINAGE	GMA-PARKS	1,211.69
	COASTAL COMM BANK	WILDER CONSTRUCTION RETAINAGE	GMA-PARKS	2,932.92
159098	COASTAL FARM & HOME	COUPLING, BUSHING, ADAPTER, PLUG	SNOW & ICE REMOVAL	15.05
	COASTAL FARM & HOME	PERF WRAP CHAPS, APRON CHAPS	ROADSIDE VEGETATION	421.16
159099	COOP SUPPLY	STRAW BALE	UTIL ADMIN	91.75
159100	COURTRIGHT, BRUCE	UTILITY BILLING REFUND	GARBAGE	53.63
159101	CTS LANGUAGE LINK	INTERPRETER SERVICES	COURTS	64.90
159102	DAILY JOURNAL OF COM	ROW ACQUISITION	GMA - STREET	437.00
159103	DELL	MONITORS	ENGR-GENL	536.04
	DELL		DEVELOPMENT SERVICES	994.33
	DELL	OPTIPLEX MICRO PC'S	CAPITAL EXPENDITURES	2,754.96
159104	DIJULIO DISPLAYS INC	SECOND PAYMENT LAMP LIGHTS	COMMUNITY EVENTS	4,596.54
159105	DMH INDUSTRIAL	YARD STATION PUMP #2	WASTE WATER TREATMENT	3,286.01
159106	DONNOE & ASSOCIATES	CUSTODY CORPORAL TEST MATERIAL	POLICE ADMINISTRATION	695.00
159107	DRIVE PAYMENTS, LLC	ACH PAYMENT PROCESSING OCT 22	UTILITY BILLING	729.40
159108	E&E LUMBER	YELLOW FLAGGING TAPE	WASTE WATER TREATMENT	7.34
	E&E LUMBER	PAINT	ROADSIDE VEGETATION	75.04
	E&E LUMBER	WOOD, FASTENERS, SCREENS	SOURCE OF SUPPLY	271.41
	E&E LUMBER	STAIN	ROADSIDE VEGETATION	306.69
159109	ELLIOTT, CHERYL	UTILITY BILLING REFUND	GARBAGE	452.56
159110	EMPLOYMENT SECURITY	Q3/2022 EMPLOYMENT CHARGES	EMPLOYEE BENEFIT	1,841.34
159111	ENGER, GRETCHEN	UTILITY BILLING REFUND	WATER/SEWER OPERATION	105.34
159112	ENTERPRISE RENTAL	RENTAL CAR, SHACKLETON	POLICE INVESTIGATION	588.86
159113	EVERETT HERALD	SUBSCRIPTION 2023	EXECUTIVE ADMIN	224.21
159114	EVERETT STAMP WORKS	STAMPS	MUNICIPAL COURTS	238.11
159115	EVERETT, CITY OF	LAB ANALYSIS	WATER QUAL TREATMENT	1,366.20
159116	FOOT WORKS	INSTRUCTOR PAYMENT	RECREATION SERVICES	140.00
159117	GIBSON, JUANITA & DA	UTILITY BILLING REFUND	WATER/SEWER OPERATION	242.82
159118	GRAHAM, AARON		WATER/SEWER OPERATION	11.98
159119	GRANITE CONST	ASPHALT	ROADWAY MAINTENANCE	197.09
	GRANITE CONST		WATER DIST MAINS	203.13
	GRANITE CONST		ROADWAY MAINTENANCE	288.60
	GRANITE CONST		ROADWAY MAINTENANCE	411.62
159120	GRANT, ROBERT	PROTEM SERVICES 11/03/22	MUNICIPAL COURTS	370.00
159121	GREENSHIELDS INDS	CONTRACTORS HOSE	STREET CLEANING	779.74
159122	HACH COMPANY	FILTER	WASTE WATER TREATMENT	640.16
159123	HARGROVE, KIMBERLY	FOOTLOOSE FRIDAY	OPERA HOUSE	300.00
159124	HD FOWLER COMPANY	ANGLE CHECK VALVE METER	ER&R	781.71

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 11/16/2022 TO 11/16/2022

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159125	HYDRO FLOW PRODUCTS	PITOT REPLACEMENT KIT	WATER DIST MAINS	712.48
159126	HYLARIDES, LETTIE	INTERPRETER SERVICES	COURTS	16.25
	HYLARIDES, LETTIE		COURTS	130.00
	HYLARIDES, LETTIE		COURTS	146.25
159127	ICONIX WATERWORKS	BRASS INVENTORY SUPPLIES	WATER/SEWER OPERATION	460.08
159128	J. THAYER COMPANY	FOLDER FILES	WATER DIST MAINS	32.71
	J. THAYER COMPANY	PAPER	WATER DIST MAINS	122.31
	J. THAYER COMPANY	PAPER, PENS, MARKERS, CLIPS	WATER DIST MAINS	219.77
159129	JANKOWSKI, TIMOTHY	REIMBURSEMENT	RISK MANAGEMENT	550.00
159130	KAISER PERMANENTE	PRE-EMPLOYMENT	POLICE ADMINISTRATION	5,054.00
159131	KENDALL CHEVROLET	REPLACEMENT CONTROL MODULE	EQUIPMENT RENTAL	1,505.33
159132	KILMARTIN, JAMES & J	UTILITY BILLING REFUND	WATER/SEWER OPERATION	111.52
159133	KKXA 1520	ADVERTISING	OPERA HOUSE	200.00
159134	KUPRIYANOVA, SVETLAN	INTERPRETER SERVICES	COURTS	130.00
159135	LASTING IMPRESSIONS	UNIFORMS	YOUTH SERVICES	74.74
159136	LES SCHWAB TIRE CTR	TIRES	EQUIPMENT RENTAL	1,652.22
	LES SCHWAB TIRE CTR	TRACTION ROAD TIRES	EQUIPMENT RENTAL	1,853.00
	LES SCHWAB TIRE CTR	BRIDGESTONE AXLE TIRE	ER&R	2,583.60
159137	LOOMIS	ARMORED TRUCK SERVICE	MUNICIPAL COURTS	85.32
	LOOMIS		POLICE ADMINISTRATION	85.33
	LOOMIS		COMMUNITY	85.33
	LOOMIS		UTILITY BILLING	85.33
	LOOMIS		GOLF ADMINISTRATION	227.54
159138	LOWES HIW INC	ABS ADAPTERS, CAPS	WATER DIST MAINS	12.59
	LOWES HIW INC	NUTS/BOLTS	SOURCE OF SUPPLY	131.98
159139	LX CONSTRUCTION	HYDRANT METER - DEPOSIT & USAGE FEES	WATER-UTILITIES/ENVIRONME	-145.50
	LX CONSTRUCTION		WATER/SEWER OPERATION	1,150.00
159140	MARYSVILLE MUNICIPAL	CUSTOMER REPAYMENT	WATER/SEWER OPERATION	50.00
159141	MARYSVILLE, CITY OF	UTILITY SERVICE	PARK & RECREATION FAC	25.02
	MARYSVILLE, CITY OF		WATER SERVICES	39.86
	MARYSVILLE, CITY OF		MAINT OF GENL PLANT	60.08
	MARYSVILLE, CITY OF		CITY HALL	79.43
	MARYSVILLE, CITY OF		PUBLIC SAFETY BLDG	130.63
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	132.18
	MARYSVILLE, CITY OF		OPERA HOUSE	140.53
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	148.18
	MARYSVILLE, CITY OF		STORM DRAINAGE	166.84
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	180.32
	MARYSVILLE, CITY OF		PUBLIC SAFETY BLDG	221.01
	MARYSVILLE, CITY OF		MAINT OF GENL PLANT	221.09
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	226.49
	MARYSVILLE, CITY OF		ROADWAY MAINTENANCE	243.80
	MARYSVILLE, CITY OF		EQUIPMENT RENTAL	477.75
	MARYSVILLE, CITY OF		OPERA HOUSE	754.48
	MARYSVILLE, CITY OF		CITY HALL	829.01
	MARYSVILLE, CITY OF		GMA - STREET	919.91
	MARYSVILLE, CITY OF		WASTE WATER TREATMENT	1,260.93
	MARYSVILLE, CITY OF		COURT FACILITIES	1,726.98
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	1,842.73
	MARYSVILLE, CITY OF		PUBLIC SAFETY BLDG	1,860.42
	MARYSVILLE, CITY OF		CITY HALL	1,911.37

**CITY OF MARYSVILLE
 INVOICE LIST**

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<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159141	MARYSVILLE, CITY OF	UTILITY SERVICE	WASTE WATER TREATMENT	2,023.37
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	2,673.23
	MARYSVILLE, CITY OF		MAINT OF GENL PLANT	3,146.05
159142	MASSEY, ROBERT A	UTILITY BILLING REFUND	WATER/SEWER OPERATION	167.85
159143	MCMASTER-CARR	GREASE FITTING	WASTE WATER TREATMENT	91.23
	MCMASTER-CARR	GREASE LINES	WASTE WATER TREATMENT	387.63
159144	MILNER, JACOB	MILEAGE REIMBURSEMENT	COMPUTER SERVICES	401.25
159145	MOTOROLA	BATTERIES	POLICE PATROL	724.67
159146	NATIONAL BARRICADE	SIGNS UPDATE	SOURCE OF SUPPLY	209.04
159147	ODP BUSINESS SOLUTIO	OFFICE SUPPLIES	COMMUNITY	20.50
	ODP BUSINESS SOLUTIO		COMMUNITY	35.62
	ODP BUSINESS SOLUTIO	DATE STAMP	UTILITY BILLING	78.76
	ODP BUSINESS SOLUTIO	OFFICE SUPPLIES	COMMUNITY	87.34
	ODP BUSINESS SOLUTIO	PAPER, OFFICE SUPPLIES	FINANCE-GENL	129.82
	ODP BUSINESS SOLUTIO		UTILITY BILLING	568.29
159148	PACIFIC POWER BATTER	BATTERIES	POLICE INVESTIGATION	8.84
	PACIFIC POWER BATTER		SOURCE OF SUPPLY	50.13
159149	PALMER, TYRA & NICH	UTILITY BILLING REFUND	GARBAGE	329.45
159150	PARTNER CONST PROD	CRACK SEALER RENTAL	ROADWAY MAINTENANCE	1,832.45
159151	PETERSON, LARRY	UTILITY BILLING REFUND	WATER/SEWER OPERATION	25.00
159152	PETTIT, MARK		WATER/SEWER OPERATION	329.72
159153	PGC INTERBAY LLC	REIMBURSEMENT - GOLF COURSE	MAINTENANCE	58.01
	PGC INTERBAY LLC		MAINTENANCE	125.00
	PGC INTERBAY LLC		PRO-SHOP	137.14
	PGC INTERBAY LLC		MAINTENANCE	167.65
	PGC INTERBAY LLC		MAINTENANCE	171.25
	PGC INTERBAY LLC		PRO-SHOP	172.66
	PGC INTERBAY LLC		PRO-SHOP	188.17
	PGC INTERBAY LLC		MAINTENANCE	201.14
	PGC INTERBAY LLC		MAINTENANCE	284.12
	PGC INTERBAY LLC		PRO-SHOP	458.56
	PGC INTERBAY LLC		MAINTENANCE	491.32
	PGC INTERBAY LLC		PRO-SHOP	711.72
	PGC INTERBAY LLC		MAINTENANCE	739.65
	PGC INTERBAY LLC		MAINTENANCE	1,018.60
	PGC INTERBAY LLC		PRO-SHOP	1,167.74
	PGC INTERBAY LLC		GOLF ADMINISTRATION	1,436.65
	PGC INTERBAY LLC		MAINTENANCE	1,472.29
	PGC INTERBAY LLC		MAINTENANCE	1,674.03
	PGC INTERBAY LLC		MAINTENANCE	2,779.29
	PGC INTERBAY LLC		GOLF COURSE	3,511.51
	PGC INTERBAY LLC		MAINTENANCE	4,299.14
	PGC INTERBAY LLC	PAYROLL REIMBURSEMENT GOLF	PRO-SHOP	8,576.81
	PGC INTERBAY LLC		MAINTENANCE	13,671.77
159154	PIERCE, BETH	REFUND - OPERA HOUSE	PARKS-RECREATION	60.00
159155	PITCH PERFECT ACADEM	INSTRUCTOR SERVICES	RECREATION SERVICES	1,047.60
	PITCH PERFECT ACADEM		RECREATION SERVICES	1,222.20
	PITCH PERFECT ACADEM	INSTRUCTOR SERVICES	RECREATION SERVICES	1,629.60
159156	PLATT ELECTRIC	WIRE	SOURCE OF SUPPLY	104.89
159157	PUD	ACCT #201142098	PARK & RECREATION FAC	8.12
	PUD	ACCT #201346665	SEWER LIFT STATION	22.05

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 11/16/2022 TO 11/16/2022

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159157	PUD	ACCT #204259469	TRAFFIC CONTROL DEVICES	22.05
	PUD	ACCT #204260343	TRAFFIC CONTROL DEVICES	22.05
	PUD	ACCT #204262620	TRAFFIC CONTROL DEVICES	22.05
	PUD	ACCT #205481823	GOLF ADMINISTRATION	22.05
	PUD	ACCT #200501617	TRANSPORTATION	32.93
	PUD	ACCT #201142155	TRANSPORTATION	36.28
	PUD	ACCT #200660439	STREET LIGHTING	47.15
	PUD	ACCT #204829691	STREET LIGHTING	49.40
	PUD	ACCT #202294245	SEWER LIFT STATION	51.37
	PUD	ACCT #203500020	STREET LIGHTING	56.88
	PUD	ACCT #220339238	TRAFFIC CONTROL DEVICES	58.43
	PUD	ACCT #203996343	STREET LIGHTING	73.67
	PUD	ACCT #221610405	STREET LIGHTING	92.20
	PUD	ACCT #201909637	SEWER LIFT STATION	111.77
	PUD	ACCT #203291216	GENERAL	138.77
	PUD	ACCT #200812808	PUMPING PLANT	223.47
	PUD	ACCT #220020531	STREET LIGHTING	244.15
	PUD	ACCT #200164598	SOURCE OF SUPPLY	342.72
	PUD	ACCT #202461554	SEWER LIFT STATION	377.73
	PUD	ACCT #201617479	CITY HALL	1,077.69
	PUD	ACCT #200021871	COURT FACILITIES	1,393.79
	PUD	ACCT #202882098	STREET LIGHTING	9,107.73
	PUD		STREET LIGHTING	14,245.43
159158	PUGET SOUND ENERGY	ACCT #220002768939	PUBLIC SAFETY BLDG	13.31
	PUGET SOUND ENERGY	ACCT #220015485349	OPERA HOUSE	35.61
	PUGET SOUND ENERGY	ACCT #220015485380	OPERA HOUSE	41.38
	PUGET SOUND ENERGY	ACCT #200007052364	MAINT OF GENL PLANT	119.94
	PUGET SOUND ENERGY	ACCT #220015485703	OPERA HOUSE	119.94
	PUGET SOUND ENERGY	ACCT #220026412746	CITY HALL	130.00
	PUGET SOUND ENERGY	ACCT #200004804056	COURT FACILITIES	205.70
	PUGET SOUND ENERGY	ACCT #220009207345	OPERA HOUSE	228.54
	PUGET SOUND ENERGY	ACCT #200023493808	CITY HALL	244.49
	PUGET SOUND ENERGY	ACCT #200013812314	MAINT OF GENL PLANT	299.29
	PUGET SOUND ENERGY	ACCT #220026419946	PUBLIC SAFETY BLDG	397.19
159159	REECE TRUCKING	DUMP CONCRETE	ROADWAY MAINTENANCE	17.84
	REECE TRUCKING	ASPHALT DUMP	ROADWAY MAINTENANCE	83.58
	REECE TRUCKING		ROADWAY MAINTENANCE	97.97
159160	REISNER DISTRIBUTOR	REIMBURSEMENT	RISK MANAGEMENT	339.59
159161	SAFeway INC.	INMATE MEDICATION, SUPPLIES	POLICE INVESTIGATION	29.68
	SAFeway INC.		DETENTION & CORRECTION	82.06
	SAFeway INC.		POLICE ADMINISTRATION	98.62
159162	SANTOSE, STEVE	UTILITY BILLING REFUND	WATER/SEWER OPERATION	70.96
159163	SCHALKER, ERWIN & RO		WATER/SEWER OPERATION	269.79
159164	SEATTLE TIMES, THE	SUBSCRIPTION	EXECUTIVE ADMIN	149.50
159165	SECURE A SITE, INC.	MONTHLY RENTAL OF FENCING	CAPITAL EXPENDITURES	2,628.23
159166	SIMESTER, STEVEN	REFUND - OPERA HOUSE	GENERAL FUND	500.00
159167	SISKUN POWER EQUIPME	CHAINSAW CHAINS, OIL	ROADSIDE VEGETATION	593.27
	SISKUN POWER EQUIPME	GENERATOR	WATER DIST MAINS	1,427.61
159168	SMARSH INC	TEXT ARCHIVING	MUNICIPAL COURTS	7.25
	SMARSH INC		COMMUNITY INFO SERV	7.25
	SMARSH INC		CITY CLERK	7.25

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 11/16/2022 TO 11/16/2022

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159168	SMARSH INC	TEXT ARCHIVING	COMMUNITY	7.25
	SMARSH INC		CRIME PREVENTION	7.25
	SMARSH INC		COMMUNITY SERVICES UNIT	7.25
	SMARSH INC		PROPERTY TASK FORCE	7.25
	SMARSH INC		RECREATION SERVICES	7.25
	SMARSH INC		PARK & RECREATION FAC	7.25
	SMARSH INC		LEGAL-GENL	7.25
	SMARSH INC		GENERAL	7.25
	SMARSH INC		EQUIPMENT RENTAL	7.25
	SMARSH INC		FACILITY MAINTENANCE	7.25
	SMARSH INC		YOUTH SERVICES	14.50
	SMARSH INC		WATER QUAL TREATMENT	14.50
	SMARSH INC		FINANCE-GENL	21.75
	SMARSH INC		PERSONNEL ADMINISTRATION	21.75
	SMARSH INC		SOLID WASTE CUSTOMER	21.75
	SMARSH INC		CUSTODIAL SERVICES	21.75
	SMARSH INC		GIS SERVICES IS	29.00
	SMARSH INC		COMMUNITY	36.25
	SMARSH INC		LEGAL - PROSECUTION	43.50
	SMARSH INC		OFFICE OPERATIONS	43.50
	SMARSH INC		COMMUNITY SERVICES UNIT	43.50
	SMARSH INC		GENERAL	43.50
	SMARSH INC		COMPUTER SERVICES	45.79
	SMARSH INC		STORM DRAINAGE	50.75
	SMARSH INC		EXECUTIVE ADMIN	58.00
	SMARSH INC		POLICE INVESTIGATION	72.50
	SMARSH INC		DETENTION & CORRECTION	72.50
	SMARSH INC		WASTE WATER TREATMENT	79.75
	SMARSH INC		UTIL ADMIN	101.50
	SMARSH INC		POLICE ADMINISTRATION	116.00
	SMARSH INC		ENGR-GENL	137.75
	SMARSH INC		POLICE PATROL	420.50
159169	SOUND PUBLISHING	LEGAL ADS	COMMUNITY	497.80
159170	SPRINGBROOK NURSERY	WOOD DEBRIS DUMP FEE	STORM DRAINAGE	60.00
	SPRINGBROOK NURSERY		STORM DRAINAGE	60.00
	SPRINGBROOK NURSERY	DUMP FEE	STORM DRAINAGE	120.00
159171	STAPLES	STAPLES	MUNICIPAL COURTS	21.32
	STAPLES	PAPER, ETC	PROBATION	446.30
159172	STATE PATROL	FINGERPRINT ID SERVICES	INTERGOVERNMENTAL	291.50
159173	STERICYCLE, INC.	MONTHLY SERVICE	PERSONNEL ADMINISTRATION	4.56
	STERICYCLE, INC.		PERSONNEL ADMINISTRATION	4.56
	STERICYCLE, INC.		PERSONNEL ADMINISTRATION	4.56
	STERICYCLE, INC.		PERSONNEL ADMINISTRATION	4.56
	STERICYCLE, INC.		PERSONNEL ADMINISTRATION	4.56
	STERICYCLE, INC.		PERSONNEL ADMINISTRATION	4.56
	STERICYCLE, INC.		PERSONNEL ADMINISTRATION	4.56
	STERICYCLE, INC.		PERSONNEL ADMINISTRATION	4.56
	STERICYCLE, INC.	MONTHLY SHREDDING SERVICES	EXECUTIVE ADMIN	11.19
	STERICYCLE, INC.		LEGAL - PROSECUTION	11.20
159174	STRATEGIES 360	PROFESSIONAL SERVICES	GENERAL	1,050.00
	STRATEGIES 360		WASTE WATER TREATMENT	1,050.00

**CITY OF MARYSVILLE
 INVOICE LIST**

FOR INVOICES FROM 11/16/2022 TO 11/16/2022

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159174	STRATEGIES 360	PROFESSIONAL SERVICES	UTIL ADMIN	1,400.00
159175	STRAUSS, CALEB	UTILITY BILLING REFUND	WATER/SEWER OPERATION	24.53
159176	STUFLICK, WILL	SAFETY TRAINING FOOD & TRAVEL	EXECUTIVE ADMIN	191.48
159177	SUNBELT RENTALS	TRACTOR KUBOTA RENTAL	PARK & RECREATION FAC	620.13
	SUNBELT RENTALS	AIR COMPRESSOR RENTAL	ROADWAY MAINTENANCE	1,982.42
159178	SUPERIOR RESTROOMS	PORTABLE RESTROOM SERVICE	ROADSIDE VEGETATION	142.22
159179	SYNERGY CONST	HYDRANT METER DEPOSIT, FEES	WATER-UTILITIES/ENVIRONME	-50.00
	SYNERGY CONST		WATER/SEWER OPERATION	1,150.00
159180	TERRA RESOURCE GROUP	STAFFING FEE	PERSONNEL ADMINISTRATION	1,262.16
	TERRA RESOURCE GROUP		PERSONNEL ADMINISTRATION	1,383.60
159181	TRANSPORTATION, DEPT	TRAVEL	POLICE ADMINISTRATION	2.75
159182	TREGELLAS, TREVOR	UTILITY BILLING REFUND	WATER/SEWER OPERATION	27.70
159183	TREGELLAS, TREVOR		WATER/SEWER OPERATION	206.52
159184	ULINE	EVIDENCE SUPPLIES	POLICE PATROL	263.31
159185	UNITED PARCEL SERVIC	SHIPPING & LATE FEES	POLICE PATROL	23.15
159186	USA BLUEBOOK	HACH NITROGEN-AMMONIA	WASTE WATER TREATMENT	519.26
159187	USDA-APHIS-WILDLIFE	COMPENSATION/PROGRAM SUPPORT	STORM DRAINAGE	205.55
159188	VANHOLLEBEKE, TENILLE	INSTRUCTOR SERVICE	RECREATION SERVICES	144.00
159189	VERIZON	AMR LINES	METER READING	686.35
159190	WATCH SYSTEMS	RSO MAILING	POLICE INVESTIGATION	249.43
159191	WEST PAYMENT CENTER	INVESTIGATIVE TOOL	POLICE INVESTIGATION	412.63
	WEST PAYMENT CENTER	WA CRIMINAL LAW	MUNICIPAL COURTS	1,560.04
159192	WESTERN FACILITIES	SUPPLIES	DETENTION & CORRECTION	111.65
159193	WILDER CUSTOM CONS	SECOND PAYMENT CC KITCHEN REMODEL	GMA-PARKS	-2,932.92
	WILDER CUSTOM CONS	COMMUNITY CENTER REMODEL	GMA-PARKS	-1,211.69
	WILDER CUSTOM CONS	SECOND PAYMENT CC KITCHEN REMODEL	GMA-PARKS	17,597.52
	WILDER CUSTOM CONS	COMMUNITY CENTER REMODEL	GMA-PARKS	24,233.83
159194	WINDLE, CATIE	REFUND - OPERA HOUSE	GENERAL FUND	250.00
159195	WISEMAN, GARRETT	BASIC SRO TRAINING	YOUTH SERVICES	379.50
159196	WOOLDRIDGE, CRYSTIL	COFFEE MAKER, JACKETS	FINANCE-GENL	184.59
159197	WYNNE, THOMAS J	PROTEM SERVICES	MUNICIPAL COURTS	185.00
159198	ZIPLY FIBER	ACCT #3606534741	WASTE WATER TREATMENT	61.74
159199	ZIPLY FIBER	ACCT #3606583358	POLICE PATROL	63.22
159200	ZIPLY FIBER	ACCT #3606577075	POLICE PATROL	63.37
159201	ZIPLY FIBER	ACCT #3606580924	PUBLIC SAFETY BLDG	65.31
159202	ZIPLY FIBER	ACCT #4253359912	SUNNYSIDE FILTRATION	71.22
159203	ZIPLY FIBER	ACCT #3606537208	OPERA HOUSE	86.99
159204	ZIPLY FIBER	ACCT #3606597159	COMPUTER SERVICES	225.94

WARRANT TOTAL: 590,378.56

REASON FOR VOIDS:

INITIATOR ERROR

CHECK LOST/DAMAGED

UNCLAIMED PROPERTY

WARRANT TOTAL:

\$590,378.56



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: John Nield, Finance

ITEM TYPE: Ordinance

AGENDA SECTION: Public Hearings

SUBJECT: **Ordinance** to Adopt the 2023/2024 Biennial Budget

SUGGESTED ACTION: Recommended Motion: I move to adopt Ordinance No. ____.

SUMMARY:

ATTACHMENTS:
[2023 2024Budget Ord.doc](#)

**CITY OF MARYSVILLE
Marysville, Washington**

ORDINANCE NO. _____

An Ordinance of the City of Marysville adopting a biennial budget for the City of Marysville, Washington, for the biennial period of January 1, 2023 through December 31, 2024, setting forth in summary form the totals of estimated revenues and appropriations for each separate fund and the aggregate totals of all such funds combined, and establishing compensation levels as proscribed by MMC 3.50.030.

WHEREAS, the City of Marysville on April 28, 2014 adopted Ordinance No. 2958 establishing a biennial budget process as provided in RCW 35A.34.040; and

WHEREAS, as required by law the City has conducted public hearings on the preliminary biennial budget for January 1, 2023 through December 31, 2024 on November 14, 2022 and November 28, 2022 as required by law and said budget has been filed with the City Clerk, and also as required by law, NOW, THEREFORE,

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

Section 1. In accordance with the provisions of RCW 35A.34.120, the budget of the City of Marysville, Washington, for the 2023-2024 Biennial Budget, a summary of which is attached hereto as Appendix A, is hereby adopted by reference, after the public hearing and after the preliminary budget has been filed with the City Clerk as required by law.

Section 2. The totals of estimated revenues and appropriations for each separate Fund and the aggregate totals for all such Funds combined are set forth in summary form attached hereto and contained in Appendix A.

Section 3. The City Clerk is directed to keep on file a certified copy of the complete Budget which is hereby adopted.

Section 4. This Ordinance shall take effect and be in force January 1, 2023

PASSED by the City Council and APPROVED by the Mayor this _____ day of November, 2022.

CITY OF MARYSVILLE

By _____
MAYOR

ATTEST

By _____
DEPUTY CITY CLERK

Approved as to form:

By _____
CITY ATTORNEY

APPENDIX A

2023-2024 Biennial Budget

2023-2024 BIENNIAL BUDGET SUMMARY - ALL FUNDS

DEPARTMENT	BEGINNING FUND BALANCE	REVENUE	EXPENDITURES	ENDING FUND BALANCE
001 General Fund	12,262,976	122,932,693	129,500,250	5,695,419
005 General Cum. Reserve	2,374,027	3,675,000	4,277,786	1,771,241
101 City Street	851,968	2,988,146	2,987,216	852,898
103 Drug Enforcement	111,662	20,300	52,639	79,323
104 Tribal Gaming Fund	7,059	-	7,000	59
105 Hotel/Motel Tax Fund	325,498	221,000	220,000	326,498
108 I/NET	513,859	205,000	572,000	146,859
109 CDBG Program	-	708,000	708,000	-
110 GMA--REET I	6,491,560	5,030,000	10,000,000	1,521,560
111 GMA--REET II	5,072,986	5,030,000	10,050,000	52,986
114 TBD	8,770,299	5,104,966	3,900,000	9,975,265
115 Affordable House	138,006	180,980	180,000	138,986
116 School Mitigation	-	2,000,000	2,000,000	-
206 LTGO Debt Service	98,503	11,761,788	11,758,788	101,503
271 LID 71 Debt Service	217,334	845,000	864,245	198,089
299 LID Guaranty Fund	651,767	6,000	20,000	637,767
305 Street Capital Imprvmnts	940,416	44,207,532	45,091,688	56,260
310 Parks Capital Imprvmnts	1,506,513	5,118,000	6,598,014	26,499
314 City Facilities	15,712	3,345,652	3,361,364	-
401 Water/Sewer Operating	15,132,192	62,468,161	63,181,409	14,418,944
402 Utility Construction	17,847,371	20,761,990	24,025,000	14,584,361
410 Garbage & Refuse	3,823,705	29,718,807	31,135,795	2,406,717
420 Golf Course Operating	988,592	3,335,304	3,409,233	914,663
450 Utility Debt Service Fund	997,432	9,724,191	9,625,791	1,095,832
501 Fleet Services	448,479	7,757,618	7,823,936	382,161
502 Facilities Maintenance	70,535	2,214,643	2,028,264	256,914
503 Information Services	76,946	7,387,924	7,397,912	66,958
510 Unemployment Insurance	111,939	83,200	40,000	155,139
511 Liability Insurance	369,918	3,005,375	2,389,514	985,779
512 Medical Insurance	1,613,914	13,982,642	12,751,013	2,845,543
TOTAL ALL FUNDS	81,831,168	373,819,912	395,956,857	59,694,223
TOTAL BUDGET		455,651,080		455,651,080



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: CD Director Haylie Miller, Community Development

ITEM TYPE: Public Hearing

AGENDA SECTION: Public Hearings

SUBJECT: White Right-of-Way Vacation (PA22034) - **Ordinance** vacating the northerly 10 feet of that 40 foot portion of right-of-way per the plat of Kanikeberg Homesites

SUGGESTED ACTION: Recommended Motion: Approve Ordinance No___ to vacate the unutilized portion of Right-of-Way that was dedicated by the plat recorded under AFN 1111391.

SUMMARY: City staff received a petition for vacation of street right-of-way (ROW) from Linda White, who owns the property located at 5229 74th PI NE. The property owner desires to construct a garage addition to the front of the existing house. The current ROW width would not allow the garage to meet the required 20 foot setback. By vacating 10 feet of the 40 foot portion of ROW adjacent to the south property line, this will create the necessary 20 foot building setback required for the garage addition. The area of the proposed vacation is approximately 851 square feet. Refer to **Exhibit C** showing the historical and current aerial photo. The plat of Kanikeberg Homesites was recorded September 7, 1954, under AFN:1111391.

At that time, 74th Place NE (platted as Myrtle Street) ended at the east line of said plat. The ROW of the street was, and still is, 60 feet, being 30 feet on each side of the centerline except for that portion fronting Lot 7 and Lot 8 (5229 74th PI NE). That ROW width is 80 feet, being 40 feet on each side of the centerline. The reason for the additional width was to provide a temporary cul-de-sac since the road did not continue beyond the east line of this plat. On April 1, 1963 the plat of Normtown Addition was recorded under AFN:1602272. This plat created

what is now known as 75th Street NE. Also, 75th Street NE was connected to the east end of 74th Place NE as mentioned above. By making this connection, there is no further need for a cul- de-sac at the east end of 74th Place NE. Since then, the property owner has utilized the ROW as an extension of their property for their own benefit. As this unutilized portion of ROW is not needed for city operations, and reducing the ROW width will not conflict with existing roadway standards, city staff recommends vacating the proposed 10 feet of ROW as allowed for by MMC Chapter 12.32 *Vacation of Streets and Alleys*.

Staff also recommends City Council waive all compensation for the vacation of the portion of ROW as it has been determined it was once a historical remnant of a temporary cul-de-sac and the City has no use for the additional 10 feet of ROW. Per MMC 12.32, a public hearing is required to consider the vacation of the existing public ROW. Resolution No. 2523 was approved by City Council on October 10, 2022 to reset the public hearing date to November 28, 2022.

Staff recommends City Council hold a public hearing to consider the vacation of the unutilized portion of ROW that was dedicated by the plat recorded under AFN 1111391 and waiving all compensation.

ATTACHMENTS:

- 1 [White ROW Vacation Ordinance.pdf](#)
- 2 [Vacation Petition-White ROW Vacation-PA22034.pdf](#)
- 3 [Chapter 12.32 VACATION OF STREETS AND ALLEYS.pdf](#)
- 4 [AFN 1111391.pdf](#)
- 5 [White ROW Vacation Resolution.pdf](#)

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, VACATING THE NORTHERLY 10 FEET OF THAT 40 FOOT PORTION OF RIGHT-OF-WAY PER THE PLAT OF KANIKEBERG HOMESITES, RECORDED UNDER AFN 1111391, LYING ADJACENT TO AND CONTIGUOUS WITH LOT 8 OF SAID PLAT, AND WAIVING COMPENSATION FOR SAID VACATION.

WHEREAS, a petition for a right-of-way vacation was submitted on August 5, 2022 on behalf of Linda White, owner of Snohomish County Assessor Parcel Number 00484100000800, also known as Lot 8 of the plat of Kanikeberg Homesites, and commonly known as 5229 74th PI NE; and

WHEREAS, the petition sought to vacate the northerly 10 feet of that 40 foot portion of right-of-way per the plat of Kanikeberg Homesites, recorded under AFN 1111391, lying adjacent to and contiguous with lot 8 of said plat. The legal description of this portion of right-of-way to be vacated is legally described in **Exhibit A**, and depicted in **Exhibit B** and **Exhibit C**, attached hereto; and

WHEREAS, the portion of right-of-way contemplated herein appears to have originally been intended to accommodate a temporary cul-de-sac while the area was under development, however the adjacent roadway was subsequently extended, rendering the cul-de-sac unneeded; and

WHEREAS, on September 12, 2022, the City Council adopted Resolution 2521, which established October 10, 2022 as the date on which a public hearing would be held to consider the vacation of the portion of right-of-way contemplated herein; and

WHEREAS, on October 10, 2022, the City Council adopted Resolution 2523, which re-set the public hearing to consider the vacation of the portion of right-of-way contemplated herein to November 28, 2022; and

WHEREAS, the City Engineer and the Community Development Director recommended that the Council waive all compensation for the vacation of the portion of right-of-way contemplated herein; and

WHEREAS, the Council, having considered the recommendation of the City Engineer and the Community Development Director, waived all compensation for the vacation of the portion of right-of-way contemplated herein; and

WHEREAS, the Council considered the evidence presented at the public hearing and has determined that vacation of the portion of right-of-way contemplated herein would satisfy the following criteria contained in MMC 12.32.060, specifically:

- (a) The vacation will provide a public benefit, by allowing for the utilization of property that is otherwise not being put to use, and by reducing the city's maintenance obligations;

- (b) The vacation will not adversely affect the street pattern or circulation of the immediate area of the community as a whole;
- (c) The public need will not be adversely affected;
- (d) The portion of right-of-way to be vacated is not contemplated or needed for future public use; and
- (e) No abutting owner will become landlocked or have their access substantially impaired.

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

SECTION 1. The portion of right-of-way which is legally described in **Exhibit A**, and depicted in **Exhibit B** and **Exhibit C**, attached hereto, is hereby vacated and all compensation is waived in accordance with MMC 12.32.020.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Correction. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 4. Effective Date. This ordinance and the vacation of the portion of right-of-way described in Section 1, shall become effective five days after the date of its publication by summary.

SECTION 5. Recordation. A certified copy of this ordinance will be recorded by the City of Marysville with the Snohomish County Auditor after its publication.

ADOPTED by the City Council at an open public meeting this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

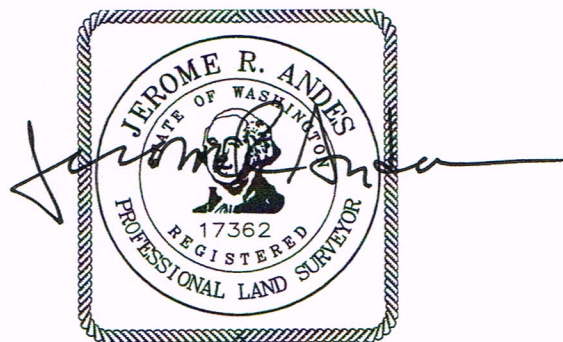
EXHIBIT A PROPOSED RIGHT-OF-WAY VACATION

LEGAL DESCRIPTION

The northerly 10.00 feet of that 40.00 foot portion of right-of-way per the plat of **KANIKEBERG HOMESITES**, recorded under Auditor's File Number 1111391, records of Snohomish County, Washington, lying adjacent to and contiguous with Lot 8, said Plat, described as follows:

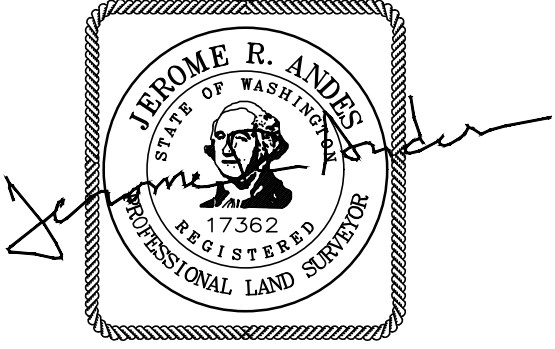
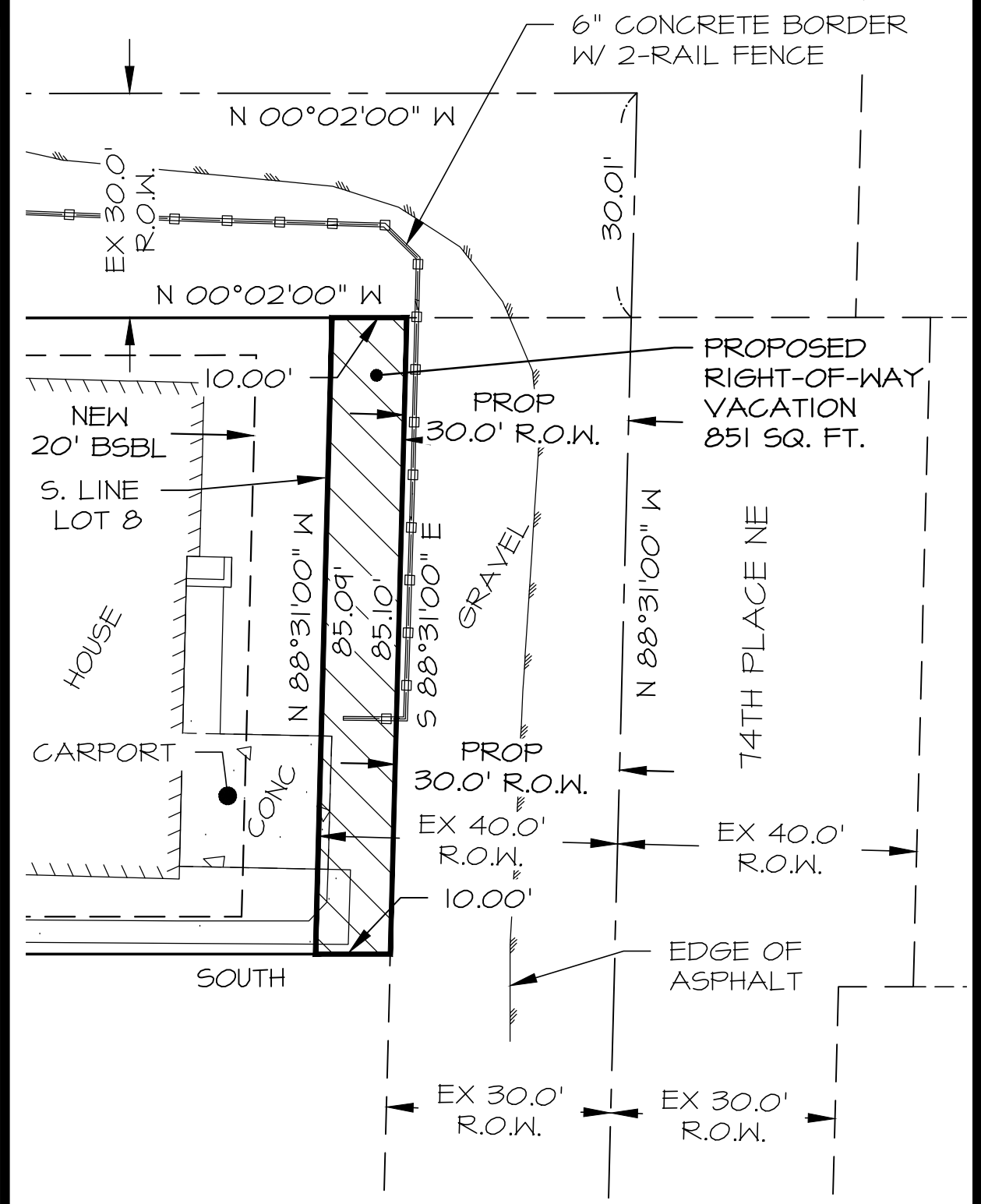
Beginning at the southeast corner of Lot 8, said Plat; thence North 88 degrees 31 minutes 00 seconds West, along the south line of said Lot 8, a distance of 85.09 feet to the southwest corner of said Lot 8; thence South, along the southerly projection of the west line of said Lot 8, a distance of 10.00 feet; thence South 88 degrees 31 minutes 00 seconds East, parallel with the south line of said Lot 8, a distance of 85.10 feet to a line that bears South 0 degrees 02 minutes 00 seconds East from the point of beginning, thence North 0 degrees 02 minutes 00 seconds West, along the southerly projection of the east line of said Lot 8, a distance of 10.00 feet to the southeast corner of said Lot 8 being the point of beginning.

Containing 851 S.F.

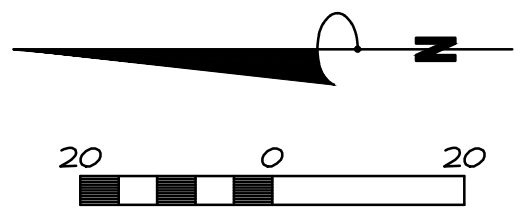


7/15/2022

EXHIBIT B



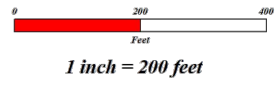
7/18/22



REV. 02 JSM 7/19/22

	<p>ANDES LAND SURVEYING, P.S.</p>	<p>MARYSVILLE, WA 98270 PHONE: 425-350-5063 andesls@frontier.com</p>	<p>JOB DATA: 3005-27.29 2022-01 [LIND2201] File FB 3005-27.29 Exhibit 7-19-22</p>
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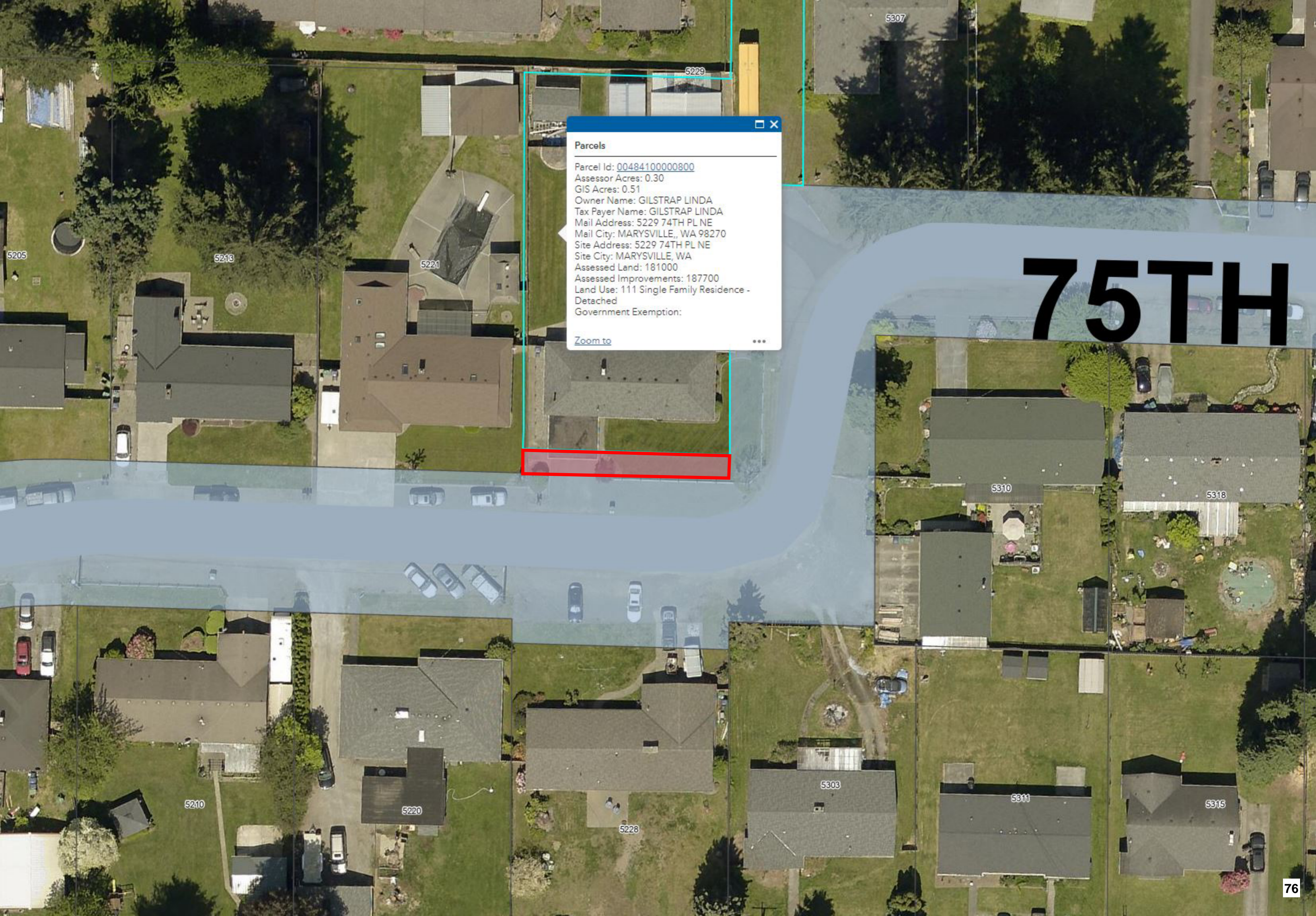
SECTION	TOWNSHIP N.W.B.L.	RANGE E.W.M.	ALL MAPS, DATA, AND INFORMATION SET FORTH HEREIN ("DATA"), ARE FOR ILLUSTRATIVE PURPOSES ONLY, OR REPRESENTATION OF, THE SINGHOMISH COUNTY CODE. AMENDMENTS AND UPDATES TO THE I PROVISIONS, MAY APPLY WHICH ARE NOT DEPICTED HEREIN. SINGHOMISH COUNTY MAKES NO REPRESENTATION AS TO THE ACCURACY, CURRENCY, COMPLETENESS OR QUALITY OF THE DATA CONTAINED HEREIN AND EXPRESS FOR ANY PARTICULAR PURPOSE. ALL PERSONS ACCESSING OR OTHERWISE USING THIS DATA ASSUME SINGHOMISH COUNTY HARMLESS FROM AND AGAINST ANY DAMAGES, LOSS, CLAIM OR LIABILITY ARISING WITHIN SAID DATA. WASHINGTON STATE LAW, CH. 42.56 RCW, PROHIBITS STATE AND LOCAL AGENCIES FOR USE FOR COMMERCIAL PURPOSES AND, THUS, NO COMMERCIAL USE MAY BE MADE OF ANY DATA
27	30	5	
Lot	Block	Section	City Limits
Subdiv	ROW	Quarter	Tax Acct
Other Lot	Vac ROW	16th	Easement
Other Subdiv	Vac Lot		



Map produced on July 12, 2021

A, Sn





Parcels

Parcel Id: [00484100000800](#)
Assessor Acres: 0.30
GIS Acres: 0.51
Owner Name: GILSTRAP LINDA
Tax Payer Name: GILSTRAP LINDA
Mail Address: 5229 74TH PL NE
Mail City: MARYSVILLE, WA 98270
Site Address: 5229 74TH PL NE
Site City: MARYSVILLE, WA
Assessed Land: 181000
Assessed Improvements: 187700
Land Use: 111 Single Family Residence - Detached
Government Exemption:

[Zoom to](#) ...

75TH



PETITION FOR VACATION OF STREET

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
(360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

FOR AGENCY USE	Date:	Permit Number:	Fee: \$500.00
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TO: The City Council of the City of Marysville, Washington

Linda White hereby petitions the City of Marysville for the vacation of a street pursuant to RCW 35.79 and Chapter 12.32 MMC, *Vacation of Streets and Alleys*, and in support of said petition states as follows:

1. Said vacation is a portion of 74th Place NE as described in Exhibit A and shown in Exhibit B, both attached hereto.
2. Linda White is the owner of 100% of all property abutting 74th Place NE.
3. Vacation of a portion of 74th Place NE will meet the following criteria:
 - a. It will provide a public benefit
 - b. It will not adversely affect the street pattern or circulation of the immediate area or of the community as a whole.
 - c. The public need will not be adversely affected.
 - d. The street is not contemplated or needed for future public use.
 - e. No abutting owner will become landlocked or have his access substantially impaired.
4. Linda White hereby agrees to pay all fees and charges required by Chapter 12.32 MMC relating to vacation of streets.

DATED this 28th day of July, 2022.

By Linda White

Chapter 12.32

VACATION OF STREETS AND ALLEYS

Sections:

12.32.010 **Petition – Filing.**

12.32.020 **Petition – Scheduling for public hearing – Compensation for vacated area.**

12.32.030 **Notice of public hearing.**

12.32.040 **Survey requirements.**

12.32.050 **Appraisal.**

12.32.060 **Criteria for council decision.**

12.32.070 **Authorized by ordinance.**

12.32.080 **Notice to auditor and assessor.**

12.32.090 **Use of proceeds of vacation.**

12.32.010 **Petition – Filing.**

The owners of an interest in any real estate abutting upon any street or alley who may desire to vacate the street or alley, or any part thereof, may petition the city council for the vacation of such street or alley, or any part thereof, in the manner provided in this chapter and pursuant to Chapter [35.79](#) RCW, or the city council may itself initiate, by resolution, such vacation procedure. The petition shall be on such form as may be prescribed by the city and shall contain a full and correct description of the property sought to be vacated. A petition shall be signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated.

The petition shall be filed with the city clerk, and the petitioners shall pay fees as set forth in MMC [14.07.005](#). (Ord. 2106 § 9, 1996; Ord. 1271, 1983; Ord. 948 § 1, 1977).

12.32.020 **Petition – Scheduling for public hearing – Compensation for vacated area.**

(1) Upon receiving a petition or the vacation of a city street or alley, the city clerk shall place the matter upon the agenda of the city council at a regular meeting to be held not fewer than 10, nor more than 30 days, from the date the petition is filed with the city clerk. The city clerk shall notify the petitioners in writing of the date the matter shall come before the city council. The city clerk shall then notify the city

engineer and the compliance officer/ planner of the petition and the date when the matter will be before the city council, and said officials shall prepare reports relating to the same.

(2) The city council may require the petitioners to compensate the city of Marysville:

(a) Where the street or alley has been part of a dedicated public right-of-way for 25 years or more, an amount that does not exceed the full appraised value of the area vacated;

(b) Where the street or alley has not been part of a dedicated public right-of-way for 25 years or more an amount which equals one-half of the appraised value of the area vacated.

When the vacation is initiated by the city of Marysville, or the city council deems it in the best interest of the city of Marysville, the council may waive all or any portion of such compensation. At the time the city council initially has the petition before it in order to set the matter for public hearing by resolution, the city council shall consider the reports of the city engineer and/or the city planner shall determine whether or not it will require that the city be compensated as a condition of the vacation.

(3) The city council shall, by resolution, fix the time for the hearing of such petition, which time shall not be more than 60 days, nor fewer than 20 days after the passage of such resolution. (Ord. 2396 § 1, 2001; Ord. 948 § 2, 1977).

12.32.030 Notice of public hearing.

(1) On the passage of the resolution provided for in MMC [12.32.020](#), the city clerk shall give 20 days' notice of the pendency of the petition by a written notice posted in three of the most public places in the city and a like notice in conspicuous place on the street or alley sought to be vacated. The notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed for the hearing of the petition.

(2) In all cases where the proceeding is initiated by resolution of the city without a petition having been signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, in addition to notice required in subsection (1) of this section, there shall be given by mail, at least 15 days before the date fixed for the hearing, a similar notice to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street or alley, or any part thereof, sought to be vacated, as shown on the rolls of the county treasurer, directed to the addresses thereon shown. Failure to send notice by mail to any such property owner where the current address of such property owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed street vacation. (Ord. 948 § 3, 1977).

12.32.040 Survey requirements.

It shall be the duty of the city engineer to determine whether or not the location and legal description of the street or alley proposed for vacation are sufficiently known to the city so that an accurate legal description of the proposed vacation can be known with certainty. If the city engineer determines that these matters are not known or are not accurately known, then the city shall notify the petitioners of the necessity of having an accurate, professional survey of the property proposed for vacation within the boundaries of the proposed vacation marked upon the ground with an accurate legal description of the proposed vacation to be furnished to the city. The city shall not proceed further upon the vacation petition until such a survey has been done and legal description has been received. (Ord. 948 § 4, 1977).

12.32.050 Appraisal.

In all cases where the city council requires compensation for the vacated right-of-way, an appraisal of the right-of-way proposed for vacation shall be made by one or more of the following methods:

- (1) The assessed value of comparable abutting property shall be obtained from the records of the Snohomish County assessor. The average of said values, on a square foot basis, shall be applied to the right-of-way which is proposed for vacation.
- (2) The petitioner shall be required to submit a report of a professional appraiser to the city, stating the fair market value of the right-of-way proposed for vacation.
- (3) The city shall obtain a report from one or more professional appraisers stating the fair market value of the right-of-way proposed for vacation. The cost of said report or reports shall be paid by the petitioner prior to the time of the public hearing. (Ord. 2321 § 1, 2000; Ord. 1170, 1981; Ord. 948 § 5, 1977).

12.32.060 Criteria for council decision.

- (1) The city council shall not vacate any street, alley or any parts thereof if any portion thereof abuts any body of salt or fresh water unless such vacation is sought to enable the city or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational or educational purposes or other public uses. This provision shall not apply to industrial-zoned property.
- (2) The city council shall use the following criteria for deciding upon the petition:
 - (a) The vacation will provide a public benefit, and/or will be for a public purpose;
 - (b) The right-of-way vacation shall not adversely affect the street pattern or circulation of the immediate area or the community as a whole;

(c) The public need shall not be adversely affected;

(d) The right-of-way is not contemplated or needed for future public use;

(e) No abutting owner will become landlocked or his access will not be substantially impaired; i.e., there must be an alternative mode of ingress and egress, even if less convenient; provided that the city council may, at the time of its public hearing, determine that the city may retain an easement or right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

(3) The city council will, at the time of the public hearing, determine the amount of compensation to be paid to the city by the petitioners as a condition of the vacation, which amount shall not exceed one-half of the appraised value of the area to be vacated; except, that in the event the subject property or portions thereof were acquired at public expense, the city may require compensation in an amount equal to the full appraised value of the area to be vacated. (Ord. 1452, 1986; Ord. 948 § 6, 1977).

12.32.070 Authorized by ordinance.

If the city council determines to grant the petition provided for in MMC [12.32.010](#), or any part thereof, the council shall authorize by ordinance the vacation of such street or alley, or any part thereof. Such ordinance may provide for the retention by the city of all easements or rights in respect to the vacated land for the construction or repair and maintenance of public utilities and services. If the city council determines that compensation shall be paid as a condition of the vacation, then the ordinance shall not be published or become effective until the compensation has been paid by the petitioners. (Ord. 948 § 7, 1977).

12.32.080 Notice to auditor and assessor.

A certified copy of the ordinance vacating any street or alley, or part thereof, shall be filed by the city clerk with the Snohomish County auditor's office and with the Snohomish County assessor's office. (Ord. 948 § 8, 1977).

12.32.090 Use of proceeds of vacation.

One-half of the revenue received by the city as compensation for area vacated, under this chapter, shall be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the city. (Ord. 2396 § 2, 2001).

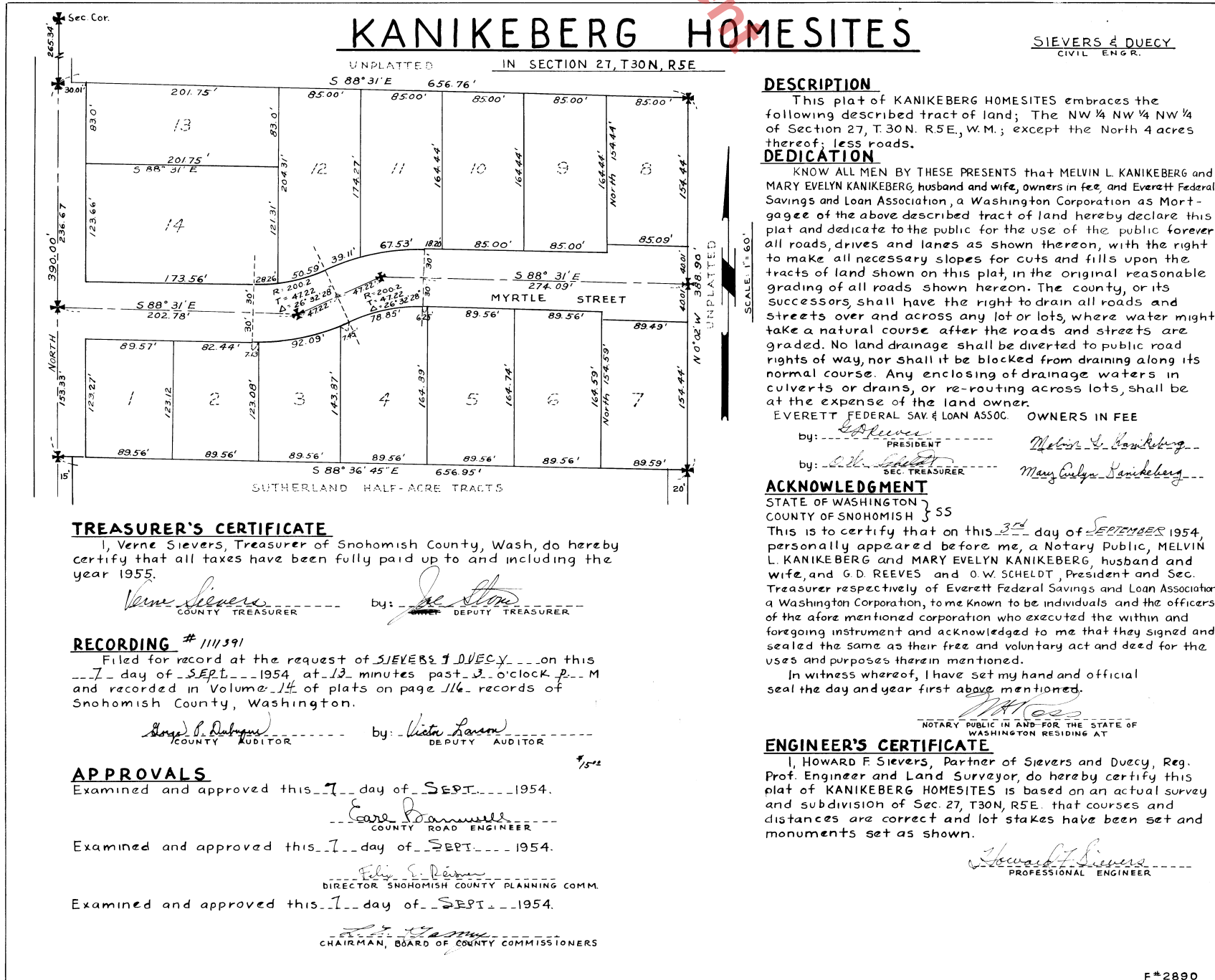
The Marysville Municipal Code is current through Ordinance 3221, passed June 27, 2022.

Disclaimer: The city clerk's office has the official version of the Marysville Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.marysvillewa.gov/>

City Telephone: (360) 363-8000

[Code Publishing Company](#)



F*2890

CITY OF MARYSVILLE
Marysville, Washington
RESOLUTION NO. 2523

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, RE-SETTING THE PUBLIC HEARING CURRENTLY SCHEDULED FOR OCTOBER 10, 2022 TO CONSIDER THE VACATION OF THE NORTHERLY 10 FEET OF THAT 40 FOOT PORTION OF RIGHT-OF-WAY PER THE PLAT OF KANIKEBERG HOMESITES, RECORDED UNDER AFN 1111391, LYING ADJACENT TO AND CONTIGUOUS WITH LOT 8 OF SAID PLAT, TO NOVEMBER 28, 2022.

WHEREAS, a petition for a right-of-way vacation was submitted August 5, 2022 on behalf of Linda White, owner of Snohomish County Assessor Parcel Number 00484100000800, also known as Lot 8 of the plat of Kanikeberg Homesites, and commonly known as 5229 74th Pl NE; and

WHEREAS, the petition sought to vacate the northerly 10 feet of that 40 foot portion of right-of-way per the plat of Kanikeberg Homesites, recorded under AFN 1111391, lying adjacent to and contiguous with lot 8 of said plat; and

WHEREAS, on September 12, 2022, the City Council adopted Resolution 2521, which established October 10, 2022 as the date on which a public hearing would be held to consider the vacation of the right-of-way contemplated herein; and

WHEREAS, the City desires to re-set the public hearing to November 28, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE, AS FOLLOWS:

Section 1. The public hearing to consider the vacation of the existing public right-of-way which is legally described in **Exhibit A**, and depicted in **Exhibit B** and **Exhibit C**, attached hereto, currently set for October 10, 2022 at 7:00 PM, is re-set to November 28, 2022 at 7:00 PM.

ADOPTED by the City Council at an open public meeting this 10th day of October, 2022.

PASSED by the City Council and APPROVED by the Mayor this 10th day of October, 2022.

CITY OF MARYSVILLE

By: 
JON NEHRING, MAYOR

Attest:

By: 
DEPUTY CITY CLERK, *Genevieve Gredis*

Approved as to form:

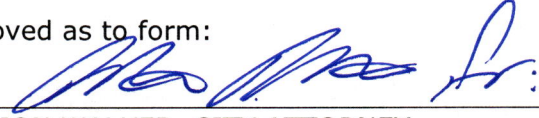
By: 
JON WALKER, CITY ATTORNEY

EXHIBIT A
PROPOSED RIGHT-OF-WAY VACATION

LEGAL DESCRIPTION

The northerly 10.00 feet of that 40.00 foot portion of right-of-way per the plat of **KANIKEBERG HOMESITES**, recorded under Auditor's File Number 1111391, records of Snohomish County, Washington, lying adjacent to and contiguous with Lot 8, said Plat, described as follows:

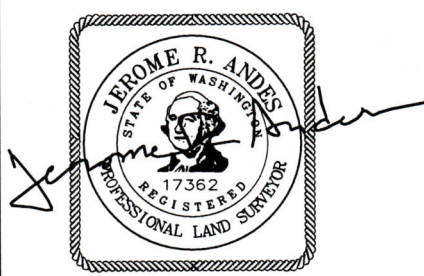
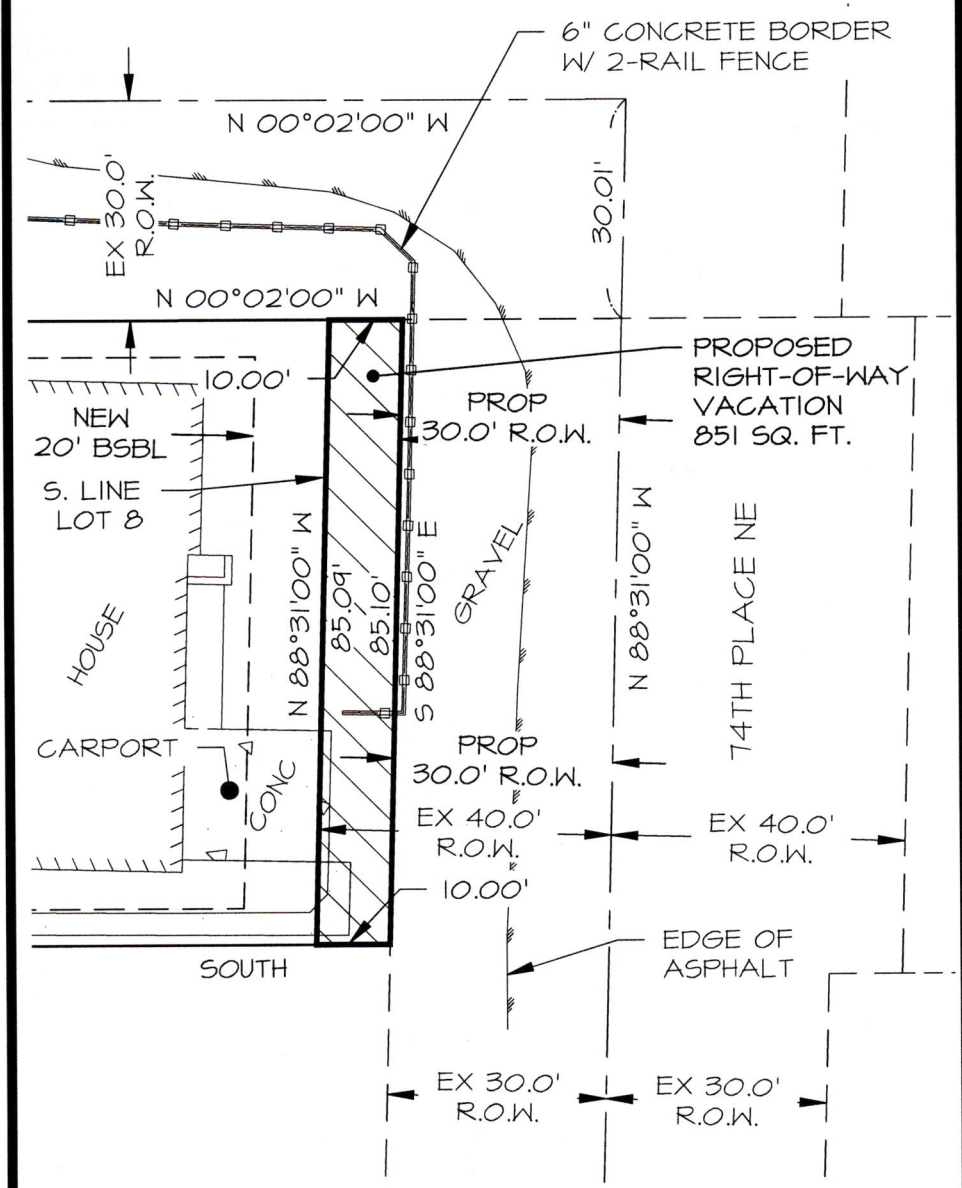
Beginning at the southeast corner of Lot 8, said Plat; thence North 88 degrees 31 minutes 00 seconds West, along the south line of said Lot 8, a distance of 85.09 feet to the southwest corner of said Lot 8; thence South, along the southerly projection of the west line of said Lot 8, a distance of 10.00 feet; thence South 88 degrees 31 minutes 00 seconds East, parallel with the south line of said Lot 8, a distance of 85.10 feet to a line that bears South 0 degrees 02 minutes 00 seconds East from the point of beginning, thence North 0 degrees 02 minutes 00 seconds West, along the southerly projection of the east line of said Lot 8, a distance of 10.00 feet to the southeast corner of said Lot 8 being the point of beginning.

Containing 851 S.F.

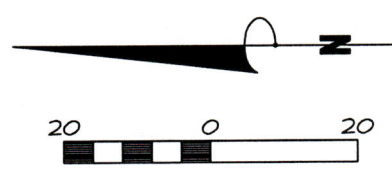


7/15/2022

EXHIBIT B



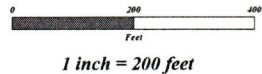
7/18/22



REV. 02 JSM 7/19/22

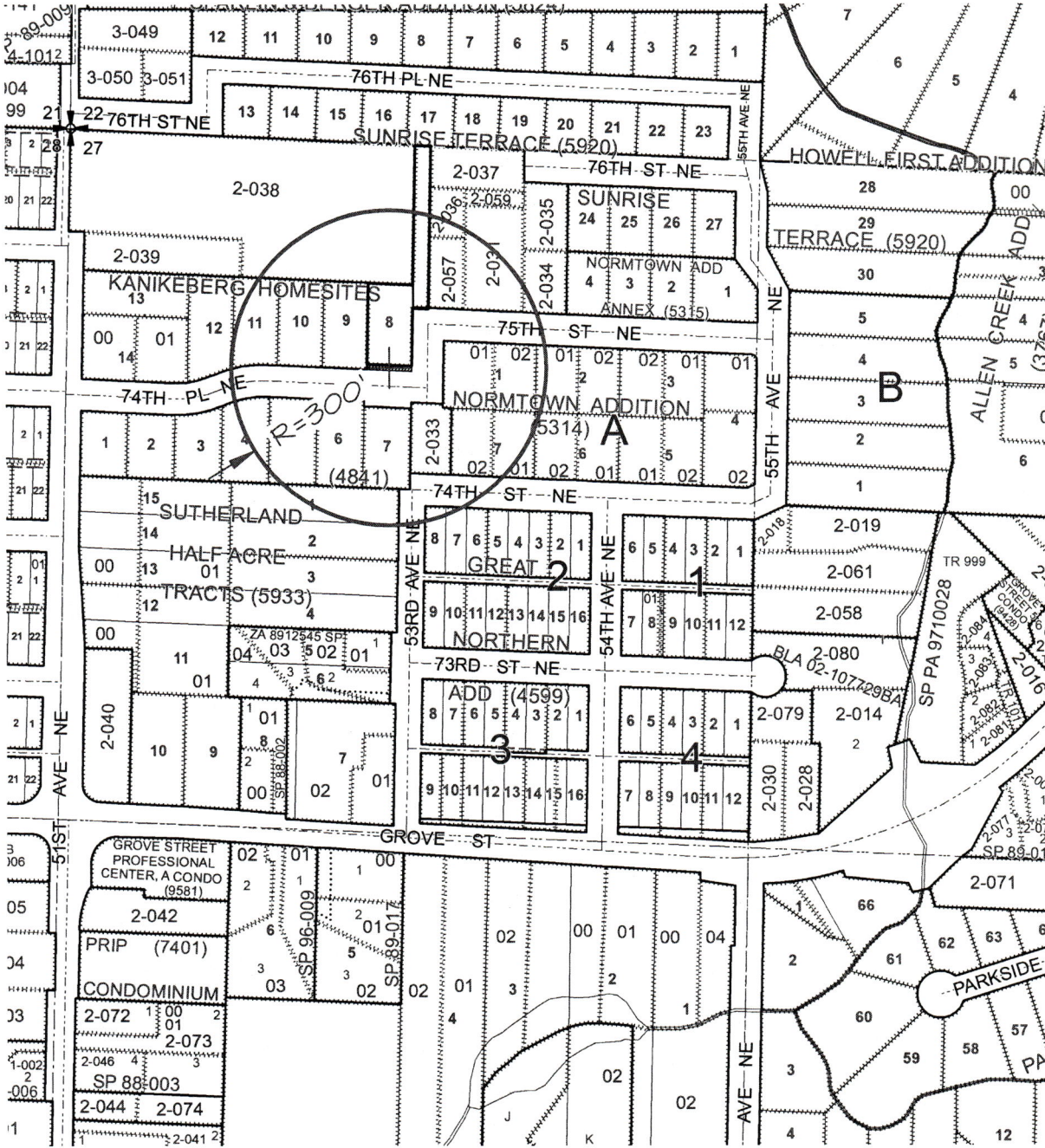
<p>ANDES LAND SURVEYING, P.S.</p>	<p>MARYSVILLE, WA 98270 PHONE: 425-350-5063 andesls@frontier.com</p>	<p>JOB DATA: 3005-27.29 2022-01 [LIND2201] File FB</p>
	<p>3005-27.29 Exhibit 7-19-22</p>	

SECTION	TOWNSHIP N.W.B.L.	RANGE E.W.M.	ALL MAPS, DATA, AND INFORMATION SET FORTH HEREIN ("DATA"), ARE FOR ILLUSTRATIVE PURPOSES ONLY AND DO NOT REPRESENT THE SNOHOMISH COUNTY CODE. AMENDMENTS AND UPDATES TO THE PROVISIONS, MAY APPLY WHICH ARE NOT DEPICTED HEREIN. SNOHOMISH COUNTY MAKES NO REPRESENTATION AS TO THE ACCURACY, CURRENCY, COMPLETENESS OR QUALITY OF THE DATA CONTAINED HEREIN AND EXPRESSLY DISCLAIMS ANY LIABILITY ARISING FROM AND AGAINST ANY DAMAGES, LOSS, CLAIM OR LIABILITY ARISING FROM OR OUT OF THE USE OF THIS DATA. SNOHOMISH COUNTY MAKES NO REPRESENTATION AS TO THE ACCURACY, CURRENCY, COMPLETENESS OR QUALITY OF THE DATA CONTAINED HEREIN AND EXPRESSLY DISCLAIMS ANY LIABILITY ARISING FROM OR OUT OF THE USE OF THIS DATA. SNOHOMISH COUNTY MAKES NO REPRESENTATION AS TO THE ACCURACY, CURRENCY, COMPLETENESS OR QUALITY OF THE DATA CONTAINED HEREIN AND EXPRESSLY DISCLAIMS ANY LIABILITY ARISING FROM OR OUT OF THE USE OF THIS DATA.
27	30	5	
Lot	Block	Section	City Limits
Subdiv	ROW	Quarter	Tax Acct
Other Lot	Vac ROW	16th	Easement
Other Subdiv	Vac Lot		



Map produced on July 12, 2021

SW-22-30-05



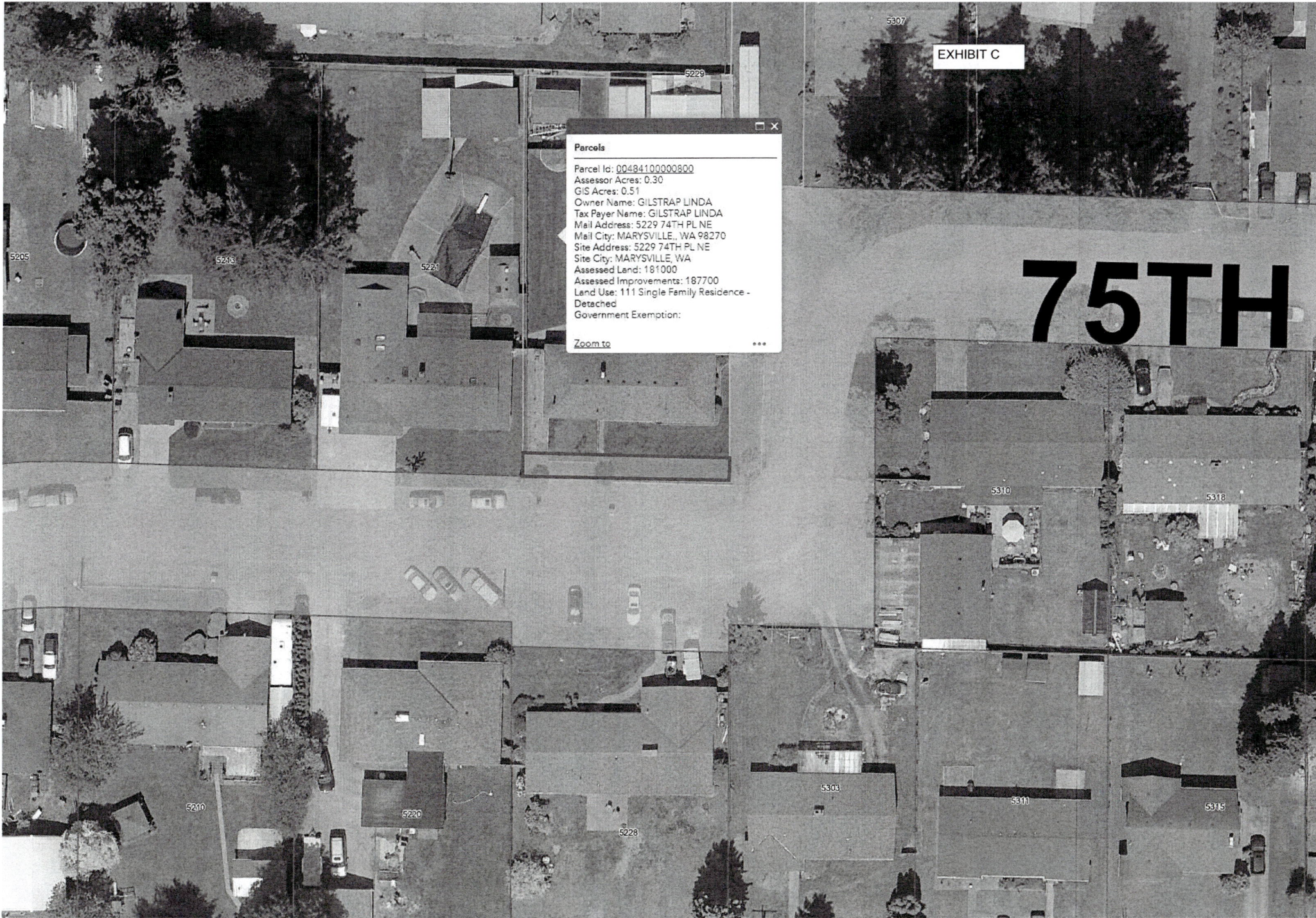


EXHIBIT C

Parcels

Parcel Id: 00484100000800
Assessor Acres: 0.30
GIS Acres: 0.51
Owner Name: GILSTRAP LINDA
Tax Payer Name: GILSTRAP LINDA
Mail Address: 5229 74TH PL NE
Mail City: MARYSVILLE, WA 98270
Site Address: 5229 74TH PL NE
Site City: MARYSVILLE, WA
Assessed Land: 181000
Assessed Improvements: 187700
Land Use: 111 Single Family Residence - Detached
Government Exemption:

Zoom to ...

75TH



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Assistant Parks Director Dave Hall, Parks, Recreation & Culture

ITEM TYPE: Agreement

AGENDA SECTION: **New Business**

SUBJECT: Supplemental Agreement to Little League Lease Agreement

SUGGESTED ACTION:
Recommended Motion: I move to authorize the Mayor to sign and execute the agreement with Marysville Little League for extension of the current lease.

SUMMARY: This supplemental agreement allows for the extension of the current lease agreement with Marysville Little League.

ATTACHMENTS:
[Little League- 2023 Supplemental Lease Agreement.pdf](#)
[Little League Lease - Cedar Field.pdf](#)

**SUPPLEMENTAL AGREEMENT NO. 1 TO
LEASE AGREEMENT BETWEEN
CITY OF MARYSVILLE
AND MARYSVILLE LITTLE LEAGUE**

THIS SUPPLEMENTAL AGREEMENT NO. 1 (“Supplemental Agreement No. 1”) 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 the Marysville Little League (“Lessee”).

WHEREAS, the parties hereto have previously entered into a lease agreement, whereby the City leased to Lessee the property located at 1010 Cedar Street, Marysville WA 98270 (APN 00585600200100) (the “Lease Agreement”), said Lease Agreement made effective May 18, 2020; and

WHEREAS, the Lease Agreement is set to expire at the end of 2022; and

WHEREAS, the Lease Agreement contemplates extending the term of the Lease Agreement by additional year-long periods, upon agreement of the City and Lessee; and

WHEREAS, the parties desire to extend the term of the Lease Agreement by one year.

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. The term of the Lease Agreement is extended by one year, and shall now terminate on December 31, 2023, at 11:59 p.m..

2. Each and every provision of the Lease Agreement shall remain in full force and effect, except as modified herein.

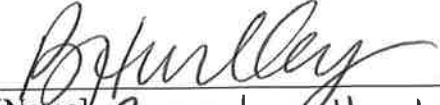
DATED this _____ day of _____, 20_____.

CITY OF MARYSVILLE

By _____
Jon Nehring, Mayor

DATED this 4 day of November, 2022.

MARYSVILLE LITTLE LEAGUE

By 
[Name] Brandy Hurley

Its: [Title]

ATTEST/AUTHENTICATED:

_____, Deputy City Clerk

Approved as to form:

Jon Walker, City Attorney

LEASE

THIS LEASE is made and entered into as of the last signature date set forth below, by and between the CITY OF MARYSVILLE, a municipal corporation of the State of Washington, hereinafter "City," and MARYSVILLE LITTLE LEAGUE, hereinafter "Lessee."

1. **DESCRIPTION OF PREMISES.** City hereby leases to Lessee and Lessee leases from City on the terms, covenants and conditions set forth herein, the following- described premises:

The office space, concession stand/space, and restrooms on the following parcel (lease does not include the building housing the Boys and Girls Club):

Commencing at a point 100 feet east of where the North side of 10th Street intersects the East side of Beach Street in the Edward Steele's Suburban Addition to Marysville; thence South 300 feet; thence West along the North side of 10th Street 267 feet to the point of beginning, situate in the city of Marysville, County of Snohomish, State of Washington .

Situated in the County of Snohomish State of Washington.

Snohomish County Tax Parcel 00585600200100

Commonly known as 1010 CEDAR Street, Marysville, WA.98270

TOGETHER WITH non-exclusive use of all paved parking areas located upon the above-described property. Throughout this agreement referred to as the "Leased Premises." City reserves the right to use the outbuildings situated on the Leased Premises during the off-season. City shall have access to the yard at all times.

2. **TERM.**

- (a) Initial Term. The initial term of this Lease shall be for THIRTY-FOUR (34) months, commencing on March 1, 2020, and ending December 31, 2022, at 11:59 p.m..
- (b) Renewal. By mutual agreement of the parties, this Lease may be renewed for two additional twelve-month terms.

3. **RENT.**

- (a) Rental Amount. Rent will be paid on an annual basis, and will be calculated at \$150 dollars per month, plus State leasehold excise tax of 12.84% (subject to adjustment per Section 3(c). This calculates to an initial annual payment of \$2,031.12.

- (b) Payments. The first annual rental payment will be due within ten days of the effective date of this Lease. Subsequent annual payments shall be due on March 1st of each year of the lease term and shall be paid at:

CITY OF MARYSVILLE
Parks, Culture & Recreation
6915 Armar Road
Marysville, WA 98270

or at such other place as may be designated by City.

- (c) Leasehold Excise Tax. As additional rent Lessee shall pay to City with the monthly rent a sum equal to 12.84% of the monthly rent for leasehold excise tax (\$19.26). This additional rent rate shall be modified to be consistent with any change in the leasehold excise tax rate occurring during the term of this Lease, or any extension or holdover, which modification shall be effective on the date the tax rate changes. City shall give written notice to Lessee of any change in the leasehold excise tax rate.
- (d) Late Charge. In the event Lessee should fail to pay any installment of rent or any sum due hereunder within ten (10) days after the date it is due, Lessee shall pay City a late charge of 5% of the delinquent payment, which late charge shall constitute additional rent due hereunder.

4. **USE OF PREMISES.**

- (a) The Leased Premises will be used baseball and related activities by the Marysville Little League (Lessee), and for no other purpose or purposes, without City's prior written consent. Lessee agrees not to operate any retail or service-oriented business on the Leased Premises with the exception of game day concessions.
- (a) Lessee shall comply with all laws, ordinances, orders, and regulations now in effect, or as hereafter amended, affecting the Leased Premises and their cleanliness, safety, occupation and use. Lessee will not use or permit the use of the premises in any such manner as will tend to create a nuisance, or unnecessarily or unreasonably disturb other lessees or occupants of the Leased Premises. Lessee shall not serve or permit alcohol to be consumed in the Leased Premises.
- (b) Lessee shall not use any machinery or equipment in the Leased Premises that might be injurious to the building. Lessee will not perform any act or carry on any practices that may damage the Leased Premises or be a nuisance to or menace or injure the public, other Lessees, or City's employees, contractors or agents. Lessee shall not commit or suffer any waste upon the Leased Premises.
- (c) Upon termination of the Lease, Lessee shall quit and surrender the Leased Premises in as good a state and condition as they were at the commencement of the Lease, reasonable

wear and tear or other actions not caused by Lessee, its employees, agents, customers or invitees, excepted. Lessee shall return all keys to City.

5. **UTILITIES.** City shall pay the expense of water and sewer service to the Leased Premises. Lessee shall exercise prudent conservation practices and keep plumbing fixtures well maintained to assure no waste of water and sewer facilities. City will pay for garbage and electricity and bill Lessee for these costs. Lessee shall reimburse Lessor for the costs of these services for the Leased Premises upon receiving a bill from City.

City shall not be liable for any loss, injury, or damaged property caused by or resulting from any variation, interruption, or failure of any utility service beyond City's reasonable control. No temporary interruption or failure of such services incident to the making of repairs, alterations, or improvements, or due to accident or strike, or conditions or events beyond City's reasonable control shall be deemed an eviction of Lessee or shall release Lessee from any of Lessee's obligations under this Lease.

6. **ACCEPTANCE OF PREMISES/LESSEE AND CITY RESPONSIBILITIES**

Lessee acknowledges that Lessee has examined the Leased Premises and accepts the same in their condition on the date of Lessee's execution of this Lease.

- (a) The Lessee shall perform all interior maintenance of the premises. City shall provide all exterior maintenance to structures and repairs to the physical plant, roof systems, lights, netting, fencing, bleachers, dugouts, alley and restrooms of the premises. City shall provide year round facility maintenance on the field and surrounding structures weekly.
- (b) Lessee will be required to supply the season schedule and execute a FIELD USE AGREEMENT no later than March 1st of each season. Lessee shall pay all associated game fees according to the Field Use Agreement with City. Lessee shall provide all game preparation for scheduled games. Lessee shall be responsible for all equipment and maintenance of the concession facility housed within the office building.
- (c) City and City's agents and employees shall have the right to access to the premises for the purposes of:
 - (1) Inspection;
 - (2) Maintenance, yard work, repairs, alterations or improvements;
 - (3) Display of the premises to prospective or actual workers or contractors;
 - (4) Whenever practical, City shall give Lessee advance notice of City's intent to enter the property. City shall not alter the Leased Premises in any way to make the space unusable by Lessee.

7. ALTERATIONS, LIENS, CONDITION OF PREMISES UPON TERMINATION OF LEASE. Except as specifically permitted above:

- (b) No alterations shall be made to the Leased Premises without prior written consent of City. Any alterations to the Leased Premises excepting movable furniture and trade fixtures shall, at City's option, become part of the realty and belong to City.
- (c) Should Lessee desire to alter the Leased Premises and if City consents to such alterations, then at City's option, such improvements shall be performed by City's employees, or Lessee shall contract with a licensed, bonded and insured contractor approved by City for the construction of such alterations.
- (d) All work approved by City shall be done at such times and in such manner as City may from time to time designate. Lessee shall give City written notice five (5) days prior to employing any laborer or contractor to perform work resulting in an alteration of the Leased Premises so that City may post a notice of non-responsibility.
- (e) In the event the Leased Premises shall at any time during the term of this Lease become subject to any suit brought to enforce a lien, or any statement or claim of lien is filed to enforce a lien resulting from the furnishing of materials or labor to the Leased Premises contracted for or agreed to by Lessee, Lessee may contest such lien by legal proceedings, but shall nevertheless cause such lien, at its sole cost, to be discharged within thirty (30) days after notice thereof by the substitution therefor of a mechanic's lien release bond, by posting of adequate security for the payment thereof (including all expenses incident thereto), or by such other method as shall be reasonably satisfactory to City.
- (f) Trade fixtures installed by Lessee may be removed by Lessee at the termination of the Lease, provided that the premises are returned to as good condition as they were prior to the installation of the same. Structural alterations of the premises shall also be removed, at the option of City, at the termination of the Lease, and Lessee shall bear the full cost thereof and shall repair any damage to the Leased Premises caused thereby. Lessee's obligations to observe or perform this covenant shall survive the expiration or the termination of the term of this Lease.

8. INSURANCE/LIABILITY.

A. Insurance Term

The Lessee shall procure and maintain for the duration of the term of this Lease, any renewal term, and/or any holdover period, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the use of the facilities and the activities of the Lessee and his or her guests, representatives, volunteers and employees.

B. No Limitation

Lessee's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Lessee to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Required Insurance

Lessee's required insurance shall be as follows:

General Liability insurance shall be at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 covering premises, operations, and contractual liability. The City shall be named as an additional insured on Lessee's General Liability insurance policy using ISO Additional Insured-Managers or Lessors of Premises Form CG 20 11 or an endorsement providing at least as broad coverage. The General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate. General Liability insurance shall include coverage for participant liability with limits of not less than \$1,000,000 per occurrence.

The insurance policy shall contain, or be endorsed to contain that the Lessee's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of the Lessee's insurance and shall not contribute with it. City Full Availability of Lessee Limits.

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

E. Certificate of Insurance and Acceptability of Insurers

The Lessee shall provide a certificate of insurance evidencing the required insurance before using the Premises.

Insurance will be placed with insurers with a current A.M. Best rating of not less than A: VII.

9. **RISK OF LOSS.** All personal property of Lessee kept or maintained at the Leased Premises shall be at the risk of Lessee. Lessee agrees that all personal property kept at the lease premises by Lessee shall be at the risk of Lessee. Lessee further agrees not to hold City liable in any manner or on account of any loss or damage sustained by action of fire, water, elements, theft or any third party.

10. **INDEMNIFICATION.**

Lessee shall defend, indemnify and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of

any person, or for loss or damage to property, which arises out of the use of the Premises or from any activity, work or thing done, permitted, or suffered by Lessee in or about the Premises, except only such injury or damage as shall have been occasioned by the sole negligence of the City. The parties acknowledge that the foregoing indemnity provisions were mutually negotiated and survive the termination of this Lease.

11. **HAZARDOUS SUBSTANCES.** As used in this Lease, the term "Hazardous Substance" means any substance or material, the storage, use or disposal of which is or becomes regulated under any law now or hereafter in effect, including, but not limited to any flammable explosives, radioactive materials, asbestos, petroleum and related byproducts and hydrocarbons, organic compounds known as polychlorinated biphenyls, chemicals known to cause cancer or reproductive toxins, pollutants, contaminants, hazardous wastes, toxic substances or related materials.

Without City's prior written consent, Lessee shall not receive, store or otherwise allow any Hazardous Substance on the Leased Premises. In the event of any release or presence of any Hazardous Substance on or about the Leased Premises occurring on or after the commencement date of this Lease, Lessee agrees to immediately, fully and completely remove all of such Hazardous Substance from the Leased Premises and to dispose of such in accordance with applicable law, even if the quantity or concentration of such Hazardous Substance would not require remediation under the provision of law. Lessee further agrees to defend, indemnify, and hold harmless City, its elected officials, officers, employees, agents and contractors from and against any and all losses, claims, liabilities, damages, demands, fines, costs and expenses, including reasonable attorneys' fees, arising out of or resulting from any release or presence of any Hazardous Substance on or about the Leased Premises; the provisions of this sentence shall survive and be enforceable after the termination or expiration of the Lease and the surrender of the Leased Premises by Lessee. If Lessee becomes aware of the release or presence on the Leased Premises of any Hazardous Substance, Lessee shall immediately notify City in writing of such release or presence, and Lessee shall promptly provide City with copies of any reports, studies, recommendations or requirements received by Lessee from any third person, including a governmental agency.

12. **SIGNS AND LANDSCAPING.** Lessee shall be permitted to erect a business sign and directional signage; provided City shall have the right to control and approve the location, size, quality and appearance of the same. Lessee shall make no alterations or additions to the landscaping of the Leased Premises and shall place no exterior signs on the Leased Premises without the prior written consent of City. Lessee shall be required to maintain Lessee's signs in good, safe, attractive condition. Any signs not in conformity with this Lease may be removed and destroyed by City. All sponsor or advertising signage is to be removed and stored at the conclusion of each season.

13. **TAXES.**

- (a) City shall be responsible for all real property taxes and assessments levied or assessed against the Leased Premises by any governmental entity, including any special

assessments imposed on or against the Leased Premises for the construction or improvement of public works in , on or about the Leased Premises; provided, however, that the Lessee shall conduct no activity on the Leased Premises nor place any articles on the Leased Premises that will increase the real property taxes levied or assessed against the Leased Premises.

- (b) Lessee shall pay before delinquency any and all taxes, assessments, license fees, and public charges levied, assessed or imposed and which become payable during the Lease upon Lessee's fixtures, furniture, appliances and personal property installed on or located in the Leased Premises.
- (c) Lessee agrees to pay the amount of all taxes levied upon or measured by the rent payable hereunder, whether as a sales tax, transaction privilege tax, leasehold excise tax, or otherwise. Except as provided in paragraph 3(c) above, such taxes shall be due and payable at the time the same are levied or assessed.

14. CASUALTY; REBUILDING; CONDEMNATION. In the event the building at the Leased Premises shall be destroyed or damaged by fire or other causes (and regardless of the extent of the damage to the Leased Premises) to such an extent that the City shall decide to discontinue the operation of the building, which decision shall be communicated to the Lessee within sixty (60) days after such damage or destruction, then this Lease shall be terminated as of the date of such damage or destruction. In the event of damage to the Leased Premises by fire or other causes, other than under the circumstances described in the preceding sentence, City shall repair the Leased Premises within a reasonable time and as quickly as circumstances will permit upon the same plan as immediately before the damage or destruction. Until the Leased Premises are repaired and put in a good and usable order, the rents herein provided for, or a fair and just proportion thereof according to the nature and extent of the damage sustained, shall be abated until the Leased Premises shall have been restored to the same condition as they were before such damage or destruction.

In the event that the Leased Premises are not usable as contemplated in this agreement for over ninety (90) days due to the damage, Lessee shall have the right to terminate this Lease.

If any part of the Leased Premises shall be taken by public or quasi-public authority under any power of eminent domain or condemnation, Lessee shall have no claim or interest in or to any award of damages for such taking. If such taking materially reduces usefulness of the Leased Premises for the purposes for which it is leased, then Lessee shall have the option of terminating this Lease.

15. ASSIGNMENT AND SUBLETTING. Lessee shall not sublease, sublet or assign the Leased Premises, or any portion thereof, except by the written permission and consent of City, in City's sole discretion. This Lease shall not be assignable by operation of law.

16. **INSOLVENCY OF LESSEE.** (a) the appointment of a receiver to take possession of all or substantially all of the assets of Lessee, or (b) a general assignment by Lessee for the benefit of creditors, or (c) any action taken or suffered by Lessee under any insolvency or bankruptcy act shall, if any such appointments, assignments or action continues for a period of thirty (30) days, constitutes a breach of this Lease by Lessee, and City may at its election without notice, terminate this Lease, and in that event be entitled to immediate possession of the Leased Premises and damages as provided below.

17. **LESSEE DEFAULT.**

- (a) If Lessee shall fail to perform any of the covenants and agreements herein contained (and regardless of the pendency of any bankruptcy, reorganization, receivership, insolvency, or other legal or equitable proceedings that have or might have the effect of preventing the Lessee from complying with the terms of this Lease), then City may cancel this Lease upon giving the notice required by law, and re-enter said premises. Notwithstanding such re-entry by City, the liability of Lessee for the rent provided for herein shall not be extinguished for the balance of the term of the Lease, and Lessee covenants and agrees to make good to City any deficiency arising from re-entry and re-letting of the Leased Premises at a lesser rental than herein agreed to. Lessee shall pay such deficiency each month as the amount thereof is ascertained by City. In computing such deficiency, Lessee shall be charged with the monthly rental that would have been owed by Lessee had Lessee continued to lease the Leased Premises.
- (b) NSF Check Charge. Lessee agrees to pay a \$40.00 fee for each check returned for insufficient funds or that cannot be cashed on the day it is received or presented for payment. Said NSF charge shall be in addition to any applicable late charge, and shall constitute additional rent due hereunder. No postdated checks will be accepted as rental payment.
- (c) If City must commence an unlawful detainer action to seek restitution of the rental premises as a result of Lessee's default in the payment of rent, City shall be entitled to judgment in the amount of double the rent due at the time of judgment pursuant to RCW 59.12.170.
- (d) In the event of any entry in, or taking possession of, the Leased Premises, City shall have the right, but not the obligation, to remove from the Leased Premises all personal property located thereon, and may place the same in storage at a public warehouse, at the expense and risk of the owners.
- (e) If at any time City waives any breach or default, or any right or option, such waiver shall not be construed to be a waiver of any other right or option, or any other past, existing or future breach or default.

- (f) In the event Lessee is in default on any provision of this Lease and City seeks the services of an attorney to enforce such provision in default, City shall be entitled to recover all attorney's fees and costs expended in such enforcement, including the cost of preparation and service of all notices, and such fees, costs and expenses shall constitute additional rent due hereunder.

18. **CITY DEFAULT.** In the event City shall neglect or fail to perform or observe any of the covenants, provisions or conditions contained in this Lease on its part to be performed or observed within 30 days after Lessee's written notice to City (or if more than 30 days shall be required because of the nature of the breach, if City shall fail to proceed diligently to cure such breach after notice), then, in that event, City shall be in default under the provisions of this Lease, and Lessee will have the option to terminate this Lease.

19. **NOTICES.** All notices, statements, demands, requests, consents, approvals, authorizations, offers, agreements, appointments, or designations under this Lease by either party to the other shall be in writing and shall be sufficiently given and served upon the other party, if sent by certified mail, return receipt requested, postage prepaid, and addressed as follows:

LESSEE:

MARYSVILLE LITTLE LEAGUE

PO Box 848
Marysville WA 98270
Telephone: 206-459-6397

CITY:

CITY OF MARYSVILLE
Parks, Culture & Recreation
6915 Armar Road
Marysville, WA 98270

or at such other address as either party designates by written notice to the other party. All notices shall be effective upon the earlier of personal delivery or three (3) days after being mailed.

20. **NO WAIVER OF COVENANTS.** No waiver shall be implied from an omission by either party to take any action related to breach of any covenant, term, or condition of this Lease. The acceptance by City of rent with knowledge of the breach of any of the terms, conditions, or covenants of this Lease by Lessee shall not be deemed a waiver of any such breach. One or more waivers of any breach of any covenant, term, or condition of this Lease shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.

21. **SUCCESSORS AND ASSIGNS.** The rights, liabilities, and remedies provided for herein shall extend to the heirs, legal representatives, successors and, so far as the terms of this Lease permit, assigns of the parties hereto. The words "City" and "Lessee" and their accompanying verbs or pronouns, wherever used in this Lease, shall apply equally to all persons, firms or corporations which may be or become parties to this Lease.

22. **TIME.** Time is of the essence of this Lease.

23. **ENTIRE AGREEMENT AND AMENDMENTS.** This Lease contains all of the agreements between the parties with respect to any matter covered or mentioned in the Lease, and no prior agreement, letter of intent, or understanding relating to any such matter will be effective for any purpose. No provision in this Lease may be amended or added to except by an agreement in writing signed by the parties or their respective successors in interest and using the same formalities as are required by the execution of this Lease.

DATED 3/24/20, 2020

DATED 5/18, 2020


THE CITY OF MARYSVILLE, City

MARYSVILLE LITTLE LEAGUE, Lessee

By 
JON NEHRING, Mayor

By 
Its President

Approved as to form:

By 
Jon Walker, City Attorney

STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that the JON NEHRING is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath acknowledged that he was authorized to execute the instrument, and acknowledged it as the Mayor of the CITY OF MARYSVILLE to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 24th day of March, 2020.



Tina Brock
(Notary Signature)

Tina Brock
(Print Name)

NOTARY PUBLIC in and for the State of Washington
Residing at (city): Stanwood
My commission expires: 03/15/2022

STATE OF WASHINGTON)
)ss.
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that the Brandy Hurley is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath acknowledged that he was authorized to execute the instrument, and acknowledged it as the President of Marysville Little League to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 18th day of May, 2020.



Erica Lippmann
(Notary Signature)

Erica Lippmann
(Print Name)

NOTARY PUBLIC in and for the State of Washington
Residing at (city): Arlington WA
My commission expires: Aug 31, 2021





Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Senior Planner Angela Gemmer, Community Development

ITEM TYPE: Ordinance

AGENDA SECTION: **New Business**

SUBJECT: **Ordinance** regarding Josephine Caring Community Rezone

SUGGESTED ACTION:

Recommended Motion: I move to adopt Ordinance No. ____.

SUMMARY: Josephine Caring Community submitted a land use application on October 25, 2021 requesting Conditional Use Permit and concurrent Rezone Approval in order to construct an 80-unit Master Planned Senior Community (MPSC) for those ages 62 and up on a 7.12 acre property located at 16704 25th Avenue NE. A MPSC provides a continuum of housing and care options for seniors to enable them to “age in place”. The subject property is primarily zoned R-12 Multi-family, Low Density (R-12) with approximately 2.15 acres zoned General Commercial (GC). The rezone request is for the 2.15 acres of GC to be rezoned to R-12. MPSCs are a Conditional Use in the R-12 zone, but not allowed in the GC zone so the rezone enables the full property to be developed as a MPSC. A key reason that the rezone is requested is due to the significant right-of-way dedication that is needed along the west, south, and east property lines of the site. After the right-of-way dedication, there would be insufficient land for the MPSC to proceed without the additional 2.15 acres.

A duly advertised public hearing before the Hearing Examiner (HE) was held on September 13, 2022 to review the MPSC proposal. The HE received testimony from staff, the applicant, and the applicant’s representatives. Public testimony was provided by one citizen at the public hearing. Following the public hearing, the HE granted Conditional Use Permit Approval for the MPSC and made a recommendation to the Marysville City Council for approval of the concurrent rezone by ordinance.

ATTACHMENTS:

Ord. with exhibits - Josephine Caring Community Rezone
Staff Recommendation Josephine Caring Community

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AFFIRMING THE RECOMMENDATION OF THE HEARING EXAMINER AND REZONING APPROXIMATELY 2.15 ACRES OF THE JOSEPHINE CARING COMMUNITY PROPERTY LOCATED AT 16704 25TH AVENUE NE FROM GENERAL COMMERCIAL (GC) TO R-12 MULTI-FAMILY, LOW DENISTY (R-12), AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY.

WHEREAS, Josephine Caring Community owns approximately 7.12 acres of property within the City of Marysville generally located at 16704 25th Avenue NE, said property being legally described in attached **Exhibit A**;

WHEREAS, Josephine Caring Community submitted an application to the City of Marysville requesting a site specific NON-PROJECT Action Rezone requesting a rezone classification of the northern approximately 2.15 acres of their property described in **Exhibit A** and depicted in **Exhibit B** from General Commercial to R-12 Multi-family, Low Density so that, if approved, the entire property would be zoned R-12 Multi-family, Low Density; and

WHEREAS, following notice as required by law, the City of Marysville Hearing Examiner held a hearing on the proposed rezone on September 13, 2022, and adopted Findings, Conclusions, and Recommendations recommending approval of the rezone request along with Conditional Use Permit Approval for an 80-unit Master Planned Senior Community subject to 15 conditions, which Findings, Conclusions, and Recommendations is attached hereto as **Exhibit C**; and

WHEREAS, on November 28, 2022 at a public meeting the Marysville City Council reviewed and concurred with the Hearing Examiner's Findings, Conclusions, and Recommendation related to Josephine Caring Community Rezone;

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

Section 1. City Council Approval of Hearing Examiner Decision. The Findings, Conclusions, and Recommendations of the Hearing Examiner with respect to the above-referenced rezone are approved, and the property described in **Exhibit A** and depicted in **Exhibit B** is rezoned from General Commercial (GC) to R-12 Multi-family, Low Density (R-12).

Section 2. Zoning Classification Conditioned Upon Compliance with Hearing Examiner Decision. The zoning classification for the property described in **Exhibit A** and depicted in **Exhibit B** shall be perpetually conditioned upon strict compliance with the conditions set forth in the Findings, Conclusions and Recommendations of the Hearing Examiner, attached hereto as **Exhibit C**. Violation of the conditions of said decision may result in reversion of the property to the previous zoning classification and/or may result in enforcement action being brought by the City of Marysville.

Section 3. Amendment of Official Zoning Map. The City Council amends the City's Official Zoning Map, Ordinance No. 3000, as previously amended, and the City's Unified Development Code MMC Title 22, by adopting the Josephine Caring Community Rezone which

rezones the property described in **Exhibit A** and depicted in **Exhibit B** from General Commercial (GC) to R-12 Multi-family, Low Density (R-12). This amendment shall be attested by the signature of the Mayor and City Clerk, with the seal of the municipality affixed, shall be include with the Official Zoning Map on file in the office of the City Clerk, and shall be available for public inspection.

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

Section 5. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections

Section 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

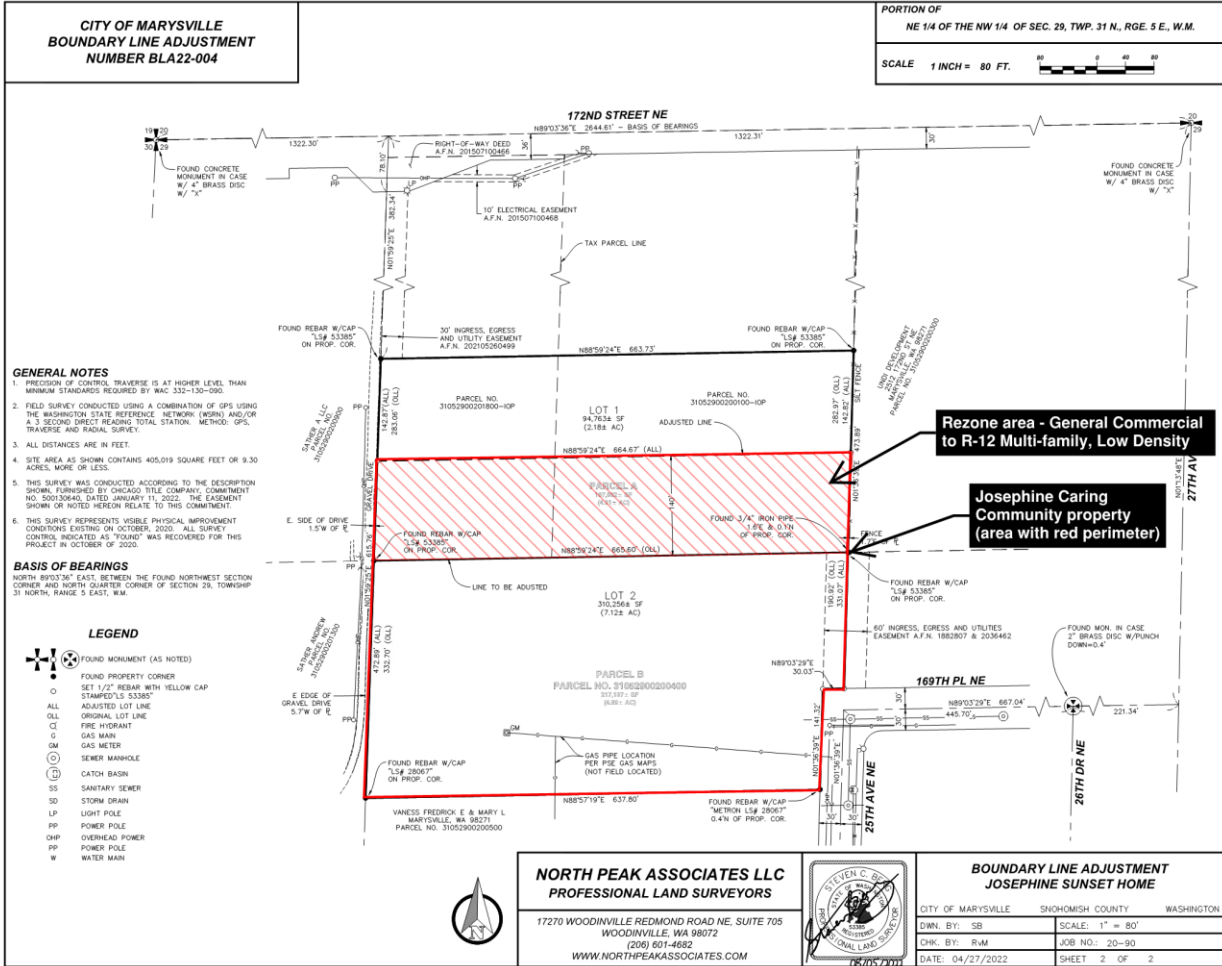
EXHIBIT A

The north half of the southwest quarter of the northeast quarter of the northwest quarter of Section 29, Township 31 North, Range 5 East, W.M.;

Except that portion dedicated to the Plat of Lakewood Meadow according to the plat thereof recorded under Snohomish County Auditor's File No. 200110175002, records of Snohomish County, Washington;

Together with the south 140.00 feet of the lot 2, City of Marysville Boundary Line Adjustment No. BLA21-001 recorded under Auditor's File No. 202105265008 in the records of Snohomish County being a portion of the northeast of the northwest of Section 29, Township 31 North, Range 5 East, W.M.

EXHIBIT B



CITY OF MARYSVILLE
Hearing Examiner
Findings, Conclusions and Decision

APPLICANT: Josephine Caring Community
CASE NO.: PA 21054
LOCATION: 16704 25th Avenue NE, Marysville, WA
APPLICATION: Request for a Conditional Use Permit and Concurrent Rezone in order to construct an 80-unit Master Planned Senior Community on a 7.12-acre site. Approximately 2.15-acres of the development site is currently zoned General Commercial and the applicant is proposing to rezone to Multi-family, Low Density.

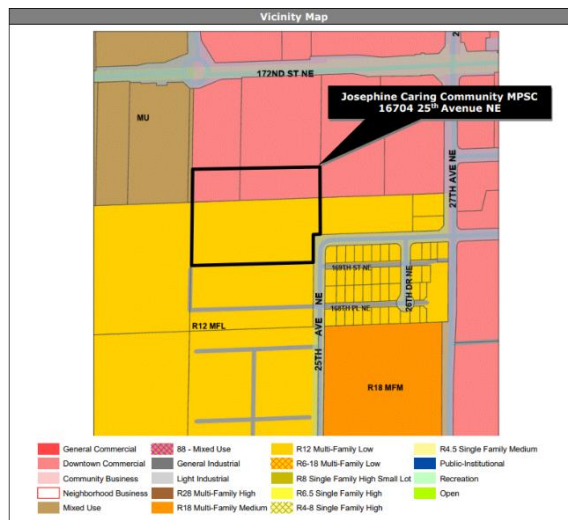
SUMMARY OF RECOMMENDATION:

Staff Recommendation: Approve the Conditional Use Permit for the Master Planned Senior Community, and the concurrent rezone of a portion of the site from General Commercial to R-12 Multi-family, Low Density.

Hearing Examiner Decision: Approve the Conditional Use Permit for the Master Planned Senior Community, and the concurrent rezone of a portion of the site from General Commercial to R-12 Multi-family, Low Density. 15 Conditions are applied, plus the 8 conditions documented in the SEPA Mitigated Determination of Non-Significance issued on August 5, 2022.

PUBLIC HEARING

After reviewing the official file, which included the Marysville Community Development Department Staff Recommendation; the Hearing Examiner conducted a public hearing on the request from the Josephine Caring Community for a Conditional Use permit and a concurrent rezone for a portion of the subject site. The hearing was opened at 5:07 p.m., September 13, 2022, and closed at 5:33 p.m.. The public hearing took place by Zoom teleconference. The Hearing Examiner, City staff, the applicant and the public attended and participated via Zoom teleconference hosted by the city. Participants at the public hearing included a representative of



the city of Marysville Community Development Department, representatives of the applicant – Josephine Caring Community, and a member of the public. These persons are listed below together with a summary of their testimony, and are documented in the minutes of the hearing. A verbatim recording of the hearing and summary minutes are available from the Community Development Department. A list of exhibits offered and entered into the record at the hearing and a list of parties of record are included at the end of this report.

HEARING COMMENTS AND TESTIMONY

The Hearing Examiner noted for the record that the issue under consideration is the request for a Conditional Use Permit and a concurrent Rezone to construct an 80-unit Master Planned Senior Community on a 7.12-acre site.

MMC Section 22G.010.430, Conditional Use Permit, sets forth criteria for governing the issuance of a Conditional Use Permit. MMC Section 22G.010.440(1)(a-d) provides the criteria for a Comprehensive Plan Rezone and MMC Section 22G.010.440(2)(a-c) provides conditions for a Rezone at the Edge of a Land Use District.

MMC 22G.010.170 (3) (a-e) provides the 5 factors the Hearing Examiner must consider and find to be consistent, in order to approve the proposal. These are addressed in the Staff Recommendation (Exhibit 59) and are documented in the Hearing Examiner findings.

Testimony was provided by city of Marysville Community Development Department staff, representatives of the applicant, and a member of the public. A summary of the testimony is as follows:

City of Marysville, Community Development Department

Angela Gemmer, Principal Planner reviewed the proposal for a Conditional Use permit and a Rezone and provided a brief description of the site and the proposed Master Planned Senior Community. Ms. Gemmer noted that the developer of the proposed senior community would not be required to pay a school impact fee, and the developer would pay a park impact fee. Stormwater would be treated on-site employing low-impact development techniques. A SEPA Mitigated Determination of Non-Significance was issued on August 5, 2022, and there were no appeals. Staff recommends approval of the proposal with 15 conditions plus the 8 conditions documented in the MDNS.

Applicant: Josephine Caring Community

Merle Ash, Land Technologies, Inc. commended Marysville staff and the team that put this project together. As planned, the project will support needs in the community, and it is in a good location with nearby services, shopping and other types of residential uses.

Paul Aigner Land Technologies, Inc. noted that there is market demand for this housing type as it affords seniors the ability to age in an urban environment. Residents of this project are supported by an affiliated facility in Stanwood that can provide an enhanced level of care.

Terry Robertson, a nursing home administrator, noted the planned high-quality design and amenities, including open space, and confirmed that there is a greater level of care available at the affiliated facility in Stanwood.

Natalie Ruiz, with the architecture firm CRTKL described the project as an extraordinary placemaking opportunity with services that promote healthy living. Ms. Ruiz offered thanks to the city of Marysville staff, especially to Angela Gemmer.

Phyllis McKenzie, a nearby resident, offered the opinion that land currently zoned General Commercial should not be rezoned for residential use because there are not enough nearby grocery stores and other businesses. There is too much residential development between I-5 and the railroad tracks.

WRITTEN COMMENTS

None entered into the record at the hearing.

FINDINGS, CONCLUSIONS AND RECOMMENDATION

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

A. FINDINGS

1. The information contained in the Marysville Community Development Department Staff Recommendation (Exhibit 59) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and is by this reference adopted as portion of the Hearing Examiner's findings and conclusions. A copy of the Staff Recommendation is available from the Marysville Community Development Department.
2. The minutes of the hearing are an accurate summary of the testimony offered at the hearing and are by this reference entered into the official record.
3. The applicant has provided evidence and has demonstrated that the request meets all of the criteria for a Conditional Use Permit in accordance with MMC Section 22G.010.430 as documented in Section 15 of the city of Marysville Staff Recommendation (Exhibit 59).
4. The applicant has provided evidence and has demonstrated that the Comprehensive Plan Rezone request meets all the criteria for a Rezone in accordance with MMC Section 22G.010.440(1)(a-d) as documented in Section 16 of the city of Marysville Staff Recommendation (Exhibit 59).
5. The applicant has provided evidence and has demonstrated that the proposed Rezone request meets all the criteria for a Rezone at the Edge of a Land Use District in accordance with MMC Section 22G.010.440(2)(a-c) as documented in Section 17 of the city of Marysville Staff Recommendation (Exhibit 59).
6. MMC 22G.010.170(3)(a-e) requires that the Hearing Examiner not approve a proposed development without first making the following findings and conclusions:

- a. The development is consistent with the comprehensive plan and meets the requirements and intent of the Marysville Municipal Code.

City of Marysville Staff Response

The Comprehensive Plan designation for the subject property is General Commercial and Multi-family, Low Density. The proposed development and subsequent use of the property will be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan and the intent of the Marysville Municipal Code, as conditioned herein. For compliance with specific Comprehensive Plan policies, please see Section 14(c) of the city of Marysville Staff Recommendation (Exhibit 59).

Hearing Examiner Finding

Concur with the staff response. This criterion is met.

- b. The development makes adequate provisions for open space, environmentally sensitive areas, drainage, streets and other public ways, transit stops, water supply, sanitary wastes, public utilities and infrastructure, parks and recreation facilities, playgrounds, sites for schools and school grounds.

City of Marysville Staff Response

Based on a review of the preliminary MPSC site plan and application materials, the development makes adequate provisions for open space, environmentally sensitive areas, drainage, streets and other public ways, transit stops, water supply, sanitary wastes, public utilities and infrastructure, parks and recreation facilities, playgrounds, sites for schools and school grounds.

Hearing Examiner Finding

Concur with the staff response. For this proposed Master Planned Senior Community, it is not applicable to make adequate provisions for environmentally sensitive areas, transit stops, playgrounds and sites for schools and school grounds. This criterion is met.

- c. The development is beneficial to the public health, safety and welfare and is in the public interest.

City of Marysville Staff Response:

As conditioned herein, the proposed MPSC is beneficial to the public health, safety and welfare and is in the public interest as the MPSC provides senior housing and is designed in accordance with applicable Marysville Municipal Code requirements.

Hearing Examiner Finding

Concur with the staff response. This criterion is met.

- d. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan. If the development results in a level of service lower than those set forth in the comprehensive plan, the development may be approved if improvements or

strategies to raise the level of service above the minimum standard are made concurrent with the development. For the purpose of this section, “concurrent with the development” is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development.

City of Marysville Staff Response:

As conditioned herein, the development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan.

Hearing Examiner Finding

Concur with the staff response. Impact fees for transportation and parks will be provided. This criterion is met.

- e. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

City of Marysville Staff Response

As conditioned herein, the area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

Hearing Examiner Finding

Concur with the staff response. This criterion is met.

B. CONCLUSIONS

The Hearing Examiner concludes that the applicant has demonstrated that the request is consistent with the provisions for a Conditional Use Permit and Rezone. Responses to each of the Conditional Use Permit criteria in MMC 22E.050.060(2)(a)(i-v) and the Rezone criteria in MMC Section 22G.010.440(1)(a-d) are deemed to be satisfactory with respect to their intent. The proposal also complies with the MMC 22G.010.170(3)(a-e) which is necessary for the Hearing Examiner to approve a proposed development.

C. DECISION

Based upon the foregoing findings of fact and conclusions, the Hearing Examiner approves the request for a Conditional Use Permit and a Rezone from the city of Marysville for the proposed Josephine Caring Community with the 15 conditions detailed in the Staff Recommendation, plus the 8 conditions associated with the MDNS:

1. The site plan configuration received on April 29, 2022 (Exhibit 41) shall be the approved site plan; provided that, additional Americans with Disabilities Act (ADA) parking may need to be designated as determined by the Building Official in accordance with MMC Section 22C.130.050(5)(e).

2. In lieu of paying school impact fees typically required by MMC Chapter 22D.040, School Impact Fees and Mitigation, a covenant ensuring that no children less than 18 years of age would reside in the project may be recorded for the property subject to approval by the Lakewood School District. Said covenant must include procedures to routinely determine if the age restrictions of the community are being met, and allow the District to recover any costs it may incur should the project not be in compliance with the minimum age requirements and fees must be collected. Said covenant shall be recorded with the Snohomish County Auditor prior to building permit issuance.
3. The applicant shall submit payment to the City of Marysville for park impacts caused by the development in accordance with MMC Chapter 22D.020, Parks, Recreation, Open Space and Trail Impact Fees and Mitigation. Park mitigation fees will be based on the fee schedules in effect at the time an individual building permit application is accepted by the City, and will be required to be paid prior to building permit issuance.
4. Prior to civil construction plan approval, the applicant shall submit a final landscape and irrigation plans meeting the requirements MMC Chapter 22C.120, Landscaping and Screening.
5. Prior to civil construction plan approval, an exterior lighting plan that includes representative specifications for the various lighting fixtures, and a photometric plan demonstrating compliance with the Lakewood Neighborhood Master Plan, Appendix A – Design Standards, Section B.3(4)(c) and MMC Section 22C.130.050(3)(d) must be submitted for review and approval.
6. Prior to civil construction plan approval, the Josephine Sunset Home Boundary Line Adjustment (file BLA22-004) shall be recorded with the Snohomish County Auditor's Office, and an electronic copy of the conformed BLA map shall be submitted to the City.
7. Decorative street lighting consistent with Lakewood Neighborhood Master Plan (LNMP), Appendix B and Engineering Design and Development Standards (EDDS) Standard Plan 3-506 shall be required for the project. A street lighting plan shall be submitted as part of the formal civil construction plan submittal and is subject to review and approval by Jesse Hannahs, P.E., Traffic Engineering Manager. Decorative street lighting will be required on 169th Place NE and 25th Avenue NE. PUD installed fiberglass street lighting will be required on 23rd Avenue NE.
8. Prior to building permit issuance, the applicant shall demonstrate compliance with the Lakewood Neighborhood Master Plan, Appendix A – Design Standards, Section B.3 Site and building design standards.
9. Prior to building permit issuance, the single family residences shall demonstrate compliance with the Lakewood Neighborhood Master Plan, Appendix A – Design Standards, Sections B.3, Site and Building design standards, subsection (2) and (4), and B.5, Single Family and Duplex Development Standards.

10. Compliance with Lakewood Neighborhood Master Plan, Appendix A – Design Standards, Section B.13, Service Areas and Mechanical Equipment, shall be demonstrated prior to civil construction and/or building permit approval, as applicable.
11. Pursuant to MMC Section 22C.220.050(2)(f), Maintenance Provisions, a means of maintaining all common areas of the MPSC, such as a homeowner’s association, shall be established, and legal instruments shall be executed to provide maintenance funds and enforcement provisions.
12. Pursuant to MMC Section 22C.220.090(15), Covenant and Duration. An agreement in a form approved by the city must be recorded on the property requiring that the provisions of MPSC chapter, including age restrictions and site plan approval, be maintained for the life of the project. The agreement shall be recorded prior to final occupancy permits being granted. Said agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.
13. Prior to final occupancy permits being granted, an Arlington Airport aviation easement shall be executed and recorded with the Snohomish County Auditor’s Office, and a conformed copy shall be provided to the cities of Arlington and Marysville.
14. All new power lines, telephone wires, television cables, fire alarm systems, and other communication wires, cables or lines shall be placed in an underground location either by direct burial or by means of conduit or ducts with the exception of the city fire alarm system.
15. The project is subject to the following eight (8) mitigation measures outlined in the SEPA Mitigated Determination of Non-Significance issued on August 5, 2022 (Exhibit 52).
 1. The applicant and contractor shall strictly adhere to the recommendations outlined in the Stormwater Site Plan Report prepared by Land Technologies, Inc. dated October 2021 and revised February 2022, and the Preliminary Geotechnical Engineering Study prepared by Earth Solutions NW, LLC dated July 13, 2018, and future supplemental reports and amendments, during construction of the project. Prior to final building inspections being granted, the applicant shall provide a letter from the project engineer to verify that final site grading has been completed consistent with the approved grading plans; that all recommendations outlined in the geotechnical assessment and subsequent amendments have been followed; and that all fill has been properly placed
 2. The applicant shall prepare a grading plan that preserves the natural topography of the site to the extent feasible, and complies with the design criteria in MMC Section 22D.050.030(4). The site shall be developed to promote continuity between, and a smooth transition to, neighboring properties.
 3. In order to mitigate impacts upon the future capacity of the road system, the applicant shall be required to submit payment to the City of Marysville, on a proportionate share cost of the future capacity improvements as set forth in MMC 22D.030.070(3), for the development. Traffic impact fees shall be vested at a rate of \$6,300.00 per new PM peak

hour trip (PMPHT). 23rd Avenue NE and 169th Place NE are eligible for traffic impact fee (TIF) credits.

4. The applicant shall be required to construct frontage improvements along the property's 23rd Avenue NE and 169th Place NE frontages consisting of curb, gutter, sidewalk, landscaping, and a minimum of 20 feet of pavement consistent with City of Marysville Engineering Design and Development Standards (EDDS).
5. The applicant shall be required to construct frontage improvements along the property's 25th Avenue NE frontage consisting of curb, gutter, sidewalk, landscaping, and pavement to the property line consistent with City of Marysville Engineering Design and Development Standards (EDDS). A private covenant recorded under Auditor's File Number 200608301001 may require additional improvements to 25th Avenue NE in coordination with the other property owners subject to the agreement as detailed in said agreement.
6. A preliminary design of the roundabout at the intersection of 23rd Avenue NE and 169th Place NE including truck turning templates has been prepared by the adjacent project. Construction of curb, gutter and sidewalk in ultimate location upon development controlled parcels shall be required for the development. Temporary striping will be necessary to provide a temporary standard intersection until the roundabout is constructed by adjacent developments.
7. The applicant shall be required to dedicate the necessary right-of-way on 23rd Avenue NE, 25th Avenue NE, 169th Place NE, and the 23rd Avenue NE/169th Place NE roundabout to enable build-out of 23rd Avenue NE, 25th Avenue NE, 169th Place NE, and the 23rd Avenue NE/169th Place NE roundabout consistent with EDDS standards.
8. The Department of Archaeology and Historic Preservation's (DAHP) Inadvertent Discovery Plan shall be followed during site construction. If at any time during construction archaeological resources are observed on the project site, work shall be temporarily suspended at the location of discovery and a professional archaeologist shall document and assess the discovery. The DAHP and all concerned tribes shall be contacted for any issues involving Native American sites. If project activities expose human remains, either in the form of burials or isolated bones or teeth, or other mortuary items, work in that area shall be stopped immediately. Local law enforcement, DAHP, and affected tribes shall be immediately contacted. No additional excavation may be undertaken until a process has been agreed upon by these parties, and no exposed human remains should be left unattended.

Dated this 25th day of September, 2022.



Kevin D. McDonald, AICP

Hearing Examiner

EXHIBITS

The following exhibits were offered and entered into the record:

1. Land Use Permit Application, 10.25.21
2. Project Narrative, 10.25.21
3. Chicago Title- Title report, 10.25.21
4. Environmental Checklist, 10.25.21
5. Wetland Solutions- Critical Area Study, 10.25.21
6. Earth Solutions- Geotechnical Report, 10.25.21
7. Land Technologies- Stormwater Site Plan, 10.25.21
8. GTC- Traffic Impact Analysis, 10.25.21
9. City- Wetland Determination Concurrence letter, 10.25.21
10. Land Technologies- Stormwater Pollution Prevention Plan, 10.25.21
11. 24 x 36 Elevations, 10.25.21
12. 24 x 36 Lighting & Signage Plan, 10.25.21
13. 24 x 36 Landscape Plan, 10.25.21
14. 24 x 36 Building Plot Plan, 10.25.21
15. 24 x 36 Architectural Plans, 10.25.21
16. 24 x 36 Preliminary Site Plans, 10.25.21
17. 24 x 36 Civil Plans, 10.25.21
18. Letter of completeness, 11.04.21
19. Notice of Application, 11.04.21
20. RFR Checklist, 11.04.21
21. Technical Review Comments -1 (TRC1), 09.02.21
22. Snohomish County Traffic Concurrence letter, 09.02.22
23. Berm email, 12.02.21
24. Declaration of Improvement Covenant, 12.15.21
25. Resubmittal response, 02.18.22
26. Submittal List, 02.18.22
27. Title Report, 02.18.22
28. Rezone Narrative, 02.18.22
29. Response to Traffic comments, 02.18.22
30. Traffic Analysis Final, 02.18.22
31. BLA draft, 02.18.22
32. SEPA Checklist Updated, 02.18.22
33. Preliminary Site Plan, 02.18.22
34. Landscape Plan, 02.18.22
35. Civil Plan, 02.18.22
36. Stormwater Report, 02.18.22
37. SWPPP, 02.18.22
38. Architectural Plans, 02.18.22
39. TRC2, 03.11.22
40. Resubmittal response letter, 09.02.22
41. Revised Site Plan, 05.20.22
42. Revised Architectural Plan, 05.23.22
43. Revised Civil Plan, 05.23.22
44. Revised Landscape Plan, 05.23.22
45. Lighting specs, 09.02.22
46. EDDS Variance request and approval, 05.04.22
47. TRC3, 05.23.22
48. Traffic Concurrence Recommendation, 05.24.22
49. Initial Traffic Concurrence Offer,
- 49a. City Clarification Concurrence Offer
50. Notice of Public Hearing, 08.26.22
51. Revised Traffic Concurrence Offer, 09.02.22
52. SEPA MDNS, 08.26.22
53. SEPA Notice, 09.02.22
54. SEPA Notice Affidavit, 09.02.22
55. BLA Preliminary Approval Letter, 08.09.22
56. BLA map, 08.05.22
57. CUP Responses, 09.02.22
58. NOPH- Josephine CC and Twin Lks Logistics, 09.01.22
59. Staff Recommendation, 09.07.22

PARTIES of RECORD at the PUBLIC HEARING

Angela Gemmer Marysville Community Development Department 80 Columbia Avenue Marysville, WA 98270	Merle Ash Land Technologies, Inc. 18820 3rd Ave NE Arlington, WA 98223
Terry Robertson 9901 – 272 nd St. Stanwood	Paul Aigner Land Technologies, Inc. 18820 3rd Ave NE Arlington, WA 98223
Natalie Ruiz CallisonRTKL 333 S. Hope Street, Suite C200 Los Angeles, CA 90017	Phyllis McKenzie 1528 – 172 nd Street NE Marysville, WA 98270

RECONSIDERATION - MMC 22G.010.190.

A party to a public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the director within fourteen (14) days of the final written decision. The request shall comply with MMC 22.010.530(3). The hearing examiner shall consider the request within seven (7) days of filing the same. The request may be decided without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the hearing examiner may immediately revise and reissue the decision. Reconsideration should be granted only when a legal error has occurred, or a material factual issue has been overlooked that would change the previous decision.

JUDICIAL APPEAL - MMC 22G.010.560.

- (1) Appeals from the final decision of the hearing examiner, or other city board or body involving MMC Title 22 and for which all other appeals specifically authorized have been timely exhausted, shall be made to Snohomish County superior court pursuant to the Land Use Petition Act, Chapter 36.70C RCW, within 21 days of the date the decision or action became final, unless another applicable appeal process or time period is established by state law or local ordinance.
- (2) Notice of the appeal and any other pleadings required to be filed with the court shall be served as required by law within the applicable time period. This requirement is jurisdictional.
- (3) The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The record of the proceedings shall be prepared by the City or such qualified person as it selects. The appellant shall post with the city clerk prior to the preparation of any records an advance fee deposit in the amount specified by the city clerk. Any overage will be promptly returned to the appellant.



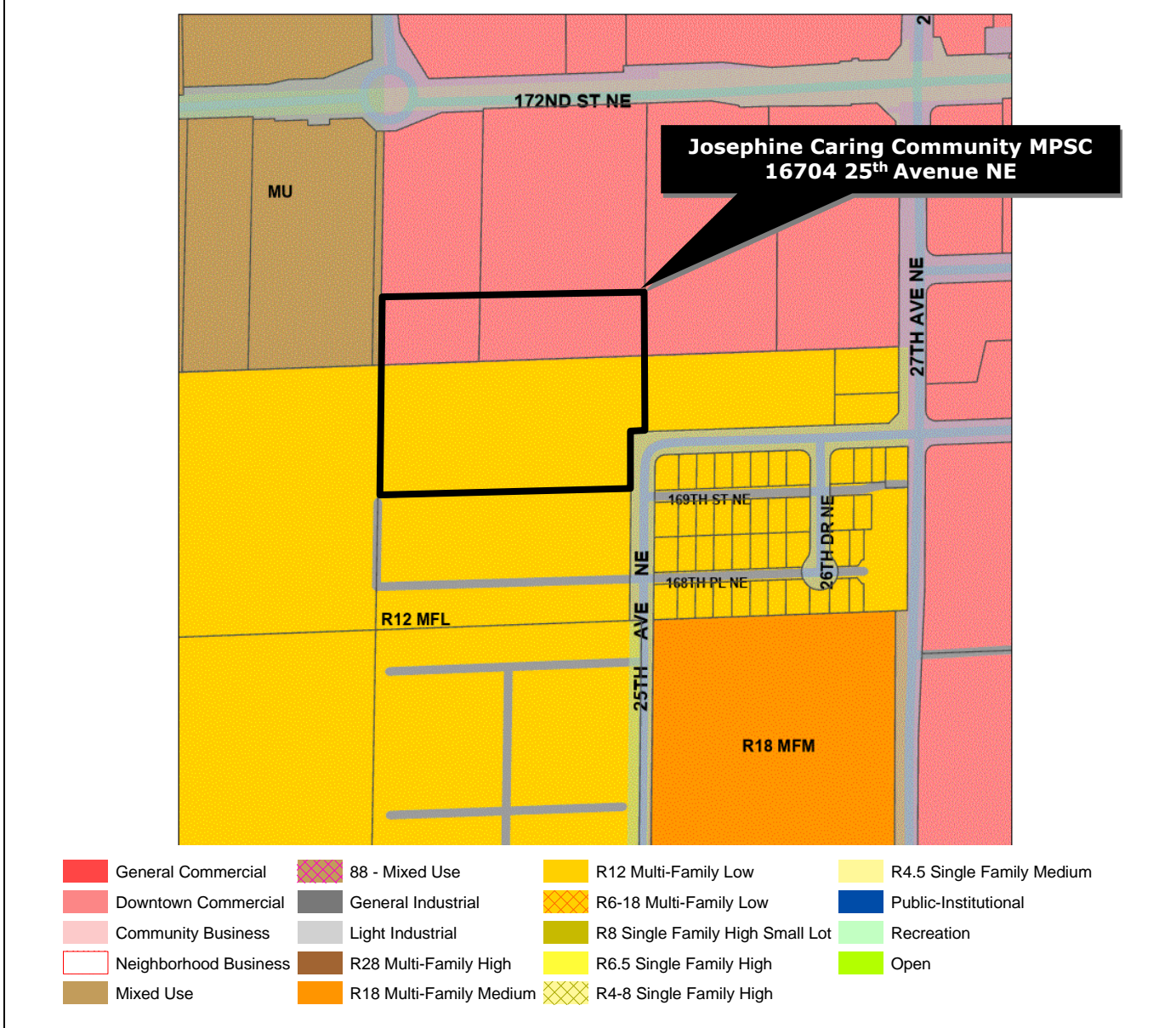
STAFF RECOMMENDATION - Josephine Caring Community

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
 (360) 363-8100 ♦ (360) 651-5099 FAX ♦ Office Hours: Mon - Fri 7:30 AM - 4:00 PM

PROJECT INFORMATION						
Project Title	Josephine Caring Community Master Planned Senior Community			Date of Report	September 2, 2022	
File Number	PA21-054			Attachments	Hearing Exhibits	
Administrative Recommendation	Approve the Conditional Use Permit for the Master Planned Senior Community, and the concurrent rezone of a portion of the site from General Commercial to R-12 Multi-family, Low Density.					
BACKGROUND SUMMARY						
Owner/Applicant	Josephine Caring Community					
Request	Conditional Use Permit and concurrent Rezone Approval in order to construct an 80-unit Master Planned Senior Community for those ages 62 and up on a 7.12 acre property. The property is zoned R-12 Multi-family, Low Density with a small portion zoned General Commercial (approximately 2.15 acres); the portion of the property zoned General Commercial is proposed to be concurrently rezoned to R-12 Multi-family, Low Density as part of the project. The Master Planned Senior Community will allow for a range of housing and care options on-site.					
SEPA Status	A State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance issued August 5, 2022. The appeal period expired August 19, 2022; no appeals were filed.					
Site Address	16704 25 th Avenue NE			APN(s)	30052900200400; 31052900201800 (portion of)	
Legal Description (abbreviated)	See site plan – Exhibit 41			Section	29	Township 31 Range 05
Comprehensive Plan	GC & MFL	Zoning	GC & R-12	Shoreline Environment		N/A
Water Supply	Current	Proposed		Sewer Supply	Current	Proposed
	Well	City			Septic	City
Present Use of Property	Single family residence on acreage.					
REVIEWING AGENCIES						
Marysville	Local Agencies & Districts		State & Federal		County	Other
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input checked="" type="checkbox"/> Land Development <input checked="" type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> Arlington (city) <input type="checkbox"/> Community Transit <input type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens SD 4 <input checked="" type="checkbox"/> Lakewood SD 306 <input type="checkbox"/> Marysville SD 25 <input checked="" type="checkbox"/> PUD No. 1 <input checked="" type="checkbox"/> Zipty		<input type="checkbox"/> BNSF <input type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input type="checkbox"/> US Army Corps of Engineers <input checked="" type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC		<input checked="" type="checkbox"/> Health District <input type="checkbox"/> Planning <input checked="" type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works	<input checked="" type="checkbox"/> Tulalip Tribes <input checked="" type="checkbox"/> Stillaguamish Tribe
ACTION						
<input type="checkbox"/> Administrative	<input type="checkbox"/> City Council	<input checked="" type="checkbox"/> Quasi-Judicial		<input type="checkbox"/> Planning Commission		
Date of Hearing	September 13, 2022	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Continued		
STAFF						
Name	Angela Gemmer	Title	Principal Planner	Phone	360.363.8240	E-mail agemmer@marysvillewa.gov

SURROUNDING USES			
	Comprehensive Plan	Zoning	Land Use
Site	General Commercial and Multi-family Low Density	GC & R-12	Single family residence and acreage.
North	General Commercial	GC	Vacant land.
East	General Commercial and Multi-family, Low Density	GC & R-12	Lakewood Meadow Condominium and vacant land.
South	Multi-family, Low Density	R-12	VanEss PRD (PA20-060) currently under construction
West	Mixed Use and Multi-family, Low Density	MU & R-12	Vacant land with early grading. Pending plat of Sather Farms (PA21-035).

Vicinity Map



1.0 EVALUATION

- 1. **Description of Proposal:** Josephine Caring Community, applicant, has requested Conditional Use Permit and concurrent Rezone Approval in order to construct an 80-unit Master Planned Senior Community (MPSC) for those ages 62 and up on a 7.12 acre property. The MPSC will allow for a range of housing and care options on-site which are described further in Exhibit 2 and in Section 14 below.

The property is zoned R-12 Multi-family, Low Density with a small portion zoned General Commercial (approximately 2.15 acres); the portion of the property zoned General Commercial is proposed to be concurrently rezoned to R-12 Multi-family, Low Density as part of the project. A concurrent boundary line adjustment (file BLA22-004) is proposed which will result in the approximately 2.15 acres that are currently part of Assessor Parcel Numbers (APNs) 31052900201800 and 31052900200100 being conveyed to APN 31052900200400 which is zoned R-12 and is the main parcel for the project; the BLA received preliminary approval on August 9, 2022 (see Exhibits 55 and 56) and will need to be recorded prior to civil construction plan approval.

- 2. **Location of Proposal and Surrounding Uses:** The subject property is located roughly at the northwest corner of the intersection of 169th Place NE and 25th Avenue NE at a site address of 16704 25th Avenue NE, on APNs 31052900200400 and a portion of 31052900201800. Surrounding uses are described on page 2 of this report.
- 3. **Site Description:** The subject property is approximately 7.12 acres and is developed with a single family residence and detached accessory structures. The site is relatively flat with total elevation change on the property of approximately four feet or less. The eastern third and northern third of the site are lightly forested, while the western two-thirds of the site is primarily pasture or lawn. According to the Soil Survey of Snohomish County, on-site soils are identified as Custer fine sandy loam.
- 4. **Letter of Completeness:** An application was submitted on October 25, 2021 and determined to be complete on November 4, 2021. A letter of completeness was provided to the applicant in accordance with MMC Section 22G.010.050.
- 5. **Public Notice:** Public notice of the development application was provided in accordance with MMC Section 22G.010.090. As of the date of this staff report, one email was received from a citizen inquiring about the boundaries of the project; however, no other comments have been received.
- 6. **Critical Areas:** According to a Critical Areas Study prepared by Wetland Solutions, Inc. dated August 5, 2015 (Exhibit 5) there are no wetlands or stream on the subject property. The Critical Areas Study indicates that the nearest wetlands appear to be 300 feet from the site and that no critical areas or buffers extend on-site. The City of Marysville provided a letter dated September 17, 2015 concurring with the findings of the Critical Areas Study (Exhibit 9).
- 7. **Access and Circulation.** The primary entrance to the site will be via a private drive aisle off of 169th Place NE. Second private drive aisle accesses will be at the northwest corner of the site via 23rd Avenue NE and the northeast corner of the site via 25th Avenue NE. A private drive aisle will encircle the site. Pedestrian connections will be provided to the public streets abutting the site; frontage improvements will be constructed as described in Section 8 below.

On April 9, 2022, the applicant submitted an engineering variance request to reduce the speed limit of 23rd Avenue between 172nd Street NE to 169th Place NE from 35 miles per hour (MPH) to 30 MPH. A 30 MPH road allows for 125 foot driveway spacing; the Josephine project has a proposed driveway spacing of 145 feet.

Ken McIntyre, P.E., Development Services Manager, reviewed the variance request and found that the request “applied to a relatively short segment of 23rd Avenue NE between two roundabouts. Roundabouts are traffic-calming elements, and it is unlikely that a reasonable and prudent driver would attain a full 35 MPH in the short reach of roadway between the two roundabouts.” The reduction in design speed allows for a corresponding reduction in intersection spacing, since slower traffic does not require as much sight distance. The variance request was approved on May 4, 2022 (Exhibit 46).

8. **Traffic Impacts:** A traffic impact analysis (TIA) was prepared by Gibson Traffic Consultants, Inc. dated October 2021. According to the TIA, the proposed development would generate 296 average daily trips (ADT), 16 AM peak hour trips (AMPHT), and 20.8 PM peak hour trips (PMPHT).

The City’s City Engineer and Traffic Engineer Manager reviewed the TIA, and issued a written concurrency recommendation dated May 23, 2022 informing the developer of the project’s impacts and mitigation obligation pursuant to Chapter 22D.030, *Traffic Impact Fees and Mitigation*. Pursuant to MMC Section 22D.030.070(1)(d), an applicant is required to make a written proposal for mitigation of traffic impacts to the Public Works Director, based on the concurrency recommendation. The applicant accepted the traffic concurrency recommendation on July 3, 2022. The conditions of the concurrency determination are as follows:

- a. In order to mitigate impacts upon the future capacity of the road system, the applicant shall be required to submit payment to the City of Marysville, on a proportionate share cost of the future capacity improvements as set forth in MMC Section 22D.030.070(3), for the development. Traffic impact fees shall be vested at a rate of \$6,300.00 per new PM peak hour trip (PMPHT). 23rd Avenue NE and 169th Place NE are eligible for traffic impact fee (TIF) credits.
- b. The applicant shall be required to construct frontage improvements along the property’s 23rd Avenue NE and 169th Place NE frontages consisting of curb, gutter, sidewalk, landscaping, and a minimum of 20 feet of pavement consistent with City of Marysville Engineering Design and Development Standards (EDDS).
- c. The applicant shall be required to construct frontage improvements along the property’s 25th Avenue NE frontage consisting of curb, gutter, sidewalk, landscaping, and pavement to the property line consistent with City of Marysville Engineering Design and Development Standards (EDDS). A private covenant recorded under Auditor’s File Number 200608301001 may require additional improvements to 25th Avenue NE in coordination with the other property owners subject to the agreement as detailed in said agreement.
- d. A preliminary design of the roundabout at the intersection of 23rd Avenue NE and 169th Place NE including truck turning templates has been prepared by the adjacent project. Construction of curb, gutter and sidewalk in ultimate location upon development controlled parcels shall be required for the development. Temporary striping will be necessary to provide a temporary standard intersection until the roundabout is constructed by adjacent developments.
- e. The applicant shall be required to dedicate the necessary right-of-way on 23rd Avenue NE, 25th Avenue NE, 169th Place NE, and the 23rd Avenue NE/169th Place NE roundabout to enable build-out of 23rd Avenue NE, 25th Avenue NE, 169th Place NE, and the 23rd Avenue NE/169th Place NE roundabout consistent with EDDS standards.

9. **School Impacts:** Pursuant to [MMC Chapter 22D.040](#), projects shall mitigate school impacts to the Lakewood School District through the payment of the school impact fee in effect at the time of building permit issuance; however, since the project will serve senior citizens, school impact fees may be waived the Lakewood School District if the applicant records a covenant ensuring that no children less than 18 years of age would reside in the project. Said covenant must include the procedures to routinely determine the age

restrictions of the community are being met, and allow the District to recover any costs it may incur should the project not be in compliance with the minimum age requirements and fees must be collected. Said covenant shall be recorded with the Snohomish County Auditor prior to building permit issuance.

10. **Park Impacts:** Pursuant to MMC Chapter 22D.020, projects shall mitigate City of Marysville parks impacts through payment of the park impact fee in effect at the time of building permit issuance.

11. **Utilities:** The following utilities are and/or will be provided to the site:

Storm drainage: According to the *Stormwater Site Plan Report* prepared by Land Technologies, Inc., dated October 2021 and amended February 2022, the stormwater facilities will be designed in accordance with the 2012 Department of Ecology Stormwater Management Manual for Western Washington as amended in 2014 (SWMMWW).

Runoff from drive aisles and parking areas will be routed to bioretention facilities. The bioretention cells will treat 100 percent of incoming stormwater generated from the pollution generation impervious surfaces (PGIS) through filtering, phytoremediation, and microbial action from compost. Along 169th Street NE, planter bioswales will be used to treat and infiltrate all incoming stormwater. A small portion of the frontage bypasses facilities for infiltration. Roof runoff will be routed to rooftop infiltration trenches. A complete review of the storm drainage proposal for compliance with the SWMMWW and MMC Chapter 14.15, *Controlling Storm Water Runoff form New Development, Redevelopment, and Construction Sites*, will occur during civil construction plan review.

Sewer: Eight-inch PVC sewer mains are located in both 25th Avenue NE and 169th Place NE abutting the east side of the site. Sewer mains will be extended into the site to serve the project, and are to be extended within the project's frontages of 23rd Avenue NE, 25th Avenue NE, and 169th Place NE.

Water: Six-inch cast iron (CI) water mains are located in both 25th Avenue NE and 169th Place NE abutting the east side of the site. Water mains will be extended into the site to serve the project, and are to be extended within the project's frontages of 23rd Avenue NE, 25th Avenue NE, and 169th Place NE.

12. **SEPA:** A State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance (MDNS) was issued August 5, 2022. The SEPA appeal period expired August 19, 2022; no appeals were filed.

13. **Agency Comments:** A *Request for Review* for the proposal was sent to the following Local, County, State & Federal Agencies and Districts:

- a. Marysville Fire District: David VanBeek, Assistant Fire Marshal, in a memo dated November 15, 2021 provided detailed comments outlined on pages 25 – 27 of Exhibit 21. This memo indicates that access into the site, access to all buildings, and proposed fire hydrant locations all appear acceptable. The memo outlined several conditions and requirements to ensure compliance with the 2018 International Building Code (IBC), International Fire Code (IFC), and Marysville Municipal Code (MMC), and the City's Engineering Design and Development Standards (EDDS).

Staff comment: The applicant will be required to address all required IBC, IFC, MMC, and EDDS standards during civil construction plan and building permit approval, as applicable.

- b. Arlington Municipal Airport: Marty Wray, Operations Manager, in an email dated November 5, 2021 (Exhibit 21 pages 15 – 16) stated that:

"The project has been identified and found to not have a significant impact to existing or potential future operations at the Arlington Airport. It should be noted

that the location approximately 1.72 NM from runway 34 threshold does constitute a traffic corridor and "Base leg" of arriving 34 traffic for larger aircraft that fly a pattern larger than typical General Aviation aircraft that are the vast majority of users at AWO.

The location would experience traffic at a rate that would be higher than typical in the region based on the proximity to the Airport; however, consistent with housing and businesses currently at this and similar locations it would have little impact on the Airport at Arlington."

In a follow-up email, Mr. Wray confirmed that an aviation easement should be provided for the site.

Staff comment: Staff proposes that the project be conditioned that, prior to final occupancy permits being granted, an Arlington Airport aviation easement shall be executed and recorded with the Snohomish County Auditor's Office, and a conformed copy shall be provided to the cities of Arlington and Marysville.

- c. Snohomish County Public Works: Gurpreet Dhaliwal, Engineer II, in an email dated December 8, 2021 (Exhibit 22) stated, "Snohomish County Public Works concurs with the distribution and the conclusion that this development will not impact any county capital improvement projects or county road with three or more directional peak hour trips. Therefore, no mitigation and no offer is required of this development to the county under the county/city interlocal agreement."
- d. Snohomish County PUD No. 1: No comments received.
- e. Tulalip Tribes: No comments received.
- f. Stillaguamish Tribes: No comments received.

14. **Application Review:** MMC Section 22G.010.140(3) requires the city to determine whether or not the project is consistent with the following items described in the applicable plans regulations:

- a. Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned residential development and conditional uses, if the criteria for their approval have been satisfied.

Staff Comment: The subject property is zoned R-12 Multi-family, Low Density with a small portion zoned General Commercial (GC) (approximately 2.15 acres). MPSC are not a permitted use in the GC zone; however, the GC portion of the property is proposed to be rezoned to R-12 to allow for the use. The applicant has demonstrated compliance with the rezone criteria set forth in MMC Section 22G.010.440, *Rezone criteria*, as outlined in Sections 16 and 17 of this report.

Master Planned Senior Communities (MPSC) require a Conditional Use Permit (CUP) in the R-12 zone pursuant to MMC Section 22C.010.060, *Permitted Uses*. The applicant has demonstrated compliance with the CUP criteria set forth in MMC Section 22G.010.430, *Conditional Use Permit*, as outlined in Section 15 of this report.

Compliance with the requirements of the MMC Chapter 22C.220, *Master Planned Senior Communities*, is outlined in subsection (d) below.

The applicant has demonstrated compliance with all applicable standards set forth in Title 22, *Unified Development Code*.

- b. Density of residential development in urban growth areas.

Staff Comment: Pursuant to MMC Section 22C.220.100, the density for Master Planned Senior Communities is per the underlying zone plus 20 percent. The base density in the R-12 zone is 12 dwelling units per net project acre. A 20 percent increase in the base density means that 14.4 dwelling units per net project acre is

allowed for the MPSC. The applicant proposes 80 dwelling units on a 5.77 net project acre site (7.12 gross acres) which complies with the allowed density for a MPSC. (Calculation: 14.4 du/acre x 5.77 net project acres = 83 dwelling units allowed).

- c. Availability and adequacy of public facilities identified in the Comprehensive Plan.

Staff Comment: City water and sanitary sewer are available to the site, and there is sufficient capacity for the proposed project. The proposed use will be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan, as conditioned herein.

The following development policies outlined in the Comprehensive Plan that are specifically pertinent to the overall Conditional Use Permit and concurrent Rezone request, and were used to establish appropriate conditions are as follows:

LAND USE ELEMENT

General Development Land Use Goals & Policies

Policies: LU-3, LU-5, LU-6, LU-9, LU-10, LU-11

Residential Land Use Goals & Policies

Policies: LU-20, LU-23, LU-24, LU-25, LU-28, LU-29, LU-33

Multi-family

Policies: LU-46, LU-47, LU-50

TRANSPORTATION ELEMENT

Policies: T-3, T-7, T-25, T-26, T-27, T-30, T-34

UTILITIES ELEMENT

Policies: UT-1, UT-3, UT-8, UT-14, UT-16

PUBLIC FACILITIES & SERVICES ELEMENT

Police, Fire, Library

Policies: PS-3, PS-5, PS-8, PS-9

Water, Sewer, Storm Drainage, Solid Waste

Policies: PF-2, PF-3, PF-7, PF-26

SCHOOLS

Policies: SC-2, SC-6

- d. Development Standards

Staff Comment: The subject property is zoned R-12 Multi-family, Low Density with a small portion zoned General Commercial (GC) (approximately 2.15 acres) which is proposed to be rezoned to R-12. The R-12 zone is a low density multi-family residential zone. The major types of new housing development will be attached and detached single-family residential, duplexes, apartments and condominiums. It allows single-family residences at a base density of 12 dwelling units per net project acre; the maximum density is limited to 18 units per acre.

Lakewood Neighborhood Master Plan: The subject property is located within the Lakewood Neighborhood Master Plan (LNMP) Area. The proposal, as conditioned, complies with the standards set forth in the Plan.

MPSC Permitted Uses: Pursuant to MMC Section 22C.220.030(1), the MPSC "must incorporate a range of housing and care options for seniors, including a mix of independent senior housing, senior assisted living and nursing facilities. At the discretion of the Community Development Director, a development providing for a range of care types, but not necessarily all of those listed in this subsection, may be

permitted, subject to satisfactory demonstration by the applicant that the resulting community meets the intent and purpose of these regulations.”

The MPSC proposes to provide independent living to seniors age 62 and older. The MPSC proposed 80 age-restricted, independent dwelling units: 70 apartments and 10 bungalows (detached single family). The MPSC will also offer “Age in Place” services consisting of Josephine’s at-home and assisted living services. The MPSC is intended to serve as a satellite expansion of a full continuing care retirement community (i.e. independent living, assisted living, memory care, skilled nursing, etc.) that is offered at Josephine’s Stanwood campus. If a resident’s health “declines to the point of needing Clinical Care or...Memory Care, they are automatically contracted with JCC (Josephine Caring Community)” for more intensive care at the Stanwood campus.

The Community Development Director has determined the proposed range of housing and care options is consistent with the intent for MPSCs set forth in MMC Section 22C.220.010.

Bulk & Dimensional Standards: The proposed MPSC will meet all bulk and dimensional requirements set forth in MMC Section 22C.010.080, *Densities and dimensions*. These standards include a minimum 70 foot lot width, 20 foot front yard setback, 10 foot side yard setback or structure separation, 25 foot rear yard setback, 50 percent building coverage, 70 percent impervious coverage, 35 foot base height, and 14.4 dwelling units per net project area (density as per the underlying zone plus 20 percent).

Open Space Standards: In accordance with MMC Section 22C.220.090(13), outdoor open space, or active outdoor or indoor recreation facility, is required to be provided in accordance with the chart outlined in this code section. The project proposes to provide both types of open space. To demonstrate compliance with this code section, the outdoor open space requirements are detailed. A calculation of both types of open space that the project provides is set forth on Sheet P2 of Exhibit 41.

Pursuant to MMC Section 22C.220.090(13), outdoor open space is required to be provided as follows: 90 square feet for studio and one-bedroom units, 130 square feet for two bedroom units, and 170 square feet for three or more bedroom units. The MPSC is proposed to include 14 studio and one-bedroom units, 54 two bedroom units, and two (2) three or more bedroom units; therefore, 7,890 square feet of open space must be provided. Calculation: $((90 \text{ sf/unit} \times 14 \text{ units}) + (130 \text{ sf/unit} \times 54 \text{ units}) + (170 \text{ sf/unit} \times 2 \text{ units}) = 8,620 \text{ square feet}$. The project proposed 25,977 square feet of open space which exceeds the basic code requirements.

Open space and recreational amenities which are proposed for the MPSC include, but are not limited to, a 7,250 square foot club house, a pool, bocce, a dog run, flexible lawns/ yoga areas, community gardens, and barbeque areas.

Master Planned Senior Community Decision Criteria: As proposed and conditioned, the MPSC meets all of the requirements set forth in MMC Section 22C.220.050(2), *Decision criteria*, including subsections (a) Consistency with Applicable Plans and Laws, (b) Public Facilities, (c) Perimeter Design, (d) Streets, Sidewalks, and Parking, (e) Landscaping, and (f) Maintenance Provisions, as well as all other applicable standards in the MPSC code including, but not limited to, Americans with Disabilities Act (ADA) and universal “aging in place” design principles.

Single family design standards: Pursuant to MMC Section 22C.220.090 of the Master Planned Senior Communities code, subsection (6), Architectural Style and Design Guidelines, “Attached/detached single-family dwelling units shall comply with MMC 22C.010.310.” Within the LNMP, Section B.5, *Single family and duplex dwelling development standards*, replaces MMC Section 22C.010.310, *Small lot single-family dwelling development standards*. Since the MPSC is within the LNMP,

Section B.5 is proposed to be applied to the detached single family (bungalow) units.

After review of the application materials, site plan and information on file with the City, it has been determined that the proposed Master Planned Senior Community, as conditioned herein, complies with all applicable standards set forth in Title 22 – *Unified Development Code*, including the intent of the R-12 zone, and all applicable MPSC, CUP, and rezone criteria. The proposed development, as conditioned herein, makes appropriate provisions for the public use and interest, health, safety and general welfare.

15. **Compliance with Conditional Use Permit Criteria:** MMC Section 22G.010.430, *Conditional Use Permit*, sets forth the following criteria for governing the issuance of a conditional use permit:

- a. The conditional use is designed in a manner which is compatible with the character and appearance of the existing or proposed development in the vicinity of the subject property;

Applicant response: The proposed MPSC is adjacent to several zones. To the south, west, and east there is the R12 MFL, to the north and northeast is General Commercial (GC). Mixed Use (MU) is to the northwest.

Small Lot single family homes are being built to the south and Small Lot single family homes are proposed to the west although these properties could develop multi-family products. Apartments are proposed on the MU property to the NW. To the north of the JCC property, Providence Hospital is planning on building a new hospital. The parcels to the NE are currently vacant and no use has been identified, it is suspected that a grocery store will eventually be sited there. The property to the east is currently occupied by a single-family home but it will most likely be rezoned to GC and be developed with the parcels to the north.

The use has been designed to be compatible with the character and appearance of multiple adjacent use types.

Supplementary staff response: The conditional use is designed in a manner which is compatible with the character of the existing and proposed development in the vicinity. Single family residential uses exist to the east of the subject property, and are anticipated to the east, south, and west. Commercial uses are anticipated to the north. The proposed development, being largely multi-family in nature, will provide an effective transition between commercial and residential uses, and will have a character that will complement both commercial and residential uses.

- b. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;

Applicant response: This property is dedicating a full 20% of its area to "circulation" infrastructure to serve not only the neighboring properties but the community at large. This project will enhance neighborhood circulation. It does comply with all the bulk matrix and landscape criteria of the R12 zone.

Supplementary staff response: The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties.

- c. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property, and will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan of development of Marysville and its environs;

Applicant response: As described in (1) above, the project has been designed to “blend in” with the adjacent uses. This use is very compatible and is a needed use in this community at large. This site will provide Senior Living and Care to a larger residential community around it. There is a growing residential community in the immediate neighborhood with at least a thousand new living units likely to be available within the next two years.

Supplementary staff response: *The conditional use will be designed in a manner that is compatible with the physical characteristics of the subject property, and will be in harmony with the area in which it is to be located and in general conformity with the comprehensive plan of development of Marysville and its environs.*

- d. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

Applicant response: Any modifications do equal or exceed the standards.

Supplementary staff response: *Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title.*

- e. The conditional use will not endanger the public health or safety if located where proposed and developed, and the use will not allow conditions which will tend to generate nuisance conditions such as noise, dust, glare, or vibration;

Applicant response: This Senior Community will not endanger the public health or safety. It will actually provide a beneficial service to the public by providing comfortable and safe living conditions for the aging segment of the population. It will be an asset to the community and not a nuisance.

Supplementary staff response: *The conditional use will not endanger the public health or safety if located where proposed and developed, and the use will not allow conditions which will tend to generate nuisance conditions such as noise, dust, glare or vibration.*

- f. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;

Applicant response: This proposal is dedicating arterial standard roads for pedestrian and vehicular traffic on two side and will be constructing a substantial portion of those roads to serve the neighborhood and the region. It is also dedicating and building another portion of a road along its east boundary that will serve other properties and provide direct connections to the main arterial in the neighborhood.

Supplementary staff response: *The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.*

- g. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities;

Applicant response: All services are available and adequate. This project will be contributing to the extension of a public sewer to serve new projects in the area without impacting the existing system that is at capacity.

Supplementary staff response: *The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area. The use will be required to extend water and sewer utilities to the site, construct frontage improvements and stormwater facilities, and pay traffic and park impact fees to mitigate for project impacts.*

- h. The use meets all required conditions and specifications set forth in the zone where it proposes to locate;

Applicant response: The project has been reviewed per MMC 22C.220 and meets the required conditions and specifications for the R12 MFL zoning. It has also found to be in compliance with development standards of Chapter 22C.010 and 22C.020.

Supplementary staff response: The use meets all required conditions and specifications set forth in the R-12 Multi-family, Low Density zone as well as all other applicable MMC standards.

- i. The use will not be injurious or detrimental to adjoining or abutting property, or that the use is a public necessity;

Applicant response: The site will actually be a benefit to the adjoining or abutting property. It will provide a facility that will care for provide for the increased housing needs of the growing senior community. It will provide a local option for long-term residents of the immediate neighborhood and the surrounding area.

It will facilitate Street Infrastructure to help relieve the traffic on the main arterial that is near full capacity. It will be part of the development that will bring higher capacity sewer to the Lakewood Neighborhood.

This project is a benefit to the Lakewood Neighborhood and will not be injurious or detrimental to adjoining or abutting property.

Supplementary staff response: The use will not be injurious or detrimental to adjoining or abutting property, and will provide an important necessity for the public – senior housing.

The applicant’s responses outlined above are excerpted from Exhibit 57. The proposed project meets the conditional use criteria set forth in MMC Section 22G.010.430, *Conditional Use Permit*.

16. **Comprehensive Plan Rezone Criteria:** MMC Section 22G.010.440(1) requires the applicant for a zone reclassification to demonstrate that the proposal is consistent with the Comprehensive Plan, and applicable functional plans, and complies with the following criteria:

- a. There is a demonstrated need for additional zoning as the type proposed;

Applicant response: The Silent Generation (1928-1945) and the Baby Boomers (1945-1964) comprise of over 28% of the population (US 2020 Census). That is a large segment of the population that is over 58 years old. A large portion of this segment of the population need this type of care and housing.

There are a few apartment type housing projects that cater to 55 and older and even 62 and older. But these facilities provide little in the way of health or special needs care as seniors age and have greater healthcare needs. This project is unique in that it provides a very nice campus for active and healthy seniors but also provides aging in place care as health declines. This facility will also provide nursing care and Memory Care at their Stanwood Facility if needed. Residents have a vibrant and active campus but are promised full care to the “end”.

The Lakewood Community provides an ideal environment for this type of facility with several additional Health Care facilities nearby and Providence_Hospital coming, virtually next door, in the next couple of years.

With seniors being such a large segment of our population, this type of facility is really needed when the goal is to provide an inclusive community. Circumstances of the land and the way this community has developed makes it important the property is zoned to accommodate this proposal.

- b. The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties;

Applicant response: The need for Senior Care and Housing was talked about above but the Community amenities in the surrounding area are important to serve the needs of this segment of the population. Having shopping within walking distance, having transit nearby, having restaurants and meeting places nearby, and having emergency health services nearby all contribute to a beneficial environment for the senior residents that will live on this campus.

There are two significant shopping centers basically “across the street”, there is transit access less than 600 feet from the campus, numerous restaurants and coffee shops within walking distance, and Everett Clinic and Skagit Regional Health both in the neighborhood now with Providence Hospital coming soon to be located just a few hundred feet from this campus.

There is an influx of residential communities coming into the Lakewood Neighborhood, including a lot of family homes. A good dynamic and inclusive community provide for residences in various stages of life. It is desirable to keep families that choose, to live in the neighborhood. Kids become Dads and Moms, Moms and Dads become Grandpas and Grandmas and it is very beneficial when Grandpa and Grandma can be near to care for and interact with their grandkids—and vice versus.

There will be over a thousand family homes on surrounding properties. It will not be long before the Parents in these homes become the Grandparents that may choose to live nearby as their Children grow up and create new generations. Having a facility like this, nearby family homes, is not only compatible with surrounding properties but is a real asset and benefit to a healthy dynamic community. The residential homes will be feeders to the Senior Living Community as proposed.

- c. There have been significant changes in the circumstances of the property to be rezoned, or surrounding properties, to warrant a change in classification; and

Applicant response: The significant changes or circumstances of the property was alluded to in the response above. The way this surrounding land has developed and is developing set this property up to be an ideal location for the use proposed. There is the true need for this kind of facility for not only this community but for Marysville as a whole. But with the development of all the services important to the residences that would live in this facility, most relevant may be Providence Hospital coming virtually “next door”.

The Lakewood Neighborhood has family homes, market rate apartments, Garden Apartments (coming next door), Mobile Home Park, 55 and older apartments, cottages and town homes (coming), and financially assisted living facilities. There needs to be this Active Senior Living Community to support the other residence types on surrounding properties, both in the neighborhood and in the City.

Had the area and surrounding properties developed differently, circumstances may not have warranted a rezone. But, given the way the area has actually developed, circumstances now warrant a change in classification

- d. The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

Applicant response: Discussion above does show how the property is practically suited for the proposed zoning reclassification. Physically, the property is essentially level and physically very suited for the proposed use. Utilities are available along with other infrastructure to support the type of residents that will live here.

The applicant’s responses outlined above are excerpted from pages 3 to 5 of Exhibit 28. After evaluation of the applicant’s written response, and other supporting documentation

and application materials, the proposed rezone, as conditioned herein complies with the rezone criteria and applicable development standards outlined in Title 22 MMC, *Unified Development Code*.

17. **Rezone Criteria – Edge of Land Use Districts:** Pursuant to MMC Section 22G.010.440(2), properties at the edges of land use districts can make application to rezone property to the bordering zone without applying for a Comprehensive Plan map amendment if the proponent can demonstrate the following:

- a. The proposed land use district will provide a more effective transition point and edge for the proposed land use district than strict application of the comprehensive plan map would provide due to neighboring land uses, topography, access, parcel lines or other property characteristics;

Applicant response: General Commercial zoning is intended for "Automobile oriented with larger land uses that tend to be the only one stop in trip" as stated in the Identification of Zoning areas in the 2015 Comprehensive Plan. One of the criteria for this zoning is that 'parcels' are 5+ acres in size. This zoning is likely suited to this parcel before real land uses started to be identified. To the north, Providence Hospital has purchased the 5-acre parcel re-aligned along 172nd St NE leaving a 4.5-acre GC zoned parcel between the hospital and the R-12 zoning.

Adjacent to portions of the west, the south boundary, and portions of the east boundary will be primarily single family detached lots (not determined on the east yet). This Master Planned Senior Community (MPSC) makes an excellent transition from the single-family homes to the Hospital and GC zone between this project and the hospital. The proposed MPSC even places detached single family homes along the southern boundary to ease further the transition from the single-family homes proposed on projects to the south and west. The attached or "multifamily" units for the MPSC are oriented to the GC side of the project.

Josephine Caring Community owns the parcel that is to be partially rezoned and will own the part that will remain in GC. Their intent is to bring in commercial uses compatible with the Hospital and the MPSC on the portion of the parcel not intended for the Senior Community. This will provide a "super" transition of uses. This Senior Community is ideally situated at this location with shopping and hospitals so nearby. This Senior Community, in addition to providing a great land use transition, also provides, for seniors living in the nearby communities, a place to retire and live comfortably near family and friends.

The MPSC is also a "mixed use" type project in an unrecognized way. This is not a multifamily 'pure' residential development. This type of community does have a commercial element in that there will be managed facilities and medical staff on the site. There are site managers, activity director, medical staff, grounds keepers, and service janitorial staff. There is a daily food service that requires staffing. Hidden in the residential environment is a "commercial" operation that further provides an excellent transition point between the "purer" residential and commercial uses to the south or north. This project is really a blend of commercial and residential uses.

- b. The proposed land use district supports and implements the goals, objectives, policies and text of the comprehensive plan more effectively than strict application of the comprehensive plan map; and

Applicant response: This project proposal is supported by many elements of the Comprehensive Plan. We can start with the VISION 2040 Policies envisioning a Housing Element that "commits to expanding housing production at all income levels to meet diverse needs of both the current and future residents" The Economic Development Element "supports creating jobs, **investing in all people, creating great communities and maintaining a high quality of life**".

Complimentary to that are Marysville's Vision priorities to "Enhance Community Image and Identity". In the Neighborhood Planning Concept of the Land Use Element, it is stated one of Marysville's strategies to "create a thriving community is to strengthen and improve Marysville's image and identity. Develop Community Pride and provide for all segments of the population."

Residential Land Use Goal 16 is to "Provide for new residential development that is compatible with the present housing stock while also providing for a broad range of housing types and dwelling unit densities to serve diverse lifestyles, income levels, and **ages.**"

Goal 18 is to "Encourage the creation of a more desirable place to live and a **quality standard of living for all citizens.**" Associated policy LU-40 is to "Encourage high quality development that creates a desirable place to live and also provides for affordable housing" and LU-43 is to "Encourage higher density single family near commercial centers and other facilities and services to foster pedestrian rather than vehicular circulation."

This Master Planned Senior Community provides Marysville with an optimal opportunity to provide for the Visions, Strategies, Goals, and Policies of the Comprehensive Plan as briefly outlined above. This is a unique and special proposal that will provide for diverse needs of a growing segment of our population. This community will allow aging members to enjoy a high quality of life near family and friends. There are a full range of amenities to provide for social and recreational opportunities while those residents are capable. It will also provide for "Aging in Place" where medical care and support is provided 'in the home'. If critical care is needed, that is assured to all residents of this community 'to the end'.

This is a unique development and there are none like this in or around Marysville. The nearest place you would find this kind of community designed to specifically care for the aging element of our community may be Redmond or Bellevue. This community will support improving Marysville's vision to enhance community image and identity while providing for aging segment of our population.

It should be pointed out that in the Commercial Land Use Goals & Policies specific to General Commercial, Goal 27 looks to "Provide for locations for large lot...grouped together in places with good access and support each other without impacting surrounding land uses". LU 97 wants to "Locate general commercial centers near light industrial and other non-pedestrian oriented areas." LU-98 is associated with this same policy and maybe consistent with how the Lakewood Shopping areas were developed but as the land has developed around this site, it now falls outside the Goals and Policies of the General Commercial Zone.

What we are trying to say here is that Elements of the Comprehensive Plan support the proposed use in many ways while the progression of land development would no longer really support this segment for General Commercial. The proposal really does offer a perfect solution to support surrounding development as it has actually taken place. This proposal offers a mix of residential use with a commercial component that is complimentary to development on the GC side and the residential side.

- c. The proposed land use change will not affect an area greater than 10 acres, exclusive of critical areas.

Applicant response: This proposed rezone request is affects 2.15 acres of GC land and is exclusive of critical areas. It is less than half of an existing 4.55-acre parcel zoned GC. The remainder of the parcel is to remain GC and is intended to provide complimentary commercial uses to the hospital proposed on adjacent property to the north and this MSPC to the south. The 2.15 acres requested to be rezoned will be part to the MSPC proposal on 7.12 acres.

The applicant's responses outlined above are excerpted from pages 3 to 6 of Exhibit 2. After evaluation of the applicant's written response, and other supporting documentation and application materials, the proposed rezone, as conditioned herein, will be consistent with the applicable development goals and policies outlined in the Marysville Comprehensive Plan.

18. **Public Hearing Notice.** The public hearing for the proposed request was advertised in accordance with MMC Section 22G.010.110, *Notice of public hearing*.
19. **Hearing Examiner – Required Findings.** MMC Section 22G.010.170(3) requires that the Hearing Examiner not approve a proposed development without first making the following findings and conclusions:

- a. The development is consistent with the comprehensive plan and meets the requirements and intent of the Marysville Municipal Code.

Staff Comment: The Comprehensive Plan designation for the subject property is General Commercial and Multi-family, Low Density. The proposed development and subsequent use of the property will be consistent with the pertinent development policies outlined in the Marysville Comprehensive Plan and the intent of the Marysville Municipal Code, as conditioned herein. For compliance with specific Comprehensive Plan policies, please see Section 14(c) above.

- b. The development makes adequate provisions for open space, environmentally sensitive areas, drainage, streets and other public ways, transit stops, water supply, sanitary wastes, public utilities and infrastructure, parks and recreation facilities, playgrounds, sites for schools and school grounds.

Staff Comment: Based on a review of the preliminary MPSC site plan and application materials, the development makes adequate provisions for open space, environmentally sensitive areas, drainage, streets and other public ways, transit stops, water supply, sanitary wastes, public utilities and infrastructure, parks and recreation facilities, playgrounds, sites for schools and school grounds.

- c. The development is beneficial to the public health, safety and welfare and is in the public interest.

Staff Comment: As conditioned herein, the proposed MPSC is beneficial to the public health, safety and welfare and is in the public interest as the MPSC provides senior housing and is designed in accordance with applicable Marysville Municipal Code requirements.

- d. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan. If the development results in a level of service lower than those set forth in the comprehensive plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development. For the purpose of this section, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development.

Staff Comment: As conditioned herein, the development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan.

- e. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

Staff Comment: As conditioned herein, the area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development, and are proportional to the impacts created by the development.

2.0. RECOMMENDATION

Based on the foregoing findings and conclusions, review of the application materials and other supporting documentation available to the Community Development Department, and the City's regulatory authority to implement the policies, standards, and regulations of the Marysville Comprehensive Plan and Marysville Municipal Code, the Community Development Department respectfully recommends that the Hearing Examiner **APPROVE** the proposed Josephine Caring Community Master Planned Senior Community Conditional Use Permit and Concurrent Rezone subject to the following conditions:

1. The site plan configuration received on April 29, 2022 (Exhibit 41) shall be the approved site plan; provided that, additional Americans with Disabilities Act (ADA) parking may need to be designated as determined by the Building Official in accordance with MMC Section 22C.130.050(5)(e).
2. In lieu of paying school impact fees typically required by MMC Chapter 22D.040, *School Impact Fees and Mitigation*, a covenant ensuring that no children less than 18 years of age would reside in the project may be recorded for the property subject to approval by the Lakewood School District. Said covenant must include procedures to routinely determine if the age restrictions of the community are being met, and allow the District to recover any costs it may incur should the project not be in compliance with the minimum age requirements and fees must be collected. Said covenant shall be recorded with the Snohomish County Auditor prior to building permit issuance.
3. The applicant shall submit payment to the City of Marysville for park impacts caused by the development in accordance with MMC Chapter 22D.020, *Parks, Recreation, Open Space and Trail Impact Fees and Mitigation*. Park mitigation fees will be based on the fee schedules in effect at the time an individual building permit application is accepted by the City, and will be required to be paid prior to building permit issuance.
4. Prior to civil construction plan approval, the applicant shall submit a final landscape and irrigation plans meeting the requirements MMC Chapter 22C.120, *Landscaping and Screening*.
5. Prior to civil construction plan approval, an exterior lighting plan that includes representative specifications for the various lighting fixtures, and a photometric plan demonstrating compliance with the *Lakewood Neighborhood Master Plan*, Appendix A – *Design Standards*, Section B.3(4)(c) and MMC Section 22C.130.050(3)(d) must be submitted for review and approval.
6. Prior to civil construction plan approval, the Josephine Sunset Home Boundary Line Adjustment (file BLA22-004) shall be recorded with the Snohomish County Auditor's Office, and an electronic copy of the conformed BLA map shall be submitted to the City.
7. Decorative street lighting consistent with *Lakewood Neighborhood Master Plan* (LNMP), Appendix B and Engineering Design and Development Standards (EDDS) Standard Plan 3-506 shall be required for the project. A street lighting plan shall be submitted as part of the formal civil construction plan submittal and is subject to review and approval by Jesse Hannahs, P.E., Traffic Engineering Manager. Decorative street lighting will be required on 169th Place NE and 25th Avenue NE. PUD installed fiberglass street lighting will be required on 23rd Avenue NE.
8. Prior to building permit issuance, the applicant shall demonstrate compliance with the *Lakewood Neighborhood Master Plan*, Appendix A – *Design Standards*, Section B.3 *Site and building design standards*.

9. Prior to building permit issuance, the single family residences shall demonstrate compliance with the *Lakewood Neighborhood Master Plan, Appendix A – Design Standards, Sections B.3, Site and Building design standards*, subsection (2) and (4), and B.5, *Single Family and Duplex Development Standards*.
10. Compliance with *Lakewood Neighborhood Master Plan, Appendix A – Design Standards, Section B.13, Service Areas and Mechanical Equipment*, shall be demonstrated prior to civil construction and/or building permit approval, as applicable.
11. Pursuant to MMC Section 22C.220.050(2)(f), *Maintenance Provisions*, a means of maintaining all common areas of the MPSC, such as a homeowner’s association, shall be established, and legal instruments shall be executed to provide maintenance funds and enforcement provisions.
12. Pursuant to MMC Section 22C.220.090(15), *Covenant and Duration*. An agreement in a form approved by the city must be recorded on the property requiring that the provisions of MPSC chapter, including age restrictions and site plan approval, be maintained for the life of the project. The agreement shall be recorded prior to final occupancy permits being granted. Said agreement shall be a covenant running with the land, binding on the assigns, heirs and successors of the applicant.
13. Prior to final occupancy permits being granted, an Arlington Airport avigation easement shall be executed and recorded with the Snohomish County Auditor’s Office, and a conformed copy shall be provided to the cities of Arlington and Marysville.
14. All new power lines, telephone wires, television cables, fire alarm systems, and other communication wires, cables or lines shall be placed in an underground location either by direct burial or by means of conduit or ducts with the exception of the city fire alarm system.
15. The project is subject to the eight (8) mitigation measures outlined in the SEPA Mitigated Determination of Non-Significance issued on August 5, 2022 (Exhibit 52).

Prepared by: *Angela*

Reviewed by: *Chris*

[Hearing Exhibits](#)



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Senior Planner Angela Gemmer, Community Development

ITEM TYPE: Ordinance

AGENDA SECTION: **New Business**

SUBJECT: **Ordinance** regarding Marysville, Lake Stevens, and Lakewood School Districts' 2022 - 2027 Capital Facilities Plans (CFPs)

SUGGESTED ACTION:

Recommended Motion: I move to adopt Ordinance No. ____.

SUMMARY: Pursuant to Section MMC 22D.040.030(1), *Capital facilities plan required*, any district serving the City of Marysville shall be eligible to receive school impact fees upon adoption of a Capital Facilities Plan (CFP) as a sub-element of the Capital Facilities Element of the Marysville Comprehensive Plan. School District CFPs are reviewed and adopted on a biennial basis.

The Planning Commission (PC) held a public workshop on September 13, 2022 and a duly advertised public hearing on September 27, 2022 to review the Marysville, Lake Stevens and Lakewood School District's 2022 – 2027 CFPs, and received testimony from staff and each school district's representative. There was no public testimony provided at the public hearing.

Following the public hearing, the PC made a motion to recommend the Marysville, Lake Stevens and Lakewood School District 2022 – 2027 CFPs to Marysville City Council for adoption by Ordinance.

ATTACHMENTS:

Memo re. School District 2022 - 2027 CFPs

Ordinance School District 2022 - 2027 CFPs

Marysville School District 2022-2027 CFP

Lake Stevens School District 2022-2027 CFP

Lakewood School District 2022-2027 CFP

PC Recommendation and Minutes - School District CFPs



COMMUNITY DEVELOPMENT DEPARTMENT
80 Columbia Avenue ♦ Marysville, WA 98270
(360) 363-8100 ♦ (360) 651-5099 FAX

MEMORANDUM

DATE: November 16, 2022
TO: City Council
FROM: Angela Gemmer, Principal Planner
SUBJECT: 2022 – 2027 School District Capital Facilities Plans for
Marysville, Lake Stevens, and Lakewood School Districts (CPA22-003)
CC: Haylie Miller, Community Development Director
Chris Holland, Planning Manager

Exhibits:

1. Marysville School District CFP
2. Marysville School District SEPA checklist
3. Marysville School District SEPA determination
4. Lake Stevens School District CFP
5. Lake Stevens School District SEPA checklist
6. Lake Stevens School District SEPA determination
7. Lakewood School District CFP
8. Lakewood School District SEPA checklist
9. Lakewood School District SEPA determination

Pursuant to MMC 22D.040.030(1), any district serving the City of Marysville shall be eligible to receive school impact fees upon adoption by Marysville City Council of a Capital Facilities Plan (CFP) for the district as a sub-element of the Capital Facilities Element of the Marysville Comprehensive Plan. Districts' CFPs are reviewed and adopted on a biennial basis.

Upon receipt of a district's CFP, the Community Development Department must determine:

1. That the analysis contained within the CFP is consistent with current data developed pursuant to the requirements of the Growth Management Act (GMA).
2. That any school impact fee proposed in the District's CFP has been calculated using the formula contained in MMC 22D.040.050 Table 1.
3. That the CFP has been adopted by the District's board of directors.

Based on a review of the Districts' CFPs, it appears each plan has been prepared pursuant to the requirements of the GMA (RCW 36.70A), the impact fees have been calculated using the formula contained in MMC 22D.040.050 Table 1, and the CFPs have been adopted by each district's board of directors.

The following is a breakdown of current and proposed impact fees, as outlined in the Districts' CFPs, applying the 50 percent pursuant to MMC 22D.040.050(1).

Marysville School District	2020 - 2025 (current)	2022 - 2027 (proposed)	Difference
Single-family	\$0.00	\$0.00	\$0.00
Multi-family (studio or one bedroom unit)	\$0.00	\$0.00	\$0.00
Multi-family (two or more bedroom unit)	\$0.00	\$0.00	\$0.00
Lake Stevens School District	2020 - 2025 (current)	2022 - 2027 (proposed)	Difference
Single-family	\$9,788.00	\$11,434.00	+\$1,646.00
Duplex/Townhouse	\$7,672.00	\$2,526.00	-\$5,146.00
Multi-family (studio or one bedroom unit)	\$0.00	\$0.00	\$0.00
Multi-family (two or more bedroom unit)	\$7,672.00	\$2,526.00	-\$5,146.00
Lakewood School District	2020 - 2025 (current)	2022 - 2027 (proposed)	Difference
Single-family	\$3,566.00	\$0.00	-\$3,566.00
Multi-family (studio or one bedroom unit)	\$445.00	\$0.00	-\$445.00
Multi-family (two or more bedroom unit)	\$1,641.00	\$0.00	-\$1,641.00

Staff respectfully requests the City Council affirm the recommendation of the Planning Commission and adopt the Marysville, Lake Stevens, and Lakewood Schools Districts' 2022 - 2027 CFPs by Ordinance.

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO THE CITY'S COMPREHENSIVE PLAN; AMENDING THE COMPREHENSIVE PLAN BY THE ADOPTION OF THE MARYSVILLE, LAKE STEVENS AND LAKEWOOD SCHOOL DISTRICTS' 2022 – 2027 CAPITAL FACILITIES PLANS AS A SUBELEMENT OF THE CITY'S COMPREHENSIVE PLAN AND ESTABLISHING THE ADOPTION OF SAID PLANS AND THE COLLECTION AND IMPOSITION OF SCHOOL IMPACT FEES, PURSUANT TO THE CITY'S ANNUAL COMPREHENSIVE PLAN AMENDMENT AND UPDATE PROCESS, AND REPEALING ORDINANCE NO. 3163.

WHEREAS, the State of Washington enacted the Growth Management Act ("GMA") in 1990 amending RCW Chapter 82.02 to authorize the collection of school impact fees on new development under specified conditions, including the adoption by the City of a GMA Comprehensive Plan as defined in RCW Chapter 36.70A; and

WHEREAS, the Marysville City Council adopted a GMA Comprehensive Plan on September 15, 2015 that included a policy commitment to consider the adoption of a GMA-based school impact fee program (Policy SC-6); and

WHEREAS, on November 9, 2020 the Marysville City Council approved Ordinance No. 3163, adopting an update to the Comprehensive Plan that adopted the Marysville, Lake Stevens and Lakewood School Districts' 2020 – 2025 Capital Facilities Plans as a subelement to the City Comprehensive Plan; and

WHEREAS, City staff has reviewed the respective 2022 – 2027 Capital Facility Plans developed by the Marysville, Lake Stevens, and Lakewood School Districts and adopted by their respective boards of directors in accordance with the requirements of RCW Chapter 36.70A and RCW 82.02.050, et seq., and has determined that the plans meet the requirements of said statutes and Marysville Municipal Code (MMC) Chapter 22D.040, *School Impact Fees and Mitigation*; and

WHEREAS, the City of Marysville has adopted MMC Chapter 22D.040 relating to school impact fees and mitigation which is designed to meet the conditions for impact fee programs in RCW 82.02.050, et seq.; and

WHEREAS, the Marysville, Lake Stevens and Lakewood School Districts have prepared an environmental checklist and issued a SEPA Threshold Determination of Non-significance relating to their respective capital facilities plans; and

WHEREAS, the City has submitted the proposed Comprehensive Plan amendment to the State of Washington Department of Commerce for 60-day review in accordance with RCW 36.70A.106; and

WHEREAS, the Marysville Planning Commission, after review of the proposed Comprehensive Plan amendment, held a public workshop on September 13, 2022, and held a public hearing on September 27, 2022, and received testimony from each Districts' respective representative, staff and other interested parties following public notice; and

WHEREAS, the Planning Commission prepared and provided its written recommendation that said proposed amendment be approved by the Marysville City Council; and

WHEREAS, on _____, 2022 the Marysville City Council reviewed the Planning Commission's recommendation relating to the proposed Comprehensive Plan amendment; and

WHEREAS, the Marysville City Council has considered the School Districts' 2022 – 2027 Capital Facilities Plans in the context of the adopted Comprehensive Plan.

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

Section 1. Adoption of School District Capital Facilities Plans as Subelement of Comprehensive Plan. The 2015 City of Marysville Comprehensive Plan is amended by adopting the Marysville School District Capital Facilities Plan 2022 – 2027 as set forth in **Exhibit A**, the Lake Stevens School District Capital Facilities Plan 2022 – 2027 as set forth in **Exhibit B**, and the Lakewood School District Capital Facilities Plan 2022 – 2027 as set forth in **Exhibit C** (collectively referred to as "Plans") as subelements of the Capital Facilities Element. The Plans adopted by this Ordinance replace the School District Capital Facilities Plans previously adopted by the Marysville City Council in Ordinance No. 3163.

Section 2. Repeal of Ordinance 3163. Ordinance 3163 is repealed for the reason that it is replaced by this Ordinance.

Section 3. Schedule of Fees. The Community Development Department is directed to use the Plans adopted by this Ordinance to develop a schedule of school impact fees, calculated and adjusted by the provisions of MMC Section 22D.040.050, *School impact fee*.

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

Section 5. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections

Section 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____

JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

EXHIBIT A

MARYSVILLE SCHOOL DISTRICT NO. 25

CAPITAL FACILITIES PLAN

2022-2027



MARYSVILLE
SCHOOL DISTRICT

Engage. Inspire. Prepare.

Adopted: August 15, 2022

MARYSVILLE SCHOOL DISTRICT NO. 25

CAPITAL FACILITIES PLAN

2022-2027

BOARD OF DIRECTORS

Paul Galovin, President

Keira Atchley

Katie Jackson

Connor Krebbs

Wade Rinehart

Dr. Zachary Robbins, Superintendent

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Appendix C.....	Student Generation Rates

For information regarding the Marysville School District 2022-2027 Capital Facilities Plan, contact the Finance and Operations Department, Marysville School District No. 25, 4220 80th Street N.E., Marysville, Washington 98270-3498. Telephone: (360) 965-0094.

SECTION ONE: INTRODUCTION

Purpose of the Capital Facilities Plan

The Washington State Growth Management Act (the “GMA”) outlines 13 broad goals including adequate provision of necessary public facilities and services. Schools are among these necessary facilities and services. School districts have adopted capital facilities plans to satisfy the requirements of RCW 36.70A.070 and to identify additional school facilities necessary to meet the educational needs of the growing student populations anticipated in their districts.

The Marysville School District (the “District”) has prepared this Capital Facilities Plan (the “CFP”) to provide Snohomish County (the “County”), the City of Marysville (the “City”), and the City of Everett (“Everett”) with a schedule and financing program for capital improvements over the next six years (2022-2027).

In accordance with the Growth Management Act, adopted County policy, Snohomish County Ordinance Nos. 97-095 and 99-107, and the City of Marysville Ordinance Nos. 2306 and 2213, this CFP contains the following required elements:

- Future enrollment forecasts for each grade span (elementary schools, middle level schools, and high schools).
- An inventory of existing capital facilities owned by the District, showing the locations and capacities of the facilities.
- A forecast of the future needs for capital facilities and school sites.
- The proposed capacities of expanded or new capital facilities.
- A six-year plan for financing capital facilities within projected funding capacities, which clearly identifies sources of public money for such purposes. The financing plan separates projects and portions of projects which add capacity from those which do not, since the latter are generally not appropriate for impact fee funding.
- Where applicable, a calculation of impact fees to be assessed and support data substantiating said fees.

In developing this CFP, the District followed the following guidelines set forth in Appendix F of Snohomish County's General Policy Plan:

- Districts should use information from recognized sources, such as the U.S. Census or the Puget Sound Regional Council. School districts may generate

their own data if it is derived through statistically reliable methodologies. Information must not be inconsistent with Office of Financial Management (OFM) population forecasts. Student generation rates must be independently calculated by each school district.

- The CFP must comply with the GMA.
- The methodology used to calculate impact fees must comply with Chapter 82.02 RCW. In the event that impact fees are not available due to action by the state, county or cities within the District, the District in a future CFP update must identify alternative funding sources to replace the intended impact fee funding.

Overview of the Marysville School District

The District encompasses most of the City of Marysville, a small portion of the City of Everett, and portions of unincorporated Snohomish County. The District's boundaries also include the Tulalip Indian Reservation. The District encompasses a total of 72 square miles.

The District currently serves an approximate student population of 9,587 (February 1, 2021 FTE enrollment) with ten elementary schools, four middle level school, and four high schools (including two comprehensive high schools). For the purposes of facility planning, this CFP considers grades K-5 as elementary school, grades 6-8 as middle level school, and grades 9-12 as high school. The District also operates the Early Learning Center, housing ECEAP (Early Childhood Education and Assistance Program) as well as special education preschool programs.

The District has experienced enrollment declines in recent years, with the COVID-19 pandemic accelerating previously anticipated declines. The District intends to monitor enrollment particularly closely and will make adjustments as necessary should recent trends begin to change as the pandemic wanes, as growth continues in the District, and/or in response to any other circumstance influencing District enrollment. While the District is not requesting school impact fees as a part of this CFP update, this scenario could change as student enrollment growth changes. Future updates to the CFP will include relevant information.

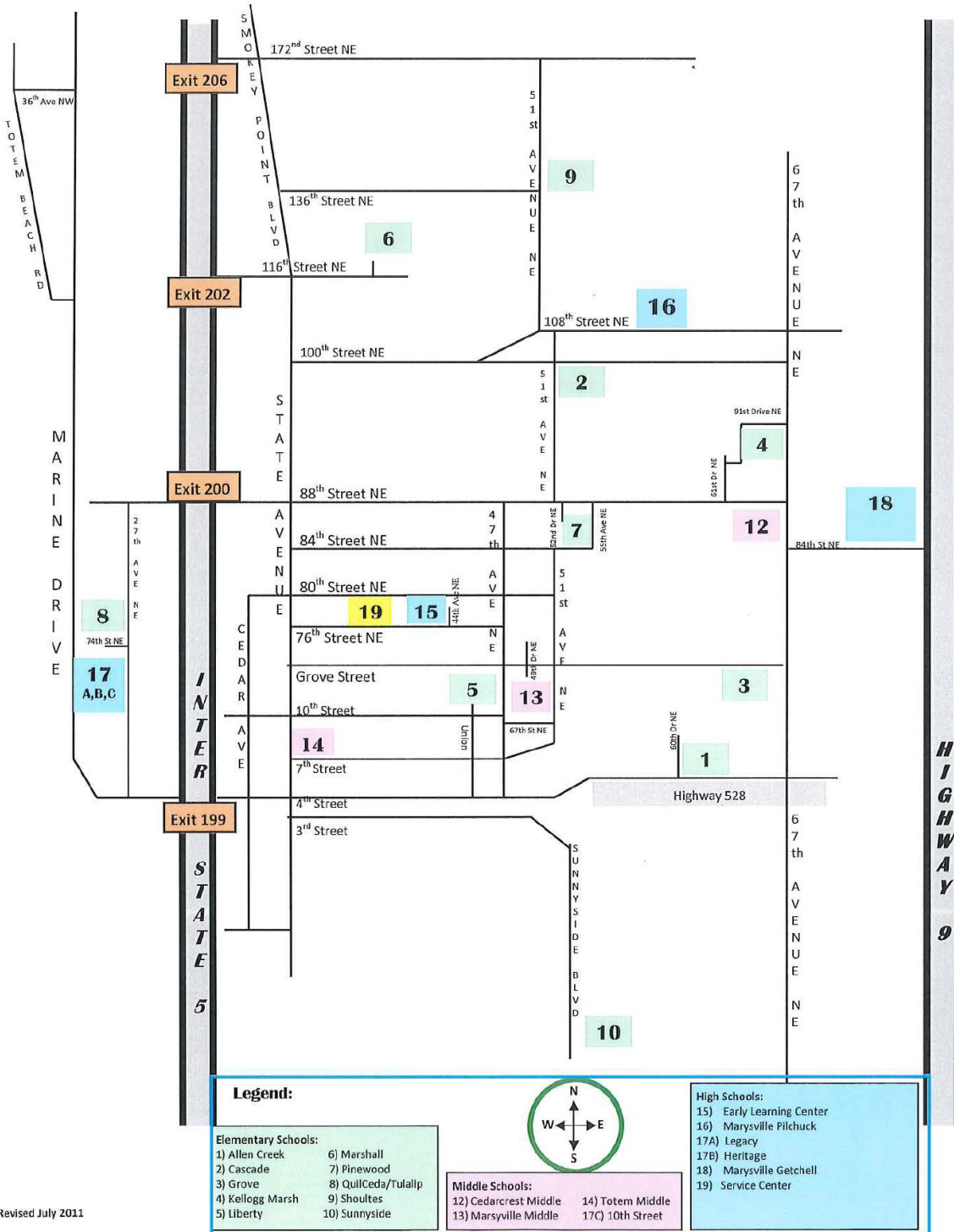
Facilities and Capacity Needs

The District encounters a variety of issues that affect the capital facilities planning process. Historically, affordable housing (as compared to Seattle and adjacent cities) in the District tended to draw young families, which puts demands on the school facilities. The 2005 amendments to the Snohomish County Comprehensive Plan expanded the Marysville urban growth boundary to include an additional 560.4 acres zoned for residential development. Also, a significant amount of acreage already within the Marysville UGA was rezoned to accommodate more density in housing developments. Initially, there was little housing growth in the Marysville School District boundaries. Between 2017 and 2021, single family permit activity started to pick up, as well as some activity, though at lower numbers, in multi-family unit development. The District is watching this pipeline carefully so that it may make adjustments as necessary should new

development planning start to shift toward more expected residential development within the District.

In February of 2006, the District's voters approved a school construction bond for approximately \$118 million. The bond helped to pay for the construction of Marysville Getchell High School and Grove Elementary School. The District also used the bond proceeds to acquire future school sites. In 2014, District voters approved a \$12 million technology (and a replacement levy was approved in 2018). The District presented a \$120 million capital levy measure to the voters in February 2020 to fund school safety and security improvements and to rebuild Cascade and Liberty Elementary Schools. The District failed to receive sufficient votes for approval of the capital levy proposal. There are no currently anticipated bond or capital levy proposals. The District's Board of Directors will evaluate the scope and timing of future proposals.

Welcome to the Marysville School District No. 25



Revised July 2011

SECTION 2 -- EDUCATIONAL PROGRAM STANDARDS

The District acknowledges and realizes that classroom population impacts the quality of instruction provided. School facility and student capacity needs are dictated by the types and amounts of space required to accommodate the District's adopted educational program. The educational program standards which typically drive facility space needs include grade configuration, optimum facility size, class size, educational program offerings, classroom utilization and scheduling requirements, and use of relocatable classrooms (portables).

In addition to student population, other factors such as collective bargaining agreements, government mandates, and community expectations also affect classroom space requirements. Traditional educational programs are often supplemented by programs such as special education, remediation, alcohol and drug education, computer labs, music, art, and other programs. These programs can have a significant impact on the available student capacity of school facilities.

District educational program standards may change in the future as a result of changes in the program year, special programs class sizes, grade span configurations, and use of new technology, as well as other physical aspects of the school facilities. The State Legislature's requirements for full-day kindergarten and reduced K-3 class size impact school capacity and educational program standards. The District has implemented full-day kindergarten classes and K-3 class size reduction. The school capacity inventory will be reviewed periodically and adjusted for any changes to the educational program standards. These changes will also be reflected in future updates of this CFP.

Within the context of this topic, there are at least three methodologies that can be applied to capacity forecasting. Those include a maximum class size based on contractual obligations, a maximum class size target, and a minimum service level.

The District has internal targets, which predicate staffing decisions. These internal targets are the District's preferred capacity levels. In comparison, class size based on a maximum number of students is predicated on contractual language in the contract with the Marysville Education Association. This contract specifies a maximum number of students in a classroom above which the District must fund additional classroom assistance. Finally, the minimum service level represents the capacity level that the District will not exceed. This is determined by an average maximum number of students in a classroom by grade (for K-8 classes) or by a course of study (for the 9-12 grade level). For example, grade 8 may have an average class size (and minimum level of service) of 32 students. Some classrooms might have less than 32 students and some classrooms might have more than 32 students; however the average of grade 8 classrooms district-wide will not exceed 32 students. At the secondary school level, some classes will exceed 34 students (band, physical education, etc.). This minimum service level is defined for core classes and is an average of all core classes for the secondary level. Table 1 compares class size methodologies.

Table 1
Class Size Methodologies

<i>Grade Level</i>	<i>District Targets</i>	<i>Maximum (Per Contract)</i>	<i>Minimum Service Level</i>
Kindergarten	17	24	27
Grades 1 – 3	17	24	27
Grades 4 – 5	25	27	30
Grades 6 – 8	25	30	32
Grades 9 – 12	25	30	34

Educational Program Standards Based Upon Internal Targets

Elementary Schools:

- Average class size for Kindergarten should not exceed 17 students.
- Average class size for grades 1-3 should not exceed 17 students.
- Average class size for grades 4-5 should not exceed 25 students.
- Special education for students may be provided in regular classes when inclusion is possible and in self-contained classrooms when this is the most appropriate option available.

Middle and Junior High Schools:

- Average class size for grades 6-8 should not exceed 25 students.
- It is not possible to achieve 100% utilization of all regular teaching stations throughout the day. Therefore, classroom capacity is adjusted using a utilization factor of available teaching stations depending on the physical characteristics of the facility and program needs.
- Special education for students may be provided in regular classes when inclusion is possible and in self-contained classrooms when this is the most appropriate option available.
- Identified students will also be provided other programs in “resource rooms (i.e., computer labs, study rooms), and program specific classrooms (i.e., music, drama, art, home and family education).

High Schools:

- Average class size for grades 9-12 should not exceed 25 students.
- It is not possible to achieve 100% utilization of all regular teaching stations throughout the day. Therefore, classroom capacity is adjusted using a utilization factor of available teaching stations depending on the physical characteristics of the facility and program needs.

- Special education for students may be provided in regular classes when inclusion is possible and in self-contained classrooms when this is the most appropriate option available.
- Identified students will also be provided other programs in “resource rooms (i.e., computer labs, study rooms), and program specific classrooms (i.e., music, drama, art, home and family education).

For the school years of 2019-20 and 2020-21, the District’s compliance with the minimum educational service standards was as follows (with MLOS set as applicable for those school years):

2019-20 School Year						
LOS Standard	MINIMUM LOS# Elementary	REPORTED LOS Elementary	MINIMUM LOS Middle	REPORTED LOS Middle	MINIMUM LOS High	REPORTED LOS High
	29	23.87	32	25.42	34	21.04

* The District determines the reported service level by adding the number of students at each grade level and dividing that number by the number of teaching stations (excludes portables).

2020-21 School Year						
LOS Standard	MINIMUM LOS# Elementary	REPORTED LOS Elementary	MINIMUM LOS Middle	REPORTED LOS Middle	MINIMUM LOS High	REPORTED LOS High
	29	22.17	32	25.04	34	21.07

* The District determines the reported service level by adding the number of students at each grade level and dividing that number by the number of teaching stations (excludes portables).

SECTION THREE: CAPITAL FACILITIES INVENTORY

Under the GMA, public entities are required to inventory capital facilities used to serve existing development. The purpose of the facilities inventory is to establish a baseline for determining what facilities will be required to accommodate future demand (student enrollment) at acceptable levels of service. This section provides an inventory of capital facilities owned and operated by the District including schools, relocatable classrooms (portables), undeveloped land, and support facilities. School facility capacity was inventoried based on the space required to accommodate the District's adopted educational program standards. *See Section Two: Educational Program Standards.* A map showing locations of District facilities is provided on page 4.

Schools

See *Section One and Two* for a description of the District's schools and programs.

School capacity was determined based on the number of teaching stations within each building and the space requirements of the District's adopted educational program and internal targets. It is this capacity calculation that is used to establish the District's baseline capacity, and to determine future capacity needs based on projected student enrollment. The school capacity inventory is summarized in Tables 2, 3, and 4. In addition to the school capacity inventory identified in these tables, the District operates the Early Learning Center (ECEAP program and special education preschool programs).

Relocatable Classrooms (Portables)

Relocatable classrooms (portables) are used as interim classroom space to house students until funding can be secured to construct permanent classrooms. The District currently uses 60 relocatable classrooms at various school sites throughout the District to provide additional interim capacity. A typical relocatable classroom can provide capacity for a full-size class of students. Current use of relocatable classrooms throughout the District is summarized in Table 5.

Table 2
Elementary School Inventory

<i>Elementary School</i>	<i>Site Size (Acres)</i>	<i>Building Area (sq ft)</i>	<i>Teaching Stations*</i>	<i>Permanent Capacity**</i>
Allen Creek	11.0	47,594	21.0	412
Cascade	9.5	38,923	21.0	412
Grove	6.2	54,000	24.0	470
Kellogg Marsh	12.8	47,816	21.0	412
Liberty	9.1	40,459	20.0	392
Marshall	13.7	53,063	14.0	274
Pinewood	10.5	40,073	17.0	333
Quil Ceda	10.0	47,594	27.0	529
Shoultes	9.5	40,050	16.0	314
Sunnyside	10.4	39,121	22.0	431
TOTAL	102.7	448,693	203	3,979

* Teaching Station Definition: A space designated as a classroom. Other stations include spaces designated for special education and pull-out programs.

** Regular classrooms; includes reduced K-3 class size.

Table 3
Middle Level School Inventory

<i>Middle Level School</i>	<i>Site Size (Acres)</i>	<i>Building Area (sq ft)</i>	<i>Teaching Stations*</i>	<i>Permanent Capacity**</i>
Cedarcrest	27.0	83,128	29.0	725
Marysville Middle	21.0	99,617	32.0	800
Marysville Tulalip Campus*** (6-8)	***	15,000	7.0	175
Totem	15.2	124,822	30.0	750
TOTAL	63.2	322,567	98	2,450

* Teaching Station Definition: A space designated as a classroom. Other stations include spaces designated for special education and pull-out programs.

** Regular classrooms.

***The Marysville Tulalip Campus includes the following schools co-located on one campus: Legacy High School, Heritage High School, and the 10th Street School. Grades 6-12 are served at the Marysville Tulalip Campus. The above chart identifies information relevant to grades 6-8.

Table 4
High School Inventory

<i>High School</i>	<i>Site Size (Acres)</i>	<i>Building Area (sq ft)</i>	<i>Teaching Stations*</i>	<i>Permanent Capacity**</i>
Marysville Pilchuck	83.0	259,033	56.0	1,400
Marysville Getchell	38.0	193,000	61.0	1,525
Marysville Tulalip Campus*** (9-12)	39.4	70,000	19.0	475
TOTAL	160.4	522,033	136	3,400

* Teaching Station Definition: A space designated as a classroom. Other stations include spaces designated for special education and pull-out programs.

** Regular classrooms.

***The Marysville Tulalip Campus includes the following schools co-located on one campus: Legacy High School, Heritage High School, and the 10th Street School. Grades 6-12 are served at the Marysville Tulalip Campus. The above chart identifies information relevant to grades 9-12.

Table 5
Relocatable Classroom (Portable) Inventory*

<i>Elementary School[^]</i>	<i>Relocatables**</i>	<i>Other Relocatables***</i>	<i>Interim Capacity</i>
Allen Creek	7	0	137
Cascade	3	2	59
Kellogg Marsh	5	2	98
Liberty	6	2	118
Marshall	3	3	59
Pinewood	3	4	59
Quil Ceda	4	4	78
Shoultes	5	3	98
Sunnyside	4	5	78
<i>SUBTOTAL</i>	40	25	784

<i>Middle Level School</i>	<i>Relocatables**</i>	<i>Other Relocatables***</i>	<i>Interim Capacity</i>
Cedarcrest	11	2	275
Marysville Middle	7	2	175
Marysville Tulalip Campus	0	0	0
Totem	0	0	0
<i>SUBTOTAL</i>	18	4	450

<i>High School</i>	<i>Relocatables**</i>	<i>Other Relocatables***</i>	<i>Interim Capacity</i>
Marysville-Getchell	0	0	0
Marysville-Pilchuck	1	0	25
Marysville Tulalip Campus	1	1	25
<i>SUBTOTAL</i>	2	1	50

<i>TOTAL</i>	60	30	1,284
---------------------	-----------	-----------	--------------

* Each portable is 600 square feet. The District's relocatable facilities identified above have adequate useful remaining life and are evaluated regularly.

**Used for regular classroom capacity.

***The relocatables referenced under "other relocatables" are used for special pull-out programs.

[^]Four portables are located at the Early Learning Center (on the Marysville Tulalip Campus) and used for pre-kindergarten/early learning instruction. These portables are not available for regular K-5 capacity.

Support Facilities

In addition to schools, the District owns and operates additional facilities which provide operational support functions to the schools. An inventory of these facilities is provided in Table 6.

***Table 6
Support Facility Inventory***

<i>Facility</i>	<i>Building Area (Square Feet)</i>	<i>Site Size (Acres)</i>
Service Center		11.35
Administration	33,028	
Grounds	3,431	
Maintenance	12,361	
Engineering	7,783	
Warehouse	16,641	

Land Inventory

The District owns a number of undeveloped sites. An inventory of these sites is provided in Table 7.

***Table 7
Undeveloped Site Inventory***

<i>Site</i>	<i>Site Size (Acres)</i>
152nd Street Site	35.02
84 th Street NE Site – Parcel 0500	4.5
84 th Street NE Site – Parcel 0300	27.75
84 th Street NE Site - Parcel 0700	30.40

Development on some of these sites may be restricted due to significant wetlands, limited site sizes, high utility costs, and/or inappropriate locations. In addition to these sites, the District owns one site of less than two acres that is currently under contract for sale.

SECTION FOUR: STUDENT ENROLLMENT TRENDS AND PROJECTIONS

Generally, enrollment projections using historical calculations are most accurate for the initial years of the forecast period. Moving further into the future, more assumptions about economic conditions, land use, and demographic trends in the area affect the projection. Monitoring birth rates in the County and population growth for the area are essential yearly activities in the ongoing management of the CFP. In the event that enrollment growth slows, plans for new facilities can be delayed. It is much more difficult, however, to initiate new projects or speed projects up in the event enrollment growth exceeds the projections.

For this year's CFP update, the District considered several sources for enrollment projections. See Appendix A.

- The Office of the Superintendent of Public Instruction (OSPI) prepares six year projections based upon the cohort survival method. Using this methodology, a total of 8,531 (headcount) students are expected to be enrolled in the District by 2027, a decrease from the October 2021 headcount enrollment of 9,897. The projected decline reflects the District's experience in recent years of declining enrollment growth at all grade levels (though predominantly at the elementary school level). Notably, the cohort survival method does not anticipate changing development patterns, so it may not capture new development from increased (or decreased) residential construction activity and as anticipated in the Snohomish County/OFM projections. Also, the cohort projections do not consider the impact of anomalies in enrollment, such as the COVID-19 pandemic and its effects on enrollment during the last two years. As such, the OSPI projections are only reliable in school districts with little to no variation in enrollment patterns.
- The District in May of 2019 received a modified enrollment forecast from a professional demographer, William L. (Les) Kendrick, Ph.D. The Kendrick analysis utilized historic enrollment patterns, demographic and land use analysis based upon information from Snohomish County and the City of Marysville, census data, Snohomish County/OFM forecasts and trends, and Washington State Department of Health birth data, all as current as of early 2019. The low range projection of the Kendrick analysis show a total enrollment of 10,532 expected by the 2027-28 school year. However, the 2019 Kendrick projections were performed prior to the pandemic and also do not reflect updated birth rate and development information. In view of current enrollment data and information, the District believes that the 2019 Kendrick projections are optimistic.
- The District reviewed the population-based enrollment projection estimated for the District using OFM population forecasts for Snohomish County. The County provided the District with the estimated total population in the District by year. Using 2020 census data, the District's student enrollment constituted approximately 12.93% of the total population in the District. Assuming that between 2022 and 2027, the District's enrollment will continue to constitute 12.93% of the District's total population and using OFM/County data, OFM/County methodology projects a total enrollment of 10,502 in 2027.

- The District prepares its own enrollment forecast for internal planning purposes. This forecast is based on recent trends in enrollment, information relevant to the current planning year, current birth rate data, and known development information. The District’s projections factor in up to date and key information relative to the District’s expectation of student enrolment in the near future including (1) the pandemic’s effect on District enrollment, including analysis of students returning to in-person learning as based on February 2022 counts, and (2) recent Snohomish County birth rate data, which declined between 2016 and 2020. The District’s projections are also the only projections that use a true full-time equivalent count, more reflective of District facilities planning. Using these projections, the District anticipates flat enrollment through the six year planning period, with total student enrollment of 9,245 by 2027.

The comparison of the projected enrollment under each methodology is contained in Table 8.

Table 8
Projected Student Enrollment**
2022-2027

<i>Projection</i>	<i>2021*</i>	<i>2022</i>	<i>2023</i>	<i>2024</i>	<i>2025</i>	<i>2026</i>	<i>2027</i>	<i>Actual Change</i>	<i>Percent Change</i>
OFM/County	9,897	9,905	10,025	10,145	10,265	10,385	10,502	717	7.33%
OSPI Cohort	9,897	9,724	9,486	9,289	9,043	8,737	8,531	(1,366)	(13.8)%
District (Kendrick)	9,897	10,113	10,141	10,256	10,335	10,373	10,532	635	6.42%
District (Internal Analysis)	9,785	9,245	9,245	9,245	9,245	9,245	9,245	(540)	(5.52)%

*Actual October 2021 Headcount for all but District’s internal analysis, which uses actual October 2021 FTE enrollment; note that February 2022 FTE enrollment dropped to 9,587

**All projections, with the exception of the District’s Internal Analysis use a headcount enrollment assumption. The District finds that a full-time equivalent analysis is more appropriate for assessing facility needs.

Based upon the immediate dynamics of the District, as discussed above, the District has chosen to follow the District’s own internal analysis for purposes of this CFP update. The District will closely monitor enrollment and, if actual enrollment notably shifts from the projections, will update the CFP accordingly.

2044 Enrollment Projections

Student enrollment projections beyond 2027 and to the future are highly speculative. Assuming that the District’s enrollment will continue to constitute 12.93% of the District’s population through 2044, and assuming that the ratio of students in each grade level stays constant, the projected enrollment by grade span *based upon the County/OFM projections* is as follows:

Table 9
Projected FTE Student Enrollment – County/OFM
2044

<i>Grade Span</i>	<i>Projected FTE Enrollment</i>
Elementary (K-5)	5,571
Middle Level School (6-8)	2,917
High School (9-12)	3,668
TOTAL (K-12)	12,156

Again, these estimates are highly speculative given current information and the length of the planning period. The District will continue to monitor enrollment growth and make appropriate adjustments in future updates to the CFP.

SECTION FIVE: CAPITAL FACILITIES PROJECTIONS FOR FUTURE NEEDS

Projected available student capacity was derived by subtracting projected student enrollment from existing school capacity (excluding relocatable classrooms) for each of the six years in the forecast period (2022-2027). Capacity needs are expressed in terms of “unhoused students”

Table 10 identifies the District’s current permanent capacity needs (based upon information contained in Table 12):

Table 10
Unhoused Students – Based on October 2021 Enrollment/Capacity

<i>Grade Span</i>	<i>Unhoused Students/(Available Capacity</i>
Elementary Level (K-5)	(415)
Middle Level (6-8)	--
High School Level (9-12)	--

Assuming no permanent capacity additions or adjustments, Table 11 identifies the additional permanent classroom capacity that will be needed in 2027:

Table 11
Unhoused Students – 2027

<i>Grade Span</i>	<i>Unhoused Students/(Available Capacity</i>
Elementary Level (K-5)	(277)
Middle Level (6-8)	--
High School Level (9-12)	--

Interim capacity provided by relocatable classrooms is not included, though the District expects to continue to use relocatable classrooms to provide for a portion of the capacity needs. Relocatables may be moved from one grade level to another grade level as needed for capacity. (Information on relocatable classrooms by grade level and interim capacity can be found in Table 5.)

The District has no currently planned construction projects during this six-year planning period. Future updates to this CFP will include any identified projects.

Table 12 - Projected Student Capacity

Elementary School -- Surplus/Deficiency

	21-22*	2022	2023	2024	2025	2026	2027
Existing Permanent Capacity	3,979	3,979	3,979	3,979	3,979	3,979	3,979
Permanent Capacity Change	0	0	0	0	0	0	0
Total Permanent Capacity**	3,979	3,979	3,979	3,979	3,979	3,979	3,979
Enrollment	4,394	4,256	4,256	4,256	4,256	4,256	4,256
Permanent Capacity Surplus (Deficiency)**	(415)	(277)	(277)	(277)	(277)	(277)	(277)

*Actual February 2022 FTE enrollment

**Does not include relocatable capacity.

Middle School Level -- Surplus/Deficiency

	21-22*	2022	2023	2024	2025	2026	2027
Existing Permanent Capacity	2,450	2,450	2,450	2,450	2,450	2,450	2,450
Permanent Capacity Change	0	0	0	0	0	0	0
Total Permanent Capacity**	2,450	2,450	2,450	2,450	2,450	2,450	2,450
Enrollment	2,236	2,116	2,116	2,116	2,116	2,116	2,116
Permanent Capacity Surplus (Deficiency)**	214	334	324	334	334	334	334

*Actual February 2022 enrollment

**Does not include relocatable capacity.

High School Level -- Surplus/Deficiency

	21-22*	2022	2023	2024	2025	2026	2027
Existing Permanent Capacity	3,400	3,400	3,400	3,400	3,400	3,400	3,400
Permanent Capacity Change	0	0	0	0	0	0	0
Total Permanent Capacity**	3,400	3,400	3,400	3,400	3,400	3,400	3,400
Enrollment	2,744	2,675	2,675	2,675	2,675	2,675	2,675
Permanent Capacity Surplus (Deficiency)**	656	725	725	725	725	725	725

*Actual February 2022 enrollment

**Does not include relocatable capacity.

SECTION SIX: FINANCING PLAN

Planned Improvements

At the present time, the District does not have specific plans to construct new permanent capacity during the six-year planning period. The District may, as needed purchase and site new portable facilities to address capacity needs. The District intends to monitor closely enrollment and capacity needs and will update the CFP in the future as appropriate.

Financing for Planned Improvements

Where applicable, funding for planned improvements is typically secured from a number of sources including voter-approved bonds, State match funds, and impact fees.

General Obligation Bonds/Capital Levies: Bonds are typically used to fund construction of new schools and other capital improvement projects, and require a 60% voter approval. Capital levies require a 50% voter approval and can be used for certain capital improvement projects. The District presented a \$120 million capital levy in February 2020 to the voters to fund safety/security upgrades and to replace Cascade and Liberty elementary schools. The levy failed to reach the required threshold for approval. Future updates to the CFP will include information related to future bond planning and projects.

State School Construction Assistance Funds: State School Construction Assistance funds come from the Common School Construction Fund. The State deposits revenue from the sale of renewable resources from State school lands set aside by the Enabling Act of 1889 into the Common School Account. If these sources are insufficient to meet needs, the Legislature can appropriate General Obligation Bond funds or the Superintendent of Public Instruction can prioritize projects for funding. School districts may qualify for State School Construction Assistance funds for specific capital projects based on a prioritization system. The District is eligible for State School Construction Assistance funds for certain projects at the 61.87% funding percentage level.

Impact Fees: Impact fees are a means of supplementing traditional funding sources for construction of public facilities needed to accommodate new development. School impact fees are generally collected by the permitting agency at the time plats are approved or building permits are issued. *See Section 7 School Impact Fees.*

The Six-Year Financing Plan shown on Table 13 demonstrates how the District intends to fund new construction and improvements to school facilities for the years 2022-2027. The financing components include bonds, State School Construction Assistance funds, and impact fees. The Financing Plan separates projects and portions of projects which add capacity from those which do not, since the latter are generally not appropriate for impact fee funding. As previously stated, with the exception of portable purchases, the District currently does not plan to construct new permanent capacity projects within the six-year planning period.

Table 13 - Capital Facilities Financing Plan

Improvements Adding Permanent Capacity (Costs in Millions)**

Project	2022	2023	2024	2025	2026	2027	Total Cost	Bonds/ Local Funds	Projected State Funds	Impact Fees
Elementary										
Middle School										
High School										
Portables			\$0.118	\$0.118			\$0.360	X		

**Growth-related

Improvements Not Adding New Permanent Capacity (Costs in Millions)

Project	2022	2023	2024	2025	2026	2027	Total Cost	Bonds/ Levies	Projected State Funds	Impact Fees
Elementary										
Middle										
High School										
District-wide										

SECTION SEVEN: SCHOOL IMPACT FEES

The GMA authorizes jurisdictions to collect impact fees to supplement funding of additional public facilities needed to accommodate new development. Impact fees cannot be used for the operation, maintenance, repair, alteration, or replacement of existing capital facilities used to meet existing service demands.

School Impact Fees in Snohomish County and the City of Marysville

The Snohomish County General Policy Plan (“GPP”) which implements the GMA sets certain conditions for school districts wishing to assess impact fees:

- The District must provide support data including: an explanation of the calculation methodology, description of key variables and their computation, and definitions and sources of data for all inputs into the fee calculation.
- Data must be accurate, reliable, and statistically valid.
- Data must accurately reflect projected costs in the Six-Year Financing Plan.
- Data in the proposed impact fee schedule must reflect expected student generation rates from the following residential unit types: single family; multi-family/studio or one-bedroom; and multi-family/two or more-bedroom.

Snohomish County established a school impact fee program in November 1997, and amended the program in December 1999. This program requires school districts to prepare and adopt Capital Facilities Plans meeting the specifications of the GMA. Impact fees calculated in accordance with the formula, which are based on projected school facility costs necessitated by new growth and are contained in the District’s CFP, become effective following County Council adoption of the District’s CFP.

The City of Marysville also adopted a school impact fee program consistent with the Growth Management Act in November 1998 (with subsequent amendments).

Methodology Used to Calculate School Impact Fees

Impact fees are calculated utilizing the formula in the Snohomish County Code and the Municipal Code for the City of Marysville. Where applicable, the resulting figures are based on the District’s cost per dwelling unit to purchase land for school sites, make site improvements, construct schools, and purchase/install relocatable facilities (portables), all as related to growth needs. As required

under the GMA, credits are applied in the formula to account for State School Construction Assistance Funds to be reimbursed to the District and projected future property taxes to be paid by the dwelling unit.

When an impact fee is calculated, the District's cost per dwelling unit is derived by multiplying the cost per student by the applicable student generation rate per dwelling unit. The student generation rate is the average number of students generated by each housing type -- in this case, single family dwellings and multi-family dwellings. Pursuant to the Snohomish County and the City of Marysville School Impact Fee Ordinances, multi-family dwellings are separated into one-bedroom and two-plus bedroom units. The District does not request school impact fees from the City of Everett as the portion of the District within City of Everett boundaries is largely undevelopable.

The District, for information purposes only, conducted a student generation study for this CFP even though it is not requesting school impact fees. The result of that report are included in Appendix C. Future updates to this CFP, where impact fees are requested, will include an updated student generation rate study.

Proposed Marysville School District Impact Fee Schedule for Snohomish County and the City of Marysville

The District does not have capacity projects planned as a part of the 2022 CFP. See discussion in Section 6 above. As such, the District is not requesting the collection of impact fees as a part of this Capital Facilities Plan. The District expects that future project planning and stabilization of enrollment will lead to a renewed request for impact fees in future updates to the Capital Facilities Plan.

**Table 12
School Impact Fees
2022**

Housing Type	Impact Fee Per Dwelling Unit
Single Family	\$0
Multi-Family (1 Bedroom)	\$0
Multi-Family (2+ Bedroom)	\$0

FACTORS FOR ESTIMATED IMPACT FEE CALCULATIONS

<p>Student Generation Factors – Single Family</p> <table border="0" style="width: 100%;"> <tr><td>Elementary</td><td style="text-align: right;">.263</td></tr> <tr><td>Middle</td><td style="text-align: right;">.079</td></tr> <tr><td>Senior</td><td style="text-align: right;">.086</td></tr> <tr><td style="text-align: right;">Total</td><td style="text-align: right;">.428</td></tr> </table>	Elementary	.263	Middle	.079	Senior	.086	Total	.428	<p>Average Site Cost/Acre N/A</p>						
Elementary	.263														
Middle	.079														
Senior	.086														
Total	.428														
<p>Student Generation Factors – Multi Family (1 Bdrm)</p> <table border="0" style="width: 100%;"> <tr><td>Elementary</td><td style="text-align: right;">.000</td></tr> <tr><td>Middle</td><td style="text-align: right;">.000</td></tr> <tr><td>Senior</td><td style="text-align: right;">.000</td></tr> <tr><td style="text-align: right;">Total</td><td style="text-align: right;">.000</td></tr> </table>	Elementary	.000	Middle	.000	Senior	.000	Total	.000	<p>Temporary Facility Capacity Capacity Cost</p>						
Elementary	.000														
Middle	.000														
Senior	.000														
Total	.000														
<p>Student Generation Factors – Multi Family (2+ Bdrm)</p> <table border="0" style="width: 100%;"> <tr><td>Elementary</td><td style="text-align: right;">.083</td></tr> <tr><td>Middle</td><td style="text-align: right;">.117</td></tr> <tr><td>Senior</td><td style="text-align: right;">.100</td></tr> <tr><td style="text-align: right;">Total</td><td style="text-align: right;">.300</td></tr> </table>	Elementary	.083	Middle	.117	Senior	.100	Total	.300	<p>State School Construction Assistance Current Funding Percentage</p>	61.87%					
Elementary	.083														
Middle	.117														
Senior	.100														
Total	.300														
<p>Projected Student Capacity per Facility N/A</p>	<p>Construction Cost Allocation Current CCA</p>	246.83													
<p>Required Site Acreage per Facility N/A</p>	<p>District Average Assessed Value Single Family Residence</p>	\$449,490													
<p>Facility Construction Cost N/A</p>	<p>District Average Assessed Value Multi Family (1 Bedroom)</p>	\$169,461													
<p>Permanent Facility Square Footage</p> <table border="0" style="width: 100%;"> <tr><td>Elementary</td><td style="text-align: right;">448,693</td></tr> <tr><td>Middle</td><td style="text-align: right;">322,567</td></tr> <tr><td>Senior</td><td style="text-align: right;">522,033</td></tr> <tr><td style="text-align: right;">Total</td><td style="text-align: right;">1,293,293</td></tr> </table>	Elementary	448,693	Middle	322,567	Senior	522,033	Total	1,293,293	<p>District Average Assessed Value Multi Family (2+ Bedroom)</p>	\$239,336					
Elementary	448,693														
Middle	322,567														
Senior	522,033														
Total	1,293,293														
<p>Temporary Facility Square Footage</p> <table border="0" style="width: 100%;"> <tr><td>Elementary</td><td style="text-align: right;">39,000</td></tr> <tr><td>Middle</td><td style="text-align: right;">13,200</td></tr> <tr><td>Senior</td><td style="text-align: right;">1,800</td></tr> <tr><td style="text-align: right;">Total</td><td style="text-align: right;">54,000</td></tr> </table>	Elementary	39,000	Middle	13,200	Senior	1,800	Total	54,000	<p>SPI Square Footage per Student</p> <table border="0" style="width: 100%;"> <tr><td>Elementary</td><td style="text-align: right;">90</td></tr> <tr><td>Middle</td><td style="text-align: right;">108</td></tr> <tr><td>High</td><td style="text-align: right;">130</td></tr> </table>	Elementary	90	Middle	108	High	130
Elementary	39,000														
Middle	13,200														
Senior	1,800														
Total	54,000														
Elementary	90														
Middle	108														
High	130														
<p>Total Facility Square Footage</p> <table border="0" style="width: 100%;"> <tr><td>Elementary</td><td style="text-align: right;">487,693</td></tr> <tr><td>Middle</td><td style="text-align: right;">335,767</td></tr> <tr><td>Senior</td><td style="text-align: right;">523,833</td></tr> <tr><td style="text-align: right;">Total</td><td style="text-align: right;">1,347,293</td></tr> </table>	Elementary	487,693	Middle	335,767	Senior	523,833	Total	1,347,293	<p>District Property Tax Levy Rate (Bonds) Current/\$1,000</p>	\$0.81496					
Elementary	487,693														
Middle	335,767														
Senior	523,833														
Total	1,347,293														
	<p>General Obligation Bond Interest Rate Current Bond Buyer Index (2/22 average)</p>	2.45%													
	<p>Developer Provided Sites/Facilities</p> <table border="0" style="width: 100%;"> <tr><td>Value</td><td style="text-align: right;">0</td></tr> <tr><td>Dwelling Units</td><td style="text-align: right;">0</td></tr> </table>	Value	0	Dwelling Units	0										
Value	0														
Dwelling Units	0														

Note: The total costs of the school construction projects and the total capacities are shown in the fee calculations. However, new development will only be charged for the system improvements needed to serve new growth.

APPENDIX A

POPULATION AND ENROLLMENT DATA



School Facilities and Organization
 INFORMATION AND CONDITION OF SCHOOLS
 Enrollment Projections (Report 1049)

Snohomish/Marysville(31025)

Grade	--- ACTUAL ENROLLMENTS ON OCTOBER 1st ---					AVERAGE % SURVIVAL	--- PROJECTED ENROLLMENTS ---						
	2016	2017	2018	2019	2020		2021	2022	2023	2024	2025	2026	2027
Kindergarten	836	808	788	810	683	757		706	684	663	641	620	599
Grade 1	859	877	810	781	714	740	100.14%	758	707	685	664	642	621
Grade 2	781	867	891	797	738	736	99.69%	738	756	705	683	662	640
Grade 3	942	765	863	853	769	740	97.99%	721	723	741	691	669	649
Grade 4	897	940	782	834	802	792	99.12%	733	715	717	734	685	663
Grade 5	810	889	945	770	795	771	97.90%	775	718	700	702	719	671
K-5 Sub-Total	5,125	5,146	5,079	4,845	4,501	4,536		4,431	4,303	4,211	4,115	3,997	3,843
Grade 6	802	779	848	897	765	777	96.71%	746	750	694	677	679	695
Grade 7	766	800	779	838	866	735	98.23%	763	733	737	682	665	667
Grade 8	788	759	791	756	823	863	98.57%	724	752	723	726	672	655
6-8 Sub-Total	2,356	2,338	2,418	2,491	2,454	2,375		2,233	2,235	2,154	2,085	2,016	2,017
Grade 9	840	815	744	777	760	814	99.81%	861	723	751	722	725	671
Grade 10	890	824	814	754	791	763	100.29%	816	863	725	753	724	727
Grade 11	747	798	705	657	661	735	87.30%	666	712	753	633	657	632
Grade 12	739	722	752	674	654	674	97.59%	717	650	695	735	618	641
9-12 Sub-Total	3,216	3,159	3,015	2,862	2,866	2,986		3,060	2,948	2,924	2,843	2,724	2,671
DISTRICT K-12 TOTAL	10,697	10,643	10,512	10,198	9,821	9,897		9,724	9,486	9,289	9,043	8,737	8,531

Notes: Specific subtotaling on this report will be driven by District Grade spans.

Low Range Projection

Marysville Enrollment History

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>
County Births	8675	8924	9070	9570	9795	9237	9001	8925	9226	9406
% of Cohort	10.2%	9.5%	9.4%	9.4%	9.5%	8.8%	9.4%	9.4%	8.8%	8.4%
City of Marysville	648	716	808	846	877	849	847	860	864	893
K % of City Cohort	136.3%	118.9%	105.8%	106.1%	106.4%	95.3%	100.1%	97.3%	93.5%	88.4%

	<u>Oct-09</u>	<u>Oct-10</u>	<u>Oct-11</u>	<u>Oct-12</u>	<u>Oct-13</u>	<u>Oct-14</u>	<u>Oct-15</u>	<u>Oct-16</u>	<u>Oct-17</u>	<u>Oct-18</u>
K	883	851	855	898	933	809	848	837	808	789
1	859	890	861	830	903	957	771	859	878	810
2	871	843	879	860	848	891	952	781	867	891
3	904	846	830	857	844	848	874	942	764	863
4	886	899	858	834	824	827	838	897	939	782
5	917	874	885	844	834	816	843	810	889	945
6	879	891	853	845	830	802	775	802	779	848
7	851	859	903	874	855	826	793	767	799	779
8	866	831	852	895	843	866	812	791	759	791
9	881	852	838	876	919	864	895	842	815	744
10	874	892	900	854	905	926	860	892	825	815
11	849	862	842	821	793	828	828	753	802	706
12	980	987	943	900	877	874	796	746	723	756
Total	11500	11377	11299	11188	11208	11134	10885	10719	10647	10519
Change	-165	-123	-78	-111	20	-74	-249	-166	-72	-128
% Change	-1.4%	-1.1%	-0.7%	-1.0%	0.2%	-0.7%	-2.2%	-1.5%	-0.7%	-1.2%
K-5	5320	5203	5168	5123	5186	5148	5126	5126	5145	5080
6-8	2596	2581	2608	2614	2528	2494	2380	2360	2337	2418
9-12	3584	3593	3523	3451	3494	3492	3379	3233	3165	3021

Low Range Projection

Projected Births

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
County Births	9524	9766	10045	9877	10034	10124	10062	10088	10114	10142
K % of Cohort	8.6%	8.5%	8.7%	8.7%	8.7%	9.1%	9.1%	9.1%	9.1%	9.1%
City of Marysville	885	901	956	962	961	963	965	969	968	971
K % of City Cohort	92.2%	92.0%	91.9%	89.8%	91.3%	96.0%	95.3%	95.1%	95.4%	95.5%

	<u>Oct-19</u>	<u>Oct-20</u>	<u>Oct-21</u>	<u>Oct-22</u>	<u>Oct-23</u>	<u>Oct-24</u>	<u>Oct-25</u>	<u>Oct-26</u>	<u>Oct-27</u>	<u>Oct-28</u>
K	816	829	879	864	878	925	919	922	924	926
1	796	813	826	876	862	880	928	922	924	927
2	803	784	813	828	882	870	889	937	931	933
3	867	782	766	796	814	869	858	876	923	917
4	847	867	785	770	803	824	879	868	886	934
5	767	830	852	773	761	796	817	872	861	879
6	894	722	784	806	734	725	759	779	831	821
7	833	878	712	774	799	730	721	755	774	826
8	759	813	860	698	762	789	721	712	746	765
9	792	760	814	861	698	765	792	723	715	748
10	728	775	746	800	849	691	757	784	716	707
11	701	626	668	645	695	740	602	659	683	623
12	658	654	584	623	604	652	694	565	618	641
Total	10251	10132	10087	10113	10141	10256	10335	10373	10532	10648
Change	-268	-119	-45	26	27	116	79	37	159	116
% Change	-2.6%	-1.2%	-0.4%	0.3%	0.3%	1.1%	0.8%	0.4%	1.5%	1.1%
K-5	4886	4904	4920	4906	4999	5165	5290	5396	5449	5517
6-8	2486	2413	2355	2278	2295	2244	2201	2245	2351	2411
9-12	2879	2815	2812	2929	2846	2847	2845	2731	2732	2719

APPENDIX B

SCHOOL IMPACT FEE CALCULATIONS

This section is not updated for the 2022-2027 Capital Facilities Plan since no Impact Fee is requested. Future updates to this CFP may include an Impact Fee.

APPENDIX C

STUDENT GENERATION RATES (SGR)

Student Generation Rate Report

for the Marysville School District

Date: March 7, 2022

Student Generation Rate Report

Prepared for
Peggy King
Finance & Operations Analyst – Marysville School District
4220 80th St NE, Marysville, WA 98270

Blueline Job No. 22-038
Prepared by: Chase Killebrew, AICP
Reviewed by: Eric Jensen

This report shows the estimated number of students for each grade that is typically generated by different dwelling unit types within the Marysville School District (MSD). These student generation rates (SGRs) assist in predicting future enrollment for the short term and long-term planning horizons as development and redevelopment change the mix of housing types in the district. SGRs are also used in the school impact fee formula to determine the per dwelling unit cost of needed new school capacity.

This document describes the methodology used to calculate SGRs for the MSD and provides the findings of those calculations. SGRs were calculated for two types of residential construction: single-family detached and multifamily. Manufactured homes are included in the single-family detached classification. Single-family attached units such as condominiums, townhomes, and multiplexes are included in the multifamily classification.

Electronic records were pulled from the Snohomish County Assessor’s FTP Data Downloads webpage. The specific dataset titled *Improvement Records* was filtered to only contain residential development data from the past 5 years (2017 – 2021). This table was brought into ArcGIS. Using a shapefile of the MSD boundary, all the records attached to parcels located within MSD were selected, creating a new MSD-specific table. The table was divided by single-family versus multifamily development. Then the multifamily list was divided by number of bedrooms, where all units containing 1 bedroom or less are grouped and units containing 2 or more bedrooms are grouped. No multifamily units containing 1 bedroom or less were found in this data. Also, no developments containing more units than a quadplex (four units) were found in this data.

The School District provided Blueline with student records data including the addresses and grade levels of all P2-12 students attending the Marysville School District as of January 2022. This data containing 10,682 students was reformatted so the addresses matched the style of the MSD Improvement Records address data.

There were 681 records indicating construction of new single-family detached units. These were cross-referenced and matched with the student records data, and the matches were tallied by grade level. The same was done for the 60 multifamily (2+ bedroom) records. The tables showing the results are shown on the following page.

	SINGLE-FAMILY	MULTIFAMILY (0-1 BR)	MULTIFAMILY (2+ BR)	TOTAL
UNITS CONSTRUCTED IN MSD (2017 - 2021)	687	0	60	747
NUMBER OF STUDENTS ATTENDING MARYSVILLE SCHOOL DISTRICT	10,682			



SUMMARY OF STUDENT GENERATION RATES FOR MARYSVILLE SCHOOL DISTRICT (2017 – 2021)

Single-family SGRs

GRADE(S)	COUNT OF MATCHES	CALCULATED RATE
P2	4	0.006
P3	6	0.009
P4	5	0.007
K1	26	0.038
1	36	0.052
2	27	0.039
3	24	0.035
4	30	0.044
5	23	0.033
6	17	0.025
7	17	0.025
8	20	0.029
9	16	0.023
10	15	0.022
11	16	0.023
12	12	0.017
P2 - 5	181	0.263
6 - 8	54	0.079
9 - 12	59	0.086
P2 - 12	294	0.428

Multifamily (2+ BR) SGRs

GRADE(S)	COUNT OF MATCHES	CALCULATED RATE
P2	0	0.000
P3	0	0.000
P4	0	0.000
K1	0	0.000
1	2	0.033
2	1	0.017
3	0	0.000
4	1	0.017
5	1	0.017
6	2	0.033
7	1	0.017
8	4	0.067
9	0	0.000
10	1	0.017
11	4	0.067
12	1	0.017
P2 - 5	5	0.083
6 - 8	7	0.117
9 - 12	6	0.100
P2 - 12	18	0.300

SGRs Summary Table

	P2 - 5	6 - 8	9 - 12	P2 - 12
SINGLE-FAMILY	0.263	0.079	0.086	0.428
MULTIFAMILY (0-1 BR)	0.000	0.000	0.000	0.000
MULTIFAMILY (2+ BR)	0.083	0.117	0.100	0.300



Inspiring Excellence



LAKE STEVENS

School District

2022 – 2027 CAPITAL FACILITIES PLAN

LAKE STEVENS SCHOOL DISTRICT NO. 4

prepared for:

Snohomish County

And

City of Lake Stevens
City of Marysville

July 26, 2022

CAPITAL FACILITIES PLAN LAKE STEVENS SCHOOL DISTRICT NO. 4

BOARD OF DIRECTORS

Mari Taylor, President
David Iseminger, Vice President
Nina Kim Hanson
Vildan Kirby
Paul Lund

SUPERINTENDENT

Ken Collins, Ed.D.

This plan is not a static document. It will change as demographics, information and District plans change. It is a “snapshot” of one moment in time.

For information on the Lake Stevens School District Capital Facilities Plan contact Robb Stanton at the District (425) 335-1500

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SECTION 1: INTRODUCTION

Purpose of the Capital Facilities Plan

The Washington Growth Management Act (GMA) outlines thirteen broad goals including adequate provision of necessary public facilities and services. Schools are among these necessary facilities and services. The public school districts serving Snohomish County residents have developed capital facilities plans to satisfy the requirements of RCW 36.70A.070 and to identify additional school facilities necessary to meet the educational needs of the growing student populations anticipated in their districts.

This Capital Facilities Plan (CFP) is intended to provide the Lake Stevens School District (District), Snohomish County, the City of Lake Stevens, the City of Marysville and other jurisdictions a description of facilities needed to accommodate projected student enrollment at acceptable levels of service over the next twenty-two years (2044), with a more detailed schedule and financing program for capital improvements over the next six years (2022-2027). This CFP is based in large measure on the 2015 Facilities Master Plan for the Lake Stevens School District.

When Snohomish County adopted its GMA Comprehensive Plan in 1995, it addressed future school capital facilities plans in Appendix F of the General Policy Plan¹. This part of the plan establishes the criteria for all future updates of the District CFP, which is to occur every two years. This CFP updates the GMA-based Capital Facilities Plan last adopted by the District in 2020.

In accordance with GMA mandates and Chapter 30.66C SCC, this CFP contains the following required elements:

Element	See Page	Table
Future enrollment forecasts for each grade span (elementary, middle, mid-high and high).	17	5-2
An inventory of existing capital facilities owned by the District, showing the locations and student capacities of the facilities.	12	4-1
A forecast of the future needs for capital facilities and school sites; distinguishing between existing and projected deficiencies.	19 20	6-1 6-2
The proposed capacities of expanded or new capital facilities.	25	6-3

¹ See Appendix F of this CFP

Element	See Page	Table
A six-year plan for financing capital facilities within projected funding capacities, which clearly identifies sources of public money for such purposes. The financing plan separates projects and portions of projects that add capacity from those which do not, since the latter are generally not appropriate for impact fee funding. The financing plan and/or the impact fee calculation formula must also differentiate between projects or portions of projects that address existing deficiencies (ineligible for impact fees) and those which address future growth-related needs.	22	6-3
A calculation of impact fees to be assessed and support data substantiating said fees.	Appendix A	
A report on fees collected through December 2021 and how those funds were used.	24	6-4

In developing this CFP, the guidelines of Appendix F of the General Policy Plan² were used as follows:

- Information was obtained from recognized sources, such as the U.S. Census or the Puget Sound Regional Council. School districts may generate their own data if it is derived through statistically reliable methodologies. Information is to be consistent with the State Office of Financial Management (OFM) population forecasts and those of Snohomish County.
- Chapter 30.66C SCC requires that student generation rates be independently calculated by each school district. Rates were updated for this CFP by The BlueLine Group (See Appendix C).
- The CFP complies with RCW 36.70A (the Growth Management Act) and, where impact fees are to be assessed, RCW 82.02.
- The calculation methodology for impact fees meets the conditions and test of RCW 82.02. Districts which propose the use of impact fees should identify in future plan updates alternative funding sources if impact fees are not available due to action by the state, county or the cities within their district boundaries.

Adoption of this CFP by reference by the County and cities of Marysville and Lake Stevens constitutes approval of the methodology used herein by those entities.

Overview of the Lake Stevens School District

The Lake Stevens School District is located six miles east of downtown Everett and encompasses most of the City of Lake Stevens as well as portions of unincorporated Snohomish County and a small portion of the City of Marysville. The District is located south of the Marysville School District and north of the Snohomish School District.

The District currently serves a student population of 9,256³ with seven elementary schools, two middle schools, one mid-high school, one high school and one homeschool partnership program (HomeLink).

² See Appendix G of this CFP

³ April 2022 Headcount Report

Elementary schools provide educational programs for students in kindergarten through grade five. Middle schools serve grades six and seven, the mid-high serves grades eight and nine and the high school serves grades ten through twelve. HomeLink provides programs for students from kindergarten through eighth grade. The District employs 616 certificated staff members and 606 classified staff for a total of 1,222.

Significant Issues Related to Facility Planning in the Lake Stevens School District

The most significant issues facing the Lake Stevens School District in terms of providing classroom capacity to accommodate existing and projected demands are:

- Continued housing growth in the District.
- The need to have unhoused students before becoming eligible for state construction funding.
- The implementation of reduced class sizes at the K-3 level at all elementary schools.
- Uneven distribution of growth across the district and an imbalance in growth in the north and south ends of the district, requiring facilities to balance enrollment.
- Increased critical areas regulations, decreasing the amount of developable area on school sites.
- Discounted school impact fees and changes to how and when these fees are calculated and paid, none of which supports mitigating the true impact of development.
- The need for additional property and lack of suitable sites within Urban Growth Area (UGA) boundaries to accommodate school facilities.
- The elimination of the ability to develop schools outside of UGAs.
- The inability to add temporary capacity with portable classrooms on school sites without costly stormwater and infrastructure improvements.
- Aging school facilities.
- Projected permanent capacity shortfall by 2027 for K-5 of 1,633 students (with no improvements).

These issues are addressed in greater detail in this Capital Facilities Plan.

SECTION 2: DEFINITIONS

Note: Definitions of terms preceded by an asterisk (*) are provided in Chapter 30.9SCC. They are included here, in some cases with further clarification to aid in the understanding of this CFP. Any such clarifications provided herein in no way affect the legal definitions and meanings assigned to them in Chapter 30.9 SCC.

*Appendix F means Appendix F of the Snohomish County Growth Management Act (GMA) Comprehensive Plan, also referred to as the General Policy Plan (GPP).

*Average Assessed Value average assessed value by dwelling unit type for all residential units constructed within the district. These figures are provided by Snohomish County. The current average assessed value for 2022 is \$485,760 for single-family detached residential dwellings; \$169,461 for one-bedroom (*Small*) multi-family units, and \$239,226 for two or more bedroom (*Large*) multi-family units.

*Boeckh Index (See Construction Cost Allocation)

*Board means the Board of Directors of the Lake Stevens School District (“School Board”).

Capital Bond Rate means the annual percentage rate computed against capital (construction) bonds issued by the District. for 2022, a rate of 2.45% is used. (See also “Interest Rate”)

*Capital Facilities means school facilities identified in the District’s capital facilities plan that are “system improvements” as defined by the GMA as opposed to localized “project improvements.”

*Capital Facilities Plan (CFP) means the District’s facilities plan adopted by its school board consisting of those elements required by Chapter 30.66C SCC and meeting the requirements of the GMA and Appendix F of the General Policy Plan. The definition refers to *this* document, which is consistent with the adopted “2015 Facilities Plan for the Lake Stevens School District,” which is a separate document. Construction Cost Allocation (formerly the Boeckh Index) means a factor used by OSPI as a guideline for determining the area cost allowance for new school construction. The Index for the 2022 Capital Facilities Plan is \$246.83, as provided by Snohomish County.

*City means City of Lake Stevens and/or City of Marysville.

*Council means the Snohomish County Council and/or the Lake Stevens or Marysville City Council.

*County means Snohomish County.

*Commerce means the Washington State Department of Commerce.

*Developer means the proponent of a development activity, such as any person or entity that owns or holds purchase options or other development control over property for which development activity is proposed.

*Development means all subdivisions, short subdivisions, conditional use or special use permits, binding site plan approvals, rezones accompanied by an official site plan, or building permits (including building permits for multi-family and duplex residential structures, and all similar uses) and other applications requiring land use permits or approval by Snohomish County, the City of Lake Stevens and/or City of Marysville.

*Development Activity means any residential construction or expansion of a building, structure or use of land or any other change of building, structure or land that creates additional demand and need for school facilities but excluding building permits for attached or detached accessory apartments, and remodeling or renovation permits which do not result in additional dwelling units. Also excluded from this definition is “Housing for Older Persons” as defined by 46 U.S.C. § 3607, when guaranteed by a restrictive covenant, and new single-family detached units constructed on legal lots created prior to May 1, 1991.

*Development Approval means any written authorization from the County and/or City, which authorizes the commencement of a development activity.

*Director means the Director of the Snohomish County Department of Planning and Development Services (PDS), or the Director’s designee.

District means Lake Stevens School District No. 4.

*District Property Tax Levy Rate (Capital Levy) means the District's current capital property tax rate per thousand dollars of assessed value. For this Capital Facilities Plan, the assumed levy rate is .00152.

*Dwelling Unit Type means (1) single-family residences, (2) multi-family one-bedroom apartment or condominium units (“*small unit*”) and (3) multi-family multiple-bedroom apartment or condominium units (“*large unit*”).

*Encumbered means school impact fees identified by the District to be committed as part of the funding for capital facilities for which the publicly funded share has been assured, development approvals have been sought or construction contracts have been let.

*Estimated Facility Construction Cost means the planned costs of new schools or the actual construction costs of schools of the same grade span recently constructed by the District, including on-site and off-site improvement costs. If the District does not have this cost information available, construction costs of school facilities of the same or similar grade span within another District are acceptable.

*FTE (Full Time Equivalent) is a means of measuring student enrollment based on the number of hours per day in attendance at the District’s schools. A student is considered one FTE if they are enrolled for the equivalent of a full schedule each full day.

*GFA (per student) means the Gross Floor Area per student.

*Grade Span means a category into which the District groups its grades of students (e.g., elementary, middle, mid-high and high school).

Growth Management Act (GMA) - means the Growth Management Act (RCW 36.70A).

*Interest Rate means the current interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index. For this Capital Facilities Plan an assumed rate of 2.45% is used, as provided by Snohomish County. (See also “Capital Bond Rate”)

*Land Cost Per Acre means the estimated average land acquisition cost per acre (in current dollars) based on recent site acquisition costs, comparisons of comparable site acquisition costs in other districts, or the average assessed value per acre of properties comparable to school sites located within the District. In 2022 the District estimates land costs to average \$200,000 per acre.

*Multi-Family Dwelling Unit means any residential dwelling unit that is not a single-family unit as defined by Chapter 30.66C. SCC³

*OFM means Washington State Office of Financial Management.

*OSPI means Washington State Office of the Superintendent of Public Instruction.

*Permanent Facilities means school facilities of the District with a fixed foundation.

*R.C.W. means the Revised Code of Washington (a state law).

*Relocatable Facilities (also referred to as portables) means factory-built structures, transportable in one or more sections, which are designed to be used as an education space and are needed:

- to prevent the overbuilding of school facilities,
- to meet the needs of service areas within the District, or
- to cover the gap between the time that families move into new residential developments and the date that construction is completed on permanent school facilities.

*Relocatable Facilities Cost means the total cost, based on actual costs incurred by the District, for purchasing and installing portable classrooms.

*Relocatable Facilities Student Capacity means the rated capacity for a typical portable classroom used for a specified grade span.

*School Impact Fee means a payment of money imposed upon development as a condition of development approval to pay for school facilities needed to serve the new growth and development. The school impact fee does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling impact fees, or the cost of reviewing independent fee calculations.

*SEPA means the State Environmental Policy Act (RCW 43.21C).

*Single-Family Dwelling Unit means any detached residential dwelling unit designed for occupancy by a single-family or household.

*Standard of Service means the standard adopted by the District which identifies the program year, the class size by grade span and taking into account the requirements of students with special needs, the number of classrooms, the types of facilities the District believes will best serve its student population and other factors as identified in the District’s capital facilities plan. The District’s standard of service shall not be adjusted for any portion of the classrooms housed in relocatable facilities that are used as transitional facilities or from any specialized facilities housed in relocatable facilities.

*State Match Percentage means the proportion of funds that are provided to the District for specific capital projects from the State’s Common School Construction Fund. These funds are disbursed based on a formula which calculates district assessed valuation per pupil relative to the whole State assessed valuation per pupil to establish the maximum percentage of the total project eligible to be paid by the State.

*Student Factor (Student Generation Rate [SGR]) means the number of students of each grade span (elementary, middle, mid-high and high school) that the District determines are typically generated by different dwelling unit types within the District⁴. Each District will use a survey or statistically valid methodology to derive the specific student generation rate, provided that the survey or methodology is approved by the Snohomish County Council as part of the adopted capital facilities plan for each District. (See Appendix C)

*Subdivision means all small and large lot subdivisions as defined in Section 30.41 of the Snohomish County Code.

*Teaching Station means a facility space (classroom) specifically dedicated to implementing the District’s educational program and capable of accommodating at any one time, at least a full class of up to 30 students. In addition to traditional classrooms, these spaces can include computer labs, auditoriums, gymnasiums, music rooms and other special education and resource rooms.

*Unhoused Students means District enrolled students who are housed in portable or temporary classroom space, or in permanent classrooms in which the maximum class size is exceeded.

*WAC means the Washington Administrative Code.

⁴ For purposes of calculating Student Generation Rates, assisted living or senior citizen housing are not included.

SECTION 3: DISTRICT EDUCATIONAL PROGRAM STANDARDS

School facility and student capacity needs are dictated by the types and amounts of space required to accommodate the District's adopted educational program. The educational program standards that typically drive facility space needs include grade configuration, optimum facility size, class size, educational program offerings, classroom utilization and scheduling requirements, and use of relocatable classroom facilities (portables). Educational Program Standards are the same as the minimum level of service as required by Appendix F of the Growth Management Comprehensive Plan.

In addition, government mandates and community expectations may affect how classroom space is used. Traditional educational programs offered by school districts are often supplemented by nontraditional or special programs such as special education, English as a second language, remediation, alcohol and drug education, preschool and daycare programs, computer labs, music programs, etc. These special or nontraditional educational programs can have a significant impact on the available student capacity of school facilities.

Examples of special programs offered by the Lake Stevens School District at specific school sites include:

- Behavioral Program
- Bilingual Program
- Career and Technical Education
- Community Education
- Conflict Resolution
- Contract-Based Learning
- Credit Retrieval
- Drug Resistance Education
- Early Learning Center, which includes ECEAP and developmentally delayed preschool
- Highly Capable
- Home School Partnership (HomeLink)
- Language Assistance Program (LAP)
- Life Skills Self-Contained Program
- Multi-Age Instruction
- Multi-tiered Systems of Support
- Occupational and Physical Therapy
- Running Start
- Speech and Language Pathologists
- Structured Learning Center Self-Contained Program
- Summer School
- Title 1
- Title 2

Variations in student capacity between schools are often a result of what special or nontraditional programs are offered at specific schools. These special programs require classroom space, which can reduce the regular classroom capacity of some of the buildings housing these programs. Some students,

for example, leave their regular classroom for a short period of time to receive instruction in these special programs. Newer schools within the District have been designed to accommodate most of these programs. However, older schools often require space modifications to accommodate special programs, and in some circumstances, these modifications may reduce the overall classroom capacities of the buildings.

District educational program requirements will undoubtedly change in the future as a result of changes in the program year, special programs, class sizes, grade span configurations, state funding levels and use of new technology, as well as other physical aspects of the school facilities. The school capacity inventory will be reviewed periodically and adjusted for any changes to the educational program standards. These changes will also be reflected in future updates of this Capital Facilities Plan.

In addition, districts are wrestling with the outcomes from the McCleary decision and additional funding and requirements from OSPI and the state Legislature. Many of these outcomes, like full-day kindergarten and reduced class sizes at the elementary level and new graduation requirements at the high school level can have significant impacts to the use of facilities. These will need to be incorporated into the District's facility capacities and uses.

The District's minimum educational program requirements, which directly affect school capacity, are outlined below for the elementary, middle, mid-high and high school grade levels.

Educational Program Standards for Elementary Grades

- Average class size for kindergarten should not exceed **19** students.
- Average class size for grades 1-3 should not exceed **20** students.
- Average class size for grades 4-5 should not exceed **25** students.
- Special Education for students may be provided in a self-contained classroom. The practical capacity for these classrooms is **12** students.
- All students will be provided music instruction in a separate classroom.
- Students may have a scheduled time in a computer lab.
- Optimum design capacity for new elementary schools is 550 students. However, actual capacity of individual schools may vary depending on the educational programs offered.

Educational Program Standards for Middle, Mid-High and High Schools

- Class size for secondary grade (6-12) regular classrooms should not exceed **27** students.
- Special Education for students may be provided in a self-contained classroom. The practical capacity for these classrooms is 12 students.
- As a result of scheduling conflicts for student programs, the need for specialized rooms for certain programs, and the need for teachers to have a workspace during planning periods, it is not possible to achieve 100% utilization of all regular teaching stations throughout the day. Therefore, classroom capacity is adjusted using a utilization factor of 83% at the high school, mid-high and middle school levels.
- Some Special Education services for students will be provided in a self-contained classroom.
- Identified students will also be provided other nontraditional educational opportunities in classrooms designated as follows:
 - Resource Rooms (i.e., computer labs, study rooms).
 - Special Education Classrooms.
- Program Specific Classrooms:

- Music
- Physical Education
- Drama
- Family and Consumer Sciences
- Art
- Career and Technical Education

Optimum design capacity for new middle schools is 750 students. Optimum design capacity for new high schools is 1,500 students. *Actual* capacity of individual schools may vary depending on the educational programs offered.

Minimum Educational Program Standards

The Lake Stevens School District will evaluate student housing levels based on the District as a whole system and not on a school by school or site by site basis. This may result in portable classrooms being used as interim housing, attendance boundary changes or other program changes to balance student housing across the system.

The Lake Stevens School District has set minimum educational program standards based on several criteria. Exceeding these minimum standards will trigger significant changes in program delivery. If there are 25 or fewer students in a majority of K-5 classrooms, the standards have been met; if there are 27 or fewer students in a majority of 6-12 classrooms, the minimum standards have been met. The Lake Stevens School District meets these standards at all grade levels.

Table 3-1 – Minimum Educational Program Standards (MEPS) Met

Grade level	Classrooms above MEPS	Total Classrooms	% Meeting MEPS
Total Elementary	21	194	89%
Total Secondary	30	163	82%
District Total	51	357	86%

It should be noted that the minimum educational program standard is just that, a minimum, and not the desired or accepted operating standard. Also, portables are used to accommodate students within District standards, but are not considered a permanent solution. (See Chapter 4).

SECTION 4: CAPITAL FACILITIES INVENTORY

Capital Facilities

Under GMA, public entities are required to inventory capital facilities used to serve the existing populations. Capital facilities are defined as any structure, improvement, piece of equipment, or other major asset, including land that has a useful life of at least ten years. The purpose of the facilities inventory is to establish a baseline for determining what facilities will be required to accommodate future demand (student enrollment) at acceptable or established levels of service. This section provides an inventory of capital facilities owned and operated by the Lake Stevens School District including schools, portables, developed school sites, undeveloped land and support facilities. School facility capacity was inventoried based on the space required to accommodate the District's adopted educational program standards (see Section 3). A map showing locations of District school facilities is provided as Figure 1.

Schools

The Lake Stevens School District includes: seven elementary schools grades K-5, two middle schools grades 6-7, one mid-high school grades 8-9, one high school grades 10-12, and an alternative K-8 home school partnership program (HomeLink).

The Office of the Superintendent of Public Instruction (OSPI) calculates school capacity by dividing gross square footage of a building by a standard square footage per student. This method is used by the State as a simple and uniform approach for determining school capacity for purposes of allocating available State Match Funds to school districts for school construction. However, this method is not considered an accurate reflection of the capacity required to accommodate the adopted educational program of each individual district. For this reason, school capacity was determined based on the number of teaching stations within each building and the space requirements of the District's adopted education program. These capacity calculations were used to establish the District's baseline capacity and determine future capacity needs based on projected student enrollment. The school capacity inventory is summarized in Table 4-1.

Table 4-1 – School Capacity Inventory

School Name	Site Size (acres)	Bldg. Area (Sq. Ft.)	Teaching Stations - Regular	Teaching Stations - SPED	Perm. Student Capacity*	Capacity with Portables	Year Built or Last Remodel	Potential for Expansion of Perm. Facility
Elementary Schools								
Glenwood Elementary	9.0	42,673	22	2	473	598	1992	Yes
Highland Elementary	8.7	49,727	19	4	433	633	1999	Yes
Hillcrest Elementary	15.0	49,735	23		503	753	2008	Yes
Mt. Pilchuck Elementary	22.0	49,833	18	3	407	557	2008	Yes
Skyline Elementary	15.0	42,673	22	2	484	669	1992	Yes
Stevens Creek Elementary	20.0	78,880	26	2	560	560	2018	Yes
Sunnycrest Elementary	15.0	46,970	25		514	614	2009	Yes
Elementary Total	104.7	360,491	155	13	3,374	4,384		
Middle Schools								
Lake Stevens Middle School	25.0	86,374	28	6	647	839	1996	Yes
North Lake Middle School	15.0	90,323	29	5	707	909	2001	Yes
Middle School Total	40.0	176,697	57	11	1,354	1,748		
Mid-High								
Cavelero Mid-High School	37.0	224,694	60	7	1,382	1,382	2007	Yes
Mid-High Total	37.0	224,694	60	7	1,382	1,382		
High Schools								
Lake Stevens High School	38.0	207,195	91	6	2,104	2,104	2021	Yes
High School Total	38.0	207,195	91	6	2,104	2,104		
District Totals	219.7	969,077	363	37	8,214	9,618		

*Note: Student Capacity is exclusive of portables and includes adjustments for special programs.

Leased Facilities

The District does not lease any permanent classrooms.

Relocatable Classrooms (Portables)

Portables are used as interim classroom space to house students until funding can be secured to construct permanent classroom facilities. Portables are not viewed by the District as a solution for housing students on a permanent basis. The Lake Stevens School District currently uses 86 portable classrooms at various school sites throughout the District to provide interim capacity for K-12 students. This compares with 75 portables used in 2020. A typical portable classroom can provide capacity for a full-size class of students. Current use of portables throughout the District is summarized on Table 4-2.

Table 4-2 – Portables

School Name	Portable Classrooms	Capacity in Portables	Remaining Useful Life	Portable Area (ft ²)
<u>ELEMENTARY SCHOOLS</u>				
Glenwood	10	125	Good/excellent	8,960
Highland	8	200	Good	7,168
Hillcrest	21	250	Good/excellent	18,816
Mt. Pilchuck	9	150	Good	8,064
Skyline	11	185	Good/excellent	9,856
Stevens Creek	0	0	NA	0
Sunnycrest	7	100	Good	6,272
Elementary Total	66	1,010		59,136
<u>MIDDLE SCHOOLS</u>				
Lake Stevens Middle	11	192	Good	9,856
North Lake Middle	9	202	Good	8,064
Middle Schools Total	20	394		17,920
<u>MID-HIGH SCHOOL</u>				
Cavelero Mid-High	None	0		0
Mid-High Total	0	0		0
<u>HIGH SCHOOL</u>				
Lake Stevens High School	None	0		0
High School Total	0	0		0
District K-12 Total	86	1,404		77,056

The District will continue to purchase or move existing portables, as needed, to cover the gap between the time that families move into new residential developments and the time the District is able to complete construction on permanent school facilities.

Support Facilities

In addition to schools, the Lake Stevens School District owns and operates additional facilities that provide operational support functions to the schools. An inventory of these facilities is provided in Table 4-3.

Table 4-3 – Support Facilities

Facility	Site Acres	Building Area (sq.ft.)
Education Service Center	1.4	13,700
Grounds	1.0	3,000
Maintenance	1.0	6,391
Transportation	6.0	17,550
Support Facility Total	9.4	40,641

Land Inventory

The Lake Stevens School District owns five undeveloped sites described below:

Ten acres located in the northeast area of the District (Lochsloy area), west of Highway 92. This site will eventually be used for an elementary school (beyond the year 2027). It is presently used as an auxiliary sports field.

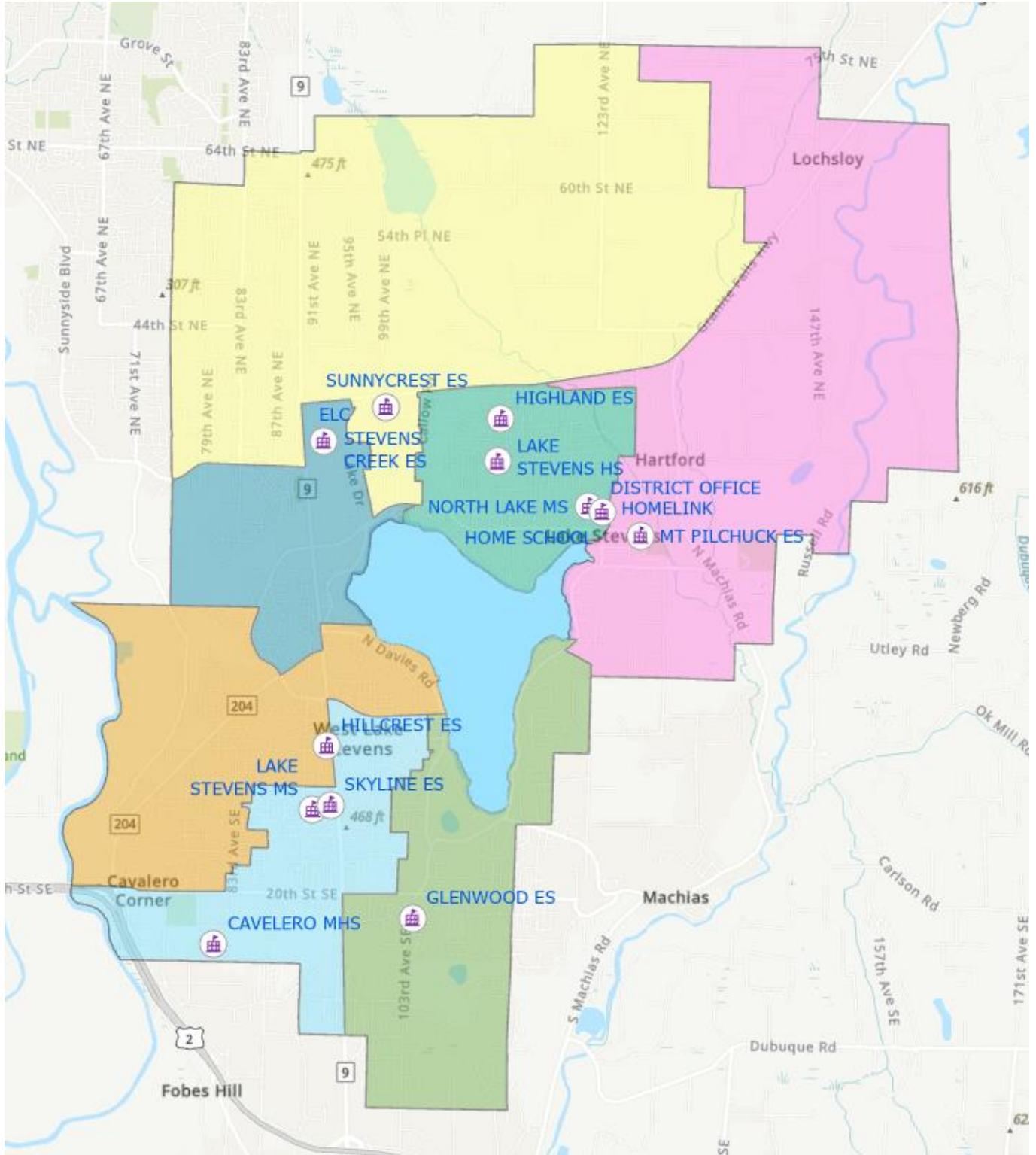
An approximately 35-acre site northeast of the intersection of Highway 9 and Soper Hill Road bordered by Lake Drive on the east. This is the site of the district's newest elementary school and early learning center. The remainder of the site is planned for a future middle school.

A parcel of approximately 23 acres located at 20th Street SE and 83rd Street. This property was donated to the School District for an educational facility. The property is encumbered by wetlands and easements, leaving less than 10 available acres. It is planned to be a future elementary school.

A 20 ft. x 200 ft. parcel located on 20th Street SE has been declared surplus by the Lake Stevens School Board and will be used in exchange for dedicated right-of-way for Cavelero Mid-High.

A 2.42-acre site (Jubb Field) located in an area north of Highway #92 is used as a small softball field. It is not of sufficient size to support a school.

Figure 1 – Map of District Facilities

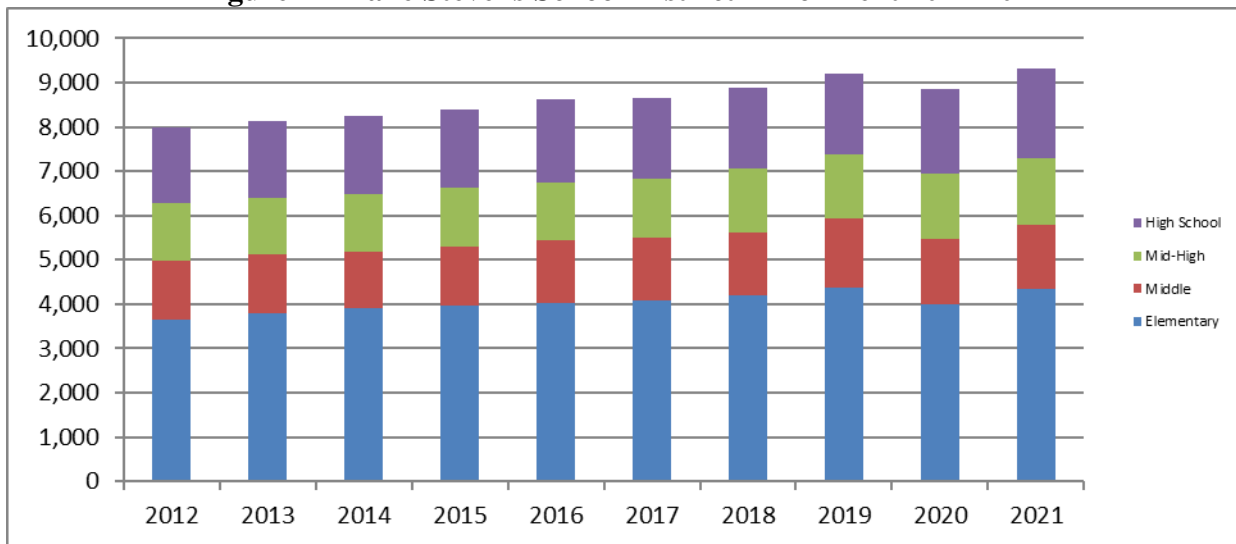


SECTION 5: STUDENT ENROLLMENT TRENDS AND PROJECTIONS

Historic Trends and Projections

Student enrollment in the Lake Stevens School District remained relatively constant between 1973 and 1985 (15%) and then grew significantly from 1985 through 2005 (approximately 120%). Between 2012 and 2021, student enrollment increased by 1,338 students, over 16%. Overall, there was a 2.5% increase countywide during this period, with seven districts losing enrollment. The District has been and is projected to continue to be one of the fastest growing districts in Snohomish County based on the OFM-based population forecast. Population is estimated by the County to rise from 50,461 in 2020 to almost 67,294 in Year 2044, an increase of 33%.

Figure 2 – Lake Stevens School District Enrollment 2012-2021



Enrollment projections are most accurate for the initial years of the forecast period. Moving further into the future, economic conditions and demographic trends in the area affect the estimates. Monitoring population growth for the area are essential yearly activities in the ongoing management of the capital facilities plan. In the event enrollment growth slows, plans for new facilities can be delayed. It is much more difficult, however, to initiate new projects or speed projects up in the event enrollment growth exceeds the projections. Table 5-1 shows enrollment growth from 2012 to 2021 according to OSPI and District records.

Table 5-1 - Enrollment 2011-2019

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Elementary	3,658	3,783	3,917	3,971	4,030	4,083	4,207	4,362	3,998	4,354
Middle	1,307	1,328	1,261	1,314	1,398	1,405	1,414	1,556	1,468	1,426
Mid-High	1,313	1,283	1,318	1,331	1,312	1,344	1,426	1,448	1,476	1,524
High School	1,709	1,732	1,757	1,776	1,871	1,814	1,828	1,834	1,912	2,021
Total	7,987	8,126	8,253	8,392	8,611	8,646	8,875	9,200	8,854	9,325

The District has used either a Ratio Method for its projections or accepted the projections from the State Office of the Superintendent of Public Instruction (OSPI). The Ratio Method (See Appendix C) estimates future enrollments as a percentage of total population, which is tracked for past years, with assumptions being made for what this percentage will be in future years. Between 2010-2021, the average percentage was 18.6%. For future planning, a level rate of 18.5% was used through 2027 and for Year 2044. These assumptions recognize a trend toward lower household sizes offset by significant growth anticipated in the Lake Stevens area. OSPI methodology uses a modified cohort survival method which is explained in Appendix B.

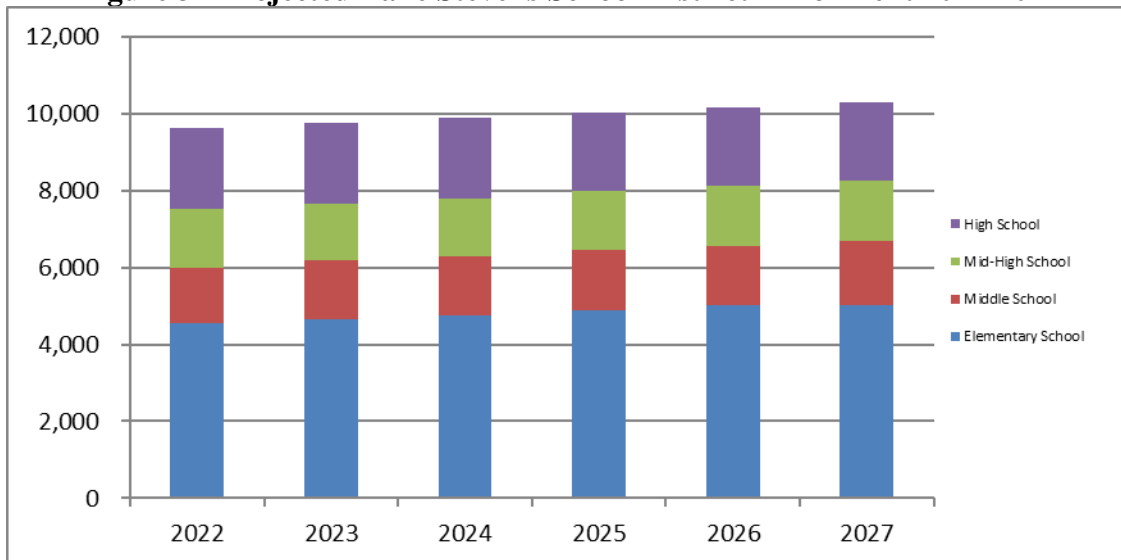
Ratio Method estimates are found in Table 5-2. These have been adopted as part of this Capital Facilities Plan.

Table 5-2 - Projected Enrollment 2022-2027

	2021*	2022	2023	2024	2025	2026	2027
Elementary School	4,354	4,536	4,648	4,737	4,884	5,031	5,007
Middle School	1,426	1,464	1,530	1,563	1,554	1,520	1,681
Mid-High School	1,524	1,506	1,470	1,480	1,543	1,574	1,553
High School	2,021	2,106	2,101	2,107	2,044	2,038	2,060
Total	9,325	9,612	9,750	9,888	10,026	10,164	10,302

*October 2021 Headcount

Figure 3 - Projected Lake Stevens School District Enrollment 2022-2027



In summary, the Ratio Method estimates that headcount enrollment will total 10,302 students in 2027. This represents a 10.5% increase over 2021. The District accepts the Ratio Method estimate for its 2022 CFP planning.

2044 Enrollment Projection

The District projects a 2044 student enrollment of 12,449 based on the Ratio method. (OSPI does not forecast enrollments beyond 2027). The forecast is based on the County’s OFM-based population forecast of 67,294 in the District. Although student enrollment projections beyond 2027 are highly speculative, they are useful for developing long-range comprehensive facilities plans. These long-range

enrollment projections may also be used in determining future site acquisition needs.

Table 5-3 - Projected 2044 Enrollment

Grade Span	Projected 2044 FTE Student Enrollment
Elementary (K-5)	5,824
Middle (6-7)	2,017
Mid-High (8-9)	1,984
High (10-12)	2,625
District Total (K-12)	12,449

The 2044 estimate represents a 33.5% increase over 2021 enrollment levels. The total population in the Lake Stevens School District is forecasted to rise by 31%. The total enrollment estimate was broken down by grade span to evaluate long-term site acquisition needs for elementary, middle school, mid-high school and high school facilities. Enrollment by grade span was determined based on recent and projected enrollment trends at the elementary, middle, mid-high and high school levels.

Again, the 2044 estimates are highly speculative and are used only for general planning purposes. Analysis of future facility and capacity needs is provided in Section 6 of this Capital Facilities Plan.

SECTION 6: CAPITAL FACILITIES PLAN

Existing Deficiencies

Current enrollment at each grade level is identified in Table 5-2. The District currently (2021) has 980 unhousted students at the elementary level, 72 unhousted students at the middle school level and 142 unhousted students at the mid-high level. It has excess_capacity high school (83) level.

Facility Needs (2022-2027)

Projected available student capacity was derived by subtracting projected student enrollment from 2021 permanent school capacity (excluding portables) for each of the six years in the forecast period (2022-2027). The District’s enrollment projections in Table 5-2 have been applied to the existing capacity (Table 4-1). If no capacity improvements were to be made by the year 2027 the District would be over capacity at the elementary level by 1,633 students, 327 students at the middle school level and 171 students at the mid-high school level.

These projected future capacity needs are depicted on Table 6-1. This table compares actual future space needs with the portion of those needs that are “growth related.” RCW 82.02 and Chapter 30.66C SCC mandate that new developments cannot be assessed impact fees to correct existing deficiencies. Thus, any capacity deficiencies existing in the District in 2021 must be deducted from the total projected deficiencies before impact fees are assessed.

Table 6-1 - Projected Additional Capacity Needs 2022 – 2027

Grade Span	2021*	2022	2023	2024	2025	2026	2027
Elementary (K-5)							
Permanent capacity	3,374	3,374	3,374	3,374	3,374	3,374	3,374
Enrollment	4,354	4,535	4,648	4,737	4,884	5,031	5,007
Capacity Surplus/(Deficit)	(980)	(1,161)	(1,274)	(1,363)	(1,510)	(1,657)	(1,633)
Growth Related		(181)	(294)	(383)	(530)	(677)	(653)
Middle School (6-7)							
Permanent capacity	1,354	1,354	1,354	1,354	1,354	1,354	1,354
Enrollment	1,426	1,464	1,530	1,563	1,553	1,520	1,681
Capacity Surplus/(Deficit)	(72)	(110)	(176)	(209)	(199)	(166)	(327)
Growth Related		(38)	(104)	(137)	(127)	(94)	(255)
Mid-High (8-9)							
Permanent capacity	1,382	1,382	1,382	1,382	1,382	1,382	1,382
Enrollment	1,524	1,505	1,470	1,480	1,543	1,574	1,553
Capacity Surplus/(Deficit)	(142)	(123)	(88)	(98)	(161)	(192)	(171)
Growth Related		19	54	44	(19)	(50)	(29)
High School (10-12)							
Permanent capacity	2,104	2,104	2,104	2,104	2,104	2,104	2,104
Enrollment	2,021	2,106	2,101	2,107	2,044	2,038	2,060
Capacity Surplus/(Deficit)	83	(2)	3	(3)	60	66	44
Growth Related		0	0	0	0	0	0
* October 2021 enrollment							

Figures assume no capital improvements.

Forecast of Future Facility Needs through 2044

Additional elementary, middle, mid-high and high school classroom space will need to be constructed between 2022 and 2044 to meet the projected student population increase. The District will have to purchase additional school sites to facilitate growth during this time frame. By the end of the six-year forecast period (2027), additional permanent student capacity will be needed as follows:

Table 6-2 –Additional Capacity Need 2027 & 2044

Grade Level	2022 Capacity	2027 Enrollment	2027 Additional Capacity Needed	2044 Enrollment	2044 Additional Capacity Needed
Elementary	3,374	5,007	1,633	5,824	2,450
Middle School	1,354	1,681	327	2,017	663
Mid-High	1,382	1,553	171	1,984	602
High School	2,104	2,060	0	2,625	521
Total	8,214	10,302	2,132	12,449	4,235

Planned Improvements (2022 - 2027)

The following is a brief outline of those projects likely needed to accommodate unhoused students in the Lake Stevens School District through the Year 2027 based on OSPI enrollment projections.

Elementary Schools: Based upon current enrollment estimates, elementary student population will increase to the level of requiring three new elementary schools. The CFP reflects acquisition of land for two schools and the construction of three elementary schools in 2026 and 2027, although the exact timing is unknown at this time.

Middle Schools: Based upon current enrollment estimates, middle school student population will increase to the level of requiring a new middle school. The CFP reflects the construction of a new middle school in 2027, although the exact timing is unknown at this time.

Interim Classroom Facilities (Portables): Additional portables will be purchased in future years, as needed. However, it remains a District goal to house all students in permanent facilities.

Site Acquisition and Improvements: Two additional elementary school sites will be needed in areas where student growth is taking place. The 10-acre Lochsloy property is in the far corner of the district, not in an area of growth and will not meet this need. Affordable land suitable for school facilities will be difficult to acquire.

Support Facilities

The District has added a satellite pupil transportation lot at Cavelero Mid High to support the growing needs for the district. This is a temporary measure until a site can be acquired and a new, larger pupil transportation center can be built.

Capital Facilities Six-Year Finance Plan

The Six Year Finance Plan shown on Table 6-3 demonstrates how the District intends to fund new construction and improvements to school facilities for the years 2022-2027. The financing components include bond issue(s), state match funds, school mitigation and impact fees.

The financing plan separates projects and portions of projects that add capacity from those that do not, since the latter are generally not appropriate for impact fee funding. The financing plan and impact fee calculation formula also differentiate between projects or portions of projects that address existing deficiencies (ineligible for impact fees) and those which address future growth-related needs.

Table 6-3 – 2022-2027 Capital Facilities Plan

Estimated Project Cost by Year (In \$Millions)	2022	2023	2024	2025	2026	2027	Total	Local Cost*	State Match
Improvements Adding Student Capacity									
Elementary									
Site Acquisition									
Acres				22			22		
Purchase Cost				\$4.4			\$ 4.4	\$ 4.4	\$ -
Capacity Addition				1200			1200		
Relocatable Facilities Cost	\$0.5	\$0.5	\$0.5				\$ 1.5	\$ 1.5	
Capacity Addition	100	100	100				300		
Construction Cost					\$45.0	\$ 90.0	\$135.0	\$ 81.0	\$54.0
Capacity Addition					600	1200	1800		
Middle									
Site Acquisition									
Acres							-		
Purchase Cost							\$ -		
Capacity Addition							-		
Relocatable Facilities Cost		\$0.3	\$0.3				\$ 0.6	\$ 0.6	
Capacity Addition		50	50				100		
Construction Cost						\$ 67.5	\$ 67.5	\$ 40.5	\$27.0
Capacity Addition						750	750		
Mid-High									
Site Acquisition									
Acres							-		
Purchase Cost							-		
Capacity Addition							-		
Relocatable Facilities Cost	\$0.3	\$0.3					\$ 0.5	\$ 0.5	
Capacity Addition	50	50					100		
Construction Cost							\$ -		
Capacity Addition							-		
High School									
Site Acquisition									
Acres							-		
Purchase Cost							-		
Capacity Addition							-		
Relocatable Facilities Cost							\$ -	\$ -	
Capacity Addition							0		
Construction Cost							\$ -		
Capacity Addition							-		
Total Cost	\$-	\$-	\$-	\$4.4	\$45.0	\$157.5	\$206.9	\$125.9	\$81.0
Improvements Not Adding Student Capacity									
Elementary									
Construction Cost									
Middle									
Construction Cost									
Mid-High									
Construction Cost									
High School									
Construction Cost									
District-wide Improvements									
Construction Cost									
Total Cost	-	-	-	-	-	-	-	-	-
Elementary (including land acquisition)	\$0.5	\$0.5	\$0.5	\$4.4	\$45.0	\$ 90.0	\$140.9	\$ 86.9	\$54.0
Middle	\$-	0.3	0.3	\$-	\$ -	\$ 67.5	\$ 68.1	\$ 41.1	\$27.0
Mid-High	\$0.3	0.3	-	-	-	-	0.5	0.5	-
High School	\$-	-	-	-	-	-	-	-	-
District Wide	\$-	-	-	-	-	-	-	-	-
Annual Total	\$0.8	\$1.0	\$0.8	\$4.4	\$45.0	\$157.5	\$209.5	\$128.5	\$81.0

*Local Costs include funds currently available, impact fees to be collected and bonds or levies not yet approved.

General Obligation Bonds: Bonds are typically used to fund construction of new schools and other capital improvement projects. A 60% voter approval is required to pass a bond. Bonds are then retired through collection of property taxes. A capital improvements bond for \$116,000,000 was approved by the electorate in February 2016. Funds have been used to construct a new elementary school and modernize Lake Stevens High School, as well as fund other non-growth-related projects.

The total costs of the growth-related projects outlined in Table 6-3 represent recent and current bids per information obtained through OSPI, the District’s architect and neighboring school districts that have recently or are planning to construct classroom space. An escalation factor of 6% per year has been applied out to 2027.

State Match Funds: State Match Funds come from the Common School Construction Fund. Bonds are sold on behalf of the fund then retired from revenues accruing predominately from the sale of renewable resources (i.e., timber) from State school lands set aside by the Enabling Act of 1889. If these sources are insufficient to meet needs, the Legislature can appropriate funds or the State Board of Education can establish a moratorium on certain projects.

School districts may qualify for State matching funds for a specific capital project. To qualify, a project must first meet State-established criteria of need. This is determined by a formula that specifies the amount of square footage the State will help finance to house the enrollment projected for the district. If a project qualifies, it can become part of a State prioritization system. This system prioritizes allocation of available funding resources to school districts based on a formula which calculates district assessed valuation per pupil relative to the whole State assessed valuation per pupil to establish the percent of the total project cost to be paid by the State for eligible projects.

State Match Funds can only be applied to major school construction projects. Site acquisition and minor improvements are not eligible to receive matching funds from the State. Because state matching funds are dispersed after a district has paid its local share of the project, matching funds from the State may not be received by a school district until after a school has been constructed. In such cases, the District must “front fund” a project. That is, the District must finance the project with local funds. When the State share is finally disbursed (without accounting for escalation) the future District project is partially reimbursed.

Because of the method of computing state match, the District has historically received approximately 39% of the actual cost of school construction in state matching funds. For its 2022 CFP, the District assumes a 40% match.

School Impact Fees: Development impact fees have been adopted by several jurisdictions as a means of supplementing traditional funding sources for construction of public facilities needed to accommodate new development. School impact fees are generally collected by the permitting agency at the time building permits or certificates of occupancy are issued.

Impact fees have been calculated utilizing the formula in Chapter 30.66C SCC. The resulting figures are based on the District’s cost per dwelling unit to purchase land for school sites, make site improvements, construct schools and purchase, install or relocate temporary facilities (portables). Credits have also

been applied in the formula to account for state match funds to be reimbursed to the District and projected future property taxes to be paid by the owner of a dwelling unit. The costs of projects that do not add capacity or which address existing deficiencies have been eliminated from the variables used in the calculations. Only capacity improvements are eligible for impact fees.

Shown on Table 6-4, since 2012 the Lake Stevens School District has collected and expended the following impact fees:

Table 6-4 – Impact Fee Revenue and Expenditures

Year	Revenue	Expenditure
2020	\$ 1,604,948	\$ 119,820
2019	\$ 4,483,964	\$ 4,177,428
2018	\$ 1,760,609	\$ 4,076,918
2016	\$ 1,595,840	\$ 1,872,014
2014	\$ 698,188	\$ 1,389,784
2013	\$ 1,005,470	\$ 22,304
2012	\$ 1,526,561	\$ -
Total	\$12,675,580	\$11,658,268

The law allows ten years for collected dollars to be spent.

By ordinance, new developments cannot be assessed impact fees to correct existing deficiencies. Thus, existing capacity deficiencies must be deducted from the total projected deficiencies in the calculation of impact fees.

The financing plan separates projects and portions of projects that add capacity from those that do not, since non-capacity improvements are not eligible for impact fee funding. The financing plan and impact fee calculation also differentiate between projects or portions of projects that address existing deficiencies (ineligible for impact fees) and those which address future growth-related needs (Table 6-1). From this process, the District can develop a plan that can be translated into a bond issue package for submittal to District voters, if deemed appropriate.

Table 6-5 presents an estimate of the capacity impacts of the proposed capital construction projects.

Table 6-5 – Projected Growth-Related Capacity (Deficit) After Programmed Improvements

2021	Elementary	Middle	Mid-High	High School
Existing Capacity	3,374	1,354	1,382	2,104
Programmed Improvement Capacity				
Capacity After Improvement	3,374	1,354	1,382	2,104
Current Enrollment	4,354	1,426	1,524	2,021
Surplus (Deficit) After Improvement	(980)	(72)	(142)	83
2022	Elementary	Middle	Mid-High	High School
Existing Capacity	3,374	1,354	1,382	2,104
Programmed Improvement Capacity				
Capacity After Improvement	3,374	1,354	1,382	2,104
Projected Enrollment	4,536	1,464	1,506	2,106
Surplus (Deficit) After Improvement	(1,162)	(110)	(124)	(2)
2023	Elementary	Middle	Mid-High	High School
Existing Capacity	3,374	1,354	1,382	2,104
Programmed Improvement Capacity	0			
Capacity After Improvement	3,374	1,354	1,382	2,104
Projected Enrollment	4,648	1,530	1,470	2,101
Surplus (Deficit) After Improvement	(1,274)	(176)	(88)	3
2024	Elementary	Middle	Mid-High	High School
Existing Capacity	3,374	1,354	1,382	2,104
Programmed Improvement Capacity				
Capacity After Improvement	3,374	1,354	1,382	2,104
Projected Enrollment	4,737	1,563	1,480	2,107
Surplus (Deficit) After Improvement	(1,363)	(209)	(98)	(3)
2025	Elementary	Middle	Mid-High	High School
Existing Capacity	3,374	1,354	1,382	2,104
Programmed Improvement Capacity				
Capacity After Improvement	3,374	1,354	1,382	2,104
Projected Enrollment	4,884	1,554	1,543	2,044
Surplus (Deficit) After Improvement*	(1,510)	(200)	(161)	60
2026	Elementary	Middle	Mid-High	High School
Existing Capacity	3,374	1,354	1,382	2,104
Programmed Improvement Capacity	600			
Capacity After Improvement	3,974	1,354	1,382	2,104
Projected Enrollment	5,031	1,520	1,574	2,038
Surplus (Deficit) After Improvement*	(1,057)	(166)	(192)	66
2027	Elementary	Middle	Mid-High	High School
Existing Capacity	3,974	1,354	1,382	2,104
Programmed Improvement Capacity	1,200	750		
Capacity After Improvement	5,174	2,104	1,382	2,104
Projected Enrollment	5,007	1,681	1,553	2,060
Surplus (Deficit) After Improvement	167	423	(171)	44

Impact Fee Calculation Criteria

1. Site Acquisition Cost Element

Site Size: The site size given the optimum acreage for each school type based on studies of existing school

sites OSPI standards. Generally, districts will require 11-15 acres for an elementary school; 25-30 acres for a middle school or junior high school; and 40 acres or more for a high school. Actual school sites may vary in size depending on the size of parcels available for sale and other site development constraints, such as wetlands. It also varies based on the need for athletic fields adjacent to the school along with other specific planning factors.

This space for site size on the Variable Table contains a number only when the District plans to acquire additional land during the six-year planning period, 2022 - 2027. As noted previously, the District will need to acquire two additional elementary school sites between 2022 and 2027.

Average Land Cost Per Acre: The cost per acre is based on estimates of land costs within the District, based either on recent land purchases or by its knowledge of prevailing costs in the particular real estate market. Prices per acre will vary throughout the County and will be heavily influenced by the urban vs. rural setting of the specific district and the location of the planned school site. The Lake Stevens School District estimates its vacant land costs to be \$200,000 per acre. Until a site is located for acquisition, the actual purchase price is unknown. Developed sites, which sometimes must be acquired adjacent to existing school sites, can cost well over the \$200,000 per acre figure.

Facility Design Capacity (Student FTE): Facility design capacities reflect the District’s optimum number of students each school type is designed to accommodate. These figures are based on actual design studies of optimum floor area for new school facilities. The Lake Stevens School District designs new elementary schools to accommodate 600 students, new middle schools 750 students and new high schools 1,500 students.

Student Factor: The student factor (or student generation rate) is the average number of students generated by each housing type – in this case: single-family detached dwellings and multiple-family dwellings. Multiple-family dwellings, which may be rental or owner-occupied units within structures containing two or more dwelling units, were broken out into one-bedroom and two-plus bedroom units. Pursuant to a requirement of Chapter 30.66C SCC, each school district was required to conduct student generation studies within their jurisdictions. A description of this methodology is contained in Appendix C. The Blueline Group performed the analysis. The student generation rates for the Lake Stevens School District are shown on Table 6-6.

Table 6-6 – Student Generation Rates

2022

Student Generation Rates	Elementary	Middle	Mid-High	High	Total
Single Family	0.348	0.091	0.090	0.101	0.630
Multiple Family, 1 Bedroom	No data	No data	No data	No data	No data
Multiple Family, 2+ Bedroom	0.092	0.031	0.000	0.023	0.146

2020

Student Generation Rates	Elementary	Middle	Mid-High	High	Total
Single Family	0.362	0.116	0.094	0.125	0.697
Multiple Family, 1 Bedroom	No data	No data	No data	No data	No data
Multiple Family, 2+ Bedroom	0.250	0.073	0.094	0.073	0.490

The table also shows the Student Generation rates from the 2020 CFP. For the last three cycles, the

studies showed no records of one-bedroom apartment construction. There has been a gradual decline in student generation rates at all levels and for all housing types.

2. School Construction Cost Variables

Additional Building Capacity: These figures are the actual capacity additions to the Lake Stevens School District that will occur because of improvements listed on Table 6-3 (Capital Facilities Plan).

Current Facility Square Footage: These numbers are taken from Tables 4-1 and 4-2. They are used in combination with the “Existing Portables Square Footage” to apportion the impact fee amounts between permanent and temporary capacity figures in accordance with Chapter 30.66C. SCC.

Estimated Facility Construction Cost: The estimated facility construction cost is based on planned costs or on actual costs of recently constructed schools. The facility cost is the total cost for construction projects as defined on Table 6-3, including only capacity related improvements and adjusted to the “growth related” factor. Projects or portions of projects that address existing deficiencies (which are those students who are un-housed as of October 2021) are not included in the calculation of facility cost for impact fee calculation.

Facility construction costs also include the off-site development costs. Costs vary with each site and may include such items as sewer line extensions, water lines, off-site road and frontage improvements. Off-site development costs are not covered by State Match Funds. Off-site development costs vary and can represent 10% or more of the total building construction cost.

3. Relocatable Facilities Cost Element

Impact fees may be collected to allow acquisition of portables to help relieve capacity deficiencies on a temporary basis. The cost allocated to new development must be growth related and must be in proportion to the current permanent versus temporary space allocations by the district.

Existing Units: This is the total number of existing portables in use by the district as reported on Table 4-2.

New Facilities Required Through 2027: This is the estimated number of portables to be acquired.

Cost Per Unit: This is the average cost to purchase and set up a portable. It includes site preparation but does not include moveable furnishings in the unit.

Relocatable Facilities Cost: This is simply the total number of needed units multiplied by the cost per unit. The number is then adjusted to the “growth-related” factor.

For districts, such as Lake Stevens, which do not credit any portable capacity to the permanent capacity total (see Table 4-1), this number is not directly applicable to the fee calculation and is for information only. The impact fee allows a general fee calculation for portables; however, the amount is adjusted to the proportion of total square footage in portables to the total square footage of permanent and portable space in the district.

4. Fee Credit Variables

Construction Cost Allocation: This number is used by OSPI as a guideline for determining the area cost allowance for new school construction. The index is an average of a seven-city building cost index for commercial and factory buildings in Washington State and is adjusted every year for inflation. The current allocation is \$246.83 (July 2022) up from \$238.22 in 2020.

State Match Percentage: The State match percentage is the proportion of funds that are provided to the school districts, for specific capital projects, from the State’s Common School Construction Fund. These funds are disbursed based on a formula which calculates the District’s assessed valuation per pupil relative to the whole State assessed valuation per pupil to establish the percentage of the total project to be paid by the State. The District will continue to use a state match percentage of 40%.

5. Tax Credit Variables

Under Chapter 30.66C SCC, a credit is granted to new development to account for taxes that will be paid to the school district over the next ten years. The credit is calculated using a “present value” formula.

Interest Rate (20-year GO Bond): This is the interest rate of return on a 20-year General Obligation Bond and is derived from the bond buyer index. The current assumed interest rate is 2.44%.

Levy Rate (in mils): The Property Tax Levy Rate (for bonds) is determined by dividing the District’s average capital property tax rate by one thousand. The current levy rate for the Lake Stevens School District is 0.00152.

Average Assessed Value: This figure is based on the District’s average assessed value for each type of dwelling unit (single-family and multiple family). The averaged assessed values are based on estimates made by the County’s Planning and Development Services Department utilizing information from the Assessor’s files. The current average assessed value for 2022 for single-family detached residential dwellings is \$485,760, up from \$423,231 in 2020 and \$349,255 in 2018); \$169,461 for one-bedroom multi-family unit (\$125,314 in 2020; \$91,988 in 2018), and \$239,226 for two or more bedroom multi-family units (2020: \$178,051; 2018: \$136,499).

6. Adjustments

Growth Related Capacity Percentage: Only the portions of projects addressing new unhoused need are included in the impact fee calculations. The percentage is determined by the number of new unhoused students divided by the number of students for which the project would provide additional capacity.

Fee Discount: In accordance with Chapter 30.66C SCC, all fees calculated using the above factors are to be reduced by 50%.

Table 6-7 - Impact Fee Variables

Criteria	Elementary	Middle	Mid-High	High
Growth-Related Capacity Deficiencies	653	255	29	0
Discount (Snohomish County, Lake Stevens and Marysville)	50%	50%	50%	50%
Student Factor	Elementary	Middle	Mid-High	High
Single Family	0.348	0.091	0.090	0.101
Multiple Family 1 Bedroom	No data	No data	No data	No data
Multiple Family 2+ Bedroom	0.092	0.031	0	0.023
Site Acquisition Cost Element	Elementary	Middle	Mid-High	High
Site Needs (acres)	22	0	0	0
Growth Related	11.97	0	0	0
Cost Per Acre	\$200,000.00	\$200,000.00	\$200,000.00	\$200,000.00
Additional Capacity	1200	0	0	0
Growth Related	653	255	29	0
School Construction Cost Element	Elementary	Middle	Mid-High	High
Estimated Facility Construction Cost	\$135,000,000	\$67,500,000	\$0	\$0
Growth Related	\$48,975,000	\$22,950,000	\$0	\$0
Additional Capacity	1800	750	0	0
Growth Related	653	255	29	0
Current Facility Square Footage	360491	176697	224694	207195
Relocatable Facilities Cost Element	Elementary	Middle	Mid-High	High
Relocatable Facilities Cost	250,000	250,000	250,000	250,000
Growth Related	250,000	250,000	250,000	250,000
Relocatable Facilities Capacity/Unit	25	27	27	27
Growth Related	25	27	27	27
Existing Portable Square Footage	59,136	17,920	0	0
State Match Credit	Elementary	Middle	Mid-High	High
Cost Construction Allocation	\$246.83	\$246.83	\$246.83	\$246.83
School Space per Student (OSPI)	90	117	117	130
State Match Percentage	40.0%	40.0%	40.0%	40.0%
Tax Payment Credit	Elementary	Middle	Mid-High	High
Interest Rate	2.45%	2.45%	2.45%	2.45%
Loan Payoff (Years)	10	10	10	10
Property Tax Levy Rate (Bonds)	0.00152	0.00152	0.00152	0.00152
Average AV per DU Type	SFR	MF 1 Bdrm	MF 2+ Bdrm	
	485,760	169,461	239,226	
		"small unit"	"large unit"	

Proposed Impact Fee Schedule

Using the variables and formula described, impact fees proposed for the Lake Stevens School District are summarized in Table 6-8 (refer to Appendix A for worksheets).

Table 6-8 - Calculated Impact Fees

Housing Type	Impact Fee Per Unit	Discounted (50%) Impact Fee Per Unit
Single Family Detached	\$22,867	\$11,434
One Bedroom Apartment	\$0	\$0
Two + Bedroom Apartment	\$5,051	\$2,526
Duplex/Townhouse	\$5,051	\$2,526

Appendix A Impact Fee Calculations

IMPACT FEE WORKSHEET
 LAKE STEVENS SCHOOL DISTRICT
SINGLE-FAMILY RESIDENTIAL

SITE ACQUISITION COST

acres needed	<u>11.97</u>	x	\$	<u>200,000</u>	/	capacity (# students)	<u>653</u>	x	student factor	<u>0.348</u>	=	<u>\$1,276</u>	(elementary)
acres needed	<u>0.00</u>	x	\$	<u>200,000</u>	/	capacity (# students)	<u>255</u>	x	student factor	<u>0.091</u>	=	<u>\$0</u>	(middle)
acres needed	<u>0.00</u>	x	\$	<u>200,000</u>	/	capacity (# students)	<u>29</u>	x	student factor	<u>0.090</u>	=	<u>\$0</u>	(mid-high)
acres needed	<u>0.00</u>	x	\$	<u>200,000</u>	/	capacity (# students)	<u>0</u>	x	student factor	<u>0.101</u>	=	<u>\$0</u>	(high school)
TOTAL SITE ACQUISITION COST											=	<u>\$1,276</u>	

SCHOOL CONSTRUCTION COST

total const. cost	<u>\$48,975,000</u>	/	capacity (# students)	<u>653</u>	x	student factor	<u>0.348</u>	=	<u>\$26,100</u>	(elementary)			
total const. cost	<u>\$22,950,000</u>	/	capacity (# students)	<u>255</u>	x	student factor	<u>0.091</u>	=	<u>\$8,190</u>	(middle)			
total const. cost	<u>\$0</u>	/	capacity (# students)	<u>29</u>	x	student factor	<u>0.090</u>	=	<u>\$0</u>	(mid-high)			
total const. cost	<u>\$0</u>	/	capacity (# students)	<u>0</u>	x	student factor	<u>0.101</u>	=	<u>\$0</u>	(high school)			
									Subtotal	<u>\$34,290</u>			
Total Square Feet of Permanent Space (District)	<u>969,077</u>	/	Total Square Feet of School Facilities (000)	<u>1,046,133</u>	=	<u>92.63%</u>							
TOTAL FACILITY CONSTRUCTION COST											=	<u>\$31,764</u>	

RELOCATABLE FACILITIES COST (PORTABLES)

Portable Cost	<u>\$ 250,000</u>	/	<u>25</u>	facility size	x	student factor	<u>0.348</u>	=	<u>\$3,480</u>	(elementary)			
Portable Cost	<u>\$ 250,000</u>	/	<u>27</u>	facility size	x	student factor	<u>0.091</u>	=	<u>\$843</u>	(middle)			
Portable Cost	<u>\$ 250,000</u>	/	<u>27</u>	facility size	x	student factor	<u>0.090</u>	=	<u>\$833</u>	(mid-high)			
Portable Cost	<u>\$ 250,000</u>	/	<u>27</u>	facility size	x	student factor	<u>0.101</u>	=	<u>\$935</u>	(high school)			
									Subtotal	<u>\$6,091</u>			
Total Square Feet of Portable Space (District)	<u>77,056</u>	/	Total Square Feet of School Facilities (000)	<u>1,046,133</u>	=	<u>7.37%</u>							
TOTAL RELOCATABLE COST ELEMENT											=	<u>\$449</u>	

CREDIT AGAINST COST CALCULATION -- MANDATORY

STATE MATCH CREDIT

CCA Index	<u>\$ 246.83</u>	x OSPI Allowance	<u>90.00</u>	x	State Match %	<u>40.00%</u>	x	student factor	<u>0.348</u>	=	<u>\$3,092</u>	(elementary)
CCA Index	<u>\$ 246.83</u>	x OSPI Allowance	<u>117.00</u>	x	State Match %	<u>40.00%</u>	x	student factor	<u>0.091</u>	=	<u>\$1,051</u>	(middle)
CCA Index	<u>No projects</u>	x OSPI Allowance	<u>117.00</u>	x	State Match %	<u>40.00%</u>	x	student factor	<u>0.090</u>	=	<u>\$0</u>	(mid-high)
CCA Index	<u>No projects</u>	x OSPI Allowance	<u>130.00</u>	x	State Match %	<u>40.00%</u>	x	student factor	<u>0.101</u>	=	<u>\$0</u>	(high school)
TOTAL STATE MATCH CREDIT										=	<u>\$4,143</u>	

TAX PAYMENT CREDIT

$$\begin{aligned}
 & \left[\left(1 + \text{interest rate } \underline{2.45\%} \right)^{10} - 1 \right] / \left[\text{interest rate } \underline{2.45\%} \right] \times \\
 & \left(1 + \text{interest rate } \underline{2.45\%} \right)^{10} \times \left[\text{years to pay off bond} \right] \times \underline{0.00152} \text{ capital levy rate} \times \\
 & \text{assessed value } \underline{485,760} \text{ tax payment credit} = \$ \mathbf{6,479}
 \end{aligned}$$

IMPACT FEE CALCULATION

SITE ACQUISITION COST	<u>\$1,276</u>
FACILITY CONSTRUCTION COST	<u>\$31,764</u>
RELOCATABLE FACILITIES COST (PORTABLES)	<u>\$449</u>
(LESS STATE MATCH CREDIT)	<u>(\$4,143)</u>
(LESS TAX PAYMENT CREDIT)	<u>(\$6,479)</u>
	<u> </u>
	<u> </u>

SINGLE FAMILY RES IDENTIAL FINAL IMPACT FEE PER UNIT	Non-Discounted	50% Discount
	\$22,867	\$11,434

IMPACT FEE WORKSHEET
LAKE STEVENS SCHOOL DISTRICT

MULTIPLE FAMILY RESIDENTIAL -- 1 BDRM OR LESS

SITE ACQUISITION COST

acres needed	<u>11.97</u>	x	\$ 200,000	/	capacity (# students)	<u>653</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(elementary)
acres needed	<u>0</u>	x	\$ 200,000	/	capacity (# students)	<u>255</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(middle)
acres needed	<u>0</u>	x	\$ 200,000	/	capacity (# students)	<u>29</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(mid-high)
acres needed	<u>0</u>	x	\$ 200,000	/	capacity (# students)	<u>0</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(high school)

TOTAL SITE ACQUISITION COST = \$0

SCHOOL CONSTRUCTION COST

total const. cost	<u>\$48,975,000</u>	/	capacity (# students)	<u>653</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(elementary)
total const. cost	<u>\$22,950,000</u>	/	capacity (# students)	<u>255</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(middle)
total const. cost	<u>\$0</u>	/	capacity (# students)	<u>29</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(mid-high)
total const. cost	<u>\$0</u>	/	capacity (# students)	<u>0</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(high school)

Subtotal \$0

Total Square Feet of Permanent Space (District)	<u>969,077</u>	/	Total Square Feet of School Facilities (000)	<u>1,046,133</u>	=	92.63%
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TOTAL FACILITY CONSTRUCTION COST = \$ -

RELOCATABLE FACILITIES COST (PORTABLES)

Portable Cost	<u>\$ 250,000</u>	/	<u>25</u>	facility size	x	student factor	<u>No data</u>	=	<u>\$0</u>	(elementary)
Portable Cost	<u>\$ 250,000</u>	/	<u>27</u>	facility size	x	student factor	<u>No data</u>	=	<u>\$0</u>	(middle)
Portable Cost	<u>\$ 250,000</u>	/	<u>27</u>	facility size	x	student factor	<u>No data</u>	=	<u>\$0</u>	(mid-high)
Portable Cost	<u>\$ 250,000</u>	/	<u>27</u>	facility size	x	student factor	<u>No data</u>	=	<u>\$0</u>	(high school)

Subtotal \$0

Total Square Feet of Portable Space (District)	<u>77,056</u>	/	Total Square Feet of School Facilities (000)	<u>1,046,133</u>	=	7.37%
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TOTAL RELOCATABLE COST ELEMENT = \$0

CREDIT AGAINST COST CALCULATION -- MANDATORY

STATE MATCH CREDIT

BOECKH Index	<u>\$ 246.83</u>	x OSPI Allowance	<u>90</u>	x	State Match %	<u>40.00%</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(elementary)
BOECKH Index	<u>\$ 246.83</u>	x OSPI Allowance	<u>117</u>	x	State Match %	<u>40.00%</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(middle)
BOECKH Index	<u>No projects</u>	x OSPI Allowance	<u>117</u>	x	State Match %	<u>40.00%</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(mid-high)
BOECKH Index	<u>No projects</u>	x OSPI Allowance	<u>130</u>	x	State Match %	<u>40.00%</u>	x	student factor	<u>No data</u>	=	<u>\$0</u>	(high school)

TOTAL STATE MATCH CREDIT = \$0

TAX PAYMENT CREDIT

$$\begin{aligned}
 & \left[\left((1 + \text{interest rate } \underline{2.45\%})^{10} \text{ years to pay off bond} - 1 \right) / \left[\text{interest rate } \underline{2.45\%} \right] \times \right. \\
 & \left. (1 + \text{interest rate } \underline{2.45\%})^{10} \text{ years to pay off bond} \right] \times \underline{0.00152} \text{ capital levy rate} \\
 & \text{assessed value } \underline{169,461} \text{ tax payment credit} = \$ (2,260)
 \end{aligned}$$

IMPACT FEE CALCULATION

SITE ACQUISITION COST	<u>\$0</u>
FACILITY CONSTRUCTION COST	<u>\$0</u>
RELOCATABLE FACILITIES COST (PORTABLES)	<u>\$0</u>
(LESS STATE MATCH CREDIT)	<u>\$0</u>
(LESS TAX PAYMENT CREDIT)	<u>(\$2,260)</u>
	<u> </u>
	<u> </u>

MULTIPLE FAMILY RESIDENTIAL -- 1 BDRM OR LESS	Non-Discounted	50% Discount
FINAL IMPACT FEE PER UNIT	\$0	\$0

IMPACT FEE WORKSHEET
LAKE STEVENS SCHOOL DISTRICT

MULTIPLE FAMILY RESIDENTIAL -- 2 BDRM OR MORE

SITE ACQUISITION COST

acres needed	<u>11.97</u>	x	<u>\$ 200,000</u>	/	capacity (# students)	<u>653</u>	x	student factor	<u>0.092</u>	=	<u>\$337</u>	(elementary)
acres needed	<u>0</u>	x	<u>\$ 200,000</u>	/	capacity (# students)	<u>255</u>	x	student factor	<u>0.031</u>	=	<u>\$0</u>	(middle)
acres needed	<u>0</u>	x	<u>\$ 200,000</u>	/	capacity (# students)	<u>29</u>	x	student factor	<u>0</u>	=	<u>\$0</u>	(mid-high)
acres needed	<u>0</u>	x	<u>\$ 200,000</u>	/	capacity (# students)	<u>0</u>	x	student factor	<u>0.023</u>	=	<u>\$0</u>	(high school)

TOTAL SITE ACQUISITION COST = \$337

SCHOOL CONSTRUCTION COST

total const. cost	<u>\$48,975,000</u>	/	capacity (# students)	<u>653</u>	x	student factor	<u>0.092</u>	=	<u>\$6,900</u>	(elementary)
total const. cost	<u>\$22,950,000</u>	/	capacity (# students)	<u>255</u>	x	student factor	<u>0.031</u>	=	<u>\$2,790</u>	(middle)
total const. cost	<u>\$0</u>	/	capacity (# students)	<u>29</u>	x	student factor	<u>0</u>	=	<u>\$0</u>	(mid-high)
total const. Cost	<u>\$0</u>	/	capacity (# students)	<u>0</u>	x	student factor	<u>0.023</u>	=	<u>\$0</u>	(high school)

\$9,690

Total Square Feet of Permanent Space (District) 969,077 / Total Square Feet of School Facilities (000) 1,046,133 = 92.63%

TOTAL FACILITY CONSTRUCTION COST = \$ 8,976

RELOCATABLE FACILITIES COST (PORTABLES)

Portable Cost	<u>\$ 250,000</u>	/	<u>25</u>	facility size	x	student factor	<u>0.092</u>	=	<u>\$920</u>	(elementary)
Portable Cost	<u>\$ 250,000</u>	/	<u>27</u>	facility size	x	student factor	<u>0.031</u>	=	<u>\$287</u>	(middle)
Portable Cost	<u>\$ 250,000</u>	/	<u>27</u>	facility size	x	student factor	<u>0</u>	=	<u>\$0</u>	(mid-high)
Portable Cost	<u>\$ 250,000</u>	/	<u>27</u>	facility size	x	student factor	<u>0.023</u>	=	<u>\$213</u>	(high school)

Subtotal \$1,420

Total Square Feet of Portable Space (District) 77,056 / Total Square Feet of School Facilities (000) 1,046,133 = 7.37%

TOTAL RELOCATABLE COST ELEMENT = \$105

CREDIT AGAINST COST CALCULATION -- MANDATORY

STATE MATCH CREDIT

BOECKH Index	\$ 246.83	x OSPI Allowance	<u>90</u>	x	State Match %	<u>40.00%</u>	x student factor	<u>0.092</u>	=	<u>\$818</u>	(elementary)
BOECKH Index	\$ 246.83	x OSPI Allowance	<u>117</u>	x	State Match %	<u>40.00%</u>	x student factor	<u>0.031</u>	=	<u>\$358</u>	(middle)
BOECKH Index	No projects	x OSPI Allowance	<u>117</u>	x	State Match %	<u>40.00%</u>	x student factor	<u>0</u>	=	<u>\$0</u>	(mid-high)
BOECKH Index	No projects	x OSPI Allowance	<u>130</u>	x	State Match %	<u>40.00%</u>	x student factor	<u>0.023</u>	=	<u>\$0</u>	(high school)
TOTAL STATE MATCH CREDIT										=	<u>\$1,176</u>

TAX PAYMENT CREDIT

$$\begin{aligned}
 & \left[\left(1 + \text{interest rate } \underline{2.45\%} \right)^{10} \text{ years to pay off bond} - 1 \right] / \left[\text{interest rate } \underline{2.45\%} \right] \times \\
 & \left(1 + \text{interest rate } \underline{2.45\%} \right)^{10} \text{ years to pay off bond} \times \underline{0.00152} \text{ capital levy rate} \\
 & \text{assessed value } \underline{239,226} \text{ tax payment credit} = \$ \quad 3,191
 \end{aligned}$$

IMPACT FEE CALCULATION

SITE ACQUISITION COST	<u>\$337</u>
FACILITY CONSTRUCTION COST	<u>\$8,976</u>
RELOCATABLE FACILITIES COST (PORTABLES)	<u>\$105</u>
(LESS STATE MATCH CREDIT)	<u>(\$1,176)</u>
(LESS TAX PAYMENT CREDIT)	<u>(\$3,191)</u>
	<u> </u>

MULTIPLE FAMILY RESIDENTIAL -- 2 BDRM OR MORE	Non-Discounted	50% Discount
FINAL IMPACT FEE PER UNIT	\$5,051	\$2,526

Appendix B
OSPI Enrollment Forecasting Methodology

OSPI PROJECTION OF ENROLLMENT DATA

Cohort-Survival or Grade-Succession Technique

Development of a long-range school-building program requires a careful forecast of school enrollment indicating the projected number of children who will attend school each year. The following procedures are suggested for determining enrollment projections:

1. Enter in the lower left corner of the rectangle for each year the number of pupils actually enrolled in each grade on October 1, as reported on the October Report of School District Enrollment, Form M-70, column A. (For years prior to October 1, 1965, enter pupils actually enrolled as reported in the county superintendent's annual report, Form A-1.)
2. In order to arrive at enrollment projections for kindergarten and/or grade one pupils, determine the percent that the number of such pupils each year was of the number shown for the immediately preceding year. Compute an average of the percentages, enter it in the column headed "Ave. % of Survival", and apply such average percentage in projecting kindergarten and/or grade one enrollment for the next six years.
3. For grade two and above determine the percent of survival of the enrollment in each grade for each year to the enrollment in the next lower grade during the preceding year and place this percentage in the upper right corner of the rectangle. (For example, if there were 75 pupils in actual enrollment in grade one on October 1, 1963, and 80 pupils were in actual enrollment in grade two on October 1, 1964, the percent of survival would be $80/75$, or 106.7%. If the actual enrollment on October 1, 1965, in grade three had further increased to 100 pupils, the percent of survival to grade three would be $100/80$ or 125 %.). Compute an average of survival percentages for each year for each grade and enter it in the column, "Ave. % of Survival".
4. In order to determine six-year enrollment projections for grade two and above, multiply the enrollment in the next lower grade during the preceding year by 7 the average percent of survival. For example, if, on October 1 of the last year of record, there were 100 students in grade one and the average percent of survival to grade two was 105, then 105% of 100 would result in a projection of 105 students in grade two on October 1 of the succeeding year.
5. If, after calculating the "Projected Enrollment", there are known factors which will further influence the projections, a statement should be prepared showing the nature of those factors, involved and their anticipated effect upon any portion of the calculated projection.

*Kindergarten students are projected based on a regression line.

Table C-1
LAKE STEVENS SCHOOL DISTRICT
STUDENT ENROLLMENT BY GRADE SPAN 2021-2027

School Type	Grade Level	School Year						
		2021	2022	2023	2024	2025	2026	2027
Elementary	K	813	750	767	783	800	817	834
	1	677	837	772	789	806	823	841
	2	695	692	855	789	806	823	841
	3	728	706	703	869	802	819	836
	4	725	739	717	714	883	815	832
	5	716	740	754	732	729	901	832
	K-5 Headcount	4354	4464	4568	4676	4826	4998	5016
Middle	6	699	736	761	775	753	750	927
	7	727	705	743	768	782	760	757
	6-7 Headcount	1426	1441	1504	1543	1535	1510	1684
Mid High	Grade 8	751	736	714	752	778	792	770
	Grade 9	773	746	731	709	747	772	786
	8-9 Headcount	1524	1482	1445	1461	1525	1564	1556
Sr. High	Grade 10	703	763	736	722	700	737	762
	Grade 11	685	648	703	678	665	645	679
	Grade 12	633	662	626	680	655	643	623
	10-12 Headcount	2021	2073	2065	2080	2020	2025	2064
	K-12 Headcount	9325	9460	9582	9760	9906	10097	10320

Source: Snohomish County, Lake Stevens School District and OSPI

Table C-1
LAKE STEVENS SCHOOL DISTRICT
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Source: Snohomish County, Lake Stevens School District and OSPI

Appendix C
OFM Ratio Method – 2044 Enrollment Estimate

Enrollment Forecasts OSPI and OFM Ratio Methods

The Growth Management Act requires that capital facilities plans for schools consider enrollment forecasts that are related to official population forecasts for the district. The OFM ratio method computes past enrollment as a percentage of past population and then estimates how those percentage trends will continue.

Snohomish County prepares the population estimates by distributing official estimates from the Washington Office of Financial Management (OFM) to the school district level. SCC 30.66C requires that these official OFM/County population forecasts be used in the capital facilities plans. Each district is responsible for estimating the assumed percentage of population that, in turn will translate into enrollments.

The District’s assumed percentage trends are applied to these County population forecasts. This is known as the Ratio Method. The District then decides to use either it or the six-year forecast (2022-2027) prepared by the State Office of the Superintendent of Public Instructions (OSPI) for use in the facilities plan. Whichever is used for the 2022-2027 planning period, OSPI does not forecast enrollments for Year 2044, so the Ratio Method is used for that purpose, regardless.

Year	Population	Enrollment	Ratio
2010	39,977	7,913	19.79%
2011	41,025	7,985	19.46%
2012	42,074	7,987	18.98%
2013	43,122	8,126	18.84%
2014	44,171	8,253	18.68%
2015	45,219	8,392	18.56%
2016	46,267	8,611	18.61%
2017	47,316	8,646	18.27%
2018	48,364	8,875	18.35%
2019	49,413	9,200	18.62%
2020	50,461	8,854	17.55%
2021	51,208	9,325	18.21%
2022	51,954	9,612	18.50%
2023	52,701	9,750	18.50%
2024	53,447	9,888	18.50%
2025	54,194	10,026	18.50%
2026	54,940	10,164	18.50%
2027	55,687	10,302	18.50%
2044	67,294	12,449	18.50%

The table above shows actual enrollments and population estimates from 2010-2021, and their resulting ratio (the 2010 and 2020 population totals are official census figures).

Until 2015 the trend was a declining ratio of students to population. The ratio leveled off in years 2016 through 2019. In 2020, school closures and online learning caused enrollment to drop. Then enrollment rebounded in 2021 and returned to pre-pandemic levels. The district projects that the ratio will level off for the projection period and average around 18.5%.

2044 Enrollment Estimate

The District's 2022 CFP ratio of 18.50% is used for the 2044 enrollment estimate. Using that number against the County's 2044 population estimate of 67,294 produces a projected enrollment number of 12,449 students in 2044.

Appendix D
Student Generation Rates

Student Generation Rate Report

for the Lake Stevens School District

Date: April 28, 2022

Student Generation Rate Report

Prepared for
Robb Stanton
Executive Director, Operations – Lake Stevens School District
12309 22nd St NE, Lake Stevens, WA 98258

Blueline Job No. 22-120
Prepared by: Chase Killebrew, AICP
Reviewed by: Eric Jensen

This report shows the estimated number of students for each grade that is typically generated by different dwelling unit types within the Lake Stevens School District (LSSD). These student generation rates (SGRs) assist in predicting future enrollment for the short-term and long-term planning horizons as development and redevelopment change the mix of housing types in the district. SGRs are also used in the school impact fee formula to determine the per dwelling unit cost of needed new school capacity.

This document describes the methodology used to calculate SGRs for the LSSD and provides the findings of those calculations. SGRs were calculated for two types of residential construction: single-family detached and multifamily. Manufactured homes are included in the single-family detached classification. Single-family attached units such as condominiums, townhomes, and multiplexes are included in the multifamily classification.

Electronic records were pulled from the Snohomish County Assessor’s FTP Data Downloads webpage. The specific dataset titled *Improvement Records* was filtered to only contain residential development data from the past 5 years (2017 – 2021). This table was brought into ArcGIS. Using a shapefile of the LSSD boundary, all the records attached to parcels located within LSSD were selected, creating a new LSSD-specific table. The table was divided by single-family versus multifamily development. Then the multifamily list was divided by number of bedrooms, where all units containing 1 bedroom or less are grouped and units containing 2 or more bedrooms are grouped. No multifamily units containing 1 bedroom or less were found in this data. Also, no developments containing more units than a duplex (two units) were found in this data.

The School District provided Blueline with student records data including the addresses and grade levels of all P2-12 students attending the Lake Stevens School District as of January 2022. This data containing 9,877 students was reformatted so the addresses matched the style of the LSSD Improvement Records address data.

There were 1,989 records indicating construction of new single-family detached units. These were cross-referenced and matched with the student records data, and the matches were tallied by grade level. The same was done for the 130 multifamily (2+ bedroom) records. The tables displaying the results are shown on the following page.

	SINGLE-FAMILY	MULTIFAMILY (0-1 BR)	MULTIFAMILY (2+ BR)	TOTAL
UNITS CONSTRUCTED IN LSSD (2017 - 2021)	1,989	0	130	2,119
NUMBER OF STUDENTS ATTENDING LAKE STEVENS SCHOOL DISTRICT	9,877			



SUMMARY OF STUDENT GENERATION RATES FOR LAKE STEVENS SCHOOL DISTRICT (2017 – 2021)

Single-family SGRs

GRADE(S)	COUNT OF MATCHES	CALCULATED RATE
P2	9	0.005
P3	13	0.007
P4	16	0.008
K1	148	0.074
1	111	0.056
2	107	0.054
3	109	0.055
4	110	0.055
5	108	0.054
6	100	0.050
7	81	0.041
8	100	0.050
9	79	0.040
10	82	0.041
11	62	0.031
12	56	0.028
P2 - P4	38	0.019
K1 - 5	693	0.348
6 - 7	181	0.091
8 - 9	179	0.090
10 - 12	200	0.101
K1 - 12	1,253	0.630

Multifamily (2+ BR) SGRs

GRADE(S)	COUNT OF MATCHES	CALCULATED RATE
P2	0	0.000
P3	0	0.000
P4	0	0.000
K1	1	0.008
1	1	0.008
2	1	0.008
3	5	0.038
4	3	0.023
5	1	0.008
6	1	0.008
7	3	0.023
8	0	0.000
9	0	0.000
10	2	0.015
11	1	0.008
12	0	0.000
P2 - P4	0	0.000
K1 - 5	12	0.092
6 - 7	4	0.031
8 - 9	0	0.000
10 - 12	3	0.023
K1 - 12	19	0.146

SGRs Summary Table

	P2 - P4	K1 - 5	6 - 7	8 - 9	10 - 12	K1 - 12
SINGLE-FAMILY	0.019	0.348	0.091	0.090	0.101	0.630
MULTIFAMILY (0-1 BR)	0.000	0.000	0.000	0.000	0.000	0.000
MULTIFAMILY (2+ BR)	0.000	0.092	0.031	0.000	0.023	0.146



Appendix E
Board Resolution



**RESOLUTION NO. 9-22
ADOPTION OF 2022-2027
CAPITAL FACILITIES PLAN**

WHEREAS, the Lake Stevens School District is required by RCW 36.70 (the Growth Management Act) and the Snohomish County General Policy Plan to adopt a Capital Facilities Plan; and

WHEREAS, development of the Capital Facilities Plan was carried out by the District in accordance with accepted methodologies and requirements of the Growth Management Act; and

WHEREAS, impact fee calculations are consistent with methodologies meeting the conditions and tests of RCW 82.02 and Snohomish County Code; and

WHEREAS, the District finds that the methodologies accurately assess necessary additional capacity which address only growth-related needs; and

WHEREAS, a draft of the Plan was submitted to Snohomish County for review with changes having been made in accordance with County comments; and

WHEREAS, the District finds that the Plan meets the basic requirements of RCW 36.70A and RCW 82.02; and

WHEREAS, a review of the Plan was carried out pursuant to RCW 43.21C (the State Environmental Policy Act). A Determination of Non Significance has been issued.


NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Lake Stevens School District hereby adopts the Capital Facilities Plan for the years 2022-2027, pursuant to the requirements of RCW 36.70A and the Snohomish County General Policy Plan. The Snohomish County Council, the City of Lake Stevens and the City of Marysville are hereby requested to adopt the Plan as an element of their general policy plans and companion ordinances.

ADOPTED by the Board of Directors of the Lake Stevens School District No. 4, Snohomish County, state of Washington, at a regular meeting thereof held this 10th day of August 2022.

**LAKE STEVENS SCHOOL DISTRICT NO. 4
BOARD OF DIRECTORS**



President



ATTEST:


Superintendent:

Our students will be contributing members of society and lifelong learners, pursuing their passions and interests in an ever-changing world.

Appendix F
Determination of Nonsignificance

DETERMINATION OF NONSIGNIFICANCE

**Lake Stevens School District No. 4
Capital Facilities Plan 2022-2027**

DESCRIPTION OF PROPOSAL: The proposed action is the adoption of the Lake Stevens School District No. 4 Capital Facilities Plan, 2022-2027. Board adoption is scheduled to occur on August 10, 2022. This Capital Facilities Plan has been developed in accordance with requirements of the State Growth Management Act and is a non-project proposal. It documents how the Lake Stevens School District utilizes its existing educational facilities given current district enrollment configurations and educational program standards and uses six-year enrollment projections to quantify capital facility needs for years 2022-2027.

PROPONENT: Lake Stevens School District No. 4

LOCATION OF PROPOSAL: Lake Stevens School District No. 4
Snohomish County, Washington

LEAD AGENCY: Lake Stevens School District No. 4

The lead agency for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of an environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This Determination of Nonsignificance (DNS) is issued under WAC 197-11-340(2). The lead agency will not act on this proposal for 14 days from the published date below. Comments may be submitted to the Responsible Official as named below.

RESPONSIBLE OFFICIAL: Robb Stanton
POSITION/TITLE: Executive Director, Operations
ADDRESS: Lake Stevens School District No. 4
12309 22nd Street NE
Lake Stevens, WA 98258
PHONE: 425-335-1506

SIGNATURE:  _____

PUBLISHED: The Everett Herald – July 14, 2022

There is no administrative agency appeal.

Appendix G
Snohomish County General Policy Plan -- Appendix F

Appendix F

REVIEW CRITERIA FOR SCHOOL DISTRICT CAPITAL FACILITY PLANS

Required Plan Contents

1. Future Enrollment Forecasts by Grade Span, including:
 - a 6-year forecast (or more) to support the financing program;
 - a description of the forecasting methodology and justification for its consistency with OFM population forecasts used in the county's comprehensive plan.

2. Inventory of Existing Facilities, including:
 - the location and capacity of existing schools;
 - a description of educational standards and a clearly defined minimum level of service such as classroom size, school size, use of portables, etc.;
 - the location and description of all district-owned or leased sites (if any) and properties;
 - a description of support facilities, such as administrative centers, transportation and maintenance yards and facilities, etc.; and
 - information on portables, including numbers, locations, remaining useful life (as appropriate to educational standards), etc.

3. Forecast of Future Facility Needs, including:
 - identification of new schools and/or school additions needed to address existing deficiencies and to meet demands of projected growth over the next 6 years; and
 - the number of additional portable classrooms needed.

4. Forecast of Future Site Needs, including:
 - the number, size, and general location of needed new school sites.

5. Financing Program (6-year minimum Planning Horizon)
 - estimated cost of specific construction and site acquisition and development projects proposed to address growth-related needs;
 - projected schedule for completion of these projects; and
 - proposed sources of funding, including impact fees (if proposed), local bond issues (both approved and proposed), and state matching funds.

6. Impact Fee Support Data (where applicable), including:
 - an explanation of the calculation methodology, including description of key variables and their computation;
 - definitions and sources of data for all inputs into the fee calculation, indicating that it:
 - a) is accurate and reliable and that any sample data is statistically valid;
 - b) accurately reflects projected costs in the 6-year financing program; and
 - a proposed fee schedule that reflects expected student generation rates from, at minimum, the following residential unit types: single-family, multifamily/studio or 1-bedroom, and multi-family/2-bedroom or more.

Plan Performance Criteria

1. School facility plans must meet the basic requirements set down in RCW 36.70A (the Growth Management Act). Districts proposing to use impact fees as a part of their financing program must also meet the requirements of RCW 82.02.
2. Where proposed, impact fees must utilize a calculation methodology that meets the conditions and tests of RCW 82.02.
3. Enrollment forecasts should utilize established methods and should produce results which are not inconsistent with the OFM population forecasts used in the county comprehensive plan. Each plan should also demonstrate that it is consistent with the 20-year forecast in the land use element of the county's comprehensive plan.
4. The financing plan should separate projects and portions of projects which add capacity from those which do not, since the latter are generally not appropriate for impact fee funding. The financing plan and/or the impact fee calculation formula must also differentiate between projects or portions of projects which address existing deficiencies (ineligible for impact fees) and those which address future growth-related needs.
5. Plans should use best-available information from recognized sources, such as the U.S. Census or the Puget Sound Regional Council. District-generated data may be used if it is derived through statistically reliable methodologies.
6. Districts which propose the use of impact fees should identify in future plan updates alternative funding sources in the event that impact fees are not available due to action by the state, county or the cities within their district boundaries.
7. Repealed effective January 2, 2000.

Plan Review Procedures

1. District capital facility plan updates should be submitted to the County Planning and Development Services Department for review prior to formal adoption by the school district.
2. Each school district planning to expand its school capacity must submit to the county an updated capital facilities plan at least every 2 years. Proposed increases in impact fees must be submitted as part of an update to the capital facilities plan, and will be considered no more frequently than once a year.
3. Each school district will be responsible for conducting any required SEPA reviews on its capital facilities plan prior to its adoption, in accordance with state statutes and regulations.
4. School district capital facility plans and plan updates must be submitted no later than 180 calendar days prior to their desired effective date.
5. District plans and plan updates must include a resolution or motion from the district school board adopting the plan before it will become effective.

EXHIBIT C

LAKEWOOD SCHOOL DISTRICT NO. 306

CAPITAL FACILITIES PLAN

2022-2027

Adopted: August 3, 2022

LAKWOOD SCHOOL DISTRICT NO. 306

CAPITAL FACILITIES PLAN

2022-2027

BOARD OF DIRECTORS

CATHERINE “SANDY” GOTTS, PRESIDENT

LEAHA BOSER

DANA KRIEGER

STEVEN LARSON

LEAH TOCCO

SUPERINTENDENT

SCOTT PEACOCK

For information regarding the Lakewood School District Capital Facilities Plan, contact the Office of the Superintendent, Lakewood School District, 17110 16th Drive NE, Marysville, WA 98271. (Tel: (360) 652-4500)

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Appendix B	Student Generation Factor Review
Appendix C	School Impact Fee Calculations

INTRODUCTION

A. Purpose of the Capital Facilities Plan

The Washington State Growth Management Act (the “GMA”) includes schools in the category of public facilities and services. School districts have adopted capital facilities plans to satisfy the requirements of the GMA and to identify additional school facilities necessary to meet the educational needs of the growing student populations anticipated in their districts.

The Lakewood School District (the “District”) has prepared this Capital Facilities Plan (the “CFP”) to provide Snohomish County (the “County”) and the cities of Arlington and Marysville with a description of facilities needed to accommodate projected student enrollment and a schedule and financing program for capital improvements over the next six years (2022-2027).

In accordance with the Growth Management Act, adopted County Policy, the Snohomish County Ordinance Nos. 97-095 and 99-107, the City of Arlington Ordinance No. 1263, and the City of Marysville Ordinance Nos. 2306 and 2213, this CFP contains the following required elements:

- Future enrollment forecasts for each grade span (elementary, middle, and high school).
- An inventory of existing capital facilities owned by the District, showing the locations and capacities of the facilities.
- A forecast of the future needs for capital facilities and school sites.
- The proposed capacities of expanded or new capital facilities.
- A six-year plan for financing capital facilities within projected funding capacities, which clearly identifies sources of public money for such purposes. The financing plan separates projects and portions of projects which add capacity from those which do not, since the latter are generally not appropriate for impact fee funding.
- As relevant, a calculation of impact fees to be assessed and supporting data substantiating said fees.

In developing this CFP, the District followed the following guidelines set forth in the Snohomish County General Policy Plan:

- Districts should use information from recognized sources, such as the U.S. Census or the Puget Sound Regional Council. School districts may generate their own data if it is derived through statistically reliable methodologies. Information must not be inconsistent with Office of Financial Management (“OFM”) population forecasts. Student generation rates must be independently calculated by each school district.
- The CFP must comply with the GMA.
- The methodology used to calculate impact fees must comply with the GMA. In the event that impact fees are not available due to action by the state,

county or cities within the District, the District in a future CFP update must identify alternative funding sources to replace the intended impact fee funding.

- The methodology used to calculate impact fees also complies with the criteria and the formulas established by the County.

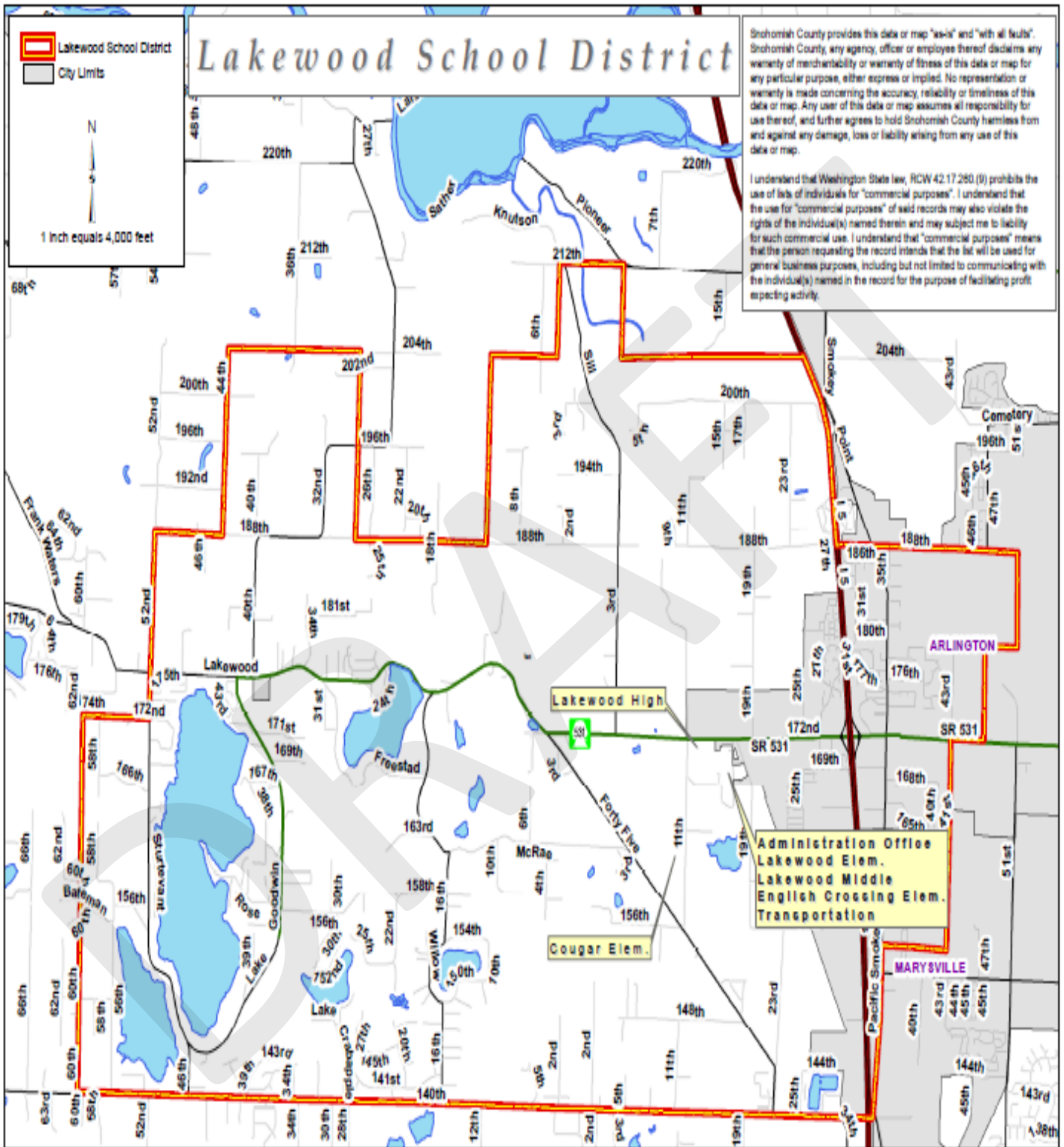
Snohomish County’s Countywide Planning Policies direct jurisdictions in Snohomish County to “ensure the availability of sufficient land and services for future K-20 school needs.” Policy ED-11. The District appreciates any opportunity for cooperative planning efforts with its jurisdictions.

B. Overview of the Lakewood School District

The Lakewood School District is located along Interstate 5, north of Marysville, Washington, primarily serving unincorporated Snohomish County and a part of the City of Arlington and the City of Marysville. The District is bordered on the south by the Marysville School District, on the west and north by the Stanwood School District, and on the east by the Arlington School District.

The District serves a student population of 2,574 (October 1, 2021, reported OSPI HC enrollment) with three elementary schools, one middle school, and one high school.

**FIGURE 1
MAP OF FACILITIES**



SECTION 2 DISTRICT EDUCATIONAL PROGRAM STANDARDS

School facility and student capacity needs are dictated by the types and amounts of space required to accommodate the District's adopted educational program. The educational program standards which typically drive facility space needs include grade configuration, optimum facility size, class size, educational program offerings, classroom utilization and scheduling requirements, and use of relocatable classroom facilities (portables), as well as specific and unique physical structure needs required to meet the needs of students with special needs.

In addition to factors which affect the amount of space required, government mandates and community expectations may affect how classroom space is used. Traditional educational programs offered by school districts are often supplemented by nontraditional, or special programs such as special education, expanded bilingual education, remediation, migrant education, alcohol and drug education, AIDS education, preschool and daycare programs, computer labs, music programs, and others. These special or nontraditional educational programs can have a significant impact on the available student capacity of school facilities, and upon planning for future needs.

The educational program standards contained in this CFP reflect the District's implementation of requirements for full-day kindergarten and reduced K-3 class size.

Special programs offered by the District at specific school sites include, but are not limited to:

Lakewood Elementary School (Preschool through 5th Grades)

- Bilingual Education Program
- Title I Remedial Services Program
- P – 5th Grade Counseling Services
- Speech and Language Disorder Therapy Program
- Early Childhood Education and Assistance Program (ECEAP)
- Developmentally Delayed Preschool Program - Ages 3 to 5
- K-5th Grade Special Education Resource Room Program
- K – 5th Grade Special Education Life Skills Program
- Learning Assistance Program - Remedial Services
- Occupational Therapy Program

English Crossing Elementary School (Kindergarten through 5th Grades)

- K through 5th Grade Special Education Resource Room Program
- Bilingual Education Program
- K – 5th Grade Counseling Services
- Speech and Language Disorder Therapy Program
- Developmentally Delayed Preschool Program - Ages 3 to 5
- Learning Assistance Program - Tutorial Services
- Occupational Therapy Program
- Special Education EBD Program

Cougar Creek Elementary School (Kindergarten through 5th Grades)

- Bilingual Education Program
- Title I Remedial Services Program
- Speech and Language Disorder Therapy Program
- Learning Assistance Program – Remedial Services (Learning Lab)
- Occupational Therapy Program
- K – 5th Grade Special Education Resource Room Program
- K – 5th Grade Special Education Life Skills Program
- K – 5th Grade Counseling Services
- 3 – 5th Highly Capable/Enrichment Program (serves grades 3-5 district-wide)

Lakewood Middle School (6th through 8th Grades)

- Speech and Language Disorder Therapy Program
- 6th-8th Grade Special Education Resource and Inclusion Program
- 6th-8th Grade Special Education Life Skills Program
- Bilingual Education Program
- Learning Assistance Program - Tutorial Services
- Occupational Therapy Program
- 6th – 8th EBD Program
- 6th – 8th Grade Counseling Services

Lakewood High School

- 9th-12th Grade Special Education Resource Room and Transition Program
- 6th-12th Grade Special Education Life Skills Program
- Bilingual Education Program
- Occupational Therapy Program
- Speech and Language Disorder Program
- 9th – 12th Grade Counseling Program

Variations in student capacity between schools may result from the special or nontraditional programs offered at specific schools. Some students, for example, leave their regular classroom for a short period of time to receive instruction in these special programs. New schools are designed to accommodate many of these programs. However, existing schools often require space

modifications to accommodate special programs, and in some circumstances, these modifications may affect the overall classroom capacities of the buildings.

District educational program standards may change in the future as a result of changes in the program year, special programs, class sizes, grade span configurations, use of new technology, and other physical aspects of the school facilities. The school capacity inventory will be reviewed periodically and adjusted for any changes to the educational program standards. These changes will also be reflected in future updates of this Capital Facilities Plan.

The District educational program standards which directly affect school capacity are outlined below for the elementary, middle, and high school grade levels.

Educational Program Standards For Elementary Schools

- Class size for grades K – 3rd will not exceed 19 students.
- Class size for grades 4th and 5th will not exceed 24 students.
- All students will be provided library/media services in a school library.
- Special Education for students may be provided in self-contained or specialized classrooms.
- All students will be provided music instruction in a separate classroom.
- All students will have scheduled time in a computer lab. Each classroom will have access to computers and related educational technology.
- Optimum design capacity for new elementary schools is 475 students. However, actual capacity of individual schools may vary depending on the educational programs offered.
- All students will be provided physical education instruction in a gym/multipurpose room.

Educational Program Standards For Middle and High Schools

- Class size for middle school grades will not exceed 27 students.
- Class size for high school grades will not exceed 29 students.
- As a result of scheduling conflicts for student programs, the need for specialized rooms for certain programs, and the need for teachers to have a work space during planning periods, it is not possible to achieve 100% utilization of all regular teaching stations throughout the day. In updating this Capital Facility Plan, a building review of classroom use was conducted in order to reflect the actual classroom utilization in the high school and middle school. Therefore, classroom capacity should be adjusted using a utilization factor of 95% at the middle school and 85% at the high school to reflect the use of classrooms for teacher planning. Special Education for students will be provided in self-contained or specialized classrooms.
- All students will have access to computer labs. Each classroom is equipped with access to computers and related educational-technology.
- Identified students will also be provided other nontraditional educational opportunities in classrooms designated as follows:
 - Counseling Offices
 - Resource Rooms (i.e. computer labs, study rooms)
 - Special Education Classrooms

Program Specific Classrooms (i.e. music, drama, art, physical education, Industrial Arts and Agricultural Sciences).

- Optimum design capacity for new middle schools is 600 students. However, actual capacity of individual schools may vary depending on the educational programs offered.
- Optimum design capacity for new high schools is 800 students. However, actual capacity of individual schools may vary depending on the educational programs offered.

Minimum Educational Service Standards

The District will evaluate student housing levels based on the District as a whole system and not on a school by school or site by site basis. This may result in portable classrooms being used as interim housing, attendance boundary changes or other program changes to balance student housing across the system as a whole. A boundary change or a significant programmatic change would be made by the Board of Directors following appropriate public review and comment. The District may also request that development be deferred until planned facilities can be completed to meet the needs of the incoming population; however, the District has no control over the ultimate land use decisions made by the permitting jurisdictions.

The District’s minimum level of service (“MLOS”) is as follows: on average, K-5 classrooms have no more than 26 students per classroom, 6-8 classrooms have no more than 28 students per classroom, and 9-12 classrooms have no more than 30 students per classroom. The District sets minimum educational service standards based on several criteria. Exceeding these minimum standards will trigger significant changes in program delivery. Minimum standards have not been met if, on average using current FTE figures: K-4 classrooms have more than 26 students per classroom, 5-8 classrooms have more than 28 students per classroom, or 9-12 classrooms more than 30 students per classroom. The term “classroom” does not include special education classrooms or special program classrooms (i.e. computer labs, art rooms, chorus and band rooms, spaces used for physical education and other special program areas). Furthermore, the term “classroom” does not apply to special programs or activities that may occur in a regular classroom. The MLOS is not the District’s desired or accepted operating standard.

For 2019-20 and 2020-21, the District’s compliance with the MLOS was as follows (with MLOS set as applicable for those school years):

2019-20 School Year						
LOS Standard	MINIMUM LOS# Elementary	REPORTED LOS Elementary	MINIMUM LOS Middle	REPORTED LOS Middle	MINIMUM LOS High	REPORTED LOS High
	26	18.86	28	26.08	30	22.59

2020-21 School Year						
LOS Standard	MINIMUM LOS# Elementary	REPORTED LOS Elementary	MINIMUM LOS Middle	REPORTED LOS Middle	MINIMUM LOS High	REPORTED LOS High
	26	18.17	28	23.11	30	22.88

* The District determines the reported LOS by adding the number of students in regular classrooms at each grade level and dividing that number by the number of teaching stations (excludes portables).

**SECTION 3
CAPITAL FACILITIES INVENTORY**

The facilities inventory serves to establish a baseline for determining the facilities necessary to accommodate future demand (student enrollment) at acceptable levels of service. This section provides an inventory of capital facilities owned and operated by the District including schools, relocatable classrooms, undeveloped land, and support facilities. Facility capacity is based on the space required to accommodate the District’s adopted educational program standards. *See* Section 2. Attached as Figure 1 (page 3) is a map showing locations of District facilities.

A. Schools

The District maintains three elementary schools, one middle school, and one high school. Lakewood Elementary School accommodates grades P-5, Cougar Creek Elementary School accommodates grades K-5, and English Crossing Elementary School accommodates grades K-5. Lakewood Middle School serves grades 6-8, and Lakewood High School serves grades 9-12.

School capacity was determined based on the number of teaching stations within each building and the space requirements of the District’s adopted educational program. It is this capacity calculation that is used to establish the District’s baseline capacity, and to determine future capacity needs based on projected student enrollment. The school capacity inventory is summarized in Table 1.

Relocatable classrooms are not viewed by the District as a solution for housing students on a permanent basis. Therefore, these facilities are not included in Table 1.

**Table 1
School Capacity Inventory**

Elementary School	Site Size (Acres)	Building Area (Square Feet)	Teaching Stations	Permanent Capacity	Year Built or Remodeled
English Crossing	*	41,430	20	403	1994
Cougar Creek	10**	44,217	22	444	2003
Lakewood	*	45,400	16	323	1958, 1997
TOTAL	*	131,047	58	1,170	

Middle School	Site Size (Acres)	Building Area (Square Feet)	Teaching Stations	Permanent Capacity	Year Built or Remodeled
Lakewood Middle	*	62,835	27	670	1971, 1994, 2002, 2022

High School	Site Size (Acres)	Building Area (Square Feet)	Teaching Stations	Permanent Capacity	Year Built or Remodeled
Lakewood High	*	169,000	34	850	2017

*Note: All facilities are located on one 89-acre campus located at Tax Parcel No. 31053000100300.
 **The Cougar Creek site is approximately 22 acres located at 16216 11th Ave NE, Arlington, WA 98223. Note that the presence of critical areas on the site does not allow full utilization at this site.

B. Relocatable Classrooms

Relocatable classrooms are used on an interim basis to house students until funding can be secured to construct permanent classrooms. The District currently uses 15 relocatable classrooms at various school sites throughout the District to provide additional interim capacity. A typical relocatable classroom can provide capacity for a full-size class of students. Current use of relocatable classrooms throughout the District is summarized in Table 2. Table 2 includes only those relocatable classrooms used for regular capacity purposes. The District’s relocatable classrooms have adequate useful remaining life and are evaluated regularly.

**Table 2
Relocatable Classroom (Portable) Inventory**

Elementary School	Relocatable Classrooms	Interim Capacity
English Crossing	2	40
Cougar Creek	4	80
Lakewood	6	120
SUBTOTAL	12	240

Middle School	Relocatable Classrooms	Interim Capacity
Lakewood Middle	3	78
SUBTOTAL	3	78

High School	Relocatable Classrooms	Interim Capacity
Lakewood High	0	0
SUBTOTAL	0	0

TOTAL	15	318
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C. Support Facilities

In addition to schools, the District owns and operates additional facilities which provide operational support functions to the schools. An inventory of these facilities is provided in Table 3.

**Table 3
Support Facility Inventory**

Facility	Building Area (Square Feet)
Administration	1,384
Business and Operations	1,152
Storage	2,456
Bus Garage/Maintenance Shop	7,416
Stadium	14,304

The District is also a party to a cooperative agreement for use of the Marysville School District transportation facility (which is owned by the Marysville School District).

D. Land Inventory

The District does not own any sites which are developed for uses other than schools and/or which are leased to other parties.

SECTION 4 STUDENT ENROLLMENT PROJECTIONS

The District's October 1, 2021, reported enrollment was 2,574 HC students (2,517.3 FTE). Enrollment projections are most accurate for the initial years of the forecast period. Moving further into the future, more assumptions about economic conditions and demographic trends in the area affect the projection. Monitoring birth rates in Snohomish County and population growth for the area are essential yearly activities in the ongoing management of the capital facilities plan. In the event that enrollment growth slows, plans for new facilities can be delayed. It is much more difficult, however, to initiate new projects or speed projects up in the event enrollment growth exceeds the projection.

A. Six Year Enrollment Projections

Two enrollment forecasts were conducted for the District: an estimate by the Office of the Superintendent of Public Instruction (OSPI) based upon the cohort survival method; and a modified cohort enrollment forecast prepared by a demographer. The District also estimated enrollment based upon adopted Snohomish County population forecasts ("ratio method").

Based on the cohort survival methodology, a total of 2,685 students are expected to be enrolled in the District by 2027, a slight increase from the October 2021 enrollment levels. Notably, the cohort survival method is not designed to anticipate fluctuations in development patterns. This deficiency is exacerbated by enrollment anomalies that occurred as a result of the COVID pandemic, particularly in the 2020-21 school year. Historically, the cohort method has not proven to be a reliable measure for the Lakewood School District. For example, the cohort projection in 2017 predicted that the District's October 2019 enrollment would be 2,423, about 91 fewer students than the actual October 2019 enrollment figures. The 2021 cohort projections for 2027 show a 4.3% projected increase by the 2027 school year. See Appendix A-1.

Snohomish County provides OFM population-based enrollment projections for the District using OFM population forecasts as adopted by the County. The County provided the District with the estimated total population in the District by year. In 2020, the District's student enrollment constituted approximately 14.58% of the total population in the District. Assuming that between 2022 and 2027, the District's enrollment will continue to constitute 14.58% of the District's total population and using OFM/County data, OFM/County methodology projects a total enrollment of 2,757 students in 2027, or an approximately 7.11% increase. See Appendix A-2.

The District obtained in 2022 an enrollment forecast from a professional demographer, FLO Analytics. Based on this analysis, a total enrollment of 2,791, or 274 additional students, are expected by the 2027-28 school year. This projection is an increase of approximately 10.9% over 2021 enrollment. Growth is projected at all three grade levels. The FLO Analytics forecast utilizes historic enrollment patterns, demographic and land use analysis based upon information from Snohomish County and the cities of Arlington and Marysville, census data, OFM forecasts, and Washington State Department of Health birth data. It also considers the impacts of the pandemic on enrollment. The detailed FLO Analytics forecast report is on file with the District and a grade level analysis is included in Appendix A-3.

The comparison of OSPI cohort, District projections, and OFM/County projected enrollments is contained in Table 4.

Table 4
Projected Student Enrollment (FTE)
2022-2027

Projection	Oct. 2021*	2022	2023	2024	2025	2026	2027	Change 2020-27	Percent Change 2010-27
OFM/County	2,574	2,604	2,635	2,666	2,696	2,727	2,757	183	7.11%
OSPI Cohort**	2,574	2,572	2,608	2,613	2,627	2,637	2,685	111	4.3%
District***	2,517	2,527	2,580	2,617	2,663	2,709	2,791	274	10.89%

* Actual reported enrollment, October 2021 (headcount for OFM/OSPI; FTE for District)

**Based upon the cohort survival methodology; complete projections located at Appendix A..

***FLO Analytics (2022) using FTE; grade level projections located in Appendix A.

The District is aware of notable pending residential development within the District. Specifically, nearly 1,100 multi-family units are planned for or currently in construction within the District boundaries as well as nearly 500 single family units.

Given the District-specific detailed analysis contained in the FLO Analytics report, the District is relying on the projections in that report for purposes of planning for the District’s needs during the six years of this plan period. Future updates to the Plan will continue to revisit enrollment projections and methodologies.

B. 2035 Enrollment Projections

Student enrollment projections beyond 2027 are highly speculative. Using OFM/County data as a base, the District projects a 2044 student HC population of 3,512. This is based on the OFM/County data using total population as related to District enrollment.

Projected enrollment by grade span for the year 2044 is provided in Table 5. Again, these estimates are highly speculative and are used only for general planning purposes.

Table 5
Projected Student Enrollment
2044

Grade Span	HC Enrollment – October 2021	Projected Enrollment 2044*
Elementary (K-5)	1,145	1,562
Middle School (6-8)	584	797
High School (9-12)	845	1,153
TOTAL (K-12)	2,574	3,512

*Assumes average percentage per grade span remains constant between 2021 and 2044.

Note: Snohomish County Planning and Development Service provided the underlying data for the 2044 projections.

**SECTION 5
CAPITAL FACILITIES NEEDS**

The projected available student capacity was determined by subtracting projected FTE student enrollment from permanent school capacity (i.e. excluding portables) for each of the six years in the forecast period (2022-2027).

Capacity needs are expressed in terms of “unhoused students.”

Projected future capacity needs are depicted on Table 6-A and are derived by applying the projected enrollment to the capacity existing in the 2021-22 school year. The method used to define future capacity needs assumes no new construction. For this reason, planned construction projects are not included at this point. This factor, as applicable, is added later (see Table 7).

This table shows actual space needs and the portion of those needs that are “growth related” for the years 2022-2027. Note that this chart can be misleading as it reads out growth-related capacity needs related to recent growth within the District.

Table 6-A*
Additional Capacity Needs***
2021-2027

Grade Span	2021**	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	Pct. Growth Related
Elementary (K-5)								
Total	0	0	12	40	35	77	80	
Growth Related	--	--	12	40	35	77	80	100%
Middle School (6-8)								
Total	0	0	0	0	5	0	28	
Growth Related	--	--	--	--	5	0	28	100%
High School								
Total	0	0	0	0	0	0	0	
Growth Related	--	--	--	--	--	--	--	--%

*Please refer to Table 7 for capacity and projected enrollment information.

**Actual October 2021 Enrollment

***Additional “Growth Related Capacity Needs” equal the “Total” for each year less “deficiencies” existing as of 2021. Existing deficiencies as of 2021 include capacity needs related to recent growth from new development through that date.

By the end of the six-year forecast period (2027), additional permanent classroom capacity will be needed as follows:

**Table 6-B
Unhoused Students**

Grade Span	Unhoused Students /Growth Related in Parentheses)
Elementary (K-5)	80/(80)
Middle School (6-8)	28/(28)
High School (9-12)	-(-)
TOTAL UNHOUSED (K-12)	108/(108)

Again, planned construction projects are not included in the analysis in Table 6-B. In addition, it is not the District’s policy to include relocatable classrooms when determining future capital facility needs; therefore interim capacity provided by relocatable classrooms is not included in Table 6-B. However, Table 6-C incorporates the District’s current relocatable capacity (see Table 2) for purposes of identifying available capacity.

**Table 6-C
Unhoused Students – Mitigated with Relocatables**

Grade Span	2027 Unhoused Students /Growth Related in (Parentheses)	Relocatable Capacity
Elementary (K-5)	80/(80)	240
Middle School (6-8)	28/(28)	78
High School (9-12)	-(-)	0
Total (K-12)	108(108)	318

Importantly, Table 6-C does not include relocatable adjustments that may be made to meet capacity needs. For example, the relocatable classrooms currently designated to serve elementary school needs could be used to serve high school capacity needs. Therefore, assuming no permanent capacity improvements are made, Table 6-C indicates that the District will have adequate interim capacity with the use of relocatable classrooms to house students during this planning period.

Projected permanent capacity needs are depicted in Table 7. They are derived by applying the District’s projected number of students to the projected capacity. Planned improvements by the District through 2027 are included in Table 7 and more fully described in Table 8.

**Table 7
Projected Student Capacity
2022-2027**

Elementary School Surplus/Deficiency

	Oct 2021*	2022	2023	2024	2025	2026	2027
Existing Capacity	1,170	1,170	1,170	1,170	1,170	1,170	1,170
Added Permanent Capacity							
Total Permanent Capacity	1,170	1,170	1,170	1,170	1,170	1,170	1,170
Enrollment`	1,135	1,149	1,182	1,210	1,205	1,247	1,250
Surplus (Deficiency)**	35	21	(12)	(40)	(35)	(77)	(80)

* Reported October 2021 FTE enrollment

** Does not include portable capacity

Middle School Surplus/Deficiency

	Oct 2021*	2022	2023	2024	2025	2026	2027
Existing Capacity	670	670	670	670	670	670	670
Added Permanent Capacity							
Total Permanent Capacity	670	670	670	670	670	670	670
Enrollment	584	589	631	647	675	661	698
Surplus (Deficiency)**	86	81	39	23	(5)	9	(28)

* Reported October 2021 FTE enrollment

**Does not include portable capacity.

High School Surplus/Deficiency

	Oct 2021*	2022	2023	2024	2025	2026	2027
Existing Capacity	850	850	850	850	850	850	850
Added Permanent Capacity							
Total Permanent Capacity	850	850	850	850	850	850	850
Enrollment	799	790	766	760	783	800	843
Surplus (Deficiency)**	51	60	84	90	67	50	7

* Reported October 2021 enrollment

**Does not include portable capacity

See Appendix A for complete breakdown of enrollment projections.

See Table 6-A for a comparison of additional capacity needs due to growth versus existing deficiencies.

Table 7 does not include existing, relocated, or added portable facilities.

**SECTION 6
CAPITAL FACILITIES FINANCING PLAN**

A. *Planned Improvements*

In March 2000, the voters passed a \$14,258,664 bond issue for school construction and site acquisition. A new elementary school and a middle school addition were funded by that bond measure. In April 2014, the District’s voters approved a \$66,800,000 bond measure to fund improvements, including a capacity addition at Lakewood High School, which opened in the fall of 2017. In the Spring of 2020, the District added a STEM lab and two classrooms at Lakewood Middle School.

Currently, the District is assessing future capacity needs and, at the present time, anticipates adding portable capacity to address short term needs with immediate plans to add portables in the summer of 2022 in the space between Lakewood Middle School and Lakewood Elementary School to add K-5 interim capacity at LES. Based upon current needs, the District anticipates that it may need to consider the following acquisitions and/or improvements within the six years of this Plan. The District is not planning for permanent capacity improvements as a part of this CFP update. Future updates to this CFP will identify updated plans and funding sources.

Projects Adding Permanent/Temporary Capacity:

- Acquisition and siting of portable facilities to accommodate growth needs.

Non-Capacity Adding Projects:

- None planned

Other:

- Land acquisition for future sites.

In the event that planned construction projects do not fully address space needs for student growth and a reduction in interim student housing, the Board could consider various courses of action, including, but not limited to:

- Alternative scheduling options;
- Changes in the instructional model;
- Grade configuration changes;
- Increased class sizes; or
- Modified school calendar.

Funding for planned improvements is typically secured from a number of sources including voter approved bonds, State School Construction Assistance funds, and impact fees. Where applicable, the potential funding sources are discussed below.

B. Financing for Planned Improvements

1. General Obligation Bonds

Bonds are typically used to fund construction of new schools and other capital improvement projects. A 60% voter approval is required to approve the issuance of bonds. Bonds are then retired through collection of property taxes. In March 2000, District voters approved a \$14,258,664 bond issue for school construction and site acquisition, which included funding of Cougar Creek Elementary School. In April 2014, the District's voters approved a \$66,800,000 bond measure to fund improvements, including a capacity addition, at Lakewood High School. The District does not have current plans for a future bond or capital levy proposal.

2. State School Construction Assistance

State School Construction Assistance funds come from the Common School Construction Fund. The State deposits revenue from the sale of renewable resources from State school lands set aside by the Enabling Act of 1889 into the Common School Account. If these sources are insufficient to meet needs, the Legislature can appropriate General Obligation Bond funds or the Superintendent of Public Instruction can prioritize projects for funding. School districts may qualify for State School Construction Assistance funds for specific capital projects based on a prioritization system. The District is eligible for State School Construction Assistance Program (SCAP) funds for certain projects at the 58.28% funding percentage level. The District does not anticipate being eligible for SCAP funds for the projects planned in this CFP.

3. Impact Fees

Impact fees are a means of supplementing traditional funding sources for construction of public facilities needed to accommodate new development. School impact fees are generally collected by the permitting agency at the time plats are approved or building permits are issued.

4. Six Year Financing Plan

The Six-Year Financing Plan shown in Table 8 demonstrates how the District intends to fund new construction and improvements to school facilities for the years 2022-2027. Where applicable, potential financing components include a bond or capital levy, impact fees, and State School Construction Assistance Program funds. Projects and portions of projects which remedy existing deficiencies are not appropriate for impact fee funding. Thus, impact fees will not be used to finance projects or portions of projects which do not add capacity or which remedy existing deficiencies.

**Table 8
Capital Facilities Plan**

Improvements Adding Permanent Capacity (Costs in Millions)

Project	2022	2023	2024	2025	2026	2027	Total Cost	Bonds/ Levy/ Other Local	State Funds	Impact Fees
Elementary School										
Middle School										
High School										
Portables (all grade levels)	\$0.50		\$0.50	\$0.50	\$0.50	\$0.75	\$2.750	X		X
Site Acquisition			\$0.775				\$0.775	X		X

Improvements Not Adding Capacity (Costs in Millions)

Project	2022	2021	2022	2023	2024	2027	Total Cost	Bonds/ Levy/ Other Local	State Funds	Impact Fees
Elementary										
Middle School										
High School										

SECTION 7 SCHOOL IMPACT FEES

The GMA authorizes jurisdictions to collect impact fees to supplement funding of additional public facilities needed to accommodate new development. Impact fees cannot be used for the operation, maintenance, repair, alteration, or replacement of existing capital facilities used to meet existing service demands.

A. School Impact Fees in Snohomish County

The Snohomish County General Policy Plan (“GPP”) which implements the GMA sets certain conditions for school districts wishing to assess impact fees:

- The District must provide support data including: an explanation of the calculation methodology, a description of key variables and their computation, and definitions and sources of data for all inputs into the fee calculation.
- Such data must be accurate, reliable and statistically valid.
- Data must accurately reflect projected costs in the Six-Year Financing Plan.
- Data in the proposed impact fee schedule must reflect expected student generation rates from the following residential unit types: single family; multi-family/studio or 1-bedroom; and multi-family/2-bedroom or more.

Snohomish County established a school impact fee program in November 1997, and amended the program in December 1999. This program requires school districts to prepare and adopt Capital Facilities Plans meeting the specifications of the GMA. Impact fees calculated in accordance with the formula, which are based on projected school facility costs necessitated by new growth and are contained in the District’s CFP, become effective following County Council adoption of the District’s CFP.

B. Methodology and Variables Used to Calculate School Impact Fees

Impact fees are calculated utilizing the formula in the Snohomish County Impact Fee Ordinance. The resulting figures are based on the District’s cost per dwelling unit to purchase land for school sites, make site improvements, construct schools, and purchase/install relocatable facilities that add interim capacity needed to serve new development. A student factor (or student generation rate) is used to identify the average cost per dwelling unit by measuring the average number of students generated by each housing type (single-family dwellings and multi-family dwellings of one bedroom and two bedrooms or more). A description of the student factor methodology is contained in Appendix B. As required under the GMA, credits are applied in the formula to account for State School Construction Assistance funds to be reimbursed to the District and projected future property taxes to be paid by the dwelling unit. The costs of projects that do

not add capacity are not included in the impact fee calculations. Furthermore, because the impact fee formula calculates a “cost per dwelling unit”, an identical fee is generated regardless of whether the total new capacity project costs are used in the calculation or whether the District only uses the percentage of the total new capacity project costs allocated to the Districts growth-related needs, as demonstrated in Table 6-A. When calculating impact fees, the District uses the full project costs in the fee formula. Furthermore, impact fees will not be used to address existing deficiencies. See Table 8 for a complete identification of funding sources.

The District is not requesting school impact fees as a part of this Capital Facilities Plan update.

FACTORS FOR ESTIMATED IMPACT FEE CALCULATIONS

Student Generation Factors – Single Family			Average Site Cost/Acre	N/A
Elementary		.126		
Middle		.079		
High		.063		
	Total	.268		
Student Generation Factors – Multi Family (1 Bdrm)			Temporary Facility Capacity	20/26
Elementary		.026	Capacity	\$250,000
Middle		.000	Cost	
High		.000		
	Total	.026		
Student Generation Factors – Multi Family (2+ Bdrm)			State Match Credit	58.28%
Elementary		.101	Current State Match Percentage	(not expected)
Middle		.038		
High		.045		
	Total	.184		
Projected Student Capacity per Facility			Construction Cost Allocation	
N/A			Current CCA	246.83
Required Site Acreage per Facility			District Average Assessed Value	
Facility Construction/Cost Average			Single Family Residence	\$500,494
N/A			District Average Assessed Value	
SPI Square Footage per Student			Multi Family (1 Bedroom)	\$169,461
Elementary			Multi Family (2+ Bedroom)	\$239,226
Middle				
High				
District Debt Service Tax Rate for Bonds				
Current/\$1,000				\$1.32
Permanent Facility Square Footage			General Obligation Bond Interest Rate	
Elementary		131,047	Bond Buyer Index (avg February 2022)	2.45%
Middle		62,835		
High		169,000		
	Total	362,882	Developer Provided Sites/Facilities	
			Value	0
			Dwelling Units	0
Temporary Facility Square Footage				
Elementary		6,656		
Middle		512		
High		3,584		
	Total	10,752		
Total Facility Square Footage				
Elementary		137,703		
Middle		63,347		
High		172,584		
	Total	373,634		

C. Proposed Lakewood School District Impact Fee Schedule

The District does not have permanent capacity projects planned as a part of the 2022 CFP. See discussion in Section 6 above. As such, the District is not requesting the collection of school impact fees as a part of this Capital Facilities Plan. The District expects that future project planning and updates to the Capital Facilities Plan will result in a renewed request for impact fees as a part of a future CFP.

Table 9
School Impact Fees
Snohomish County, City of Arlington, City of Marysville*

Housing Type	Impact Fee Per Dwelling Unit
Single Family	\$0
Multi-Family (1 Bedroom)	\$0
Multi-Family (2+ Bedroom)	\$0

**Table 9 reflects a 50% adjustment to the calculated fee as required by local ordinances.*

APPENDIX A

POPULATION AND ENROLLMENT DATA

Table A-1

**ACTUAL STUDENT ENROLLMENT 2016-2021
PROJECTED STUDENT ENROLLMENT 2022-2027
Based on OSPI Cohort Survival***



School Facilities and Organization
INFORMATION AND CONDITION OF SCHOOLS
Enrollment Projections (Report 1049)

Snohomish/Lakewood(31306)

Grade	--- ACTUAL ENROLLMENTS ON OCTOBER 1st ---						AVERAGE % SURVIVAL	--- PROJECTED ENROLLMENTS ---					
	2016	2017	2018	2019	2020	2021		2022	2023	2024	2025	2026	2027
Kindergarten	162	175	178	188	128	189		170	171	171	171	171	171
Grade 1	159	176	179	183	191	156	107.43%	203	183	184	184	184	184
Grade 2	167	173	190	177	172	209	103.80%	162	211	190	191	191	191
Grade 3	227	174	166	194	184	188	103.09%	215	167	218	196	197	197
Grade 4	174	231	175	179	189	195	102.71%	193	221	172	224	201	202
Grade 5	182	177	223	173	181	208	101.65%	198	196	225	175	228	204
K-5 Sub-Total	1,071	1,106	1,111	1,094	1,045	1,145		1,141	1,149	1,160	1,141	1,172	1,149
Grade 6	181	192	186	235	176	194	104.97%	218	208	206	236	184	239
Grade 7	202	174	206	204	232	173	102.02%	198	222	212	210	241	188
Grade 8	187	206	185	213	216	217	102.22%	177	202	227	217	215	246
6-8 Sub-Total	570	572	577	652	624	584		593	632	645	663	640	673
Grade 9	199	176	217	192	229	216	102.14%	222	181	206	232	222	220
Grade 10	170	207	171	220	182	224	99.03%	214	220	179	204	230	220
Grade 11	179	173	203	174	208	188	99.88%	224	214	220	179	204	230
Grade 12	170	174	157	182	159	217	94.65%	178	212	203	208	169	193
9-12 Sub-Total	718	730	748	768	778	845		838	827	808	823	825	863
DISTRICT K-12 TOTAL	2,359	2,408	2,436	2,514	2,447	2,574		2,572	2,608	2,613	2,627	2,637	2,685

Notes: Specific subtotalling on this report will be driven by District Grade spans.

School Facilities and Organization

Printed Feb 23, 2022

Table A-2

**AVERAGE PERCENTAGE ENROLLMENT BY GRADE SPAN
(COUNTY/OFM Enrollment Projections)*****

Enrollment by Grade Span	Oct. 2021*	Avg. %age	2022	2023	2024	2025	2026	2027
Elementary (K-5)	1,145	44.48%	1,158	1,172	1,186	1,199	1,213	1,226
Middle School (6-8)	584	22.69%	591	598	605	612	619	626
High School (9-12)	845	32.83%	855	865	875	885	895	905
TOTAL**	2,574	100%	2,604	2,635	2,666	2,696	2,727	2,757

*Actual October 2021 HC Enrollment.

** Totals may vary due to rounding.

***Using average percentage by grade span.

Table A-3

**PROJECTED ENROLLMENT BY GRADE SPAN
(DISTRICT - FLO Analytics)****

Updated 6-Year Forecast (based on October 2021 FTE Enrollment)

Grade	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
K	162.00	174.40	177.15	185.72	127.02	186.60	183.17	192.32	184.18	179.10	175.02	183.17
1	159.00	176.00	177.72	182.27	189.08	154.32	193.71	190.59	200.58	192.53	187.64	183.80
2	166.45	172.03	190.00	177.00	171.56	205.77	162.42	204.34	201.50	212.55	204.48	199.74
3	226.05	174.00	166.00	194.00	183.09	187.89	215.85	170.77	215.34	212.83	225.00	216.95
4	174.00	230.30	174.36	179.00	189.00	195.38	195.70	225.35	178.69	225.84	223.72	237.06
5	182.00	177.00	222.27	173.00	181.00	204.56	198.04	198.84	229.50	182.41	231.08	229.45
6	181.00	190.60	186.00	232.92	175.91	195.00	214.39	207.87	209.02	241.62	192.34	244.03
7	202.00	174.00	205.55	203.19	230.90	173.00	199.17	219.32	212.98	214.50	248.34	197.99
8	187.00	206.00	185.00	213.00	214.72	216.08	175.10	203.94	224.92	218.77	220.67	255.88
9	198.40	175.20	216.52	191.54	229.00	216.28	220.69	180.80	212.88	234.95	228.70	230.86
10	168.80	205.20	170.52	219.09	182.00	220.04	215.22	215.39	180.20	212.34	234.55	228.49
11	165.00	152.60	179.82	154.76	190.73	176.22	199.21	195.02	195.35	163.58	192.92	213.29
12	144.60	152.80	126.27	141.69	134.84	186.16	154.68	175.02	171.49	171.94	144.11	170.11
K-5	1,069.50	1,103.73	1,107.50	1,090.99	1,040.75	1,134.52	1,148.89	1,182.20	1,209.78	1,205.25	1,246.95	1,250.16
6-8	570.00	570.60	576.55	649.11	621.53	584.08	588.66	631.13	646.93	674.89	661.34	697.90
9-12	676.80	685.80	693.13	707.08	736.57	798.70	789.80	766.23	759.91	782.81	800.28	842.75
K-12	2,316.30	2,360.13	2,377.18	2,447.18	2,398.85	2,517.30	2,527.35	2,579.56	2,616.63	2,662.94	2,708.57	2,790.81

APPENDIX B

STUDENT GENERATION FACTOR REVIEW



MEMORANDUM

To: John Poolman
Executive Director of Finance
Lakewood School District

Date: April 4, 2022

From: Tyler Vick
Managing Director

Project No.: F1867.01.004

Benjamin Maloney
Demographer/Data Analyst

Re: Student Generation Report— Lakewood School District

At the request of the Lakewood School District (District/LSD), FLO Analytics (FLO) has prepared an analysis of the student generation rates (SGRs) as a result of recent single-family and multifamily construction (2017–2021) within the district. This document details the methodology FLO used to create the SGRs for LSD; an analysis of recent single-family (SF) and multifamily (MF) construction; and SGRs for SF, 0–1 bedroom (BR) MF units, and 2+ BR MF units. The findings are presented per individual grade and per grade group.

METHODS

The SGR analysis is based on two data sources: (1) January 2017 to December 2021 residential developments from the Snohomish County Assessor’s Office (SCAO) and (2) October 2021 student enrollment provided by the District. The residential development data include information regarding the building size, room count, assessed value, and year built, along with a significant amount of other structural information. Data that contained incomplete records (e.g., no stated location) or did not coincide with a remote visual inspection (i.e., Google Earth) were removed from the final database prior to the calculations. Senior housing was also not included in the analysis. Additional investigation into the residential data from the SCAO necessitated the removal of three residential construction developments that were erroneously listed as having been completed between 2017 and 2021. These consisted of three mobile home sites that have been present since at least 2010. The final data were then joined to Snohomish County tax parcels to provide a spatial understanding of recent residential construction trends.

According to data obtained from the SCAO, residential construction activity has continued at a brisk pace with 127 SF units and 6 MF buildings completed between 2017 and 2021 (SF). While the majority of the SF construction consisted of units classified as “Single Family Residence – Detached” (115 units), other SF use codes were also constructed, including construction classified as 2 Single Family Residences (two detached residences per parcel) and manufactured homes (owned and leased). MF development ranged from 15–20 unit residences to 301+ unit construction. About 87 percent (734 units) of these new MF units were 2+ BR units, while the remainder (114 units) were 0–1 BR units. While considered MF buildings, Cedar Pointe Apartments (Senior Facility) and Holman Recovery Center were removed from the analysis.

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R:\F1867.01 Lakewood School District\Document\004_2022.04.04 Student Generation Report\Lakewood SD Student Generation Report 2022.docx

All students (grades kindergarten [K] through 12) in the October 2021, Student Information System (SIS) were geocoded; however, the analysis considered only students that reside within the district boundary. Any students geocoded to locations not within a parcel (e.g., along a street right-of-way) were relocated within the parcel corresponding to the student’s address. The student address points were then compared to the 2017–2021 residential construction data. These two data sets were spatially joined to create a record that indicates the development, the number of students living at a location, and all pertinent attributes for this analysis, including current grade level. With this combination of information, SGRs were calculated for SF housing, 0–1 BR MF units, and 2+ BR MF units as detailed in the results below.

RESULTS

Single-Family Residential Unit Rates

All new SF residential units (constructed between 2017 and 2021) from the SCAO were compared with the District’s October 2021 SIS, and the number of students at each grade level living in those units was determined. The 127 SF units were compared to the 2,602 students enrolled within the District, and the following matches were found by grade level(s):

Table 1. Rate of Matches by Grade for Single-Family Units

Grade	Matches	Rate
K	2	0.016
1	5	0.039
2	6	0.047
3	1	0.008
4	1	0.008
5	1	0.008
6	5	0.039
7	3	0.024
8	2	0.016
9	2	0.016
10	3	0.024
11	1	0.008
12	2	0.016
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K-5	16	0.126
6-8	10	0.079
9-12	8	0.063
K-12	34	0.263

Multifamily Developments

While SF data are nearly completely accounted for in the SCAO data, there are significant data gaps with regard to MF construction. For instance, the SCAO MF development data do not include the number of bedrooms in the building and parcels may be layered on top of one another on occasion. FLO performed additional research to determine the number of MF units and breakdown of units by bedroom count, as well as to remove all duplicate parcels. To aid this effort, FLO received additional SIS attributes from the District including the number or letter identifier of the MF units in which students reside.

FLO reached out to the building management at the six projects constructed between January 2017 and December 2021 to ascertain the bedroom count of each unit that housed students. Information given to the building management consisted of only the unit identifier; no identifying information was disclosed. FLO received bedroom count information for Villas at Arlington, Trailside at the Lodge, and Twin Lakes Landing. Despite numerous attempts, no bedroom information could be received from The Landing at Smokey Pointe for the two students living at units within this building. Based on trends within and surrounding the district, we assumed both students reside within a 2+ BR unit. No students reside at Affinity at Arlington and the unnamed garden style apartment.

Multifamily 0-1 BR Rates

FLO calculated the MF 0-1 BR SGRs by comparing data on 0-1 BR MF units with the District's October 2021 SIS and determining the number of students at each grade level living in those units. As of this writing, FLO estimates that 114 0-1 BR units were constructed from 2017 to 2021. Matches to current students are indicated in the table below.

Table 2. Rate of Matches by Grade for Multifamily 0-1 BR Units

Grade	Matches	Rate
K	0	0.000
1	0	0.000
2	1	0.009
3	0	0.000
4	0	0.000
5	2	0.018
6	0	0.000
7	0	0.000
8	0	0.000
9	0	0.000
10	0	0.000
11	0	0.000
12	0	0.000
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K-5	3	0.026
6-8	0	0.000
9-12	0	0.000
K-12	3	0.026

Multifamily 2+ BR Rates

FLO calculated the MF 2+ BR SGRs by comparing data on 2+ BR MF units with the District's October 2021 SIS and determining the number of students at each grade level living in those units. It is estimated that 734 2+ BR units were constructed from 2017 to 2021. Matches to current students are indicated in the table below.

Table 3. Rate of Matches by Grade for Multifamily 2+ BR Units

Grade	Matches	Rate
K	16	0.022
1	9	0.012
2	12	0.016
3	11	0.015
4	13	0.018
5	13	0.018
6	11	0.015
7	10	0.014
8	7	0.010
9	12	0.016
10	9	0.012
11	4	0.005
12	8	0.011
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K-5	83	0.101
6-8	28	0.038
9-12	33	0.045
K-12	144	0.184

Summary of Student Generation Rates

Table 4. Student Generation Rate Summary by Housing Type and Aggregated Grade Levels

Type	PS-5	6-8	9-12	PS-12
Single-family	0.126	0.079	0.063	0.268
Multifamily 0-1 BR	0.026	0.000	0.000	0.026
Multifamily 2+ BR	0.101	0.038	0.045	0.184

Summary of 2017-2021 Multifamily Developments

Table 5. Summary of Multifamily Developments by Elementary School Boundary

Building Name	Number of Units	School
The Landing at Smokey Pointe	48	English Crossing ES
Villas at Arlington	312	English Crossing ES
Trailside at The Lodge	250	English Crossing ES
Affinity At Arlington	170	Cougar Creek ES
Twin Lakes Landing	50	Cougar Creek ES
Unnamed Garden Style Apartment	18	English Crossing ES

Summary of Single-Family Housing Built by Year

Table 6. Summary of Single-Family Housing Construction by Year

2017	2018	2019	2020	2021
11	23	36	36	21

APPENDIX C

SCHOOL IMPACT FEE CALCULATIONS

This section does not updated for the 2022-2027 Capital Facilities Plan since the District is not requesting a school impact fee. Future updates to this CFP may include an impact fee.

PC Recommendation - 2022 - 2027 School District Capital Facilities Plans

The Planning Commission of the City of Marysville, having held a public hearing on September 27, 2022, in review of a NON-PROJECT action amendment of the Marysville Comprehensive Plan, proposing adoption of the 2022-2027 School District Capital Facilities Plans Update as a subelement of the Marysville Comprehensive Plan, and having considered the exhibits and testimony presented, PC does hereby enter the following findings, conclusions and recommendation for consideration by the Marysville City Council:

FINDINGS:

1. The Marysville, Lake Stevens, and Lakewood School Districts issued State Environmental Policy Act (SEPA) determinations in advance of submitting their Capital Facilities Plans to the City of Marysville for consideration.
2. The PC held a public work session to both introduce and review the NON-PROJECT action amendments proposing adoption of the NON-PROJECT action 2022 – 2027 School District Capital Facilities Plans Update as described above, on September 13, 2022.
3. The proposal was submitted to the State of Washington Department of Commerce (DOC) for 60-day review on September 1, 2022, in accordance with RCW 36.70A.106. The Community Development Department received a letter from the DOC acknowledging receipt of the NON-PROJECT action and processed with Submittal ID 2022-S-4290. To-date comments were received from State agencies.
4. The PC held a duly-advertised public hearing on September 27, 2022 and received testimony from city staff, school district representatives, and the public.
5. At the public hearing, the PC reviewed and considered the 2022 – 2027 School District Capital Facilities Plans Update.

CONCLUSION:

At the public hearing held on September 27, 2022, the Planning Commission recommended **approval** of the 2022 – 2027 School District Capital Facilities Plans Update.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of APPROVAL of the NON-PROJECT action known as the 2022 – 2027 School District Capital Facilities Plans Update, as a subelement of the 2015 Comprehensive Plan this 27th day of September 2022.

By: _____


Steve Leifer, Planning Commission Chair

**September 13, 2022
Meeting Minutes**

CALL TO ORDER / ROLL CALL

Chair Leifer called the meeting to order at 7:00 p.m.

Planning Commission Members

Present: Commissioner Roger Hoen, Commissioner Jerry Andes, Chair Steve Leifer, Commissioner Brandon Whitaker, Commissioner Kristen Michal (remote)

Absent: Commissioner Tom Thetford, Commissioner Sunshine Kapus

Staff

Present: Senior Planner Angela Gemmer, Community Development Director Haylie Miller

APPROVAL OF MINUTES (July 12, 2022)

Motion to approve the July 12, 2022 minutes moved by Commissioner Hoen seconded by Commissioner Whitaker.

AYES: ALL

AUDIENCE PARTICIPATION

None.

NEW BUSINESS

- **2022-2027 School Districts' Capital Facilities Plans**

Senior Planner Gemmer introduced Robb Stanton and Denise Stiffarm who were present to review plans for the school districts. Ms. Gemmer explained that of the three districts, only Lake Stevens School District is proposing to collect school impact fees in the next two years. Marysville and Lakewood school districts do not have capacity-

related increases which are required to collect fees. She generally reviewed the proposed changes to the school impact fees.

Marysville School District

Denise Stiffarm with Pacifica Law Group reviewed the Capital Facilities Plan for Marysville School District. She explained how declining enrollment impacts this.

Chair Leifer asked about the discrepancy between teaching stations and buildings' square footage. Ms. Stiffarm explained this refers to regular classrooms and does not include any specialist programs the schools may have in place. This programming looks a little different at each school.

Chair Leifer referred to the levy discussion and stated his understanding has been that bonds are for building and levies are for learning. He asked why this was done as a levy since the intent was to build buildings. Ms. Stiffarm explained there are both capital levies and operational levies. They are a financing vehicle different from a bond.

Commissioner Whitaker referred to Appendix A and noted that each grade is looking at significant declines in enrollment. He asked what is fueling this decline. Ms. Stiffarm replied that the failure of recent levy and bond elections has demonstrated that there may not be the same programs in place that there may be in an adjacent district. The bigger factor has been that the growth in Marysville is in different school districts which is a function of school district boundaries.

Commissioner Michal noted that people see all the new growth in the City and assume it is impacting the Marysville School District. She recommended more public education surrounding this since it causes confusion for voters. She asked if Marysville has discretion over the formula used for impact fee calculation. Ms. Stiffarm replied that the formula is in the code and is nearly identical to the Snohomish County code. The state law has parameters for the legal requirements for the formula. There is some discretion with the discounts, but it comes down to a policy decision.

Commissioner Hoen said he saw that the Marysville School District doesn't have enough money to fund sports activities. How is that related to this funding? Ms. Stiffarm replied that it is not related because it is not a capital improvement. This has to do with the failure of the operational levy. Commissioner Hoen commented that there seems to be a disconnect between the public and the school district. Will this be addressed in the future? Ms. Stiffarm said she would pass this question along to the district.

Commissioner Hoen asked if students are allowed to transfer to other districts. Ms. Stiffarm replied that sometimes there is an opportunity to transfer, but it depends on policies and space availability.

Chair Leifer commented on public perception of what is going on in schools and how their money is being spent. He believes that the root of it is the disconnect between parents/grandparents and the leadership of the school district.

Lake Stevens School District

Mr. Stanton reviewed the Lake Stevens school impact fee proposal. The Lakewood School District's enrollment has increased by more than 5% and is expected to continue to grow, although at a slower pace. He reviewed how development in Marysville has impacted the Lake Stevens School District. He explained that the largest increase portion of the impact fee increase is related to construction costs. They project fees to go up a little less than 17% for single family homes, but a 2/3 decrease for multifamily fees. The reason for this is that the multifamily units have a low student generation rate.

Chair Leifer asked about the cost per square foot. Mr. Stanton explained that it is not included in the report because it is not used for fee calculation. It varies by school, by district, and with the market. It is very hard to compare to other schools and districts. Chair Leifer noted there are a lot more elementary students than high school students. What is the reason for this? Mr. Stanton explained that the cost of homes in Marysville and Lake Stevens is more affordable than those closer to city centers like Seattle and Bellevue. They are seeing a lot of families moving in with young children because of the affordability compared to other areas.

Commissioner Hoen asked how district boundaries are set. Mr. Stanton explained that growth over time changes boundaries. The way cities expand doesn't necessarily align with other districts. Commissioner Hoen expressed concern that it was creating a pockets of development that create inequities. Mr. Stanton agreed that this is a challenge.

Commissioner Whitaker referred to program improvement capacity expected in 2026-2027. Does this refer to new elementary schools? Mr. Stanton thought this was likely as more elementary schools are already needed. Commissioner Whitaker asked how much of the school district population is influenced by Naval Station Everett. Mr. Stanton replied that it does have an impact, especially at Mt. Pilchuck Elementary. That school has a Navy housing development within its boundaries, but they have a great partnership with the Navy to address those issues.

Commissioner Andes asked if the school districts are having any trouble getting qualified teachers to maintain appropriate class sizes. Mr. Stanton replied that Lake Stevens has high quality teachers and has been able to fill all their positions. Class sizes are very healthy. Ms. Stiffarm was not able to comment for Marysville School District or Lakewood School District.

Lakewood School District

Ms. Stiffarm explained that Lakewood is growing at all three grade levels but they still are showing enough capacity through 2027 because of previous capacity

improvements. They are not yet planning for future capacities, but are waiting and watching.

Commissioner Whitaker observed that Lakewood has had success in passing bonds and levies. Ms. Stiffarm concurred.

Commissioner Whitaker referred to Marysville's aging schools and asked if there is a point where facilities are taken out of service. Ms. Stiffarm stated there is a usable life span and school districts take maintenance measures to extend the usable life if they are unable to replace a school. Mr. Stanton agreed and noted this is a local decision on how they address their facilities. They routinely do a comparison of the cost of renovating a facility versus the cost of building new.

Motion to establish a public hearing for the 2022-2027 School Districts' Capital Facilities Plans in the near future moved by Commissioner Andes seconded by Commissioner Michal.

AYES: ALL

CITY COUNCIL AGENDA ITEMS and MINUTES

None

ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

Approved this _____ day of _____, 2022.

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

NEXT MEETING – September 27, 2022

**Meeting Minutes
September 27, 2022**

ROLL CALL

Present: Chair Steve Leifer, Commissioner Roger Hoen, Commissioner Jerry Andes, Commissioner Brandon Whitaker, Commissioner Kristen Michal

Absent: Tom Thetford (Excused), Sunshine Kapus (absent)

Staff: Community Development Director Haylie Miller, Principal Planner Angela Gemmer, Transportation Services Manager Jesse Birchman

APPROVAL OF MINUTES

Motion to approve the minutes of the September 13, 2022 meeting moved by Commissioner Jerry Andes seconded by Commissioner Brandon Whitaker.

AYES: ALL

AUDIENCE PARTICIPATION (for topics not on the agenda)

Chair Leifer solicited public comments on anything not on the agenda. There were none.

PUBLIC HEARINGS

1. Quil Ceda Tannery Comp. Plan Map Amendment and Rezone with repeal of the 88th Street Master Plan

Principal Planner Gemmer reviewed background on this rezone which is located at the southwest corner of the intersection of 88th Street and State Avenue. It is part of the 88th Street Master Plan which envisioned mixed use development here. Because it is not a viable area for mixed use, and access to the property is heavily constrained, the property owner is requesting to revert back to the prior Light Industrial (LI) zoning. Reverting back to LI zoning is expected to generate significantly less traffic which is optimal for this site since it is so constrained. A property owner to the south has requested to be included with the rezone proposal, and the proposal has been amended

to reflect that. Staff is recommending approval of this non-project action Comprehensive Plan Map Amendment and Concurrent Rezone from 88-MU to LI, and the concurrent repeal of the 88th Street Master Plan.

Commissioner Whitaker asked if the whole 88th Street Master Plan would be repealed. Ms. Gemmer confirmed that it would because mixed use development standards would not be applicable anymore. Commissioner Whitaker asked if they would be taking another look at this intersection for other potential improvements. Ms. Gemmer explained that they would be looking at access with project level action. There are improvements anticipated for the overall 88th Street corridor. There are also some changes to the interchange that are contemplated. Transportation Services Manager Jesse Birchman further explained that there are other efforts underway to improve traffic along that corridor. Commissioner Whitaker said he wanted to make sure that this action wouldn't undo all their efforts at improving the overall 88th Street corridor. Staff agreed.

Commissioner Hoen asked about the possibility of access over the railroad tracks from the east or from the south. Principal Planner Gemmer referred to discussion about access and circulation in the Staff Recommendation on page 4. She explained that there had been an anticipated overcrossing at 84th Street in the 88th Street Master Plan. This would have entailed a traffic signal and would have required changing the grade of State Avenue. The Master Plan also contemplated drive aisle frontage that would have paralleled the railroad tracks. An access to the south to 80th was also contemplated via two potential locations. This is intentionally being left open with the current Staff Recommendation because of the lower traffic generation expected from the industrial uses and because of challenges with the potential accesses. Ultimately it will be driven by a project level proposal and what the level of service is on the surrounding roads and intersections.

The public hearing was opened at 6:45 p.m. Public comments were solicited.

Merle Ash, Land Technologies, representing the landowner, reviewed some background on this property and the applicant's desire to develop an alternate use of apartments. The requirement for commercial use on the ground floor made the development infeasible due to the location; therefore, they desired to revert it to the previous light industrial use. He spoke in support of the request.

Seeing no further comments, the hearing was closed at 6:50 p.m.

Motion to approve forwarding to the City Council a recommendation of approval of the proposed non-project action Quil Ceda Tannery Comprehensive Plan Map Amendment and Rezone with repeal of the 88th Street Master Plan moved by Commissioner Brandon Whitaker seconded by Commissioner Jerry Andes.

AYES: ALL

Commissioner Hoen referred to the property up on 116th where it looks like they have completed the new hotel. He noted there is a road behind it that goes to the other hotel

and asked about the possibility of extending that road as a southern access to 116th. There was consensus to address this topic later.

2. 2022 – 2027 School Districts’ Capital Facilities Plans

- Marysville
- Lake Stevens
- Lakewood

School District representatives present: Robb Stanton, Lake Stevens School District; Paul Field, Lakewood School District; Denise Stiffarm, Pacifica Law Group on behalf of Marysville and Lakewood School Districts

Principal Planner Gemmer reviewed this item regarding the 2022-2027 School Districts’ Capital Facilities Plans and their related impact fees as reviewed at the previous meeting. Staff has reviewed each plan for consistency with state law and the calculation allowed by Marysville Municipal Code and finds them consistent. Each of the plans has been adopted by the respective board of directors for the school districts. There is a 50% reduction in the capital facilities impact fee that is required by Marysville’s code, and this has been applied to Lake Stevens School District’s impact fees which is the only district that will be collecting impact fees. Staff is recommending that the Planning Commission make a recommendation of approval of the Capital Facilities Plans by the Marysville City Council.

The public hearing was opened at 6:59 p.m. and public comments were solicited. There were none. The public hearing was closed at 6:59 p.m.

Commissioner Michal said she continues to hear a lot of confusion about the purpose of school impact fees. She recommended improved communication regarding where the growth is actually occurring. Principal Planner Gemmer agreed.

Motion to forward this to the City Council with a recommendation for approval of the 2022 – 2027 School Districts’ Capital Facilities Plans for Marysville, Lake Stevens, and Lakewood moved by Commissioner Brandon Whitaker seconded by Commissioner Kristen Michal.

AYES: ALL

3. Smokey Point Area-wide Comp. Plan Amendment and Rezone

Principal Planner Gemmer reviewed this staff-initiated Comprehensive Plan amendment and rezone. The rezone area is generally located north of 152nd Street NE, west of Hayho Creek, south of the Marysville-Arlington corporate boundary, and east of Smokey Point Boulevard. Staff is recommending approval of this non-project action Comprehensive Plan map amendment and concurrent rezone from General Commercial (GC) to Light Industrial (LI) with a GC overlay, and a concurrent amendment to the Marysville Municipal Code regarding permitted uses.

Commissioner Hoen asked for a comparison of LI and GC zones. Ms. Gemmer reviewed that apartments above street level commercial use would be allowed in the GC zone; this would not be allowed in LI zones. GC allows a bit wider range of commercial uses like retail and service-based uses. The LI zone allows a wider range of industrial uses like manufacturing, fabrication, and warehousing. In the GC zone the only industrial uses allowed would be miscellaneous light industrial uses and some food-related uses.

Chair Leifer asked how a GC overlay on an LI Zone would get interpreted. Ms. Gemmer explained it will be a bit of a transitional zone between a GC zone to the west and an LI zone on east side of Hayho Creek. This zone would be allowed to pursue uses allowed in both the GC and LI zones. The intent is to allow maximum flexibility with the uses that are allowed there.

The public hearing was opened at 7:19 p.m. and public testimony was solicited. There was none. The hearing was closed at 7:19 p.m.

Motion to forward a recommendation of approval by the City Council for the Smokey Point Area-wide Comprehensive Plan Amendment and Rezone moved by Commissioner Roger Hoen seconded by Commissioner Brandon Whitaker.

AYES: ALL

COMMISSIONER/STAFF COMMENTS

Chair Leifer thought that the quiet zone was going to be throughout the City and not just up to 88th. Director Miller said this was her understanding also. Principal Planner Gemmer noted that there are phases, so the first phase will just go up to 88th. Director Miller thought it would be done in chunks but said she would confirm it with the Public Works Director. Chair Leifer commented that it seemed inequitable for downtown to be enjoying the quiet and not the rest of the city.

Director Miller proposed a tour of the new civic campus on Tuesday, October 11 at 5 p.m. There was consensus that this time will work for most of the commissioners. Director Miller will check with staff and confirm.

ADJOURNMENT

Motion to adjourn the meeting at 7:31 p.m. moved by Commissioner Brandon Whitaker seconded by Commissioner Kristen Michal.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

NEXT MEETING – October 11, 2022



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Senior Planner Angela Gemmer, Community Development

ITEM TYPE: Ordinance

AGENDA SECTION: **New Business**

SUBJECT: **Ordinance** regarding Quil Ceda Tannery Comprehensive Plan Map Amendment and Rezone, and concurrent repeal of the 88th Street Master Plan

SUGGESTED ACTION: Recommended Motion: I move to adopt Ordinance No. ____.

SUMMARY: As part of the 2022 Comprehensive Plan Amendment docket, Matico, LLC filed a request for the NON-PROJECT action Comprehensive Plan Map Amendment and Rezone of approximately 20.73 acres located at 3824 88th Street NE (Assessor's Parcel Number (APN) 30052100203800) from 88-Mixed Use (88-MU) to Light Industrial (LI). The rezone request is known as the Quil Ceda Tannery Rezone.

Neighboring property owners were notified of the rezone request as required by MMC Section 22G.010.090. Through this notice, the owner of 8404 State Avenue (APN 3005210020400), which is one parcel to the south of the Quil Ceda Tannery property, requested that his property be included with the rezone. The property 8430 State Avenue (APN 30052100204200), which is located between 3824 88th Street NE and 8404 State Avenue, was also added to the rezone area bringing the rezone area to 23.19 acres. The three parcels that are the subject of the rezone are all zoned 88-Mixed Use and proposed to be Light Industrial.

The rezone area is bounded by Quil Ceda Creek to the west,

88th Street NE to the north, State Avenue and the Burlington Northern Santa Fe railway to the east, and 84th Street to the south (a portion of the rezone area extends approximately 150 feet south of 84th Street).

The property was designated 88-Mixed Use with the adoption of the 88th Street Master Plan under Ordinance 2865 on June 13, 2011. The 88th Street Master Plan requires commercial uses on the ground floor, and allows residential uses on upper floors. Since the adoption of the Master Plan in 2011, several developers have expressed interest in pursuing multi-family uses, but have not found the site suitable for mixed use development due to more competitive commercial locations in the vicinity, access constraints, and the high cost of a railroad crossing at 84th Street NE. Due to an inability to find an interested developer with the current zoning, the property owner has requested to repeal the 88th Street Master Plan and revert back to the original Light Industrial zoning of the property which aligns better with existing and anticipated uses of the site.

The Planning Commission held a duly advertised public hearing for the Comprehensive Plan Amendment and Rezone request on September 27, 2022, and adopted the attached Findings, Conclusions and Recommendation of approval of the rezone.

ATTACHMENTS:

[Staff Rec. -Quil Ceda Tannery Rezone & 88th Street Master Plan repeal](#)
[Ordinance - Quil Ceda Tannery Rezone & 88th Street Master Plan repeal](#)
[PC Recommendation and Minutes - Quil Ceda Tannery Rezone](#)

Staff Recommendation - Quil Ceda Tannery Rezone

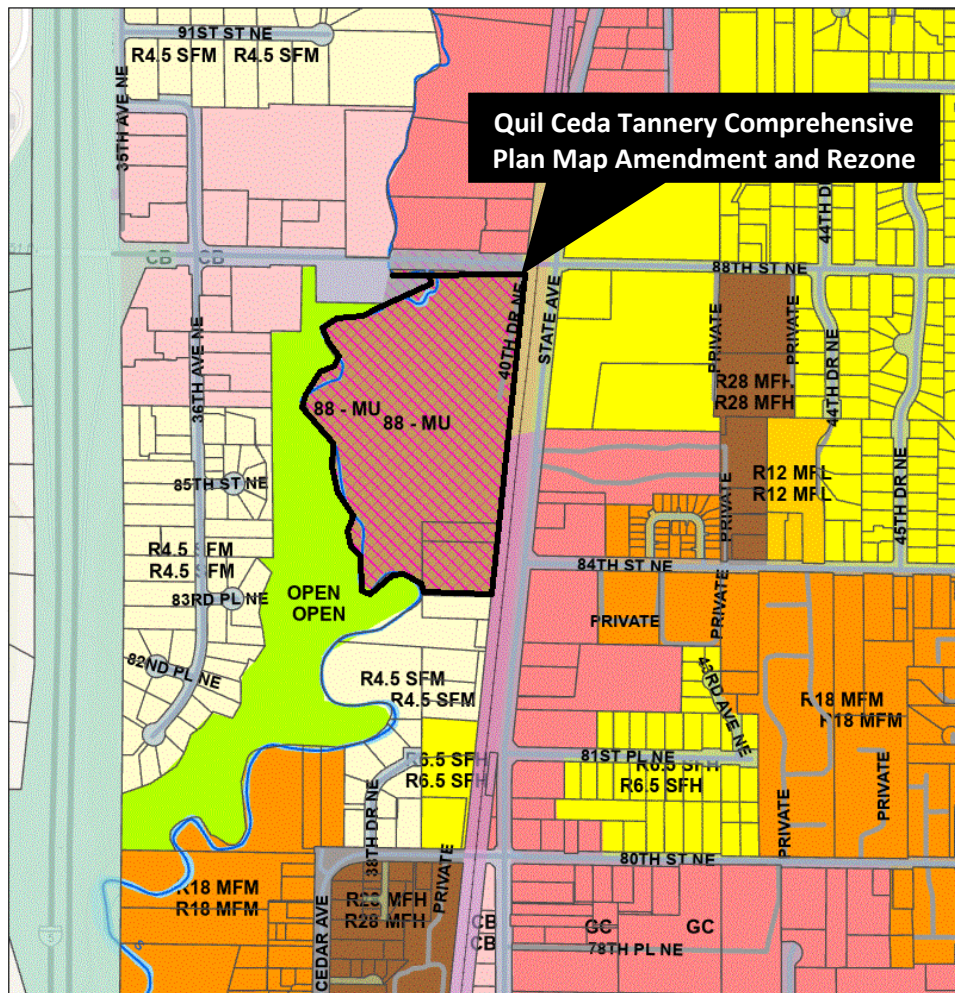
Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
Office Hours: Mon - Fri 7:30 AM - 4:00 PM ♦ Phone: (360) 363-8100

PROJECT INFORMATION									
Project Title	Quil Ceda Tannery Comprehensive Plan Map Amendment and Rezone			Date of Report	September 19, 2022				
File Number	CPA22-001			Attachments	Site Plan (Exhibit 7); DNS (Exhibit 15)				
Administrative Recommendation	Recommend approval of the Comprehensive Plan Map Amendment and Rezone, and repeal of the 88 th Street Master Plan, to City Council for adoption by Ordinance.								
BACKGROUND SUMMARY									
Applicant	Matico, LLC								
Request	NON-PROJECT action Comprehensive Plan Map Amendment and Concurrent Rezone of approximately 23.19 acres from 88-Mixed Use (88-MU) to Light Industrial (LI) with the concurrent repeal of the 88 th Street Master Plan adopted June 13, 2011 under Ordinance No. 2865.								
SEPA Status	A SEPA Determination of Non-Significance was issued on April 11, 2022. The appeal period expired April 25, 2022; no appeals were filed.								
Location	3824 88 th Street NE, 8430 State Avenue and 8404 State Avenue			APN	30052100203800; 30052100204200; 30052100204000				
Acreage (SF)	23.19 acres			Section	21	Township	30	Range	05
Comprehensive Plan	MU	Zoning	88-MU	Shoreline Environment			High-Intensity		
Present Use of Property	Variety of light industrial uses and underutilized land.								
REVIEWING AGENCIES									
Marysville	Local Agencies & Districts		State & Federal		County		Other		
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input checked="" type="checkbox"/> Engineering Services <input checked="" type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works	<input checked="" type="checkbox"/> Arlington (city) <input checked="" type="checkbox"/> Arlington Airport <input checked="" type="checkbox"/> Community Transit <input type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens (city) <input checked="" type="checkbox"/> PUD No. 1 <input checked="" type="checkbox"/> Ziplly		<input checked="" type="checkbox"/> BNSF <input checked="" type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input checked="" type="checkbox"/> US Army Corp of Engineers <input checked="" type="checkbox"/> WDFW <input checked="" type="checkbox"/> WSDOT <input type="checkbox"/> WUTC		<input type="checkbox"/> Health District <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> Puget Sound Clean Air <input type="checkbox"/> Puget Sound Energy <input checked="" type="checkbox"/> Stillaguamish Tribe <input checked="" type="checkbox"/> Tulalip Tribes		
ACTION									
<input type="checkbox"/> Administrative <input type="checkbox"/> City Council <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Planning Commission									
Date of Action	September 27, 2022			<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Continued					
STAFF CONTACT									
Name Angela Gemmer Title Principal Planner Phone 360.363.8240 E-mail agemmer@marysvillewa.gov									

SURROUNDING USES

	Comprehensive Plan	Zoning	Land Use
Site	88-Mixed Use	88-MU	Variety of light industrial uses and underutilized land.
North	General Commercial	GC	Ryder Truck Rental
East	General Commercial and Single Family High	GC & SFH	BNSF and State Avenue rights-of-way
South	Single Family Medium	SFM	Single family residences and manufactured home
West	Open	Open	Quil Ceda Creek, wetland, and associated buffers

Vicinity Map



- | | | | |
|-----------------------|-------------------------|---------------------------------|---------------------------|
| General Commercial | 88 - Mixed Use | R12 Multi-Family Low | R4.5 Single Family Medium |
| Downtown Commercial | General Industrial | R6-18 Multi-Family Low | Public-Institutional |
| Community Business | Light Industrial | R8 Single Family High Small Lot | Recreation |
| Neighborhood Business | R28 Multi-Family High | R6.5 Single Family High | Open |
| Mixed Use | R18 Multi-Family Medium | R4-8 Single Family High | |

1.0 FINDINGS AND CONCLUSIONS

- 1. **Description of Proposal:** The proposal is for a NON-PROJECT action Comprehensive Plan Map Amendment and Concurrent Rezone of approximately 23.19 acres from 88-Mixed Use (88-MU) to Light Industrial (LI), and concurrent repeal of the 88th Street Master Plan adopted June 13, 2011 under Ordinance No. 2865. The application was originally filed on January 28, 2022 by Matico, LLC, for the 20.73 acre property identified by APN 30052100203800 (3824 88th Street NE), and was expanded to include APN 30052100204000 (8404 State Avenue) and APN 30052100204200 (8430 State Avenue) bringing the rezone area to 23.19 acres as described further in Section 5 below.

If the proposed rezone request is approved by City Council, all future project action development proposals will be subject to all applicable Marysville Municipal Code (MMC) and project level State Environmental Policy Act (SEPA) review at the time of application.

- 2. **Location:** The rezone area is bounded by 88th Street NE to the north, State Avenue and the Burlington Northern Santa Fe (BNSF) railway to the east, 84th Street to the south, and Quil Ceda Creek to the west. Portions of the rezone area extend approximately 150 feet south of 84th Street NE. The Comprehensive Plan Map Amendment and Concurrent Rezone is identified by Assessor Parcel Numbers (APNs) 30052100203800, 30052100204200, and 30052100204000.

Site Description: The eastern two-thirds of the site is generally flat, and is currently developed with a variety of uses dispersed throughout the upland area, but is generally underutilized land. The 88th Street Master Plan estimated that approximately 9.26 acres of the three parcels that are part of the rezone were buildable; however, the buildable area may potentially be up to 11.19 acres. The western boundary of the rezone area is defined by Quil Ceda Creek, and the western third of the site is comprised of a wetland along the stream, a steep slope, and associated buffers.

In the past, the primary use of APN 30052100203800 was the home of the Quil Ceda Tannery which is no longer in business. Current uses of the parcel are light industrial in nature and include, but are not limited to: tiny house construction and sales, small equipment sales and rental, metal finishing, heating contractor, and machine shop. Areas lacking buildings or parking are largely forested with a mix of evergreens and deciduous trees. APN 30052100204200 is development with a machine shop while APN 30052100204000 is development with a single family residence and accessory structures. These parcels are largely lawn with limited forested areas along the western property lines.

- 3. **Project History:** The land use application was submitted on January 28, 2022 and deemed complete on February 16, 2022. Notice of application was provided in accordance with MMC Section 22G.010.090.
- 4. **Public Comments:** Two citizens inquired about the proposed rezone. One citizen was interested in understanding where the rezone was located and whether the mobile home park to the east would be redeveloped; the citizen was informed of the rezone location and that no redevelopment proposals for the mobile home park had been received to-date, and that the proposal does not involve the mobile home park.

A second citizen, the owner of Assessor’s Parcel Number (APN) 30052100204000, provided an email dated February 24, 2022 expressing interest in his parcel being

included with the Comprehensive Plan Amendment and Rezone proposal. APN 30052100204000 is currently zoned 88-Mixed Use. This property, along with the APN 30052100204200, will be included with the rezone proposal. The application was routed to impacted departments and public agencies, and the comments received, are outlined in Exhibit 14.

5. **Critical Areas:** A critical areas analysis has not been completed for the rezone area. Quil Ceda Creek defines the western boundary of the site. This portion of Quil Ceda Creek is classified as a Type S stream. Type S streams are those streams, within their ordinary high water mark, as inventoried as "shorelines of the state" under Chapter 90.58 RCW. A 200 foot natural vegetated buffer, measured from the edge of the OHWM (Ordinary High Water Mark), is required for a Type S stream. The land within 200 feet of the OHWM is subject to the City's Shoreline Master Program, and has a shoreline designation of High Intensity. Any activities within 200 feet of the OHWM would require a Shoreline Permit unless the work is permit-exempt; however, it is unlikely that work would be pursued in this area as this area contains wetlands and is generally located west of the steep slope area.

The wetlands along Quil Ceda Creek are presumed to be classified as Category I wetlands. Category I wetlands require a 125 foot natural vegetated buffer.

A steep slope (slope 25 percent or greater) generally marks the transition between the critical areas on the western third of the site, and the usable upland area on the eastern two-thirds of the site. The steep slope is potentially geologically hazardous. Consistent with MMC Sections 22E.010.100(6) and 22E.010.220(5), when the minimum buffer for a stream or wetland extends into an areas with a slope of greater than 25 percent, the buffer shall be the greater of the minimum buffer for the stream or wetland, or 25 feet beyond the point where the slope becomes 25 percent or less.

6. **Access and Circulation:** Access to the NON-PROJECT action rezone area is currently provided by two accesses off of 88th Street NE, and a private BNSF railway crossing from State Avenue. There are no public roads within the rezone area.

Access to the rezone area is constrained due to Quil Ceda Creek, the surrounding transportation system including city roadways and the BNSF railway. With future development or redevelopment of 3824 88th Street NE, ingress/egress from 88th Street NE is anticipated to be modified to include a right-in/right-out only access onto 88th Street NE with the access point moved as far west as feasible to maintain sight distance to the property. The existing eastern access onto 88th Street NE is anticipated to be closed with any future development or redevelopment activity.

Access to State Avenue per the 88th Street Master Plan and prior development conversations is anticipated to be restricted to the construction of an at-grade railway crossing, and City-BNSF interconnected traffic signal at the intersection of State Avenue and 84th Street NE. To meet roadway design requirements, the access on to State Avenue could require that a segment of State Avenue and surrounding roadways/driveway access points be raised.

Access through parcels to the south, which are located outside of the rezone area, to 80th Street NE has been planned for in the 88th Street Master Plan and discussed in prior development conversations. Access via parcels to the south could connect to 80th Street NE via 38th Drive NE. Access should also be considered at a potential future 39th Avenue NE at 80th Street through either 3829 80th Street NE or along the western property line of 3909 80th Street NE. City plans include a BNSF Quiet Zone which will likely require c-curbing of the centerline of 80th Street NE approximately 100 to 200 feet from the BNSF mainline; therefore, a future access point, if closer

than 200 feet, may be required to be right-in/right-out only. The first planned Quiet Zone within the City will likely be from First Street to 88th Street NE thus encompassing the public and private BNSF crossings in the rezone area.

Given challenges in access to the site with traffic congestion near 88th Street NE and State Avenue, and the BNSF mainline along the eastern edge of the area, two access points may be required of a development in order to provide for emergency vehicle access. Property owners will be encouraged to work together to provide for access to the area overall. The Marysville Fire District will need to provide input on access requirements for future development proposals. Development activities for 8404 and 8430 State Avenue will require evaluation of the feasibility of closure and/or consolidation of existing private at-grade crossings.

Future project actions shall be required to submit a Traffic Impact Analysis (TIA) to assess access to the parcels that are the subject to the development action.

7. Traffic Impacts:

With the preparation of the 88th Street Master Plan, trip generation calculations were performed using average trip generation rates set forth in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual*, 8th Edition. Reductions to the trip generation were applied for internal capture, which are trips between the residential and commercial uses on the site, and pass-by trips, which accounts for trips that will be on the adjacent roadways.

The 88th Street Master Plan contemplated a conservative approach in anticipating future trip generation. This approach anticipated the construction of 140,000 square feet of retail and 281 multi-family units resulting in 388 PM peak hour trips during the weekday PM peak hour (4 to 6 pm). The traffic generation that was anticipated is summarized below.

Land Use	Size/Units	Average Daily Trips	PM Peak Hour Trips
Specialty Retail	140,000	4,300	255
Multi-family	281	1,394	133
TOTAL		5,694	388

With the proposed rezone from 88-MU to LI, it is projected that approximately 33 percent of the estimated 11.19 acres of buildable land would be covered with structures. Thirty three percent building coverage is comparable to the amount of building coverage observed with recent industrial projects (see Exhibit 17). Using the Industrial Park classification in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual* 11th Edition, 3.37 average daily trips (ADT) per 1,000 square feet are anticipated to be generated each day, and 0.34 PM peak hour trips (PMPHT) per 1,000 square feet of gross floor area are anticipated to be generated during one hour between 4 and 6 pm; therefore, approximately 539 average daily trips and 54.4 PM peak hour trips are anticipated if 160,000 square feet of industrial square footage is added to the property. While some changes to the ITE Manual have occurred since the adoption of the 88th Street Master Plan, the projected trips for implementing the Plan would be substantially similar today as in 2011 when the Plan was adopted. Rezoning the property from 88-MU to LI is projected to result in approximately 5,155 fewer average daily trips and 334 fewer PM peak hour trips as shown in the table below.

Land Use	Size/Units	Average Daily Trips	PM Peak Hour Trips
Industrial Park	160,000	539	54.4
88 th Street Master Plan	140,000 SF and 281 units	5,694	388
TRIP REDUCTION		- 5,155	- 333.6

Future project actions shall be required to submit a Traffic Impact Analysis (TIA) to assess traffic impacts on the roadway network. The TIA will be required to include trip generation and distribution, identification of impacts, and mitigation measures. Traffic impact fees will be required from the City and, depending on trip generation and distribution, may be required from the County and State for any development of the site.

8. **Utilities:** Utilities are available to the rezone area as follows:

Storm Drainage – Development and redevelopment within the rezone area will require addressing the stormwater impacts and ensuring that all development is in compliance with the adopted State and City regulations. All stormwater improvements must be designed in accordance with the City’s adopted stormwater regulations. Currently the City implements the 2019 Department of Ecology (DOE) Stormwater Management Manual for Western Washington.

Water – There is a 24-inch ductile iron (DI) water main in 88th Street NE, and a 12-inch asbestos cement (AC) water main in State Avenue. Currently Assessor’s Parcel Number (APN) 30052100203800 is served by 6-inch and 8-inch ductile iron (DI) water mains that tie into the 12-inch AC water main located in State Avenue. APN 30052100204000 is connected to City water, and APN 30052100204200 is served by a well.

With future project actions, it is anticipated that APN 30052100203800 will be served via a connection to the 24-inch water main in 88th Street NE.

Sewer – There is an 8-inch PVC sewer main in 88th Street NE, and an 18-inch sewer main in State Avenue. Currently Assessor’s Parcel Number (APN) 30052100203800 (3824 88th Street NE) is served by an 8-inch sewer main that goes under the BNSF railway and ties into the sewer main in State Avenue.

APN 30052100204000 (8404 State Avenue) is connected to City water but is on a private septic system, and APN 30052100204200 (8430 State Avenue) is on a well and private septic system.

Utility improvements will be evaluated, and required improvements made, with future project actions.

9. **Department and Agency Comments:** A *Request for Review* for the proposal was sent to the following Local, County, State & Federal Agencies and Districts:

- a. Marysville Building Division: John Dorcas, Building Official (retired), in a memo dated March 11, 2022 provided information on general building and site development requirements that will apply to future development proposal.
- b. Marysville Fire District: David VanBeek, Assistant Fire Marshall (retired), indicated that he had no comments on the proposal.
- c. Marysville Police Department: Brad Akau, Commander, in a memo dated February 18, 2022 indicated that the Police Department has no concerns at this time.
- d. Marysville Public Works – Development Services: Kacey Simon, Civil Plan Reviewer, in a memo dated March 8, 2022 and revised September 15, 2022, indicated that, “In

future development the eastern access must be removed along 88th Street NE. The western access of the development doesn't meet current intersection spacing standards and will likely be right in, right out.

- e. Marysville Public Works - Traffic: Jesse Hannahs, P.E., Traffic Engineer Manager, in a memo dated March 9, 2022 and revised September 15, 2022 provided a detailed comments on access constraints for the area, planned access locations, the necessity of coordinating with BNSF, and the expectation for future project actions to provide a Traffic Impact Analysis (TIA). The comments are set forth in full in Exhibit 14 and are incorporated in Sections 6 and 7 of this report.
 - f. Marysville Surface Water: Brooke Ensor, NPDES Coordinator, in an email dated March 4, 2022 indicated that she had no comments on the proposal.
 - g. Department of Ecology: No comments received.
 - h. Snohomish County Planning: No comments received.
 - i. Snohomish County PUD No. 1: No comments received.
 - j. Stillaguamish Tribes: No comments received.
 - k. Tulalip Tribes: No comments received.
 - l. United State Army Corps of Engineers: No comments received.
 - m. Washington State Department of Fish & Wildlife: No comments received.
10. **State Environmental Policy Act Review**: After evaluation of the applicant's environmental checklist submitted with the application, and other supporting documentation and application materials, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on April 11, 2022. The appeal period for the MDNS expired on April 25, 2022; no appeals were filed.
11. **City of Marysville Comprehensive Plan**: The proposed rezone area is located within the Pinewood Neighborhood – Planning Area 6. The current Comprehensive Plan land use designation for the proposed rezone area is 88-Mixed Use. Prior to the adoption of the 88th Street Master Plan under Ordinance 2865 on June 13, 2011, APN 30052100203800 was zoned Light Industrial, while APNs 30052100204000 and 30052100204200 were zoned R-4.5 Single Family, Medium Density.

The proposed re-designation and rezone of the property to Light Industrial complies with the industrial locational criteria and siting standards set forth in the 2015 Comprehensive Plan, Land Use Element, Section III Industrial, subsection a. *General Industrial, Light Industrial Zones, and Manufacturing/Industrial Center (MIC) Overlay i. Criteria and Standards* (see Exhibit 8). Specifically, the proposed rezone area is:

- In close proximity to Interstate 5 (I-5) and major arterial streets including State Avenue, 88th Street NE, and the I-5/88th Street Interchange.
- The primary parcel is a large parcel. The buildable area for each of the parcels is generally flat.
- In proximity to accessory land uses such as gas stations, restaurants, and other support activities.
- Separated from incompatible land uses, such as residential zones, given the Quil Ceda Creek corridor and the significant topography to the west, and the intervening church and cemeteries located to the east across State Avenue. Buffering to the south will need to be achieved through the installation of landscape buffers.

12. **Title 22 Unified Development Code:** Pursuant to MMC Section 22G.010.440, Rezone criteria, (1) a zone reclassification shall be granted only if the applicant demonstrates that the proposal is consistent with the comprehensive plan and applicable functional plans and complies with the following criteria:
 - (a) There is a demonstrated need for additional zoning as the type proposed;
 - (b) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties;
 - (c) There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification;
 - (d) The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

The applicant's responses to the rezone criteria outlined above are set forth in Exhibit 6. After evaluation of the responses to the rezone criteria, application materials, and other supporting documentation on file with the City, staff concludes that the proposed rezone complies with the rezone criteria and pertinent development standards outlined in Title 22 MMC, *Unified Development Code*.

2.0 CONCLUSIONS

1. Matico, LLC, applicant is proposing a NON-PROJECT action rezone of approximately 20.73 acres from 88-Mixed Use (88-MU) to Light Industrial (LI). The 88th Street Master Plan will be concurrently repealed due to the proposed rezone.
2. The City has expanded the NON-PROJECT action rezone to include two contiguous parcels located to the south bringing the rezone area to approximately 23.19 acres.
3. The proposed rezone area is located within a portion of the Pinewood Neighborhood – Planning Area 6, and is generally bounded by 88th Street NE to the north, State Avenue and the Burlington Northern Santa Fe railway to the east, 84th Street to the south, and Quil Ceda Creek to the west.
4. Quil Ceda Creek, a Type S stream, borders the western boundary of the rezone area. Wetlands, that are presumed to be Category I, are located along the stream, and potentially geologically hazardous steep slopes are located at the outer edge of the stream and wetland buffers. The NON-PROJECT action rezone will have no impacts to critical areas and associated buffers.
5. Parcels within the rezone area are located within 200 feet of the Ordinary High Water Mark (OHWM) of Quil Ceda Creek, a shoreline of the state. The shoreline designation for land within 200 feet of Quil Ceda Creek is High Intensity. Future activities within 200 feet of the OHWM would require a Shoreline Permit unless the work is permit-exempt.
6. With future development, ingress/egress from 88th Street NE to the rezone area is anticipated to be restricted to a right-in/right-out only access located as far from the intersection of State Avenue and 88th Street NE as feasible. Access to State Avenue is anticipated to be restricted to the construction of an at-grade railway crossing, and City-BNSF interconnected traffic signal at the intersection of State Avenue and 84th Street NE. Access to 80th Street to the south has been contemplated; however, would require the participation of intervening properties.
7. Rezoning the property from 88-Mixed Use (88-MU) to Light Industrial (LI) is anticipated to result in fewer average daily trips (ADT) and PM peak hour trips (PMPHT) to and from the site.

8. The proposed NON-PROJECT action rezone is consistent with the pertinent development goals and policies outlined in the Marysville Comprehensive Plan including the industrial locational criteria and siting standards.
9. The proposed NON-PROJECT action rezone complies with the rezone criteria and pertinent development standards outlined in Title 22 MMC, *Unified Development Code*.
10. The proposed NON-PROJECT action rezone will make appropriate provisions for the public use and interest, health, safety, and general welfare.
11. As of the date of this report, one citizen provided an email requesting inclusion of his property in the rezone proposal; the rezone proposal has been amended to include APN30052100204000 and the intervening property, APN 30052100204200, with the rezone proposal.
12. The proposed NON-PROJECT action rezone will make appropriate provisions for the public use and interest, health, safety and general welfare.
13. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on April 11, 2022; no appeals were filed.
14. A duly advertised public hearing has been scheduled before the Planning Commission on Tuesday, September 27, 2022 at 6:30 pm in City Hall Council Chambers to consider the NON-PROJECT action rezone request.

3.0 STAFF RECOMMENDATION

Based on the foregoing findings and conclusions, the Community Development Department recommends APPROVAL of the NON-PROJECT action Comprehensive Plan Map Amendment and Concurrent Rezone from 88-MU to LI, and the concurrent repeal of the 88th Street Master Plan.

4.0 EXHIBITS

The following exhibits can be accessed electronically via the link provided in the exhibit header below. The most relevant exhibits related to the proposed rezone are [highlighted](#) below.

Quil Ceda Tannery Rezone

Exhibit 1	Land use application
Exhibit 2	Receipt
Exhibit 3	Vicinity map
Exhibit 4	Title Report
Exhibit 5	SEPA checklist
Exhibit 6	Comprehensive Plan Amendment Response Form
Exhibit 7	Site plan
Exhibit 8	Comprehensive Plan Industrial Designation Siting Criteria
Exhibit 9	Letter of completeness
Exhibit 10	Notice of Application
Exhibit 11	Affidavit of Publication
Exhibit 12	Request for review
Exhibit 13	Department of Commerce 60-day Review Acknowledgement
Exhibit 14	Review comments

Exhibit 15	SEPA determination
Exhibit 16	Notice SEPA determination
Exhibit 17	Average Building Coverage Industrial Uses
Exhibit 18	Notice of Public Hearing

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO AMENDMENTS TO THE MARYSVILLE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, THE CITY'S OFFICIAL ZONING MAP, ORDINANCE NO. 3000, AS PREVIOUSLY AMENDED, AND THE CITY'S UNIFIED DEVELOPMENT CODE (MMC TITLE 22); AND APPROVING THE 2022 CITY-INITIATED COMPREHENSIVE PLAN AMENDMENT REQUEST KNOWN AS THE QUIL CEDA TANNERY REZONE, WHICH AMENDS THE COMPREHENSIVE PLAN'S LAND USE MAP DESIGNATION FOR PROPERTY LOCATED SOUTH OF 88TH STREET NE, WEST OF STATE AVENUE, GENERALLY NORTH OF 84TH STREET NE, AND EAST OF QUIL CEDA CREEK, AND REZONES SAID PROPERTY FROM 88-MIXED USE (88-MU) TO LIGHT INDUSTRIAL (LI), PURSUANT TO THE CITY'S ANNUAL COMPREHENSIVE PLAN AMENDMENT AND UPDATE PROCESS AND CONCURRENTLY REPEALS THE 88TH STREET MASTER PLAN AND MARYSVILLE MUNICIPAL CODE (MMC) CHAPTER 22C.085 AND AMENDS MMC SECTION 22A.010.160.

WHEREAS, on September 15, 2015 the Marysville City Council adopted Ordinance No. 3000 adopting an updated Growth Management Comprehensive Plan ("Comprehensive Plan") for the City of Marysville; and

WHEREAS, the Growth Management Act allows jurisdictions to amend comprehensive plans once a year, except in those situations enumerated in RCW 36.70A.130(2)(a); and

WHEREAS, on January 27, 1997 the Marysville City Council adopted Resolution No. 1839, providing for procedures for annual amendment and update of the City's Comprehensive Plan; and

WHEREAS, on May 27, 2002 the Marysville City Council adopted Ordinance No. 2406, adding former Chapter 18.10 to the Marysville Municipal Code (MMC) "Procedures for Legislative Actions" which established procedures for processing and review of legislative actions relating to amendments or revision to the Comprehensive Plan and development regulations; and

WHEREAS, on February 14, 2011 the Marysville City Council passed Ordinance No. 2852, adopting the Unified Development Code, which re-codified former Chapter 18.10 to Chapter 22G.020; and

WHEREAS, on June 20, 2011 the Marysville City Council passed Ordinance No. 2865, which adopted the 88th Street Master Plan and MMC Chapter 22C.085, 88th Street Master Plan – Design Guidelines; and

WHEREAS, the 2022 Comprehensive Plan amendments includes a Citizen Initiated Amendment Request known as the Quil Ceda Tannery Rezone which proposes to revise the Comprehensive Plan's Land Use Map designation for property depicted in the attached **Exhibit A**, which is located south of 88th Street NE, west of State Avenue, generally north of 84th Street NE, and east of Quil Ceda Creek (hereafter referred to as the "Proposed Rezone Area"), and to rezone said property from 88 Mixed Use (88-MU) to Light Industrial (LI). The 88th

Street Master Plan, together with MMC Chapter 22C.085, 88th Street Master Plan – Design Requirements, would be concurrently repealed with the proposed rezone; and

WHEREAS, since the adoption of the 88th Street Master Plan on June 20, 2011 the owner of the largest parcel within the 88th Street Master Plan Area (Assessor’s Parcel Number 30052100203800) has been approached by several prospective developers interested in developing the property; however, the developers have been unable to craft a development proposal under the 88th Street Master Plan standards which is financially feasible due to the significant infrastructure costs and the site not being competitive for mixed use development; and

WHEREAS, the property owner desires to rezone from 88 Mixed Use (88-MU) to Light Industrial (LI) given the access constraints of the site and to allow for continuation and expansion of existing light industrial uses on site; and

WHEREAS, the City, in reviewing and amending its Comprehensive Plan and development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, on April 11, 2022 the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) which addressed the environmental impacts of the Citizen Initiated Amendment Request, Quil Ceda Tannery Rezone, a non-project action proposal; and

WHEREAS, on February 18, 2022 the City submitted the proposed 2022 Comprehensive Plan Land Use Map and Official Zoning map amendments, and concurrent repeal of the 88th Street Master Plan (Material ID No. 2022-S-3697) to the State of Washington Department of Commerce for 60-day review in accordance with RCW 36.70A.106; and

WHEREAS, the Marysville Planning Commission, after review of the proposed 2022 Comprehensive Plan Land Use Map and Official Zoning Map amendment and concurrent repeal of the 88th Street Master Plan, held public workshops on June 14, July 12, and September 13, 2022, and held a duly-advertised public hearing on September 27, 2022, and received testimony from staff and other interested parties; and

WHEREAS, the Planning Commission prepared and provided its written recommendation that the proposed amendments be approved by the Marysville City Council; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City’s Comprehensive Plan and development code (MMC Title 22); and

WHEREAS, on November 28, 2022 the Marysville City Council reviewed the Planning Commission’s recommendation related to the proposed 2022 Comprehensive Plan Land Use Map and Official Zoning Map amendments, and concurrent repeal of the 88th Street Master Plan;

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

Section 1. City Council Findings on Comprehensive Plan Amendment. With respect to the 2022 Citizen Initiated Amendment Request, Quil Ceda Tannery Rezone, the City Council finds as follows:

- (1) The 2022 Citizen Initiated Amendment Request, Quil Ceda Tannery Rezone, is consistent with the City's Comprehensive Plan and Unified Development Code;
- (2) The 2022 Citizen Initiated Amendment Request, Quil Ceda Tannery Rezone, is consistent with the State Growth Management Act and the State Environmental Policy Act;
- (3) There is a demonstrated need for additional zoning as the type proposed;
- (4) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties;
- (5) There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification; and
- (6) The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

Section 2. Amendment of Comprehensive Plan Maps. The City Council amends the Marysville Growth Management Comprehensive Plan and Ordinance No. 3000, as previously amended, by adopting the 2022 Citizen Initiated Amendment Request, Quil Ceda Tannery Rezone, which amends the land use designation for the properties depicted in the attached and incorporated **Exhibit A**, which is located south of 88th Street NE, west of State Avenue, generally north of 84th Street NE, and east of Quil Ceda Creek (hereafter referred to as the "Proposed Rezone Area"), and to rezone said property from 88-Mixed Use (88-MU) to Light Industrial (LI), and authorize staff to amend Figures 4-2 and 4-64 of the Land Use Element. This amendment shall be included with the Comprehensive Plan filed in the office of the City Clerk and shall be available for public inspection.

Section 3. Amendment of Official Zoning Map. The City Council hereby amends the City's Official Zoning Map, Ordinance No. 3000, as previously amended, and the City's Unified Development Code MMC Title 22, by adopting the 2022 Citizen Initiated Amendment Request, Quil Ceda Tannery Rezone, which rezones the Proposed Rezone Area from 88-Mixed Use (88-MU) to Light Industrial (LI). This amendment shall be attested by the signature of the Mayor and City Clerk, with the seal of the municipality affixed, shall be include with the Official Zoning Map on file in the office of the City Clerk, and shall be available for public inspection.

Section 4. Repeal of 88th Street Master Plan. The City Council repeals the existing 88th Street Master Plan that was adopted by Ordinance 2865.

Section 5. City Council Findings on Marysville Municipal Code Amendments. The amendments to MMC Title 22, consisting of repealing MMC Chapter 22C.085, 88th Street Master Plan, are consistent with the following required findings of MMC 22G.010.520:

- (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 a change; and

(4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

Section 6. Repeal of Marysville Municipal Code Chapter 22C.085. The City Council repeals MMC Chapter 22C.085, 88th Street Master Plan – Design Requirements, which was adopted by Ordinance 2865.

Section 7. Amendment Tracking. MMC Section 22A.010.160, entitled “Amendments,” is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

“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>
_____	Repeal of Chapter 22C.085, 88 th Street Master Plan	_____, 2022”

Section 8. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 9. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections

Section 10. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

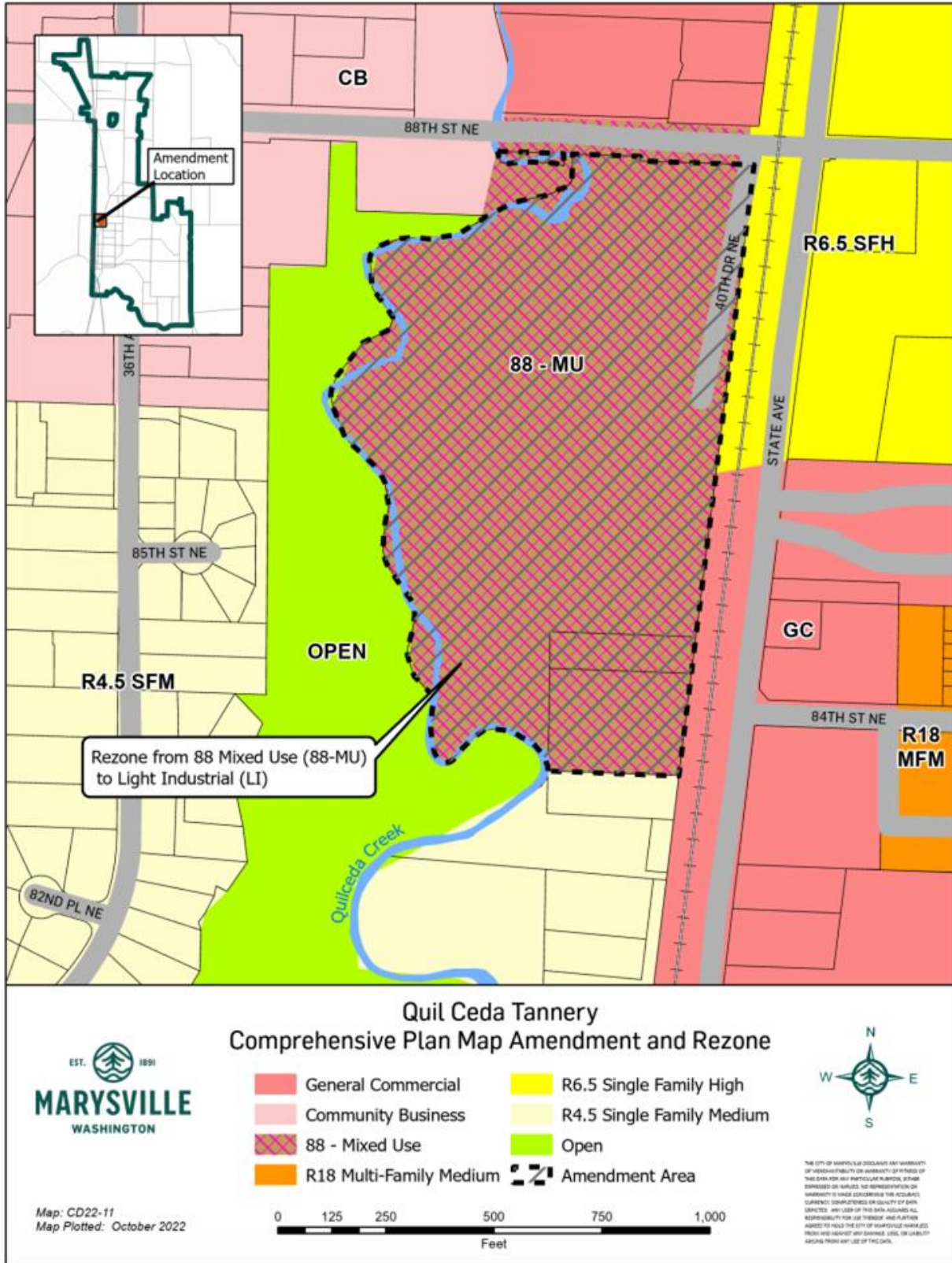
Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Exhibit A





PC Recommendation - Quil Ceda Tannery Rezone

The Planning Commission of the City of Marysville, having held a public hearing on September 27, 2022, in review of proposed NON-PROJECT action Quil Ceda Tannery Comprehensive Plan Map Amendment and Concurrent Rezone, and concurrent repeal of the 88th Street Master Plan, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The proposal was submitted to the State of Washington Department of Commerce (DOC) for 60-day review on February 22, 2022, in accordance with RCW 36.70A.106. The Community Development Department received a letter from the DOC acknowledging receipt of the NON-PROJECT action and process with Submittal ID 2022-S-3697. No comments were received from State agencies.
2. A State Environmental Policy Act (SEPA) Determination of Non-Significance on April 11, 2022. The appeal period expired April 25, 2022; no appeals were filed.
3. The Planning Commission held public work sessions in review of the proposed Comprehensive Plan Map Amendment and Concurrent Rezone, and concurrent repeal of the 88th Street Master Plan on June 14, 2022, July 12, 2022, and September 13, 2022.
4. The Planning Commission was provided public comments received throughout the review process and took into consideration testimony received from staff and the public at the duly advertised public hearing held on September 27, 2022.

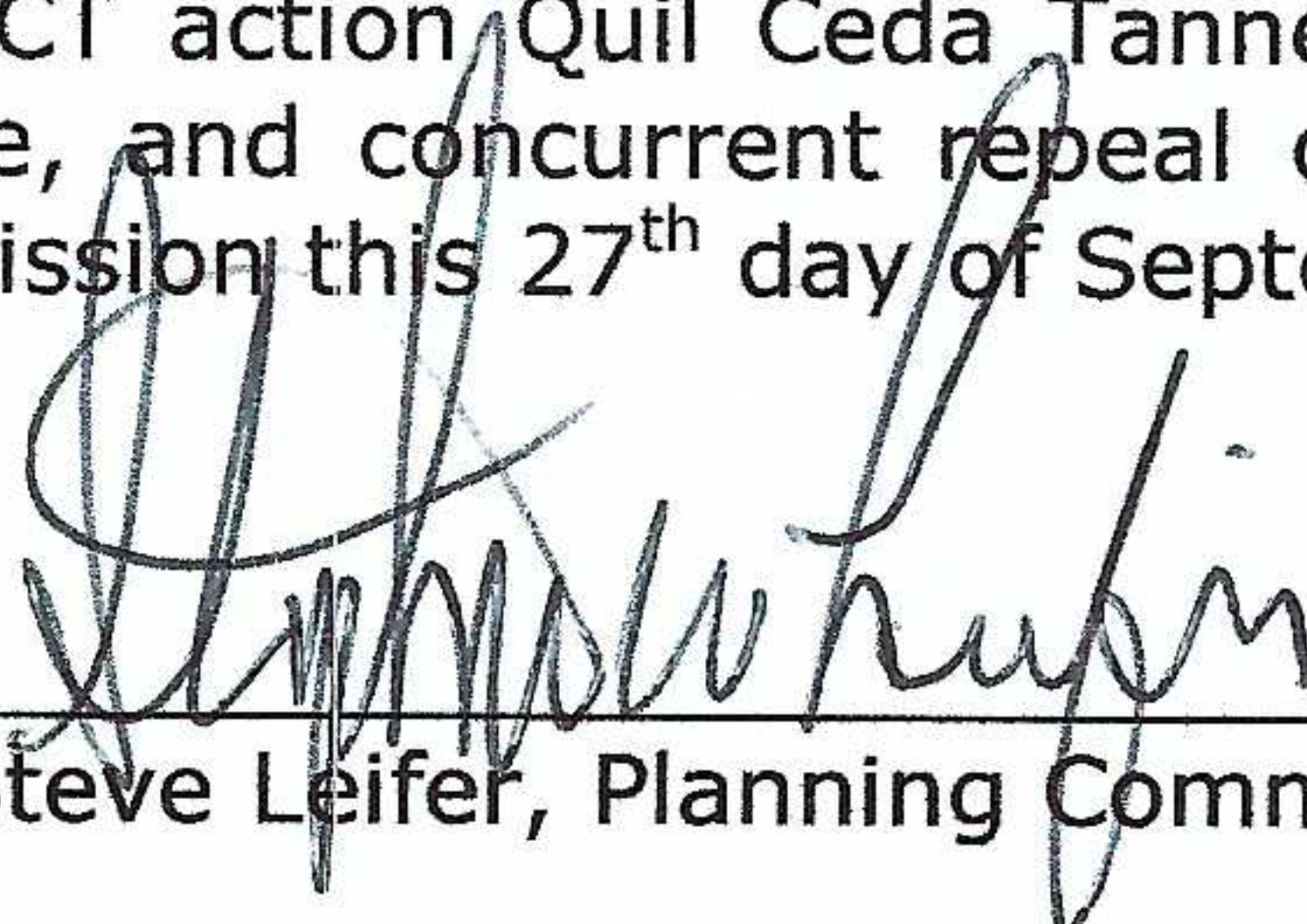
CONCLUSION:

At the public hearing, the Planning Commission recommended approval of the proposed NON-PROJECT action Quil Ceda Tannery Comprehensive Plan Map Amendment and Concurrent Rezone, and a concurrent repeal of the 88th Street Master Plan.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of APPROVAL of the proposed NON-PROJECT action Quil Ceda Tannery Comprehensive Plan Map Amendment and Concurrent Rezone, and concurrent repeal of the 88th Street Master Plan by the Marysville Planning Commission this 27th day of September 2022.

By:



Steve Leifer, Planning Commission Chair

Meeting Minutes

June 14, 2022

1. ROLL CALL / CALL TO ORDER

Chair Leifer called the meeting to order at 6:32 p.m. and noted the excused absence of Tom Thetford and the absence of Sunshine Kapus.

Present: Chair Steve Leifer, Commissioner Jerry Andes, Commissioner Roger Hoen, Commissioner Brandon Whitaker, Commissioner Kristen Michal

Staff: Senior Planner Angela Gemmer, Community Development Director Haylie Miller, Planning Manager Chris Holland

Absent: Commissioner Tom Thetford (excused), Commissioner Sunshine Kapus

2. APPROVAL OF MINUTES (April 26, 2022)

Motion to approve the minutes of the April 26, 2022 meeting moved by Commissioner Hoen seconded by Commissioner Andes.

AYES: ALL

3. AUDIENCE PARTICIPATION (for topics not on the agenda)

None

4. NEW BUSINESS

A. Code Amendment – Light Industrial Design Standards

Senior Planner Gemmer introduced this item. Chair Leifer referred to the previous recommendation that these standards be applied to properties north of 136th Street on State Avenue. He asked if staff is now recommending moving those further south. Senior Planner Gemmer explained that staff is proposing to extend them the entire length of State Avenue. They will also apply to other areas. She presented a slide show regarding the Industrial Design Standards. She reviewed areas proposed for the Industrial Design Standards including the Smokey Point Master Plan Area; the area

proposed for rezone from GC to LI with GC overlay; and frontages (first 150 feet) along State Avenue/Smokey Point Blvd., 152nd Street, and 136th Street.

The main industrial design provisions are to:

- require customer/employee parking in front and truck/service parking to rear
- storage/service areas to rear and screened
- shared accesses when feasible
- encourage amenities for employees
- require tripartite articulation
- screen mechanical equipment
- decorative paved pedestrian connections
- landscaping per existing code (some new standards)
- exterior lighting standards and CPTED (Crime Prevention through Environmental Design) standards.
- retain desired street trees from SPMP.
- façade modulation for walls at least 200 feet long. Currently required in SPMP for walls over 60 feet long.
- desired and prohibited building materials outlined.
- blank walls must be treated
- building entries must be provided/meet certain standards.

Senior Planner Gemmer displayed images of the Southwest Everett Industrial area as examples of desired outcomes.

Commissioner Andes asked about tree requirements on properties in addition to boulevard trees. Ms. Gemmer reviewed tree requirements for landscape buffers and interior and perimeter landscaping.

Chair Leifer asked about the requirement that blank walls be treated. Senior Planner Gemmer explained that this pertains to large stretches of wall with no windows or doors. The requirement is to add something like different building materials, a landscape buffer, a trellis, or a false wall to break up the wall and make it more interesting. Commissioner Andes commented on places he has seen people plant large trees too close to the building. Ms. Gemmer agreed that the developer needs to choose something compatible with the space. Chair Leifer asked if it could be a painting or mural. Ms. Gemmer replied that it could.

Chair Leifer asked about examples of employee amenities. Senior Planner Gemmer replied that the amenities could be things like a gazebo, picnic area, or benches to make the area more usable for people that work there. It would not be a requirement but would be encouraged.

Chair Leifer asked how the County views overlay zones for taxation purposes regarding the highest and best use? Senior Planner Gemmer was not sure but offered to find out.

Commissioner Whitaker referred to frontage improvements and asked if new businesses along 152nd Street would be required to do right-of-way improvements on top of the landscaping requirements. Ms. Gemmer explained that typically they would be required to do frontage improvements prior to occupancy of the building which may include curb, gutter, sidewalk, landscaping, and an overlay of the asphalt to the surveyed center line of the road. Sometimes there are also offsite improvements if conditions are deteriorated or inadequate.

Commissioner Whitaker asked if 152nd Street is anticipated to be widened in the future. Senior Planner Gemmer wasn't certain but offered to bring back a timeline of improvements. Planning Manager Holland explained that the City is looking at going out for grant funding for the corridor from 156th Street that ties into 152nd just west of 51st; north on 51st up to 160th; and west back to Smokey Point Blvd. He further discussed how this is expected to be accomplished.

B. Code Amendment – Residential Design Standards – Applicability

Ms. Gemmer explained that the purpose of the amendment is to direct office, institutional and similar non-residential development in residential zones to use the commercial design standards chapter as the standard is more appropriate for that type of development. A similar fix is happening in the commercial design standards to direct exclusively multi-family residential uses in the Mixed Use zone to use the residential design standards. Planning Manager Holland reviewed an example of how this would be more appropriate.

C. 2022 Comprehensive Plan Amendments – Introduction

- Amendment 1 – Quil Ceda Tannery Rezone

This is a proposed rezone from 88 Mixed Use (88-MU) to Light Industrial (LI). Senior Planner Gemmer reviewed background on this area and the justification for the proposed rezone. Planning Manager Holland provided further details.

Chair Leifer commented that the restricted access is the reason that mixed use development has not been feasible. He doesn't think changing the zoning to LI is going to fix that issue. Planning Manager Holland agreed that access is still an issue.

Commissioner Andes asked about access over the railroad at 84th. Planning Manager Holland replied that would take a large development for that to happen. There are no plans for that crossing at this time.

Commissioner Hoen noted this is almost an identical situation to 116th. There was a developer looking at permitting for high rise storage. Ms. Gemmer noted the code was amended a couple of years ago to allow storage uses on properties with access and similar constraints. There were some pre applications made for the 116th property, but

no formal applications. Planning Manager Holland noted that the property referred to was sold to Tulalip Tribes.

- **Amendment 2 – Smokey Point Area-wide Rezone**

Senior Planner Gemmer gave a brief overview of this and explained this would impact parcels north of 152nd Street, west of Hayho Creek, south of the Arlington-Marysville city boundary, and east of Smokey Point Blvd. The proposed rezone of approximately 140 acres from General Commercial (GC) to Light Industrial (LI) with a GC overlay would afford a broad range of uses.

Commissioner Whitworth asked if it is anticipated that a lot of property owners might sell in the near future for light industrial uses. Ms. Gemmer noted there is a huge amount of activity in the area. Over time they will redevelop. Planning Manager Holland reviewed the status of parcels in that area.

Chair Leifer asked how many vacant usable acres are left in the Cascade Industrial Center. Planning Manager Holland was not sure but noted that the last large piece is getting ready to resubmit. He indicated staff could bring back the numbers. He shared the Community Development page which has information about development activity, plans, and zoning in Marysville in addition to a lot of other information. He encouraged commissioners to send people there who have questions about development to take a look at that information.

Senior Planner Gemmer stated that staff would bring back a more robust analysis of the rezones in the near future.

5. CITY COUNCIL AGENDA ITEMS and MINUTES

Director Miller gave an update on the Community Business Zone item that was discussed at a workshop a few months ago where the Planning Commission had made the recommendation to leave the code as it is. The City Council discussed this and ultimately established interim regulations in the zone establishing a maximum density of 12 units per acre. A public hearing will be held on the interim regulations in July. The City Council requested that staff cover the commercial design regulations for that area.

Chair Leifer asked about the reason for Council's decision since there is such pressure to create more housing in the area. Director Miller reviewed some of the reasons and noted it was ultimately a policy decision. There was discussion among the Planning Commission and staff about this topic. Senior Planner Gemmer highlighted several multifamily developments in the works placing a lot of pressure on 172nd Street. The traffic is a huge concern. She pointed out that there was not any residential development allocated for the CB zone. Planning Manager Holland reviewed a map showing the significant development activity in that Lakewood area.

6. ADJOURNMENT

Motion to adjourn the meeting at 8:35 p.m. moved by Commissioner Whitaker seconded by Commissioner Andes.

AYES: ALL

NEXT MEETING – June 28, 2022

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Meeting Minutes
July 12, 2022

Call to Order / Roll Call

Chair Leifer called the meeting to order at 6:30 p.m.

Roll Call

Present:

Commission: Chair Steve Leifer, Commissioner Jerry Andes, Commissioner Roger Hoen, Commissioner Brandon Whitaker (via Zoom), Commissioner Tom Thetford (via Zoom), Commissioner Kristen Michal (via Zoom)

Staff: Community Development Director Haylie Miller, Senior Planner Angela Gemmer

Absent: Commissioner Sunshine Kapus

Approval of June 14 Minutes

Commissioner Andes referred to page 4, 2nd paragraph, and noted that Commissioner Whitworth should be corrected to Commissioner Whitaker.

Motion to approve the June 14 Minutes as amended moved by Commissioner Jerry Andes seconded by Commissioner Roger Hoen.

VOTE: Motion carried 5 - 0

AYES: Commissioner Kristen Michal (via Zoom), Chair Steve Leifer, Commissioner Jerry Andes, Commissioner Roger Hoen, Commissioner Brandon Whitaker (via Zoom)

ABSTAIN: Commissioner Tom Thetford (via Zoom)

Audience Participation

None

New Business

A. 2024 Comprehensive Plan Update Public Participation Plan

Senior Planner Gemmer reviewed the Public Participation Plan for the Comprehensive Plan update process.

Commissioner Whitaker asked if there will be mailers going out. Senior Planner Gemmer replied that generally there will not be mailers, because the update covers the entire city; however there may be some going out to limited to areas where there is a redesignation of property.

Commissioner Michal asked how long the outreach period will be. Senior Planner Gemmer replied it will go on throughout the update process.

There was consensus to approve the Public Participation Plan.

Old Business

A. 2022 Comprehensive Plan Amendments – Second workshop

- **Amendment 1 – Quil Ceda Tannery Rezone**

Senior Planner Gemmer made a briefing on the proposed amendments. She explained the proposal is to rezone the property (approximately 23 acres) from Mixed Use (MU) to Light Industrial (LI). This was a citizen-initiated rezone request. Through the Notice of Application process, Spencer Chynoweth (in attendance) requested that his property be included in the rezone request. There is another small property between the properties that will also be included. The property has restricted access due to proximity to the railroad tracks and also a very intense intersection of 88th Street and State Avenue.

Spencer Chynoweth, 8404 State Avenue, Marysville, WA 98270, replied to questions from commissioners regarding the location and size of his and his neighbor's property.

Commissioner Hoen asked if there is any chance of a road punching in from either the west or the south. Senior Planner Gemmer explained there are extensive critical areas to the west. She reviewed the background of discussion for a potential bypass along the north-south road to the west, but this was determined to be cost prohibitive. On 88th Street there is presently a circular driveway with access. As part of any redevelopment access would likely be limited to a westernmost access which is the furthest distance from the intersection of 88th Street and State Avenue. It could potentially be limited to right-in, right-out because of how constrained that intersection is and the proximity to the railroad. There are also two private railroad crossings over the railroad tracks in the area. At one time there was discussion about a frontage road along the west side of the railroad tracks and a new crossing over the tracks into this area, but it was determined to be cost prohibitive for a mixed use development. There is another potential access to the south, but this would require right-of-way acquisition or easements. Access will mainly be by 88th Street and potentially something via State Avenue crossing over the railroad tracks. There was discussion about potential access scenarios.

Mr. Chynoweth reviewed some background on this and noted that there was approval for an overcrossing, but it was going to be very complicated and expensive because of the elevation difference between the tracks and State Avenue.

Commissioner Hoen asked what benefit there would be to the rezone. Senior Planner Gemmer explained it allows existing uses to expand with less review process and is consistent with how the property is currently developed. Commissioner Hoen commented that the 88th and State intersection is not keeping up with traffic. Is there a long range plan that would improve this? Senior Planner Gemmer commented that there are some interchange improvements that are contemplated. There is also a plan to ultimately widen 88th Street east of State Avenue in the future.

Commissioner Andes asked about traffic expectations with the Light Industrial zoning. Ms. Gemmer replied that Light Industrial is much less intensive use.

Chair Leifer asked if there were any adverse comments related to this. Ms. Gemmer replied that there were not.

Commissioner Whitaker thought this makes logical sense. He couldn't think of any reason to leave it as it is.

Chair Leifer thought the only positive thing about leaving it as it is would be the setting and view.

Mr. Chynoweth commented on the safety issues associated with that area. He explained that BNSF did a lot of cleanup because of homeless encampments there. If it is developed it will be monitored and will be safer. He thinks using access that already exists is the best for now. In the future they may want to consider different zoning to encourage some development. He thinks a road parallel to the railroad tracks, right next to the tracks would improve access. Ms. Gemmer agreed that this could be something that could happen in the future.

There was discussion about historical and current uses of this area.

Motion to move the Quilceda Tannery rezone forward to a public hearing at the September 13 meeting moved by Commissioner Brandon Whitaker (via Zoom) seconded by Commissioner Kristen Michal (via Zoom).

AYES: ALL

- **Amendment 2 – Smokey Point Area-wide Rezone**

Senior Planner Gemmer reviewed the Smokey Point Area-wide Rezone which would rezone approximately 140 acres from General Commercial (GC) to Light Industrial (LI) with a GC overlay.

Chair Leifer asked about his previous question regarding the number of vacant usable acres left in the Cascade Industrial Center. Senior Planner Gemmer explained she didn't have numbers specifically for the CIC, but she had information on the Smokey Point Master Plan area. 462.8 acres of 682 acres (68%) of the land within the Smokey Point Master Plan area is either entitled or anticipated to be entitled in the near future. The Smokey Point Master Plan area is part of the Cascade Industrial Center, but the Cascade Industrial Center area expands further west all the way to I-5 and further south to 128th Street.

Chair Leifer asked about tax impacts of rezoning. Senior Planner Gemmer explained she had learned from Land Appraiser Rod Reed that the land value is established based on recent comparable sales in the vicinity with ideally the same zoning not based on the zoning itself.

Commissioner Whitaker asked about any responses to the SEPA checklist from the public. Senior Planner Gemmer replied she had two responses from development interests, and both were very supportive of it.

Motion to set the Smokey Point Area-wide Rezone for a public hearing on September 13 moved by Commissioner Jerry Andes seconded by Commissioner Roger Hoen.
AYES: ALL

Adjournment

Commissioner Hoen thanked staff for the very nice card sent to him.

Next Meeting - September 13, 2022

Motion to adjourn the meeting moved by Commissioner Brandon Whitaker (via Zoom) seconded by Commissioner Jerry Andes.
AYES: ALL

The meeting was adjourned at 7:38 p.m.

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

**September 13, 2022
Meeting Minutes**

CALL TO ORDER / ROLL CALL

Chair Leifer called the meeting to order at 7:00 p.m.

Planning Commission Members

Present: Commissioner Roger Hoen, Commissioner Jerry Andes, Chair Steve Leifer, Commissioner Brandon Whitaker, Commissioner Kristen Michal (remote)

Absent: Commissioner Tom Thetford, Commissioner Sunshine Kapus

Staff

Present: Senior Planner Angela Gemmer, Community Development Director Haylie Miller

APPROVAL OF MINUTES (July 12, 2022)

Motion to approve the July 12, 2022 minutes moved by Commissioner Hoen seconded by Commissioner Whitaker.

AYES: ALL

AUDIENCE PARTICIPATION

None.

NEW BUSINESS

- **2022-2027 School Districts' Capital Facilities Plans**

Senior Planner Gemmer introduced Robb Stanton and Denise Stiffarm who were present to review plans for the school districts. Ms. Gemmer explained that of the three districts, only Lake Stevens School District is proposing to collect school impact fees in the next two years. Marysville and Lakewood school districts do not have capacity-

related increases which are required to collect fees. She generally reviewed the proposed changes to the school impact fees.

Marysville School District

Denise Stiffarm with Pacifica Law Group reviewed the Capital Facilities Plan for Marysville School District. She explained how declining enrollment impacts this.

Chair Leifer asked about the discrepancy between teaching stations and buildings' square footage. Ms. Stiffarm explained this refers to regular classrooms and does not include any specialist programs the schools may have in place. This programming looks a little different at each school.

Chair Leifer referred to the levy discussion and stated his understanding has been that bonds are for building and levies are for learning. He asked why this was done as a levy since the intent was to build buildings. Ms. Stiffarm explained there are both capital levies and operational levies. They are a financing vehicle different from a bond.

Commissioner Whitaker referred to Appendix A and noted that each grade is looking at significant declines in enrollment. He asked what is fueling this decline. Ms. Stiffarm replied that the failure of recent levy and bond elections has demonstrated that there may not be the same programs in place that there may be in an adjacent district. The bigger factor has been that the growth in Marysville is in different school districts which is a function of school district boundaries.

Commissioner Michal noted that people see all the new growth in the City and assume it is impacting the Marysville School District. She recommended more public education surrounding this since it causes confusion for voters. She asked if Marysville has discretion over the formula used for impact fee calculation. Ms. Stiffarm replied that the formula is in the code and is nearly identical to the Snohomish County code. The state law has parameters for the legal requirements for the formula. There is some discretion with the discounts, but it comes down to a policy decision.

Commissioner Hoen said he saw that the Marysville School District doesn't have enough money to fund sports activities. How is that related to this funding? Ms. Stiffarm replied that it is not related because it is not a capital improvement. This has to do with the failure of the operational levy. Commissioner Hoen commented that there seems to be a disconnect between the public and the school district. Will this be addressed in the future? Ms. Stiffarm said she would pass this question along to the district.

Commissioner Hoen asked if students are allowed to transfer to other districts. Ms. Stiffarm replied that sometimes there is an opportunity to transfer, but it depends on policies and space availability.

Chair Leifer commented on public perception of what is going on in schools and how their money is being spent. He believes that the root of it is the disconnect between parents/grandparents and the leadership of the school district.

Lake Stevens School District

Mr. Stanton reviewed the Lake Stevens school impact fee proposal. The Lakewood School District's enrollment has increased by more than 5% and is expected to continue to grow, although at a slower pace. He reviewed how development in Marysville has impacted the Lake Stevens School District. He explained that the largest increase portion of the impact fee increase is related to construction costs. They project fees to go up a little less than 17% for single family homes, but a 2/3 decrease for multifamily fees. The reason for this is that the multifamily units have a low student generation rate.

Chair Leifer asked about the cost per square foot. Mr. Stanton explained that it is not included in the report because it is not used for fee calculation. It varies by school, by district, and with the market. It is very hard to compare to other schools and districts. Chair Leifer noted there are a lot more elementary students than high school students. What is the reason for this? Mr. Stanton explained that the cost of homes in Marysville and Lake Stevens is more affordable than those closer to city centers like Seattle and Bellevue. They are seeing a lot of families moving in with young children because of the affordability compared to other areas.

Commissioner Hoen asked how district boundaries are set. Mr. Stanton explained that growth over time changes boundaries. The way cities expand doesn't necessarily align with other districts. Commissioner Hoen expressed concern that it was creating a pockets of development that create inequities. Mr. Stanton agreed that this is a challenge.

Commissioner Whitaker referred to program improvement capacity expected in 2026-2027. Does this refer to new elementary schools? Mr. Stanton thought this was likely as more elementary schools are already needed. Commissioner Whitaker asked how much of the school district population is influenced by Naval Station Everett. Mr. Stanton replied that it does have an impact, especially at Mt. Pilchuck Elementary. That school has a Navy housing development within its boundaries, but they have a great partnership with the Navy to address those issues.

Commissioner Andes asked if the school districts are having any trouble getting qualified teachers to maintain appropriate class sizes. Mr. Stanton replied that Lake Stevens has high quality teachers and has been able to fill all their positions. Class sizes are very healthy. Ms. Stiffarm was not able to comment for Marysville School District or Lakewood School District.

Lakewood School District

Ms. Stiffarm explained that Lakewood is growing at all three grade levels but they still are showing enough capacity through 2027 because of previous capacity

improvements. They are not yet planning for future capacities, but are waiting and watching.

Commissioner Whitaker observed that Lakewood has had success in passing bonds and levies. Ms. Stiffarm concurred.

Commissioner Whitaker referred to Marysville's aging schools and asked if there is a point where facilities are taken out of service. Ms. Stiffarm stated there is a usable life span and school districts take maintenance measures to extend the usable life if they are unable to replace a school. Mr. Stanton agreed and noted this is a local decision on how they address their facilities. They routinely do a comparison of the cost of renovating a facility versus the cost of building new.

Motion to establish a public hearing for the 2022-2027 School Districts' Capital Facilities Plans in the near future moved by Commissioner Andes seconded by Commissioner Michal.

AYES: ALL

CITY COUNCIL AGENDA ITEMS and MINUTES

None

ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

Approved this _____ day of _____, 2022.

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

NEXT MEETING – September 27, 2022

**Meeting Minutes
September 27, 2022**

ROLL CALL

Present: Chair Steve Leifer, Commissioner Roger Hoen, Commissioner Jerry Andes, Commissioner Brandon Whitaker, Commissioner Kristen Michal

Absent: Tom Thetford (Excused), Sunshine Kapus (absent)

Staff: Community Development Director Haylie Miller, Principal Planner Angela Gemmer, Transportation Services Manager Jesse Birchman

APPROVAL OF MINUTES

Motion to approve the minutes of the September 13, 2022 meeting moved by Commissioner Jerry Andes seconded by Commissioner Brandon Whitaker.

AYES: ALL

AUDIENCE PARTICIPATION (for topics not on the agenda)

Chair Leifer solicited public comments on anything not on the agenda. There were none.

PUBLIC HEARINGS

1. Quil Ceda Tannery Comp. Plan Map Amendment and Rezone with repeal of the 88th Street Master Plan

Principal Planner Gemmer reviewed background on this rezone which is located at the southwest corner of the intersection of 88th Street and State Avenue. It is part of the 88th Street Master Plan which envisioned mixed use development here. Because it is not a viable area for mixed use, and access to the property is heavily constrained, the property owner is requesting to revert back to the prior Light Industrial (LI) zoning. Reverting back to LI zoning is expected to generate significantly less traffic which is optimal for this site since it is so constrained. A property owner to the south has requested to be included with the rezone proposal, and the proposal has been amended

to reflect that. Staff is recommending approval of this non-project action Comprehensive Plan Map Amendment and Concurrent Rezone from 88-MU to LI, and the concurrent repeal of the 88th Street Master Plan.

Commissioner Whitaker asked if the whole 88th Street Master Plan would be repealed. Ms. Gemmer confirmed that it would because mixed use development standards would not be applicable anymore. Commissioner Whitaker asked if they would be taking another look at this intersection for other potential improvements. Ms. Gemmer explained that they would be looking at access with project level action. There are improvements anticipated for the overall 88th Street corridor. There are also some changes to the interchange that are contemplated. Transportation Services Manager Jesse Birchman further explained that there are other efforts underway to improve traffic along that corridor. Commissioner Whitaker said he wanted to make sure that this action wouldn't undo all their efforts at improving the overall 88th Street corridor. Staff agreed.

Commissioner Hoen asked about the possibility of access over the railroad tracks from the east or from the south. Principal Planner Gemmer referred to discussion about access and circulation in the Staff Recommendation on page 4. She explained that there had been an anticipated overcrossing at 84th Street in the 88th Street Master Plan. This would have entailed a traffic signal and would have required changing the grade of State Avenue. The Master Plan also contemplated drive aisle frontage that would have paralleled the railroad tracks. An access to the south to 80th was also contemplated via two potential locations. This is intentionally being left open with the current Staff Recommendation because of the lower traffic generation expected from the industrial uses and because of challenges with the potential accesses. Ultimately it will be driven by a project level proposal and what the level of service is on the surrounding roads and intersections.

The public hearing was opened at 6:45 p.m. Public comments were solicited.

Merle Ash, Land Technologies, representing the landowner, reviewed some background on this property and the applicant's desire to develop an alternate use of apartments. The requirement for commercial use on the ground floor made the development infeasible due to the location; therefore, they desired to revert it to the previous light industrial use. He spoke in support of the request.

Seeing no further comments, the hearing was closed at 6:50 p.m.

Motion to approve forwarding to the City Council a recommendation of approval of the proposed non-project action Quil Ceda Tannery Comprehensive Plan Map Amendment and Rezone with repeal of the 88th Street Master Plan moved by Commissioner Brandon Whitaker seconded by Commissioner Jerry Andes.

AYES: ALL

Commissioner Hoen referred to the property up on 116th where it looks like they have completed the new hotel. He noted there is a road behind it that goes to the other hotel

and asked about the possibility of extending that road as a southern access to 116th. There was consensus to address this topic later.

2. 2022 – 2027 School Districts’ Capital Facilities Plans

- Marysville
- Lake Stevens
- Lakewood

School District representatives present: Robb Stanton, Lake Stevens School District; Paul Field, Lakewood School District; Denise Stiffarm, Pacifica Law Group on behalf of Marysville and Lakewood School Districts

Principal Planner Gemmer reviewed this item regarding the 2022-2027 School Districts’ Capital Facilities Plans and their related impact fees as reviewed at the previous meeting. Staff has reviewed each plan for consistency with state law and the calculation allowed by Marysville Municipal Code and finds them consistent. Each of the plans has been adopted by the respective board of directors for the school districts. There is a 50% reduction in the capital facilities impact fee that is required by Marysville’s code, and this has been applied to Lake Stevens School District’s impact fees which is the only district that will be collecting impact fees. Staff is recommending that the Planning Commission make a recommendation of approval of the Capital Facilities Plans by the Marysville City Council.

The public hearing was opened at 6:59 p.m. and public comments were solicited. There were none. The public hearing was closed at 6:59 p.m.

Commissioner Michal said she continues to hear a lot of confusion about the purpose of school impact fees. She recommended improved communication regarding where the growth is actually occurring. Principal Planner Gemmer agreed.

Motion to forward this to the City Council with a recommendation for approval of the 2022 – 2027 School Districts’ Capital Facilities Plans for Marysville, Lake Stevens, and Lakewood moved by Commissioner Brandon Whitaker seconded by Commissioner Kristen Michal.

AYES: ALL

3. Smokey Point Area-wide Comp. Plan Amendment and Rezone

Principal Planner Gemmer reviewed this staff-initiated Comprehensive Plan amendment and rezone. The rezone area is generally located north of 152nd Street NE, west of Hayho Creek, south of the Marysville-Arlington corporate boundary, and east of Smokey Point Boulevard. Staff is recommending approval of this non-project action Comprehensive Plan map amendment and concurrent rezone from General Commercial (GC) to Light Industrial (LI) with a GC overlay, and a concurrent amendment to the Marysville Municipal Code regarding permitted uses.

Commissioner Hoen asked for a comparison of LI and GC zones. Ms. Gemmer reviewed that apartments above street level commercial use would be allowed in the GC zone; this would not be allowed in LI zones. GC allows a bit wider range of commercial uses like retail and service-based uses. The LI zone allows a wider range of industrial uses like manufacturing, fabrication, and warehousing. In the GC zone the only industrial uses allowed would be miscellaneous light industrial uses and some food-related uses.

Chair Leifer asked how a GC overlay on an LI Zone would get interpreted. Ms. Gemmer explained it will be a bit of a transitional zone between a GC zone to the west and an LI zone on east side of Hayho Creek. This zone would be allowed to pursue uses allowed in both the GC and LI zones. The intent is to allow maximum flexibility with the uses that are allowed there.

The public hearing was opened at 7:19 p.m. and public testimony was solicited. There was none. The hearing was closed at 7:19 p.m.

Motion to forward a recommendation of approval by the City Council for the Smokey Point Area-wide Comprehensive Plan Amendment and Rezone moved by Commissioner Roger Hoen seconded by Commissioner Brandon Whitaker.

AYES: ALL

COMMISSIONER/STAFF COMMENTS

Chair Leifer thought that the quiet zone was going to be throughout the City and not just up to 88th. Director Miller said this was her understanding also. Principal Planner Gemmer noted that there are phases, so the first phase will just go up to 88th. Director Miller thought it would be done in chunks but said she would confirm it with the Public Works Director. Chair Leifer commented that it seemed inequitable for downtown to be enjoying the quiet and not the rest of the city.

Director Miller proposed a tour of the new civic campus on Tuesday, October 11 at 5 p.m. There was consensus that this time will work for most of the commissioners. Director Miller will check with staff and confirm.

ADJOURNMENT

Motion to adjourn the meeting at 7:31 p.m. moved by Commissioner Brandon Whitaker seconded by Commissioner Kristen Michal.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

NEXT MEETING – October 11, 2022



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Senior Planner Angela Gemmer, Community Development

ITEM TYPE: Ordinance

AGENDA SECTION: **New Business**

SUBJECT: **Ordinance** regarding Smokey Point Area-wide Rezone and associated permitted uses code amendments

SUGGESTED ACTION: Recommended Motion: I move to adopt Ordinance No. ____.

SUMMARY:

As part of the 2022 Comprehensive Plan Amendment docket, staff initiated a NON-PROJECT action Comprehensive Plan Map Amendment and Rezone of approximately 140 acres from General Commercial (GC) to Light Industrial (LI) with a GC overlay. The rezone area is generally located north of 152nd Street NE, west of Hayho Creek, south of the Marysville-Arlington corporate boundary, and east of Smokey Point Boulevard. The existing “Open” land use designation along the west side of Hayho Creek will be retained.

The proposed rezone area has been the subject of numerous development inquiries for light industrial uses. Given current market trends, the City has a surplus of commercial land while there is a high demand for light industrial land. In addition, the rezone area lacks frontage on Smokey Point Boulevard making it less conducive to commercial uses. Given these factors, staff believes that a Light Industrial zone with a General Commercial overlay is a better designation for this area in that it will allow for a full range of light industrial uses that respond to market demand while allowing commercial uses which may also seek to locate in this area.

An associated amendment to MMC Sections 22C.020.060, Permitted Uses, and 22C.020.070, Permitted uses – Development conditions, is concurrently proposed to indicate that properties zoned Light Industrial with a General Commercial Overlay may pursue uses allowed in both the Light Industrial and General Commercial zones.

The Planning Commission held a duly advertised public hearing for the Smokey Point Area-wide Rezone and associated code amendment on September 27, 2022, and adopted the attached Findings, Conclusions and Recommendation of approval.

ATTACHMENTS:

[Staff Rec. Smokey Point Area-wide Rezone](#)

[PC Recommendation and minutes - Smokey Point Area-wide Rezone](#)

[Ordinance - Smokey Point Area-wide Rezone](#)

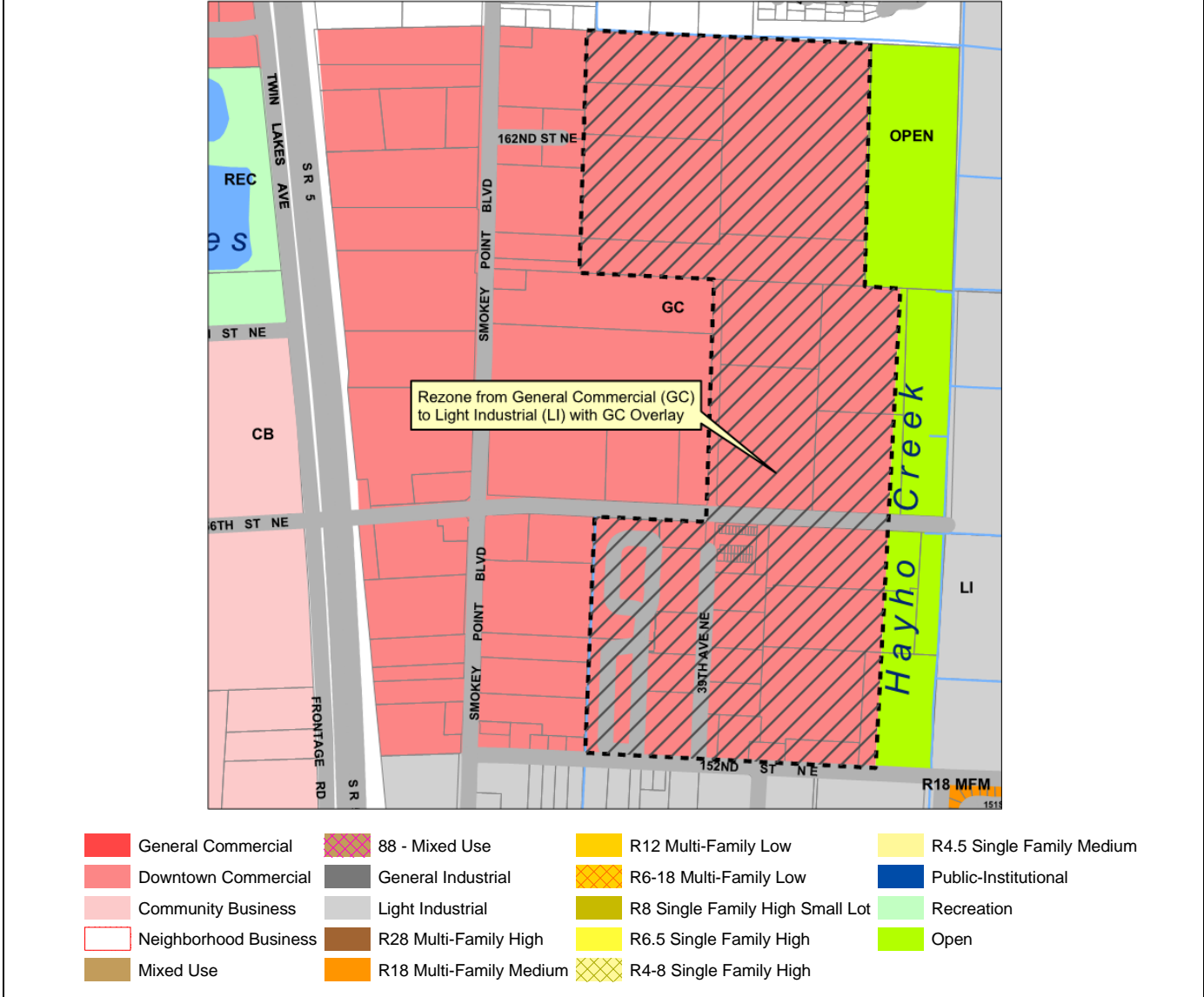
Staff Recommendation - Smokey Point Area-wide Rezone

Community Development Department ♦ 80 Columbia Avenue ♦ Marysville, WA 98270
Office Hours: Mon - Fri 7:30 AM - 4:00 PM ♦ Phone: (360) 363-8100

PROJECT INFORMATION										
Project Title	Smokey Point Area-Wide Comprehensive Plan Map Amendment and Rezone				Date of Report	September 19, 2022				
File Number	CPA22-002			Attachments	Rezone map (Exhibit 4); DNS (Exhibit 14)					
Administrative Recommendation	Recommend approval of the Comprehensive Plan Amendment and Rezone to City Council for formal adoption by Ordinance.									
BACKGROUND SUMMARY										
Applicant	City of Marysville – Community Development Department									
Request	NON-PROJECT action Comprehensive Plan Map Amendment and Concurrent Rezone of approximately 140 acres from General Commercial (GC) to Light Industrial (LI) with a GC Overlay.									
SEPA Status	A SEPA Determination of Non-Significance was issued on April 28, 2022. The appeal period expired May 12, 2022; no appeals were filed.									
Location	Generally located north of 152 nd Street NE, west of Hayho Creek, south of the Marysville-Arlington corporate boundary, and east of Smokey Point Boulevard.			APN	Various – see Exhibit 9					
Acreage (SF)	140 acres			Section	28 33	Township	31	Range	05	
Comprehensive Plan	GC	Zoning	GC	Shoreline Environment			N/A			
Present Use of Property	Variety of commercial and light industrial uses, and vacant and redevelopable land.									
REVIEWING AGENCIES										
Marysville	Local Agencies & Districts			State & Federal			County		Other	
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire District <input checked="" type="checkbox"/> Engineering Services <input checked="" type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Police <input checked="" type="checkbox"/> Public Works	<input checked="" type="checkbox"/> Arlington (city) <input checked="" type="checkbox"/> Arlington Airport <input checked="" type="checkbox"/> Community Transit <input type="checkbox"/> Frontier <input type="checkbox"/> Lake Stevens (city) <input checked="" type="checkbox"/> PUD No. 1 <input checked="" type="checkbox"/> Ziplly			<input checked="" type="checkbox"/> BNSF <input checked="" type="checkbox"/> DAHP <input checked="" type="checkbox"/> DOE <input type="checkbox"/> US Army Corp of Engineers <input checked="" type="checkbox"/> WDFW <input type="checkbox"/> WSDOT <input type="checkbox"/> WUTC			<input type="checkbox"/> Health District <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Public Works - Land Development <input type="checkbox"/> Public Works <input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> Puget Sound Clean Air <input type="checkbox"/> Puget Sound Energy <input checked="" type="checkbox"/> Stillaguamish Tribe <input checked="" type="checkbox"/> Tulalip Tribes	
ACTION										
<input type="checkbox"/> Administrative <input type="checkbox"/> City Council <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Planning Commission										
Date of Action	September 27, 2022			<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Continued						
STAFF CONTACT										
Name Angela Gemmer Title Principal Planner Phone 360.363.8240 E-mail agemmer@marysvillewa.gov										

SURROUNDING USES			
	Comprehensive Plan	Zoning	Land Use
Site	General Commercial	GC	Variety of commercial and light industrial uses, and vacant and redevelopable land.
North	N/A – City of Arlington	N/A	Commercial uses, self-storage, and single family
East	Open	Open	Hayho Creek and associated buffer
South	Light Industrial	LI	Various light industrial uses and single family
West	General Commercial	GC	Various commercial uses including Roy Robinson RV, Smokey Point Behavioral Health Hospital, and Marysville Self-Storage.

Vicinity Map



1.0 FINDINGS AND CONCLUSIONS

- 1. **Description of Proposal:** The proposal is for a NON-PROJECT action rezone of approximately 140 acres from General Commercial (GC) to Light Industrial (LI) with a General Commercial Overlay. The Community Development Department is proposing this rezone due to the high volume of development inquiries for light industrial uses for properties within the proposed rezone area, and the increased demand for light industrial uses compared to commercial uses. A GC Overlay is proposed to also allow for commercial uses in the proposed rezone area given that the rezone area will serve as a transition area from the GC zoned land to the west and the LI zoned land to the east, and to allow flexibility for the market to determine the uses.

If the proposed rezone request is approved by Marysville City Council, all future project action development proposals will be subject to all applicable Marysville Municipal Code (MMC) and project level State Environmental Policy Act (SEPA) review at the time of application.

- 2. **Location:** The rezone area is generally located north of 152nd Street NE, west of Hayho Creek (approximately 300 to 515 feet west of Hayho Creek, south of the Marysville-Arlington city boundary, and east of Smokey Point Boulevard (approximately 475 to 600 feet east of Smokey Point Boulevard). The existing Open designation along Hayho Creek will be retained.
- 3. **Site Description:** The rezone area is generally flat with an estimated five feet of relief across the area. Vegetation in the rezone area is limited to ornamental landscaping on developed sites, native trees and shrubs or pasture on undeveloped sites, and native trees and shrubs along the western buffer of Hayho Creek which is located approximately 300 to 515 feet to the east of the rezone area.

The rezone area is currently developed with a variety of light industrial and commercial uses that include, but are not limited to, manufacturing, warehousing and distribution, and logistics companies. Projects that are proposed or under construction in the rezone area include, but are not limited to, automotive dealership and a logistics company. There are also several undeveloped or redevelopable parcels in the rezone area, such as a rubber recycler and mobile home park.

- 4. **Project History:** The land use application for the staff-initiated Comprehensive Plan Amendment and Rezone was submitted on February 25, 2022 and deemed complete on March 4, 2022. Notice of application was provided in accordance with MMC Section 22G.010.090.
- 5. **Public Comments:** Two business/development interests inquired about the proposed rezone. The first had questions regarding how the rezone would impact current and future uses of the property. Staff conveyed that the rezone to LI with a GC overlay is intended to allow properties to develop with LI or with GC uses, so would provide for greater flexibility. It was also conveyed that industrial design standards would likely also be pursued in conjunction to ensure that the area has durable, architecturally appealing buildings (see Exhibit 16). The second business interest, Richard Peterson of Lee & Associates, provided a letter expressing his support for the proposed rezone which he believes will be a better fit for the property than the current GC zone (see Exhibit 17).
- 6. **Critical Areas:** A critical areas analysis has not been completed for the overall rezone area. Hayho Creek, a Type F stream, is located approximately 300 to 515 feet to the east of the rezone area. Pursuant to MMC Section 22E.010.210(1)(b), Type F streams are "those stream segments within the ordinary high water mark that are not Type S

streams, and which are demonstrated or provisionally presumed to be used by salmonid fish.” Type F streams require a 150 foot natural vegetated buffer, measured from the edge of the OHWM (Ordinary High Water Mark). The buffer for Hayho Creek is largely intact on the western side of the stream. A land use designation of ‘Open’, and Native Growth Protection Area Easements, ensure the permanent protection of the stream buffer.

Site specific critical areas reviews will be required, as necessary with future project actions to ensure that all critical areas are evaluated and protected or mitigated for in accordance with MMC Chapter 22E.010, Critical Areas Management. The NON-PROJECT action rezone will have no impacts to critical areas and associated buffers.

7. **Access and Circulation:** Access to the NON-PROJECT action rezone area is primarily provided via Smokey Point Boulevard, 152nd Street NE, and 156th Street NE. A robust network of streets, serving the rezone area and the adjacent Smokey Point Master Plan Area, have been planned for in both the City’s 2015 Comprehensive Plan Transportation Element and the Smokey Point Master Plan as shown in Exhibit 7.
8. **Trip Generation:** The Light Industrial and General Commercial land use designations both allow for a wide range of potential uses. The proposed rezone from General Commercial to Light Industrial with a General Commercial Overlay will likely mean that certain uses that locate in the rezone area will generate less traffic since industrial uses typically generate less traffic than commercial ones.

Using the Industrial Park classification in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual* 11th Edition, 3.37 average daily trips (ADT) are anticipated to be generated per 1,000 square feet of gross floor area each day, and 0.34 PM peak hour (PMPHT) trips per 1,000 square feet of gross floor area are anticipated to be generated during one hour between 4 and 6 pm. In contrast, using the Automotive Dealership classification in the ITE, 27.84 ADT and 2.42 PMPHT are generated per 1,000 square feet of gross floor area, and using the Strip Retail classification in the ITE, 54.45 ADT and 6.59 PMPHT are generated per 1,000 square feet of gross floor area.

While the market will ultimately determine the uses that are developed in the proposed rezone area, rezoning the property from General Commercial (GC) to Light Industrial (LI) is anticipated to result in some properties being developed with light industrial uses that generate fewer average daily trips (ADT) and PM peak hour trips (PMPHT) as illustrated in the theoretical development shown below.

Land Use	Square Feet	Average Daily Trips	PM Peak Hour Trips
Strip Retail	10,000	544.5	65.9
Automotive Dealership	10,000	278.4	24.2
Industrial Park	10,000	33.7	3.4

Future project actions shall be required to submit a Traffic Impact Analysis (TIA) to assess impact of a redevelopment on the roadway network. The TIA will be required to include trip generation and distribution, identification of impacts, and mitigation measures. Traffic impact fees will be required from the City and, depending on trip generation and distribution, may be required from the County and State for any development of the site.

9. **Utilities:** Utilities are available to the rezone area as follows:

Storm Drainage – Development and redevelopment within the rezone area will require addressing the stormwater impacts and ensuring that all development is in compliance with the adopted State and City regulations. Currently the City implements the 2019 Department of Ecology (DOE) Stormwater Management Manual for Western Washington. Certain properties in the vicinity are served by the City’s Regional Pond 2; however, as of July 18, 2022, all of the regional pond capacity has been allocated.

Water – The following are some of the water mains serving the rezone area:

152nd Street NE. There is a 10-inch ductile iron (DI) water main in 152nd Street NE that transitions to a 12-inch DI water main east of 40th Avenue NE.

Smokey Point Boulevard. There is a 16-inch ductile iron (DI) transmission main on the west side of Smokey Point Boulevard. There is also a 12-inch cast iron (CI) water main in that transitions to an 8-inch water main north of 15700 block of Smokey Point Boulevard; the 8-inch water main is constructed with both cast iron (CI) and ductile (DI).

156th Street NE. There is a 12-inch ductile iron (DI) water main in 156th Street NE.

Sewer – The following are the some of the sewer mains serving the rezone area:

152nd Street NE. There is a 10-inch concrete sewer main in 152nd Street NE.

Smokey Point Boulevard. There is a 12-inch sewer main in Smokey Point Boulevard that is constructed with both concrete and PVC.

156th Street NE. There is a 10-inch PVC sewer main that transitions to a 12-inch sewer main east of 3600 156th Street NE. Utility improvements will be evaluated, and required improvements made, with future project actions.

10. **Department and Agency Comments:** A Request for Review for the proposal was sent to the following Local, County, State & Federal Agencies and Districts (see Exhibits 11 and 13):
- a. Marysville Building Division: John Dorcas, Building Official (retired), in a memo dated March 17, 2022 provides information on general building and site development requirements that will apply to future development proposals.
 - b. Marysville Fire District: David VanBeek, Assistant Fire Marshall (retired), in an email dated March 21, 2022 indicated that he had, “No fire concerns or comments.”
 - c. Marysville Public Works: Jesse Hannahs, P.E., Traffic Engineer Manager, in an email dated March 28, 2022 indicated that he had no comments, “...as generally commercial development has greater Trip Generation than the proposed change to Light Industrial”, and that projects “will need to go through a review including a Traffic Impact Analysis (TIA).”
 - d. Marysville Surface Water: Brooke Ensor, NPDES Coordinator, in an email dated March 17, 2022 indicated that she had no comments on behalf of the Surface Water Division.
 - e. Arlington Municipal Airport: No comments received.
 - f. City of Arlington: No comments received.
 - g. Department of Ecology: No comments received.
 - h. Snohomish County Planning: No comments received.
 - i. Snohomish County PUD No. 1: No comments received.
 - j. Stillaquamish Tribes: No comments received.
 - k. Tulalip Tribes: No comments received.
 - l. United State Army Corps of Engineers: No comments received.

m. Washington State Department of Fish & Wildlife: No comments received.

11. **State Environmental Policy Act Review**: After evaluation of the environmental checklist submitted with the application, and other supporting documentation and application materials, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on April 28, 2022 (Exhibit 14). The appeal period for the MDNS expired on May 12, 2022; no appeals were filed.

12. **City of Marysville Comprehensive Plan**: The proposed rezone area is located within the Smokey Point Neighborhood – Planning Area 10. The current Comprehensive Plan land use designation for the proposed rezone area is General Commercial, and is proposed to be re-designated as Light Industrial with a General Commercial overlay.

The proposed re-designation and rezone of the property to Light Industrial complies with the industrial locational criteria and siting standards set forth in the 2015 Comprehensive Plan, Land Use Element, Section III Industrial, subsection a. General Industrial, Light Industrial Zones, and Manufacturing/Industrial Center (MIC) Overlay i. Criteria and Standards (see Exhibit 18). Specifically, the proposed rezone area is:

- In close proximity to Interstate 5 and major arterial streets including Smokey Point Boulevard, 156th Street and the 156th Street Overcrossing, 152nd Street NE and 51st Avenue NE.
- Comprised of flat land in large parcels.
- In proximity to accessory land uses such as gas stations, a post office, restaurants, and other support activities.
- Separated from incompatible land uses, such as residential zones, given the surrounding commercial and industrial zoning.

13. **Title 22 Unified Development Code**: Pursuant to MMC Section 22G.010.440, Rezone criteria, (1) a zone reclassification shall be granted only if the applicant demonstrates that the proposal is consistent with the comprehensive plan and applicable functional plans and complies with the following criteria:

(a) There is a demonstrated need for additional zoning as the type proposed;

The Community Development Department has received numerous inquiries from developers interested in developing the subject properties for light industrial uses. On February 12, 2018, Ordinance 3086 was adopted which allowed for miscellaneous light manufacturing uses to be pursued in the General Commercial zone and allowed for truck/service loading areas provided they do not face the street and are screened from public view. This zoning amendment has allowed for desirable light industrial uses such as the MI-5 Business Park to be developed on General Commercial zoned properties; however, other desirable light industrial uses have been more challenging to fit in this area. In addition, as of July 2022 it is estimated that approximately 463 of the 682 acres (67.9 percent) of the Smokey Point Master Plan either has land use entitlements or was anticipated to be entitled in the near future. Given the continued inquiries to locate light industrial uses in this area, there appears to be a need for more light industrial land.

In addition to these local changes, there has been a significant shift in commerce from requiring a physical location to e-commerce. Given this, staff believes that there may be an oversupply of commercial in this area and, given the feedback

from the development community and development activity in the vicinity, an undersupply of light industrial land.

- (b) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties;

The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties. Surrounding properties to the west are General Commercial while properties to the east and south are Light Industrial. The proposal to have the property zoned Light Industrial with a General Commercial Overlay will allow for uses from both zoning designations as determined by the market. Potential uses and site development are anticipated to complement existing and proposed uses in the area.

- (c) There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification;

There have been significant changes in the circumstances of the property to be rezoned and surrounding properties to warrant a change in classification that include: substantial development in the Smokey Point Master Plan Area, construction or planned construction of key infrastructure in the Smokey Point Neighborhood Planning Area, adoption of and recognition by Puget Sound Regional Council of the Cascade Industrial Center, and a significant shift in commerce from requiring a physical location to e-commerce.

In 2005, when the area was designated General Commercial, there was minimal if any development activity occurring in the adjacent Smokey Point Master Plan Area. By July 2022, approximately 463 of the 682 acres (67.9 percent) of the Smokey Point Master Plan either had land use entitlements or was anticipated to be entitled in the near future.

New infrastructure, such as the 156th Street Overpass and 156th Street have also been constructed in the Smokey Point Planning Area. The 156th Street Interchange has been fully funded under the Connecting Washington Program, approved by the Washington State legislature during the summer of 2016. Preliminary work on the interchange is anticipated to begin in 2025 with construction completed by the end of 2031.

The City of Marysville pursued a regional centers designation in conjunction with the City of Arlington for the Cascade Industrial Center, of which the rezone area is part. The CIC was granted a regional centers designation by the Puget Sound Regional Council on June 27, 2019.

- (d) The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

The property is practically and physically suited for the uses allowed in the proposed zone classification. As described in Section 12 above, the land is comprised of flat land in large parcels which is ideal for industrial development. The rezone area is in close proximity to Interstate 5 and major arterial streets including Smokey Point Boulevard, 156th Street and the 156th Street Overcrossing, 152nd Street NE and 51st Avenue NE. The rezone area is also separated from incompatible land uses, such as residential zones, given the surrounding commercial and industrial zoning.

After evaluation of the responses to the rezone criteria, application materials, and other supporting documentation on file with the City, staff concludes that the proposed rezone

complies with the rezone criteria and pertinent development standards outlined in Title 22 MMC, *Unified Development Code*.

2.0 CONCLUSIONS

1. The City of Marysville Community Development Department, proponent, is proposing a NON-PROJECT action rezone of approximately 140 acres from General Commercial (GC) to Light Industrial (LI) with a General Commercial Overlay.
2. The proposed rezone area is located within a portion of the Smokey Point Neighborhood – Planning Area 10, and is generally located north of 152nd Street NE, west of Hayho Creek (approximately 300 to 515 feet west of Hayho Creek, south of the Marysville-Arlington city boundary, and east of Smokey Point Boulevard (approximately 475 to 600 feet east of Smokey Point Boulevard). The existing Open designation along Hayho Creek will be retained.
3. Hayho Creek, a Type F stream, is located approximately 300 to 515 feet to the east of the rezone area. A Category I wetland is located east of the northeast corner of the rezone area. The NON-PROJECT action rezone will have no impacts to critical areas and associated buffers.
4. Access to the NON-PROJECT action rezone area is primarily provided via Smokey Point Boulevard, 152nd Street NE, and 156th Street NE. A robust network of streets, serving the rezone area and the adjacent Smokey Point Master Plan Area, have been planned for in both the City’s 2015 Comprehensive Plan Transportation Element and the Smokey Point Master Plan Area.
5. The proposed NON-PROJECT action rezone is consistent with the pertinent development goals and policies outlined in the Marysville Comprehensive Plan including the industrial locational criteria and siting standards.
6. The proposed NON-PROJECT action rezone complies with the rezone criteria and pertinent development standards outlined in Title 22 MMC, *Unified Development Code*.
7. As of the date of this report, two business/development interests provided written questions or comments on the proposed rezone. One expressed no concerns, and the other expressed support for the proposed NON-PROJECT action rezone.
8. The proposed NON-PROJECT action rezone will make appropriate provisions for the public use and interest, health, safety and general welfare.
9. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on April 28, 2022 (Exhibit 14); no appeals were filed.
10. A duly advertised public hearing has been scheduled before the Planning Commission on Tuesday, September 27, 2022 at 6:30 pm in City Hall Council Chambers to consider the NON-PROJECT action rezone request.

3.0 STAFF RECOMMENDATION

Based on the foregoing findings and conclusions, the Community Development Department recommends APPROVAL of the NON-PROJECT action Comprehensive Plan Map Amendment and Concurrent Rezone from GC to LI with a GC Overlay.

4.0 EXHIBITS

The following exhibits can be accessed electronically via the link provided in the exhibit header below. The most relevant exhibits related to the proposed rezone are **highlighted** below.

Smokey Point Area-wide Rezone

Exhibit 1	Land use application
Exhibit 2	Vicinity map
Exhibit 3	Aerial
Exhibit 4	Map of rezone area
Exhibit 5	Planning Commission introduction
Exhibit 6	Planning Commission minutes on introduction
Exhibit 7	Planned connectors
Exhibit 8	SEPA checklist
Exhibit 9	Notice of Application
Exhibit 10	Affidavit of publication
Exhibit 11	Request for review
Exhibit 12	Department of Commerce 60-day review submittal
Exhibit 13	Review comments
Exhibit 14	SEPA determination
Exhibit 15	Notice SEPA determination
Exhibit 16	Mowat Partners email inquiry
Exhibit 17	Peterson letter of support
Exhibit 18	Comprehensive Plan Industrial designation criteria
Exhibit 19	Notice of Public Hearing

PC Recommendation - Smokey Point Area-wide Rezone

The Planning Commission of the City of Marysville, having held a public hearing on September 27, 2022, in review of proposed NON-PROJECT action Smokey Point Area-wide Comprehensive Plan Map Amendment and Concurrent Rezone, and an amendment to Marysville Municipal Code Sections 22C.020.060, Permitted uses, and 22C.020.070, Permitted uses – Development Conditions, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The proposal was submitted to the State of Washington Department of Commerce (DOC) for 60-day review on March 4, 2022, in accordance with RCW 36.70A.106. The Community Development Department received a letter from the DOC acknowledging receipt of the NON-PROJECT action and process with Submittal ID 2022-S-3733. No comments were received from State agencies.
2. A State Environmental Policy Act (SEPA) Determination of Non-Significance on April 28, 2022. The appeal period expired May 12, 2022; no appeals were filed.
3. The Planning Commission held public work sessions in review of the proposed Comprehensive Plan Map Amendment and Concurrent Rezone, and code amendment, on June 14, 2022, July 12, 2022, and September 13, 2022.
4. The Planning Commission was provided public comments received throughout the review process and took into consideration testimony received from staff and the public at the duly advertised public hearing held on September 27, 2022.

CONCLUSION:

At the public hearing, the Planning Commission recommended approval of the proposed NON-PROJECT action Smokey Point Area-wide Comprehensive Plan Map Amendment and Concurrent Rezone, and an amendment to Marysville Municipal Code Sections 22C.020.060, Permitted uses, and 22C.020.070, Permitted uses- Development Conditions.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of APPROVAL of the proposed NON-PROJECT action Smokey Point Area-wide Comprehensive Plan Map Amendment and Concurrent Rezone, and an amendment to Marysville Municipal Code Sections 22C.020.060, Permitted uses, and 22C.020.070, Permitted uses- Development Conditions by the Marysville Planning Commission this 27th day of September 2022.

By: 

Steve Leifer, Planning Commission Chair

Meeting Minutes

June 14, 2022

1. ROLL CALL / CALL TO ORDER

Chair Leifer called the meeting to order at 6:32 p.m. and noted the excused absence of Tom Thetford and the absence of Sunshine Kapus.

Present: Chair Steve Leifer, Commissioner Jerry Andes, Commissioner Roger Hoen, Commissioner Brandon Whitaker, Commissioner Kristen Michal

Staff: Senior Planner Angela Gemmer, Community Development Director Haylie Miller, Planning Manager Chris Holland

Absent: Commissioner Tom Thetford (excused), Commissioner Sunshine Kapus

2. APPROVAL OF MINUTES (April 26, 2022)

Motion to approve the minutes of the April 26, 2022 meeting moved by Commissioner Hoen seconded by Commissioner Andes.

AYES: ALL

3. AUDIENCE PARTICIPATION (for topics not on the agenda)

None

4. NEW BUSINESS

A. Code Amendment – Light Industrial Design Standards

Senior Planner Gemmer introduced this item. Chair Leifer referred to the previous recommendation that these standards be applied to properties north of 136th Street on State Avenue. He asked if staff is now recommending moving those further south. Senior Planner Gemmer explained that staff is proposing to extend them the entire length of State Avenue. They will also apply to other areas. She presented a slide show regarding the Industrial Design Standards. She reviewed areas proposed for the Industrial Design Standards including the Smokey Point Master Plan Area; the area

proposed for rezone from GC to LI with GC overlay; and frontages (first 150 feet) along State Avenue/Smokey Point Blvd., 152nd Street, and 136th Street.

The main industrial design provisions are to:

- require customer/employee parking in front and truck/service parking to rear
- storage/service areas to rear and screened
- shared accesses when feasible
- encourage amenities for employees
- require tripartite articulation
- screen mechanical equipment
- decorative paved pedestrian connections
- landscaping per existing code (some new standards)
- exterior lighting standards and CPTED (Crime Prevention through Environmental Design) standards.
- retain desired street trees from SPMP.
- façade modulation for walls at least 200 feet long. Currently required in SPMP for walls over 60 feet long.
- desired and prohibited building materials outlined.
- blank walls must be treated
- building entries must be provided/meet certain standards.

Senior Planner Gemmer displayed images of the Southwest Everett Industrial area as examples of desired outcomes.

Commissioner Andes asked about tree requirements on properties in addition to boulevard trees. Ms. Gemmer reviewed tree requirements for landscape buffers and interior and perimeter landscaping.

Chair Leifer asked about the requirement that blank walls be treated. Senior Planner Gemmer explained that this pertains to large stretches of wall with no windows or doors. The requirement is to add something like different building materials, a landscape buffer, a trellis, or a false wall to break up the wall and make it more interesting. Commissioner Andes commented on places he has seen people plant large trees too close to the building. Ms. Gemmer agreed that the developer needs to choose something compatible with the space. Chair Leifer asked if it could be a painting or mural. Ms. Gemmer replied that it could.

Chair Leifer asked about examples of employee amenities. Senior Planner Gemmer replied that the amenities could be things like a gazebo, picnic area, or benches to make the area more usable for people that work there. It would not be a requirement but would be encouraged.

Chair Leifer asked how the County views overlay zones for taxation purposes regarding the highest and best use? Senior Planner Gemmer was not sure but offered to find out.

Commissioner Whitaker referred to frontage improvements and asked if new businesses along 152nd Street would be required to do right-of-way improvements on top of the landscaping requirements. Ms. Gemmer explained that typically they would be required to do frontage improvements prior to occupancy of the building which may include curb, gutter, sidewalk, landscaping, and an overlay of the asphalt to the surveyed center line of the road. Sometimes there are also offsite improvements if conditions are deteriorated or inadequate.

Commissioner Whitaker asked if 152nd Street is anticipated to be widened in the future. Senior Planner Gemmer wasn't certain but offered to bring back a timeline of improvements. Planning Manager Holland explained that the City is looking at going out for grant funding for the corridor from 156th Street that ties into 152nd just west of 51st; north on 51st up to 160th; and west back to Smokey Point Blvd. He further discussed how this is expected to be accomplished.

B. Code Amendment – Residential Design Standards – Applicability

Ms. Gemmer explained that the purpose of the amendment is to direct office, institutional and similar non-residential development in residential zones to use the commercial design standards chapter as the standard is more appropriate for that type of development. A similar fix is happening in the commercial design standards to direct exclusively multi-family residential uses in the Mixed Use zone to use the residential design standards. Planning Manager Holland reviewed an example of how this would be more appropriate.

C. 2022 Comprehensive Plan Amendments – Introduction

- Amendment 1 – Quil Ceda Tannery Rezone

This is a proposed rezone from 88 Mixed Use (88-MU) to Light Industrial (LI). Senior Planner Gemmer reviewed background on this area and the justification for the proposed rezone. Planning Manager Holland provided further details.

Chair Leifer commented that the restricted access is the reason that mixed use development has not been feasible. He doesn't think changing the zoning to LI is going to fix that issue. Planning Manager Holland agreed that access is still an issue.

Commissioner Andes asked about access over the railroad at 84th. Planning Manager Holland replied that would take a large development for that to happen. There are no plans for that crossing at this time.

Commissioner Hoen noted this is almost an identical situation to 116th. There was a developer looking at permitting for high rise storage. Ms. Gemmer noted the code was amended a couple of years ago to allow storage uses on properties with access and similar constraints. There were some pre applications made for the 116th property, but

no formal applications. Planning Manager Holland noted that the property referred to was sold to Tulalip Tribes.

- **Amendment 2 – Smokey Point Area-wide Rezone**

Senior Planner Gemmer gave a brief overview of this and explained this would impact parcels north of 152nd Street, west of Hayho Creek, south of the Arlington-Marysville city boundary, and east of Smokey Point Blvd. The proposed rezone of approximately 140 acres from General Commercial (GC) to Light Industrial (LI) with a GC overlay would afford a broad range of uses.

Commissioner Whitworth asked if it is anticipated that a lot of property owners might sell in the near future for light industrial uses. Ms. Gemmer noted there is a huge amount of activity in the area. Over time they will redevelop. Planning Manager Holland reviewed the status of parcels in that area.

Chair Leifer asked how many vacant usable acres are left in the Cascade Industrial Center. Planning Manager Holland was not sure but noted that the last large piece is getting ready to resubmit. He indicated staff could bring back the numbers. He shared the Community Development page which has information about development activity, plans, and zoning in Marysville in addition to a lot of other information. He encouraged commissioners to send people there who have questions about development to take a look at that information.

Senior Planner Gemmer stated that staff would bring back a more robust analysis of the rezones in the near future.

5. CITY COUNCIL AGENDA ITEMS and MINUTES

Director Miller gave an update on the Community Business Zone item that was discussed at a workshop a few months ago where the Planning Commission had made the recommendation to leave the code as it is. The City Council discussed this and ultimately established interim regulations in the zone establishing a maximum density of 12 units per acre. A public hearing will be held on the interim regulations in July. The City Council requested that staff cover the commercial design regulations for that area.

Chair Leifer asked about the reason for Council's decision since there is such pressure to create more housing in the area. Director Miller reviewed some of the reasons and noted it was ultimately a policy decision. There was discussion among the Planning Commission and staff about this topic. Senior Planner Gemmer highlighted several multifamily developments in the works placing a lot of pressure on 172nd Street. The traffic is a huge concern. She pointed out that there was not any residential development allocated for the CB zone. Planning Manager Holland reviewed a map showing the significant development activity in that Lakewood area.

6. ADJOURNMENT

Motion to adjourn the meeting at 8:35 p.m. moved by Commissioner Whitaker seconded by Commissioner Andes.

AYES: ALL

NEXT MEETING – June 28, 2022

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

Meeting Minutes
July 12, 2022

Call to Order / Roll Call

Chair Leifer called the meeting to order at 6:30 p.m.

Roll Call

Present:

Commission: Chair Steve Leifer, Commissioner Jerry Andes, Commissioner Roger Hoen, Commissioner Brandon Whitaker (via Zoom), Commissioner Tom Thetford (via Zoom), Commissioner Kristen Michal (via Zoom)

Staff: Community Development Director Haylie Miller, Senior Planner Angela Gemmer

Absent: Commissioner Sunshine Kapus

Approval of June 14 Minutes

Commissioner Andes referred to page 4, 2nd paragraph, and noted that Commissioner Whitworth should be corrected to Commissioner Whitaker.

Motion to approve the June 14 Minutes as amended moved by Commissioner Jerry Andes seconded by Commissioner Roger Hoen.

VOTE: Motion carried 5 - 0

AYES: Commissioner Kristen Michal (via Zoom), Chair Steve Leifer, Commissioner Jerry Andes, Commissioner Roger Hoen, Commissioner Brandon Whitaker (via Zoom)

ABSTAIN: Commissioner Tom Thetford (via Zoom)

Audience Participation

None

New Business

A. 2024 Comprehensive Plan Update Public Participation Plan

Senior Planner Gemmer reviewed the Public Participation Plan for the Comprehensive Plan update process.

Commissioner Whitaker asked if there will be mailers going out. Senior Planner Gemmer replied that generally there will not be mailers, because the update covers the entire city; however there may be some going out to limited to areas where there is a redesignation of property.

Commissioner Michal asked how long the outreach period will be. Senior Planner Gemmer replied it will go on throughout the update process.

There was consensus to approve the Public Participation Plan.

Old Business

A. 2022 Comprehensive Plan Amendments – Second workshop

- **Amendment 1 – Quil Ceda Tannery Rezone**

Senior Planner Gemmer made a briefing on the proposed amendments. She explained the proposal is to rezone the property (approximately 23 acres) from Mixed Use (MU) to Light Industrial (LI). This was a citizen-initiated rezone request. Through the Notice of Application process, Spencer Chynoweth (in attendance) requested that his property be included in the rezone request. There is another small property between the properties that will also be included. The property has restricted access due to proximity to the railroad tracks and also a very intense intersection of 88th Street and State Avenue.

Spencer Chynoweth, 8404 State Avenue, Marysville, WA 98270, replied to questions from commissioners regarding the location and size of his and his neighbor's property.

Commissioner Hoen asked if there is any chance of a road punching in from either the west or the south. Senior Planner Gemmer explained there are extensive critical areas to the west. She reviewed the background of discussion for a potential bypass along the north-south road to the west, but this was determined to be cost prohibitive. On 88th Street there is presently a circular driveway with access. As part of any redevelopment access would likely be limited to a westernmost access which is the furthest distance from the intersection of 88th Street and State Avenue. It could potentially be limited to right-in, right-out because of how constrained that intersection is and the proximity to the railroad. There are also two private railroad crossings over the railroad tracks in the area. At one time there was discussion about a frontage road along the west side of the railroad tracks and a new crossing over the tracks into this area, but it was determined to be cost prohibitive for a mixed use development. There is another potential access to the south, but this would require right-of-way acquisition or easements. Access will mainly be by 88th Street and potentially something via State Avenue crossing over the railroad tracks. There was discussion about potential access scenarios.

Mr. Chynoweth reviewed some background on this and noted that there was approval for an overcrossing, but it was going to be very complicated and expensive because of the elevation difference between the tracks and State Avenue.

Commissioner Hoen asked what benefit there would be to the rezone. Senior Planner Gemmer explained it allows existing uses to expand with less review process and is consistent with how the property is currently developed. Commissioner Hoen commented that the 88th and State intersection is not keeping up with traffic. Is there a long range plan that would improve this? Senior Planner Gemmer commented that there are some interchange improvements that are contemplated. There is also a plan to ultimately widen 88th Street east of State Avenue in the future.

Commissioner Andes asked about traffic expectations with the Light Industrial zoning. Ms. Gemmer replied that Light Industrial is much less intensive use.

Chair Leifer asked if there were any adverse comments related to this. Ms. Gemmer replied that there were not.

Commissioner Whitaker thought this makes logical sense. He couldn't think of any reason to leave it as it is.

Chair Leifer thought the only positive thing about leaving it as it is would be the setting and view.

Mr. Chynoweth commented on the safety issues associated with that area. He explained that BNSF did a lot of cleanup because of homeless encampments there. If it is developed it will be monitored and will be safer. He thinks using access that already exists is the best for now. In the future they may want to consider different zoning to encourage some development. He thinks a road parallel to the railroad tracks, right next to the tracks would improve access. Ms. Gemmer agreed that this could be something that could happen in the future.

There was discussion about historical and current uses of this area.

Motion to move the Quilceda Tannery rezone forward to a public hearing at the September 13 meeting moved by Commissioner Brandon Whitaker (via Zoom) seconded by Commissioner Kristen Michal (via Zoom).

AYES: ALL

- **Amendment 2 – Smokey Point Area-wide Rezone**

Senior Planner Gemmer reviewed the Smokey Point Area-wide Rezone which would rezone approximately 140 acres from General Commercial (GC) to Light Industrial (LI) with a GC overlay.

Chair Leifer asked about his previous question regarding the number of vacant usable acres left in the Cascade Industrial Center. Senior Planner Gemmer explained she didn't have numbers specifically for the CIC, but she had information on the Smokey Point Master Plan area. 462.8 acres of 682 acres (68%) of the land within the Smokey Point Master Plan area is either entitled or anticipated to be entitled in the near future. The Smokey Point Master Plan area is part of the Cascade Industrial Center, but the Cascade Industrial Center area expands further west all the way to I-5 and further south to 128th Street.

Chair Leifer asked about tax impacts of rezoning. Senior Planner Gemmer explained she had learned from Land Appraiser Rod Reed that the land value is established based on recent comparable sales in the vicinity with ideally the same zoning not based on the zoning itself.

Commissioner Whitaker asked about any responses to the SEPA checklist from the public. Senior Planner Gemmer replied she had two responses from development interests, and both were very supportive of it.

Motion to set the Smokey Point Area-wide Rezone for a public hearing on September 13 moved by Commissioner Jerry Andes seconded by Commissioner Roger Hoen.
AYES: ALL

Adjournment

Commissioner Hoen thanked staff for the very nice card sent to him.

Next Meeting - September 13, 2022

Motion to adjourn the meeting moved by Commissioner Brandon Whitaker (via Zoom) seconded by Commissioner Jerry Andes.
AYES: ALL

The meeting was adjourned at 7:38 p.m.

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

**September 13, 2022
Meeting Minutes**

CALL TO ORDER / ROLL CALL

Chair Leifer called the meeting to order at 7:00 p.m.

Planning Commission Members

Present: Commissioner Roger Hoen, Commissioner Jerry Andes, Chair Steve Leifer, Commissioner Brandon Whitaker, Commissioner Kristen Michal (remote)

Absent: Commissioner Tom Thetford, Commissioner Sunshine Kapus

Staff

Present: Senior Planner Angela Gemmer, Community Development Director Haylie Miller

APPROVAL OF MINUTES (July 12, 2022)

Motion to approve the July 12, 2022 minutes moved by Commissioner Hoen seconded by Commissioner Whitaker.

AYES: ALL

AUDIENCE PARTICIPATION

None.

NEW BUSINESS

- **2022-2027 School Districts' Capital Facilities Plans**

Senior Planner Gemmer introduced Robb Stanton and Denise Stiffarm who were present to review plans for the school districts. Ms. Gemmer explained that of the three districts, only Lake Stevens School District is proposing to collect school impact fees in the next two years. Marysville and Lakewood school districts do not have capacity-

related increases which are required to collect fees. She generally reviewed the proposed changes to the school impact fees.

Marysville School District

Denise Stiffarm with Pacifica Law Group reviewed the Capital Facilities Plan for Marysville School District. She explained how declining enrollment impacts this.

Chair Leifer asked about the discrepancy between teaching stations and buildings' square footage. Ms. Stiffarm explained this refers to regular classrooms and does not include any specialist programs the schools may have in place. This programming looks a little different at each school.

Chair Leifer referred to the levy discussion and stated his understanding has been that bonds are for building and levies are for learning. He asked why this was done as a levy since the intent was to build buildings. Ms. Stiffarm explained there are both capital levies and operational levies. They are a financing vehicle different from a bond.

Commissioner Whitaker referred to Appendix A and noted that each grade is looking at significant declines in enrollment. He asked what is fueling this decline. Ms. Stiffarm replied that the failure of recent levy and bond elections has demonstrated that there may not be the same programs in place that there may be in an adjacent district. The bigger factor has been that the growth in Marysville is in different school districts which is a function of school district boundaries.

Commissioner Michal noted that people see all the new growth in the City and assume it is impacting the Marysville School District. She recommended more public education surrounding this since it causes confusion for voters. She asked if Marysville has discretion over the formula used for impact fee calculation. Ms. Stiffarm replied that the formula is in the code and is nearly identical to the Snohomish County code. The state law has parameters for the legal requirements for the formula. There is some discretion with the discounts, but it comes down to a policy decision.

Commissioner Hoen said he saw that the Marysville School District doesn't have enough money to fund sports activities. How is that related to this funding? Ms. Stiffarm replied that it is not related because it is not a capital improvement. This has to do with the failure of the operational levy. Commissioner Hoen commented that there seems to be a disconnect between the public and the school district. Will this be addressed in the future? Ms. Stiffarm said she would pass this question along to the district.

Commissioner Hoen asked if students are allowed to transfer to other districts. Ms. Stiffarm replied that sometimes there is an opportunity to transfer, but it depends on policies and space availability.

Chair Leifer commented on public perception of what is going on in schools and how their money is being spent. He believes that the root of it is the disconnect between parents/grandparents and the leadership of the school district.

Lake Stevens School District

Mr. Stanton reviewed the Lake Stevens school impact fee proposal. The Lakewood School District's enrollment has increased by more than 5% and is expected to continue to grow, although at a slower pace. He reviewed how development in Marysville has impacted the Lake Stevens School District. He explained that the largest increase portion of the impact fee increase is related to construction costs. They project fees to go up a little less than 17% for single family homes, but a 2/3 decrease for multifamily fees. The reason for this is that the multifamily units have a low student generation rate.

Chair Leifer asked about the cost per square foot. Mr. Stanton explained that it is not included in the report because it is not used for fee calculation. It varies by school, by district, and with the market. It is very hard to compare to other schools and districts. Chair Leifer noted there are a lot more elementary students than high school students. What is the reason for this? Mr. Stanton explained that the cost of homes in Marysville and Lake Stevens is more affordable than those closer to city centers like Seattle and Bellevue. They are seeing a lot of families moving in with young children because of the affordability compared to other areas.

Commissioner Hoen asked how district boundaries are set. Mr. Stanton explained that growth over time changes boundaries. The way cities expand doesn't necessarily align with other districts. Commissioner Hoen expressed concern that it was creating a pockets of development that create inequities. Mr. Stanton agreed that this is a challenge.

Commissioner Whitaker referred to program improvement capacity expected in 2026-2027. Does this refer to new elementary schools? Mr. Stanton thought this was likely as more elementary schools are already needed. Commissioner Whitaker asked how much of the school district population is influenced by Naval Station Everett. Mr. Stanton replied that it does have an impact, especially at Mt. Pilchuck Elementary. That school has a Navy housing development within its boundaries, but they have a great partnership with the Navy to address those issues.

Commissioner Andes asked if the school districts are having any trouble getting qualified teachers to maintain appropriate class sizes. Mr. Stanton replied that Lake Stevens has high quality teachers and has been able to fill all their positions. Class sizes are very healthy. Ms. Stiffarm was not able to comment for Marysville School District or Lakewood School District.

Lakewood School District

Ms. Stiffarm explained that Lakewood is growing at all three grade levels but they still are showing enough capacity through 2027 because of previous capacity

improvements. They are not yet planning for future capacities, but are waiting and watching.

Commissioner Whitaker observed that Lakewood has had success in passing bonds and levies. Ms. Stiffarm concurred.

Commissioner Whitaker referred to Marysville's aging schools and asked if there is a point where facilities are taken out of service. Ms. Stiffarm stated there is a usable life span and school districts take maintenance measures to extend the usable life if they are unable to replace a school. Mr. Stanton agreed and noted this is a local decision on how they address their facilities. They routinely do a comparison of the cost of renovating a facility versus the cost of building new.

Motion to establish a public hearing for the 2022-2027 School Districts' Capital Facilities Plans in the near future moved by Commissioner Andes seconded by Commissioner Michal.

AYES: ALL

CITY COUNCIL AGENDA ITEMS and MINUTES

None

ADJOURNMENT

The meeting was adjourned at 7:32 p.m.

Approved this _____ day of _____, 2022.

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

NEXT MEETING – September 27, 2022

**Meeting Minutes
September 27, 2022**

ROLL CALL

Present: Chair Steve Leifer, Commissioner Roger Hoen, Commissioner Jerry Andes, Commissioner Brandon Whitaker, Commissioner Kristen Michal

Absent: Tom Thetford (Excused), Sunshine Kapus (absent)

Staff: Community Development Director Haylie Miller, Principal Planner Angela Gemmer, Transportation Services Manager Jesse Birchman

APPROVAL OF MINUTES

Motion to approve the minutes of the September 13, 2022 meeting moved by Commissioner Jerry Andes seconded by Commissioner Brandon Whitaker.

AYES: ALL

AUDIENCE PARTICIPATION (for topics not on the agenda)

Chair Leifer solicited public comments on anything not on the agenda. There were none.

PUBLIC HEARINGS

1. Quil Ceda Tannery Comp. Plan Map Amendment and Rezone with repeal of the 88th Street Master Plan

Principal Planner Gemmer reviewed background on this rezone which is located at the southwest corner of the intersection of 88th Street and State Avenue. It is part of the 88th Street Master Plan which envisioned mixed use development here. Because it is not a viable area for mixed use, and access to the property is heavily constrained, the property owner is requesting to revert back to the prior Light Industrial (LI) zoning. Reverting back to LI zoning is expected to generate significantly less traffic which is optimal for this site since it is so constrained. A property owner to the south has requested to be included with the rezone proposal, and the proposal has been amended

to reflect that. Staff is recommending approval of this non-project action Comprehensive Plan Map Amendment and Concurrent Rezone from 88-MU to LI, and the concurrent repeal of the 88th Street Master Plan.

Commissioner Whitaker asked if the whole 88th Street Master Plan would be repealed. Ms. Gemmer confirmed that it would because mixed use development standards would not be applicable anymore. Commissioner Whitaker asked if they would be taking another look at this intersection for other potential improvements. Ms. Gemmer explained that they would be looking at access with project level action. There are improvements anticipated for the overall 88th Street corridor. There are also some changes to the interchange that are contemplated. Transportation Services Manager Jesse Birchman further explained that there are other efforts underway to improve traffic along that corridor. Commissioner Whitaker said he wanted to make sure that this action wouldn't undo all their efforts at improving the overall 88th Street corridor. Staff agreed.

Commissioner Hoen asked about the possibility of access over the railroad tracks from the east or from the south. Principal Planner Gemmer referred to discussion about access and circulation in the Staff Recommendation on page 4. She explained that there had been an anticipated overcrossing at 84th Street in the 88th Street Master Plan. This would have entailed a traffic signal and would have required changing the grade of State Avenue. The Master Plan also contemplated drive aisle frontage that would have paralleled the railroad tracks. An access to the south to 80th was also contemplated via two potential locations. This is intentionally being left open with the current Staff Recommendation because of the lower traffic generation expected from the industrial uses and because of challenges with the potential accesses. Ultimately it will be driven by a project level proposal and what the level of service is on the surrounding roads and intersections.

The public hearing was opened at 6:45 p.m. Public comments were solicited.

Merle Ash, Land Technologies, representing the landowner, reviewed some background on this property and the applicant's desire to develop an alternate use of apartments. The requirement for commercial use on the ground floor made the development infeasible due to the location; therefore, they desired to revert it to the previous light industrial use. He spoke in support of the request.

Seeing no further comments, the hearing was closed at 6:50 p.m.

Motion to approve forwarding to the City Council a recommendation of approval of the proposed non-project action Quil Ceda Tannery Comprehensive Plan Map Amendment and Rezone with repeal of the 88th Street Master Plan moved by Commissioner Brandon Whitaker seconded by Commissioner Jerry Andes.

AYES: ALL

Commissioner Hoen referred to the property up on 116th where it looks like they have completed the new hotel. He noted there is a road behind it that goes to the other hotel

and asked about the possibility of extending that road as a southern access to 116th. There was consensus to address this topic later.

2. 2022 – 2027 School Districts' Capital Facilities Plans

- Marysville
- Lake Stevens
- Lakewood

School District representatives present: Robb Stanton, Lake Stevens School District; Paul Field, Lakewood School District; Denise Stiffarm, Pacifica Law Group on behalf of Marysville and Lakewood School Districts

Principal Planner Gemmer reviewed this item regarding the 2022-2027 School Districts' Capital Facilities Plans and their related impact fees as reviewed at the previous meeting. Staff has reviewed each plan for consistency with state law and the calculation allowed by Marysville Municipal Code and finds them consistent. Each of the plans has been adopted by the respective board of directors for the school districts. There is a 50% reduction in the capital facilities impact fee that is required by Marysville's code, and this has been applied to Lake Stevens School District's impact fees which is the only district that will be collecting impact fees. Staff is recommending that the Planning Commission make a recommendation of approval of the Capital Facilities Plans by the Marysville City Council.

The public hearing was opened at 6:59 p.m. and public comments were solicited. There were none. The public hearing was closed at 6:59 p.m.

Commissioner Michal said she continues to hear a lot of confusion about the purpose of school impact fees. She recommended improved communication regarding where the growth is actually occurring. Principal Planner Gemmer agreed.

Motion to forward this to the City Council with a recommendation for approval of the 2022 – 2027 School Districts' Capital Facilities Plans for Marysville, Lake Stevens, and Lakewood moved by Commissioner Brandon Whitaker seconded by Commissioner Kristen Michal.

AYES: ALL

3. Smokey Point Area-wide Comp. Plan Amendment and Rezone

Principal Planner Gemmer reviewed this staff-initiated Comprehensive Plan amendment and rezone. The rezone area is generally located north of 152nd Street NE, west of Hayho Creek, south of the Marysville-Arlington corporate boundary, and east of Smokey Point Boulevard. Staff is recommending approval of this non-project action Comprehensive Plan map amendment and concurrent rezone from General Commercial (GC) to Light Industrial (LI) with a GC overlay, and a concurrent amendment to the Marysville Municipal Code regarding permitted uses.

Commissioner Hoen asked for a comparison of LI and GC zones. Ms. Gemmer reviewed that apartments above street level commercial use would be allowed in the GC zone; this would not be allowed in LI zones. GC allows a bit wider range of commercial uses like retail and service-based uses. The LI zone allows a wider range of industrial uses like manufacturing, fabrication, and warehousing. In the GC zone the only industrial uses allowed would be miscellaneous light industrial uses and some food-related uses.

Chair Leifer asked how a GC overlay on an LI Zone would get interpreted. Ms. Gemmer explained it will be a bit of a transitional zone between a GC zone to the west and an LI zone on east side of Hayho Creek. This zone would be allowed to pursue uses allowed in both the GC and LI zones. The intent is to allow maximum flexibility with the uses that are allowed there.

The public hearing was opened at 7:19 p.m. and public testimony was solicited. There was none. The hearing was closed at 7:19 p.m.

Motion to forward a recommendation of approval by the City Council for the Smokey Point Area-wide Comprehensive Plan Amendment and Rezone moved by Commissioner Roger Hoen seconded by Commissioner Brandon Whitaker.

AYES: ALL

COMMISSIONER/STAFF COMMENTS

Chair Leifer thought that the quiet zone was going to be throughout the City and not just up to 88th. Director Miller said this was her understanding also. Principal Planner Gemmer noted that there are phases, so the first phase will just go up to 88th. Director Miller thought it would be done in chunks but said she would confirm it with the Public Works Director. Chair Leifer commented that it seemed inequitable for downtown to be enjoying the quiet and not the rest of the city.

Director Miller proposed a tour of the new civic campus on Tuesday, October 11 at 5 p.m. There was consensus that this time will work for most of the commissioners. Director Miller will check with staff and confirm.

ADJOURNMENT

Motion to adjourn the meeting at 7:31 p.m. moved by Commissioner Brandon Whitaker seconded by Commissioner Kristen Michal.

AYES: ALL

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

NEXT MEETING – October 11, 2022

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO AMENDMENTS TO THE MARYSVILLE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, THE CITY'S OFFICIAL ZONING MAP, ORDINANCE NO. 3000, AS PREVIOUSLY AMENDED, AND THE CITY'S UNIFIED DEVELOPMENT CODE (MMC TITLE 22); AND APPROVING THE 2022 CITY-INITIATED COMPREHENSIVE PLAN AMENDMENT REQUEST KNOWN AS THE SMOKEY POINT AREA-WIDE REZONE, WHICH AMENDS THE COMPREHENSIVE PLAN'S LAND USE MAP DESIGNATION FOR PROPERTY LOCATED GENERALLY NORTH OF 152ND STREET NE, WEST OF HAYHO CREEK, SOUTH OF THE MARYSVILLE-ARLINGTON CORPORATE BOUNDARY, AND EAST OF SMOKEY POINT BOULEVARD, AND REZONES SAID PROPERTY FROM GENERAL COMMERCIAL (GC) TO LIGHT INDUSTRIAL (LI) WITH A GENERAL COMMERCIAL OVERLAY, PURSUANT TO THE CITY'S ANNUAL COMPREHENSIVE PLAN AMENDMENT AND UPDATE PROCESS, AND AMENDS MARYSVILLE MUNICIPAL CODE SECTIONS 22C.020.060, 22C.020.070, AND 22A.010.160.

WHEREAS, on September 15, 2015 the Marysville City Council adopted Ordinance No. 3000 adopting an updated Growth Management Comprehensive Plan ("Comprehensive Plan") for the City of Marysville; and

WHEREAS, the Growth Management Act allows jurisdictions to amend comprehensive plans once a year, except in those situations enumerated in RCW 36.70A.130(2)(a); and

WHEREAS, on January 27, 1997 the Marysville City Council adopted Resolution No. 1839, providing for procedures for annual amendment and update of the City's Comprehensive Plan; and

WHEREAS, on May 27, 2002 the Marysville City Council adopted Ordinance No. 2406, adding former Chapter 18.10 to the Marysville Municipal Code (MMC) "Procedures for Legislative Actions" which established procedures for processing and review of legislative actions relating to amendments or revision to the Comprehensive Plan and development regulations; and

WHEREAS, on February 14, 2011 the Marysville City Council passed Ordinance No. 2852, adopting the Unified Development Code, which re-codified former Chapter 18.10 to Chapter 22G.020; and

WHEREAS, the 2022 Comprehensive Plan amendments include a City Initiated Amendment Request known as the Smokey Point Area-wide Rezone which proposes to revise the Comprehensive Plan's Land Use Map designation for property depicted in the attached **Exhibit A**, which is generally located north of 152nd Street NE, west of Hayho Creek, south of the Marysville-Arlington city boundary, and east of Smokey Point Boulevard (hereafter referred to as the "Proposed Rezone Area"), and to rezone said property from General Commercial (GC) to Light Industrial (LI) with a General Commercial Overlay, and concurrently amend MMC Sections 22C.020.060 and 22C.020.070 to accomplish this change; and

WHEREAS, the City has received numerous requests from developers interested in pursuing light industrial uses in the Proposed Rezone Area which are desirable, job generating uses, but that may not be allowed in the current General Commercial zoning designation; and

WHEREAS, the City's supply of developable Light Industrial designated land has been significantly reduced due to existing Light Industrial land either receiving land use entitlements, or pursuing land use entitlements, and the market is signaling that additional Light Industrial land is needed; and

WHEREAS, the Proposed Rezone Area may be better suited for Light Industrial zoning due to the area's limited visibility along State Avenue, proximity to other Light Industrial zoned properties, and large size; and

WHEREAS, city staff recognizes that the market will best determine appropriate uses for the Proposed Rezone Area and does not want to preclude desirable commercial uses from locating in this area, and therefore propose a General Commercial Overlay concurrent with the Light Industrial zoning designation to afford the maximum flexibility for this area and that allows a transition between General Commercial and Light Industrial zones; and

WHEREAS, the City, in reviewing and amending its Comprehensive Plan and development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, on April 28, 2022 the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) which addressed the environmental impacts of the City Initiated Amendment Request, Smokey Point Area-wide Rezone, a non-project action proposal; and

WHEREAS, on March 4, 2022 the City submitted the proposed 2022 Comprehensive Plan Land Use Map and Official Zoning map amendments (Material ID No. 2022-S-3733) to the State of Washington Department of Commerce for 60-day review in accordance with RCW 36.70A.106; and

WHEREAS, the Marysville Planning Commission, after review of the proposed 2022 Comprehensive Plan Land Use Map and Official Zoning Map amendment and concurrent amendments to MMC Sections 22C.020.060 and 22C.020.070, held public workshops on June 14, July 12, and September 13, 2022, and held a duly-advertised public hearing on September 27, 2022, and received testimony from staff and other interested parties; and

WHEREAS, the Planning Commission prepared and provided its written recommendation that the proposed amendments be approved by the Marysville City Council; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's Comprehensive Plan and development code (MMC Title 22); and

WHEREAS, on November 28, 2022 the Marysville City Council reviewed the Planning Commission's recommendation related to the proposed 2022 Comprehensive Plan Land Use Map and Official Zoning Map amendments, and amendments to MMC Sections 22C.020.060 and 22C.020.070;

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

Section 1. City Council Findings on Comprehensive Plan Amendment. With respect to the 2022 City Initiated Amendment Request, Smokey Point Area-wide Rezone, the City Council finds as follows:

- (1) The 2022 City Initiated Amendment Request, Smokey Point Area-wide Rezone, is consistent with the City's Comprehensive Plan and Unified Development Code;
- (2) The 2022 City Initiated Amendment Request, Smokey Point Area-wide Rezone, is consistent with the State Growth Management Act and the State Environmental Policy Act;
- (3) There is a demonstrated need for additional zoning as the type proposed;
- (4) The zone reclassification is consistent and compatible with uses and zoning of the surrounding properties;
- (5) There have been significant changes in the circumstances of the property to be rezoned or surrounding properties to warrant a change in classification; and
- (6) The property is practically and physically suited for the uses allowed in the proposed zone reclassification.

Section 2. Amendment of Comprehensive Plan Maps. The City Council amends the Marysville Growth Management Comprehensive Plan and Ordinance No. 3000, as previously amended, by adopting the 2022 City Initiated Amendment Request, Smokey Point Area-wide Rezone, which amends the land use designation for the properties depicted in the attached and incorporated **Exhibit A**, which is generally located north of 152nd Street NE, west of Hayho Creek, south of the Marysville-Arlington city boundary, and east of Smokey Point Boulevard (the "Proposed Rezone Area"), and to rezone said area from General Commercial (GC) to Light Industrial (LI) with a General Commercial Overlay, and directs staff to amend Figures 4-2, 4-85, and 4-92 of the Land Use Element. This amendment shall be included with the Comprehensive Plan filed in the office of the City Clerk and shall be available for public inspection.

Section 3. Amendment of Official Zoning Map. The City Council hereby amends the City's Official Zoning Map, Ordinance No. 3000, as previously amended, and the City's Unified Development Code MMC Title 22, by adopting the 2022 City Initiated Amendment Request, Smokey Point Area-wide Rezone, which rezones Proposed Rezone Area from General Commercial (GC) to Light Industrial (LI) with a General Commercial Overlay. This amendment shall be attested by the signature of the Mayor and City Clerk, with the seal of the municipality affixed, shall be include with the Official Zoning Map on file in the office of the City Clerk, and shall be available for public inspection.

Section 4. City Council Findings on Marysville Municipal Code Amendments. The amendments to MMC Title 22, consisting of amending MMC Sections 22C.020.060 and 22C.020.070, are consistent with the following required findings of MMC 22G.010.520:

- (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 a change; and
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

Section 5. Amendment to Marysville Municipal Code Section 22C.020.060. MMC Section 22C.020.060, Permitted uses, is amended as set forth in **Exhibit B**.

Section 6. Amendment to Marysville Municipal Code Section 22C.020.070. MMC Section 22C.020.070, Permitted uses – Development conditions, is amended as set forth in **Exhibit C**.

Section 7. Amendment Tracking. MMC Section 22A.010.160, entitled “Amendments,” is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

“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>
_____	Commercial permitted uses amendment	_____, 2022”

Section 8. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 9. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections

Section 10. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____

DEPUTY CITY CLERK

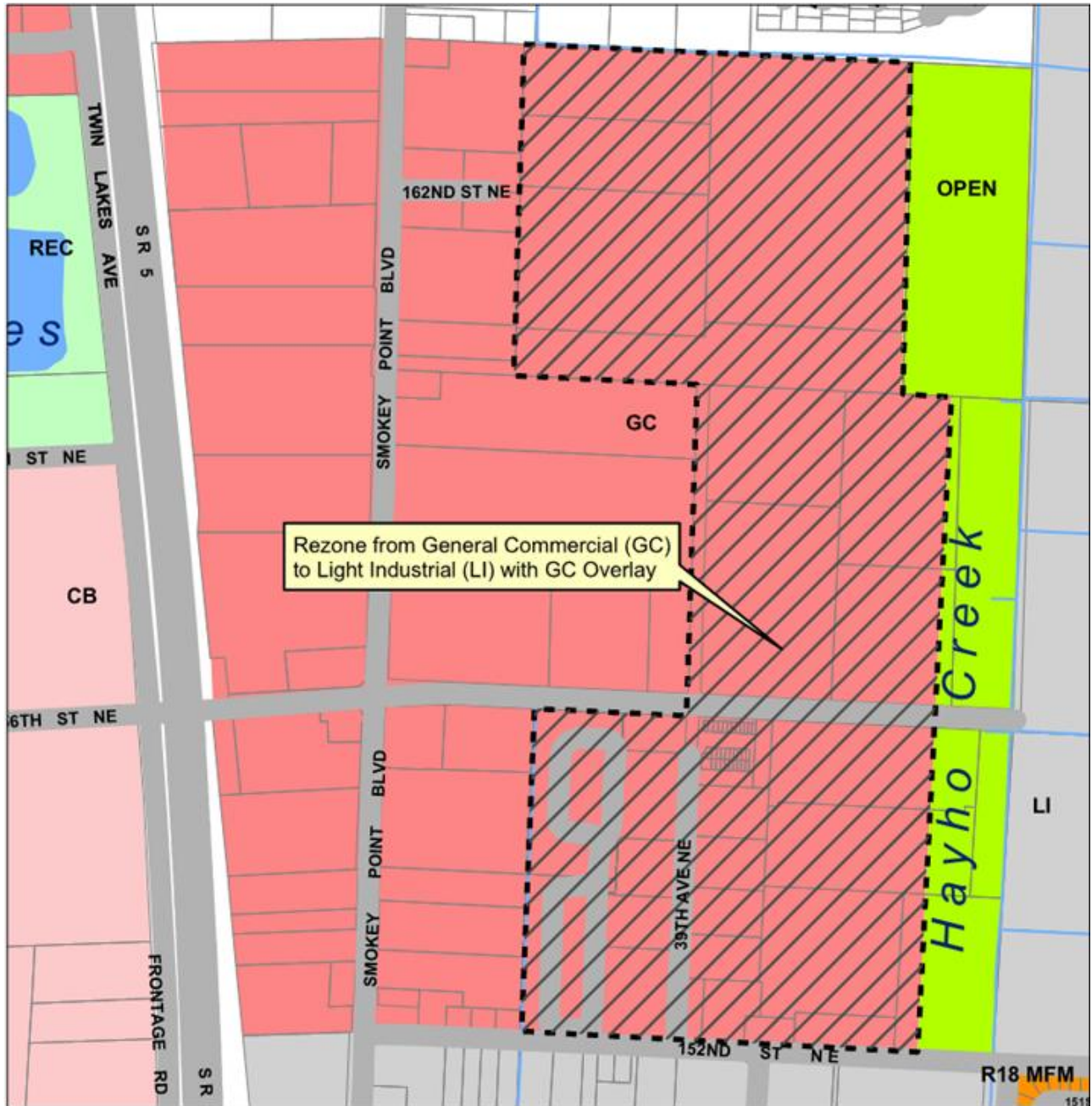
Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

EXHIBIT A



General Commercial	88 - Mixed Use	R12 Multi-Family Low	R4.5 Single Family Medium
Downtown Commercial	General Industrial	R6-18 Multi-Family Low	Public-Institutional
Community Business	Light Industrial	R8 Single Family High Small Lot	Recreation
Neighborhood Business	R28 Multi-Family High	R6.5 Single Family High	Open
Mixed Use	R18 Multi-Family Medium	R4-8 Single Family High	

EXHIBIT B

22C.020.060 Permitted uses.

Specific Land Use	NB	CB	CB- WR	GC	MU (63)	LI (81)	GI	REC	P/I
Residential Land Uses									
Dwelling Units, Types:									
Townhouse					P				
Multiple-family	C4	P4, C5		P4, C5	P				
Mobile home	P7	P7	P7	P7	P7	P7	P7		
Senior citizen assisted	P				C				P
Caretaker's quarters (3)	P	P	P	P	P	P	P	P	P
Group Residences:									
Adult family home (70)	P	P	P	P	P				P
Convalescent, nursing, retirement	C	P			P				P
Residential care facility	P	P			P	P70	P70	P70	P
Master planned senior community (10)					C				C
Enhanced services facility (77)		P		P	P				
Transitional housing facilities (79)	P	P	P	P	P	P			
Permanent supportive housing (79)	P	P	P	P	P	P			
Emergency housing (80)	P, C	P, C	P, C	P, C	P, C	P, C			
Emergency shelters – Indoor (80)	P, C	P, C	P, C	P, C	P, C	P, C			
Accessory Uses:									
Home occupation (2)	P8	P8, P9	P8, P9	P8, P9	P8, P9	P9	P9		
Temporary Lodging:									
Hotel/motel	P	P	P	P	P	P75			
Bed and breakfast guesthouse (1)									
Bed and breakfast inn (1)	P	P	P	P					
Recreation/Cultural Land Uses									
Park/Recreation:									
Park	P11	P	P	P	P	P	P	P11	P

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI (81)	GI	REC	P/I
Marina							P	C	P
Dock and boathouse, private, noncommercial							P	P16	P
Recreational vehicle park				C12		C12		C	P
Boat launch, commercial or public							P		P
Boat launch, noncommercial or private							P	P17	P
Community center	P	P	P	P	P	P	P	P	P
Amusement/Entertainment:									
Theater		P	P	P	P				
Theater, drive-in				C					
Amusement and recreation services		P18	P18	P18	P19	P	C		
Sports club	P	P	P	P	P	P	P		
Golf facility (13)		P	P	P		P	P	C	
Shooting range (14)				P15		P15			
Outdoor performance center				C		C		C	C
Riding academy						P		C	
Cultural:									
Library, museum and art gallery	P	P	P	P	P	P	P	C	P
Church, synagogue and temple	P	P	P	P	P	P	P		P
Dancing, music and art center		P	P	P	P			C	P
General Services Land Uses									
Personal Services:									
General personal service	P	P	P	P	P	P	P		
Dry cleaning plant		P	P			P	P		
Dry cleaning pick-up station and retail service	P	P	P	P	P25	P76	P		
Funeral home/crematory		P	P	P	P26	P76	P		
Cemetery, columbarium or mausoleum	P24	P24	P24	P24, C20		P	P		
Day care I	P70	P70	P70	P70	P70	P21, 70	P70	P70	P70
Day care II	P	P	P	P	P	P21			
Veterinary clinic	P	P	P	P	P	P76	P		

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI (81)	GI	REC	P/I
Automotive repair and service	P22	C, P28	C, P28	P		P	P		
Electric vehicle (EV) charging station (64)	P	P	P	P	P	P	P	P	P
EV rapid charging station (65), (66)	P	P	P	P	P67	P	P		
EV battery exchange station				P		P	P		
Miscellaneous repair		P	P	P		P	P		
Social services		P	P	P	P				P
Kennel, commercial and exhibitor/breeding (71)		P	P	P		P	P		
Pet daycare (71), (72)		P	P	P	P	P76	P		
Civic, social and fraternal association		P	P	P	C		P		P
Club (community, country, yacht, etc.)							P		P
Health Services:									
Medical/dental clinic	P	P	P	P	P				P
Hospital		P	P	P	C				C
Miscellaneous health	P68	P68	P68	P68	P68				P68
Supervised drug consumption facility									
Education Services:									
Elementary, middle/junior high, and senior high (including public, private and parochial)		C	C	C	C	P	C		C
Commercial school	P	P	P		P27				C
School district support facility	C	P	P	P	P	P	P		P
Vocational school		P	P	P	P27				P
Government/Business Service Land Uses									
Government Services:									
Public agency office	P	P	P	P	P	P	P		P
Public utility yard				P		P			P
Public safety facilities, including police and fire	P29	P	P	P	P	P			P
Utility facility	P	P	P	P	C	P	P		P
Private storm water management facility	P	P	P	P	P	P	P		P

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI (81)	GI	REC	P/I
Public storm water management facility	P	P	P	P	P	P	P		P
Business Services:									
Contractors' office and storage yard				P30	P30	P	P		
Interim recycling facility		P23	P23	P23		P			P
Taxi stands		P	P	P		P	P		
Trucking and courier service		P31	P31	P31		P	P		
Warehousing and wholesale trade				P		P	P		
Mini-storage (36)		C78		C78		P76	P		
Freight and cargo service				P		P	P		
Cold storage warehousing						P	P		
General business service and office	P	P	P	P	P30	P	P		
Commercial vehicle storage						P	P		
Professional office	P	P	P	P	P	P			
Miscellaneous equipment rental		P30, 37	P30, 37	C38	P30, 37	P	P		
Automotive rental and leasing				P		P	P		
Automotive parking	P	P	P	P	P	P	P		
Research, development and testing				P		P	P		
Heavy equipment and truck repair						P	P		
Automobile holding yard				C		P	P		
Commercial/industrial accessory uses (73)	P39, 40	P39	P39	P39	P39, 40	P	P		
Adult facility							P33		
Factory-built commercial building (35)	P	P	P	P		P	P		
Wireless communication facility (32)	P, C	P, C	P, C	P, C	P, C	P, C	P, C		P, C
State-Licensed Marijuana Facilities:									
Marijuana cooperative (69)									
Marijuana processing facility – Indoor only (69)									
Marijuana production facility – Indoor only (69)									
Marijuana retail facility (69)									

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI (81)	GI	REC	P/I
Retail/Wholesale Land Uses									
Building, hardware and garden materials	P47	P	P	P	P47	P76	P		
Forest products sales		P	P	P		P			
Department and variety stores	P	P	P	P	P	P76			
Food stores	P	P	P	P	P45	P76			
Agricultural crop sales		P	P	P	C	P76			
Storage/retail sales, livestock feed						P76	P		
Motor vehicle and boat dealers		P	P	P		P	P		
Motorcycle dealers		C	C	P		P	P		
Gasoline service stations	P	P	P	P		P76	P		
Eating and drinking places	P41	P	P	P	P46	P46	P		
Drugstores	P	P	P	P	P	P76	P		
Liquor stores		P	P	P					
Used goods: antiques/secondhand shops		P	P	P	P				
Sporting goods and related stores		P	P	P	P				
Book, stationery, video and art supply stores	P	P	P	P	P				
Jewelry stores		P	P	P	P				
Hobby, toy, game shops	P	P	P	P	P				
Photographic and electronic shops	P	P	P	P	P				
Fabric and craft shops	P	P	P	P	P				
Fuel dealers				P43		P43	P43		
Florist shops	P	P	P	P	P				
Pet shops	P	P	P	P	P				
Tire stores		P	P	P		P76	P		
Bulk retail		P	P	P		P76			
Auction houses				P42		P76			
Truck and heavy equipment dealers						P	P		
Mobile home and RV dealers				C		P	P		
Retail stores similar to those otherwise named on this list	P	P	P	P	P48	P44, 76	P44		
Automobile wrecking yards						C	P		

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI (81)	GI	REC	P/I
Manufacturing Land Uses									
Food and kindred products		P50, 52	P50, 52	P50		P50	P		
Winery/brewery		P53	P53	P	P53	P	P		
Textile mill products						P	P		
Apparel and other textile products				C		P	P		
Wood products, except furniture				P		P	P		
Furniture and fixtures				P		P	P		
Paper and allied products						P	P		
Printing and publishing	P51	P51	P51	P	P51	P	P		
Chemicals and allied products						C	C		
Petroleum refining and related industries						C	C		
Rubber and misc. plastics products						P	P		
Leather and leather goods						C	C		
Stone, clay, glass and concrete products						P	P		
Primary metal industries						C	P		
Fabricated metal products				C		P	P		
Industrial and commercial machinery						C	P		
Heavy machinery and equipment						C	P		
Computer and office equipment				C		P			
Electronic and other electric equipment				C		P			
Railroad equipment						C	P		
Miscellaneous light manufacturing				P54, 74		P	P		
Motor vehicle and bicycle manufacturing						C	P		
Aircraft, ship and boat building						C	P		
Tire retreading						C	P		
Movie production/distribution				P		P			
Resource Land Uses									
Agriculture:									

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI (81)	GI	REC	P/I
Growing and harvesting crops						P	P	P	
Raising livestock and small animals						P	P	P	
Greenhouse or nursery, wholesale and retail				P		P	P	C	
Farm product processing						P	P		
Forestry:									
Growing and harvesting forest products						P			
Forest research						P			
Wood waste recycling and storage						C	C		
Fish and Wildlife Management:									
Hatchery/fish preserve (55)						P	P	C	
Aquaculture (55)						P	P	C	
Wildlife shelters	C	C	C					P	
Mineral:									
Processing of minerals						P	P		
Asphalt paving mixtures and block						P	P		
Regional Land Uses									
Jail		C	C	C		C			
Regional storm water management facility		C	C	C		C	C		P
Public agency animal control facility				C		P	P		C
Public agency training facility		C56	C56	C56	C56	C57			C57
Nonhydroelectric generation facility	C	C	C	C		C	C		C
Energy resource recovery facility						C			
Soil recycling/incineration facility						C	C		
Solid waste recycling							C		C
Transfer station						C	C		C
Wastewater treatment facility						C	C		C
Transit bus base				C		P			C
Transit park and pool lot	P	P	P	P	P	P	P		P
Transit park and ride lot	P	P	P	P	P	P	P		C
School bus base	C	C	C	C		P			C58

Specific Land Use	NB	CB	CB-WR	GC	MU (63)	LI (81)	GI	REC	P/I
Racetrack	C59	C59	C59	C		P			
Fairground						P	P		C
Zoo/wildlife exhibit		C	C	C					C
Stadium/arena				C		C	P		C
College/university	C	P	P	P	P	P	P		C
Secure community transition facility							C60		
Opiate substitution treatment program facilities		P61, 62	P61, 62	P61, 62		P62	P62		

* Code reviser’s note: Ord. 3057 amends this section without taking into account the amendments of Ord. 3054. The amendments of Ord. 3054 have been retained per the intent of the city.

EXHIBIT C

22C.020.070 Permitted uses – Development conditions.

(1) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter [22C.210](#) MMC, Bed and Breakfasts.

(2) Home occupations are subject to the requirements and standards contained in Chapter [22C.190](#) MMC, Home Occupations.

(3) Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business. Caretaker's quarters are subject to the provisions set forth in Chapter [22C.110](#) MMC, entitled "Temporary Uses."

(4) All units must be located above a street-level commercial use.

(5) Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street-level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.

(6) Reserved.

(7) Mobile homes are only allowed in existing mobile home parks established prior to October 16, 2006.

(8) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.

(9) Permitted in a legal nonconforming or conforming residential structure.

(10) Subject to Chapter [22C.220](#) MMC, Master Planned Senior Communities.

(11) The following conditions and limitations shall apply, where appropriate:

(a) Parks are permitted in residential and mixed use zones when reviewed as part of a subdivision or multiple-family development proposal; otherwise, a conditional use permit is required;

(b) Lighting for structures and fields shall be directed away from residential areas; and

(c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

(12) Recreational vehicle parks are subject to the requirements and conditions of Chapter [22C.240](#) MMC.

(13) Golf Facility.

(a) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.

(b) Restaurants are permitted as an accessory use to a golf course.

(14) Shooting Range.

(a) Structures and ranges shall maintain a minimum distance of 50 feet from property lines adjoining residential zones;

(b) Ranges shall be designed to prevent stray or ricocheting projectiles or pellets from leaving the property; and

(c) Site plans shall include safety features of the range; provisions for reducing noise produced on the firing line; and elevations of the range showing target area, backdrops or butts.

(15) Only in an enclosed building.

(16) Dock and Boathouse, Private, Noncommercial.

(a) The height of any covered overwater structure shall not exceed 20 feet as measured from the line of ordinary high water;

(b) The total roof area of covered, overwater structures shall not exceed 1,000 square feet;

(c) The entirety of such structures shall have not greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;

(d) No overwater structure shall extend beyond the average length of all preexisting over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;

(e) Structures permitted hereunder shall not be used as a dwelling; and

(f) Covered structures are subject to a minimum setback of five feet from any side lot line or extension thereof. No setback from adjacent properties is required for any uncovered structure, and no setback from water is required for any structure permitted hereunder.

(17) Boat Launch, Noncommercial or Private.

(a) The city may regulate, among other factors, required launching depth, and length of docks and piers;

(b) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare and health; and

(c) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which they are located.

(18) Excluding racetrack operation.

(19) Amusement and recreation services shall be a permitted use if they are located within an enclosed building, or a conditional use if located outside. In both instances they would be subject to the exclusion of a racetrack operation similar to other commercial zones.

(20) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.

(21) Permitted as an accessory use; see MMC [22A.020.020](#), the definition of "Accessory use, commercial/industrial."

(22) Only as an accessory to a gasoline service station; see retail and wholesale permitted use table in MMC [22C.020.060](#).

(23) All processing and storage of material shall be within enclosed buildings and excluding yard waste processing.

(24) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.

(25) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.

(26) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.

(27) All instruction must be within an enclosed structure.

(28) Car washes shall be permitted as an accessory use to a gasoline service station.

(29) Public Safety Facilities, Including Police and Fire.

(a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;

(b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.

(30) Outdoor storage of materials or vehicles must be accessory to the primary building area and located to the rear of buildings. Outdoor storage is subject to an approved landscape plan that provides for effective screening of storage, so that it is not visible from public right-of-way or neighboring properties.

(31) Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.

(32) All WCFs and modifications to WCFs are subject to Chapter [22C.250](#) MMC including but not limited to the siting hierarchy, MMC [22C.250.060](#). WCFs may be a permitted use or a CUP may be required subject to MMC [22C.250.040](#).

(33) Subject to the conditions and requirements listed in Chapter [22C.030](#) MMC.

(34) Reserved.

(35) A factory-built commercial building may be used for commercial purposes subject to the following requirements:

(a) A factory-built commercial building must be inspected at least two times at the factory by the State Building and Electrical Inspector during the construction process, and must receive a state approval stamp certifying that it meets all requirements of the International Building and Electrical Codes. At the building site, the city building official will conduct foundation, plumbing and final inspections; and

(b) A factory-built commercial building cannot be attached to a metal frame allowing it to be mobile. All structures must be placed on a permanent, poured-in-place foundation. The foundation shall be structurally engineered to meet the requirements set forth in Chapter 16 of the International Building Code.

(36) Mini-storage facilities are subject to the development standards outlined in Chapter [22C.170](#) MMC.

(37) Except heavy equipment.

(38) With outdoor storage and heavy equipment.

(39) Incidental assembly shall be permitted; provided, it is limited to less than 20 percent of the square footage of the site excluding parking.

(40) Light industrial uses may be permitted; provided, there is no outdoor storage of materials, products or vehicles.

(41) Excluding drinking places such as taverns and bars and adult entertainment facilities.

(42) Excluding vehicle and livestock auctions.

(43) If the total storage capacity exceeds 6,000 gallons, a conditional use permit is required.

(44) The retail sale of products manufactured on site shall be permitted; provided, that not more than 20 percent of the constructed floor area in any such development may be devoted to such retail use.

- (45) Limited to 5,000 square feet or less.
- (46) Eating and Drinking Places.
 - (a) Limited to 4,000 square feet or less.
 - (b) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.
 - (c) Taverns, bars, lounges, etc., are required to obtain a conditional use permit in the mixed use zone.
- (47) Limited to hardware and garden supply stores.
- (48) Limited to convenience retail, such as video, and personal and household items.
- (49) Reserved.
- (50) Except slaughterhouses.
- (51) Limited to photocopying and printing services offered to the general public.
- (52) Limited to less than 10 employees.
- (53) In conjunction with an eating and drinking establishment.
- (54) Provided there is no outdoor storage and/or display of any materials, products or vehicles.
- (55) May be further subject to the provisions of city of Marysville shoreline management program.
- (56) Except weapons armories and outdoor shooting ranges.
- (57) Except outdoor shooting ranges.
- (58) Only in conjunction with an existing or proposed school.
- (59) Except racing of motorized vehicles.
- (60) Limited to land located along east side of 47th Avenue NE alignment, in the east half of the northeast quarter of Section 33, Township 30N, Range 5E, W.M., and in the northeast quarter of the southeast quarter of Section 33, Township 30N, Range 5E, W.M., and land located east side of SR 529, north of Steamboat Slough, south and west of Ebey Slough (a.k.a. TP No. 300533-002-004-00) and in the northwest and southwest quarters of Section 33, Township 30N, Range 5E, W.M., as identified in Exhibit A, attached to Ordinance No. 2452.

(61) Opiate substitution treatment program facilities permitted within commercial zones are subject to Chapter [22G.070](#) MMC, Siting Process for Essential Public Facilities.

(62) Opiate substitution treatment program facilities, as defined in MMC [22A.020.160](#), are subject to the standards set forth below:

(a) Shall not be established within 300 feet of an existing school, public playground, public park, residential housing area, child care facility, or actual place of regular worship established prior to the proposed treatment facility.

(b) Hours of operation shall be restricted to no earlier than 6:00 a.m. and no later than 7:00 p.m. daily.

(c) The owners and operators of the facility shall be required to take positive ongoing measures to preclude loitering in the vicinity of the facility.

(63) Permitted uses include Whiskey Ridge zones.

(64) Level 1 and Level 2 charging only.

(65) The term "rapid" is used interchangeably with Level 3 and fast charging.

(66) Rapid (Level 3) charging stations are required to comply with the design and landscaping standards outlined in MMC [22C.020.265](#).

(67) Rapid (Level 3) charging stations are required to be placed within a parking garage.

(68) Excepting "marijuana (cannabis) dispensaries," "marijuana (cannabis) collective gardens," and "marijuana cooperatives" as those terms are defined or described in this code and/or under state law; such facilities and/or uses are prohibited in all zoning districts of the city of Marysville.

(69) No person or entity may produce, grow, manufacture, process, accept donations for, give away, or sell marijuana concentrates, marijuana-infused products, or usable marijuana within commercial, industrial, recreation, and public institution zones in the city. Provided, activities in strict compliance with RCW [69.51A.210](#) and [69.51A.260](#) are not a violation of the Marysville Municipal Code.

(70) Permitted within existing legal nonconforming single-family residences.

(71) Subject to the requirements set forth in MMC [10.04.460](#).

(72) Pet daycares are restricted to indoor facilities with limited, supervised access to an outdoor fenced yard. Overnight boarding may be permitted as a limited, incidental use. Both outdoor access and overnight boarding privileges may be revoked or modified if the facility is not able to comply with the noise standards set forth in WAC [173-60-040](#).

(73) Shipping/cargo and similar storage containers may be installed on commercial or industrial properties provided they are screened from public view pursuant to MMC [22C.120.160](#), Screening and impact abatement.

(74) Tanks, generators, and other machinery which does not generate nuisance noise may be located in the service/loading area. Truck service/loading areas shall not face the public street and shall be screened from the public street.

(75) Hotels/motels are prohibited within Arlington Airport Inner Safety Zones (ISZ) 2, 3, and 4. Hotels/motels that are proposed to locate within Arlington Airport Protection Subdistricts B and C shall be required to coordinate with the Arlington Municipal Airport to ensure that height, glare, and other aspects of the hotels/motels are compatible with air traffic and airport operations.

(76) Use limited to properties that have property frontage along State Avenue/Smokey Point Boulevard.

(77) Enhanced services facilities (ESFs) are permitted when the building is located within the area depicted in MMC [22C.280.050](#), Figure 1. In the GC and CB zones, ESFs shall be located in a building in which the ESF is located above a permitted ground floor commercial use. See Chapter [22C.280](#) MMC for enhanced services facility regulations.

(78) Mini-storage facilities may be allowed in the CB and GC zones as a conditional use on property located east of Interstate 5, north of 100th Street, and west of 47th Avenue NE, subject to the following conditions:

- (a) The property does not have direct frontage on an arterial street.
- (b) Vehicular access to the property is limited by physical constraints, such as railroad tracks, proximity to congested public street intersections where turning movements are restricted, or other physical barriers that limit convenient vehicular access for higher-traffic-generating uses such as retail or office.
- (c) Buildings shall be located a minimum of 150 feet from the nearest arterial street or interstate highway right-of-way.

(79) An operations plan, to mitigate potential impacts on the surrounding community, must be provided by the sponsor and/or property owner at the time of application. The operations plan must address the following elements to the satisfaction of the city:

- (a) Name and contact information for key staff;
- (b) Roles and responsibilities of key staff;
- (c) Site/facility management, including a security and emergency plan;
- (d) Site/facility maintenance;

(e) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;

(f) Provision of human and social services, including staffing plan and outcome measures;

(g) Outreach with surrounding property owners and residents and ongoing good neighbor policy;

(h) Procedures for maintaining accurate and complete records; and

(i) Additional information as requested by the community development director to ensure current best practices for permanent supportive housing and transitional housing facilities are used.

(80) All facilities are subject to the regulations set forth in Chapter [22C.290](#) MMC, Emergency Housing and Shelters. Facilities with 30 or more residents require a conditional use permit.

(81) Permitted uses for properties zoned Light Industrial with a General Commercial Overlay include uses allowed in the Light Industrial and General Commercial zones.



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Senior Planner Angela Gemmer, Community Development

ITEM TYPE: Ordinance

AGENDA SECTION: **New Business**

SUBJECT: **Ordinance** regarding Industrial Site and Building Design Standards, associated minor amendments to the parking and sign codes, and concurrent repeal of Chapters 9 and 10 of the Smokey Point Master Plan

SUGGESTED ACTION: Recommended Motion: I move to adopt Ordinance No. ____.

SUMMARY:

As part of the 2022 Comprehensive Plan Amendment docket, two Comprehensive Plan map amendment and concurrent rezones are proposed: the Smokey Point Area-wide Rezone and the Quil Ceda Tannery Rezone. The Smokey Point Area-wide Rezone will rezone 140 acres from General Commercial to Light Industrial with a General Commercial Overlay while the Quil Ceda Tannery Rezone will rezone approximately 23 acres from 88-Mixed Use to Light Industrial. Both of the rezone areas are currently subject to strong design standards. In order to ensure that these areas continue to contribute to a positive image and identity for the community after they are rezoned, these industrial design standards are concurrently proposed.

The industrial design standards are also proposed to apply to two additional areas: the Smokey Point Master Plan Area and to the first 150 feet of Light Industrial zoned properties along State Avenue/Smokey Point Boulevard, 152nd Street NE, 136th Street NE, and 128th Street NE. The proposed industrial design standards would replace the design standards currently in place for the Smokey Point Master Plan Area (Chapters 9 and 10 of the Smokey Point Master Plan would be repealed) so that design outcomes in industrial areas subject to design standards are similar, and to make administration of the design standards easier for both applicants and staff. The proposed standards are substantially similar to the existing Smokey Point Master Plan design standards with certain changes as detailed in the attached memo and supporting documentation.

The Light Industrial zoned land along State Avenue/Smokey Point Boulevard is the only part of that roadway that lacks design standards. The industrial design standards are proposed to apply to properties within the first 150 feet of State Avenue/Smokey Point Boulevard, 152nd Street NE, 136th Street NE, and 128th Street NE since there is a significant opportunity to improve the architecture and image of the community along these highly visible roadways. The design standards are not proposed to apply to Light Industrial zoned lands that are set further back from these roadways or interior parcels since the visual impacts of these properties is lesser.

The Planning Commission held a duly advertised public hearing for the Industrial Design Standards code, associated code amendments, and repeal of Chapter 9 and 10 of the Smokey Point Master Plan on November 8, 2022, and adopted the attached Findings, Conclusions and Recommendation of approval.

ATTACHMENTS:

Memo re Industrial Design Standards and associated exhibits
PC Recommendation and Minutes - Industrial Design Standards
Ordinance - Industrial Design Standards

MEMORANDUM

DATE: November 17, 2022
TO: City Council
FROM: Angela Gemmer, Principal Planner
SUBJECT: Light Industrial (LI) Design Standards, and Associated Minor Amendments to the Parking and Sign Codes
ECC: Haylie Miller, Community Development Director
Chris Holland, Planning Manager

Exhibits:

1. Map showing north industrial design standards area (*for Quil Ceda Rezone Area see Exhibit 2*)
2. Map showing south industrial design standards area (*aka Quil Ceda Tannery Rezone Area and fka 88th Street Master Plan Area*)
3. Table showing areas proposed for industrial design standards e
4. [Existing Smokey Point Master Plan design standards](#)
5. December 7, 2020 Growth Management Task Force notes
6. Projects Subject to Existing City Design Standards (SPMP or city-wide)
7. Comparison of SPMP Design Standards and Proposed Industrial Design Standards
8. Review of Industrial Projects for Consistency with Proposed Industrial Design

Discussion. This memo outlines proposed industrial site and building design standards for the Light Industrial (LI) zone. The design standards are proposed to apply to:

- The proposed Smokey Point Area-wide Rezone area (see attached **Exhibits 1 and 3**);
- The Smokey Point Master Plan Area (see attached **Exhibit 1 and 3**). The proposed industrial design standards would replace the existing design standards set forth in Chapter 9 of the SPMP. The landscape and sign standards set forth in Chapter 10 of the SPMP are also intended to be replaced by code provisions in the new industrial design code or other code sections which are attached. Chapters 9 and 10 of the SPMP would be repealed;
- Buildings located within the front 150 feet of State Avenue/Smokey Point Boulevard, 152nd Street NE, 136th Street NE, and 128th Street NE (see attached **Exhibit 1 and 3**); and
- The proposed Quil Ceda Tannery Rezone area (aka 88th Street Master Plan Area – see attached **Exhibit 2 and 3**).

Background Information.

Smokey Point Area-wide Rezone

At the December 7, 2020 Growth Management Task Force (GMTF) meeting, the potential rezone of land in the Smokey Point Neighborhood located east of Smokey Point Boulevard from General Commercial (GC) to Light Industrial (LI) was first discussed. This topic was introduced to the GMTF due to interest in this area primarily originating from light industrial users, and due to an overabundance of land zoned GC. As part of the discussion, staff asked the GMTF whether design standards should apply to the potential rezone area or more broadly in the LI zone. At that time, support was expressed for rezoning this area from GC to LI, and potentially applying design standards to LI zoned properties north of 136th Street NE (see **Exhibit 5**).

At the February 23, 2021 Planning Commission (PC) meeting, staff briefed PC on a potential rezone of GC zoned land east of Smokey Point Boulevard and north of 152nd Street NE to LI. PC was receptive to this change provided that the GC zoning along Smokey Point Boulevard was retained to a certain depth. Staff brought back the Smokey Point Area-wide Rezone to PC in February 2022. The rezone was discussed at several meetings during 2022, and the PC ultimately made a recommendation of approval of the NON-PROJECT action Comprehensive Plan Map Amendment and Concurrent Rezone of approximately 140 acres in the Smokey Point Neighborhood from GC to LI with a GC Overlay at a public hearing on September 27, 2022.

Industrial design standards are proposed to proceed concurrently with the proposed rezone to ensure that the rezone area, which is currently subject to the site and building design standards set forth in MMC Section 22C.020.250, continues to be developed with architecture and site design techniques that promote an attractive image to the community. These industrial design standards are also proposed to:

- Replace the design standards set forth in the Smokey Point Master Plan;
- Apply to the front 150 feet of properties located along State Avenue/Smokey Point Boulevard, 152nd Street NE, 136th Street NE, and 128th Street NE; and
- Apply to the Quil Ceda Tannery Rezone Area (aka 88th Street Master Plan Area).

Smokey Point Master Plan Area

The Smokey Point Master Plan (SPMP) area currently contains site and architectural design standards (see **Exhibit 4**). Key provisions of the current SPMP design standards have been incorporated into the proposed industrial design standards. Language in the SPMP that provides context on what the design standards aim to achieve has been reduced; the primary focus in the new code is on the standards to be implemented. Since the proposed new industrial standards will apply to four areas, repealing the existing SPMP design standards should promote more cohesive design across the proposed areas, and will make administering the code easier due to a single set of industrial design standards.

State Avenue/Smokey Point Boulevard, 152nd Street, 136th Street, and 128th Street

The draft industrial design standards are proposed to apply to buildings located within the front 150 feet of the Light Industrial zoned properties along State Avenue/Smokey Point Boulevard, 152nd Street NE, 136th Street NE, and 128th Street NE. As noted above, some support was expressed at the GMTF meeting for design standards to apply to LI zoned

properties north of 136th Street NE. With the current proposal, the design standards will apply slightly further south, but are proposed to only apply to: properties along key arterials, and within 150 feet of the specified roads. This means that the standard will apply to far fewer properties; however, the properties that are subject to the standards will be those with the greatest visual impact on the community. Applying the design standards to the front of the LI zoned properties along State Avenue/Smokey Point Boulevard will mean that new buildings along the full extent of these principal arterials will contribute to improving the City's image and identity – one of the main overarching goals outlined in the City's Comprehensive Plan.

Quil Ceda Rezone Area (aka 88th Street Master Plan Area)

The draft industrial standards are also proposed to apply to the properties in the Quil Ceda Rezone Area which consists of three parcels. The 88th Street Master Plan contains strong design standards which will be repealed if the Quil Ceda Rezone is approved. Since the assemblage of properties are located at one of the busiest and most visible intersections within the City, they are also proposed to be subject to the industrial design standards to ensure that the properties promote a favorable image and identity for the City.

Summary of Proposed New Code with Key Differences from SPMP Noted.

The following is a summary of key provisions of the draft industrial site and building design standards. This section also serves to identify the primary differences with the SPMP design standards. A summary of the projects that have been subject to design standards, a comparison of the SPMP Design Standards with the proposed industrial design standards, and a review of the design of existing/proposed industrial buildings against the proposed industrial design standards are outlined in the attached **Exhibits 6 through 8**.

Provisions in the proposed industrial design standards that are substantially similar to the current SPMP design standards include, but are not limited to:

- Requiring customer/employee parking in the front of building, and truck/service vehicles to the rear;
- Requiring the screening and subordinate location of service areas;
- Promoting shared accesses and service courts where feasible;
- Encouraging amenities be provided for employees and visitors. The new code provision encourages this for sites over two acres;
- Promoting a positive image of the site from public views;
- Requiring tripartite articulation (distinct top, middle and base) of key building facades;
- Screening of mechanical equipment; and
- Decorative paving of pedestrian connections. Please see amendments to parking code.

Provisions in the proposed industrial design standards that differ from the SPMP design standards include, but are not limited to:

- Landscaping standards are proposed to shift from the very specific planting standards (e.g. specific size of plants, spacing, species, etc.) outlined in the SPMP to the more general landscaping standards outlined in the underlying

MMC. Desired street trees in the SPMP will be retained (these may be incorporated into the City's Engineering Design and Development Standards);

- The sign standards in Chapter 10 of the SPMP will be replaced by the provisions in the underlying sign code;
- The exterior lighting standards and Crime Prevention through Environmental Design (CPTED) standards from the Marysville Municipal Code will apply;
- Façade modulation standards will not apply until a wall is at least 150 feet long. Currently, in the SPMP modulation is required for walls that are longer than 60 feet, and the modulation must be five feet deep, at least 15 feet long, and no more than 60 feet long. The proposed standards would require modulation for buildings longer than 150 feet by providing a vertical modulation at least eight feet deep and 20 feet long; the depth of modulation may be reduced to two feet with a change in color or building materials;
- Desired and prohibited building materials are outlined in a more comprehensive list in the proposed design standards. Key provisions from the SPMP were retained;
- Blank walls (large undifferentiated walls lacking windows and doors) are required to be treated;
- Building entrance standards are proposed to outline weather protection, lighting, visibility, and transparency requirements; and
- The applicability section of the design standards section is also being amended to note that buildings that are only multi-family are subject to the residential design standards set forth in MMC Section 22C.010.290.

Conclusion. Staff respectfully recommends that the City Council affirm the recommendation of the Planning Commission and adopt the proposed industrial design standards code, associated minor amendments to the sign and parking codes, and concurrent repeal of Chapters 9 and 10 of the Smokey Point Master Plan, by Ordinance.

MEMORANDUM

DATE: November 2, 2022
TO: Planning Commission
FROM: Angela Gemmer, Principal Planner
SUBJECT: Light Industrial (LI) Design Standards, and Associated Minor Amendments to the Parking and Sign Codes
ECC: Haylie Miller, Community Development Director
Chris Holland, Planning Manager

Exhibits:

1. Map showing north industrial design standards area (*for Quil Ceda Rezone Area see Exhibit 2*)
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7. Comparison of SPMP Design Standards and Proposed Industrial Design Standards
8. Review of Industrial Projects for Consistency with Proposed Industrial Design Standards
9. PC Recommendation
10. Draft code:
 - Amendments to: MMC Sections 22C.020.230, *Commercial, industrial, recreation and public institutional zones – Purpose*, and 22C.020.240 *Commercial, industrial, recreation and public institutional zones design requirements – Applicability and interpretations*; 22C.020.340, *Special limitations in the business and commercial zones*; and 22C.130.050, *Development Standards*; and 22C.160.170, *Freestanding Signs*.
 - New code section: MMC Section 22C.020.245, *Industrial site and building design standards*.

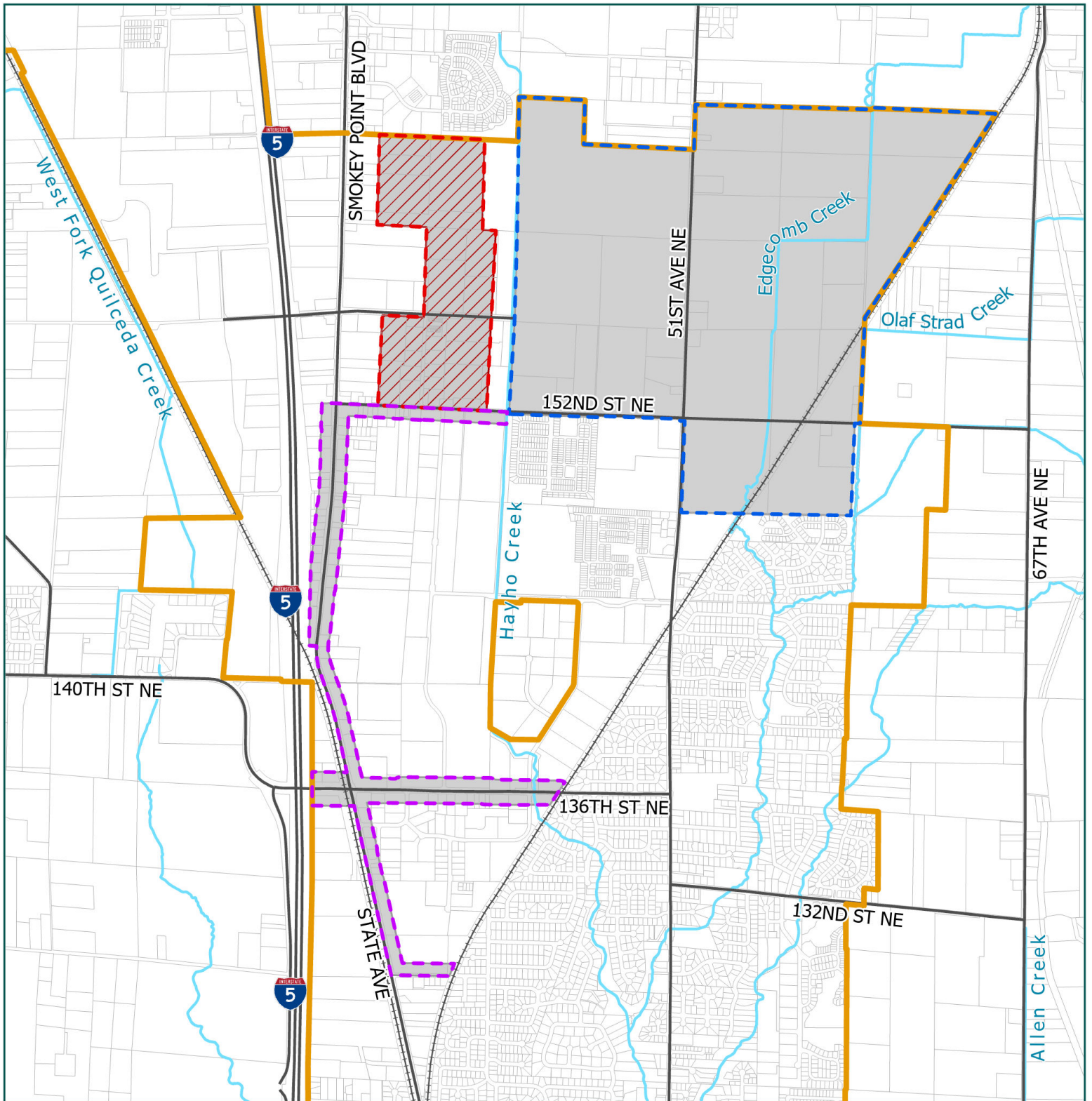
Planning Commission Workshop Discussion. The public workshop is to discuss proposed industrial site and building design standards for the Light Industrial (LI) zone. The design standards are proposed to apply to:

- Encouraging amenities be provided for employees and visitors. The new code provision encourages this for sites over two acres;
- Promoting a positive image of the site from public views;
- Requiring tripartite articulation (distinct top, middle and base) of key building facades;
- Screening of mechanical equipment; and
- Decorative paving of pedestrian connections. Please see amendments to parking code.

Provisions in the proposed industrial design standards that differ from the SPMP design standards include, but are not limited to:

- Landscaping standards are proposed to shift from the very specific planting standards (e.g. specific size of plants, spacing, species, etc.) outlined in the SPMP to the more general landscaping standards outlined in the underlying MMC. Desired street trees in the SPMP will be retained (these may be incorporated into the City's Engineering Design and Development Standards);
- The sign standards in Chapter 10 of the SPMP will be replaced by the provisions in the underlying sign code;
- The exterior lighting standards and Crime Prevention through Environmental Design (CPTED) standards from the Marysville Municipal Code will apply;
- Façade modulation standards will not apply until a wall is at least 150 feet long. Currently, in the SPMP modulation is required for walls that are longer than 60 feet, and the modulation must be five feet deep, at least 15 feet long, and no more than 60 feet long. The proposed standards would require modulation for buildings longer than 150 feet by providing a vertical modulation at least eight feet deep and 20 feet long; the depth of modulation may be reduced to two feet with a change in color or building materials;
- Desired and prohibited building materials are outlined in a more comprehensive list in the proposed design standards. Key provisions from the SPMP were retained;
- Blank walls (large undifferentiated walls lacking windows and doors) are required to be treated;
- Building entrance standards are proposed to outline weather protection, lighting, visibility, and transparency requirements; and
- The applicability section of the design standards section is also being amended to note that buildings that are only multi-family are subject to the residential design standards set forth in MMC Section 22C.010.290.

Conclusion. After consideration of the testimony taken at the public hearing, Staff respectfully recommends that the Planning Commission recommend approval of the proposed industrial design standards code, and minor amendments to the sign and parking codes, to City Council for adoption by Ordinance.

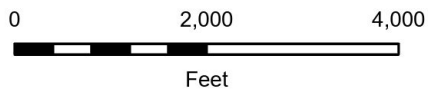


City of Marysville

Properties Subject to Light Industrial Site and Building Design Standards – North Area

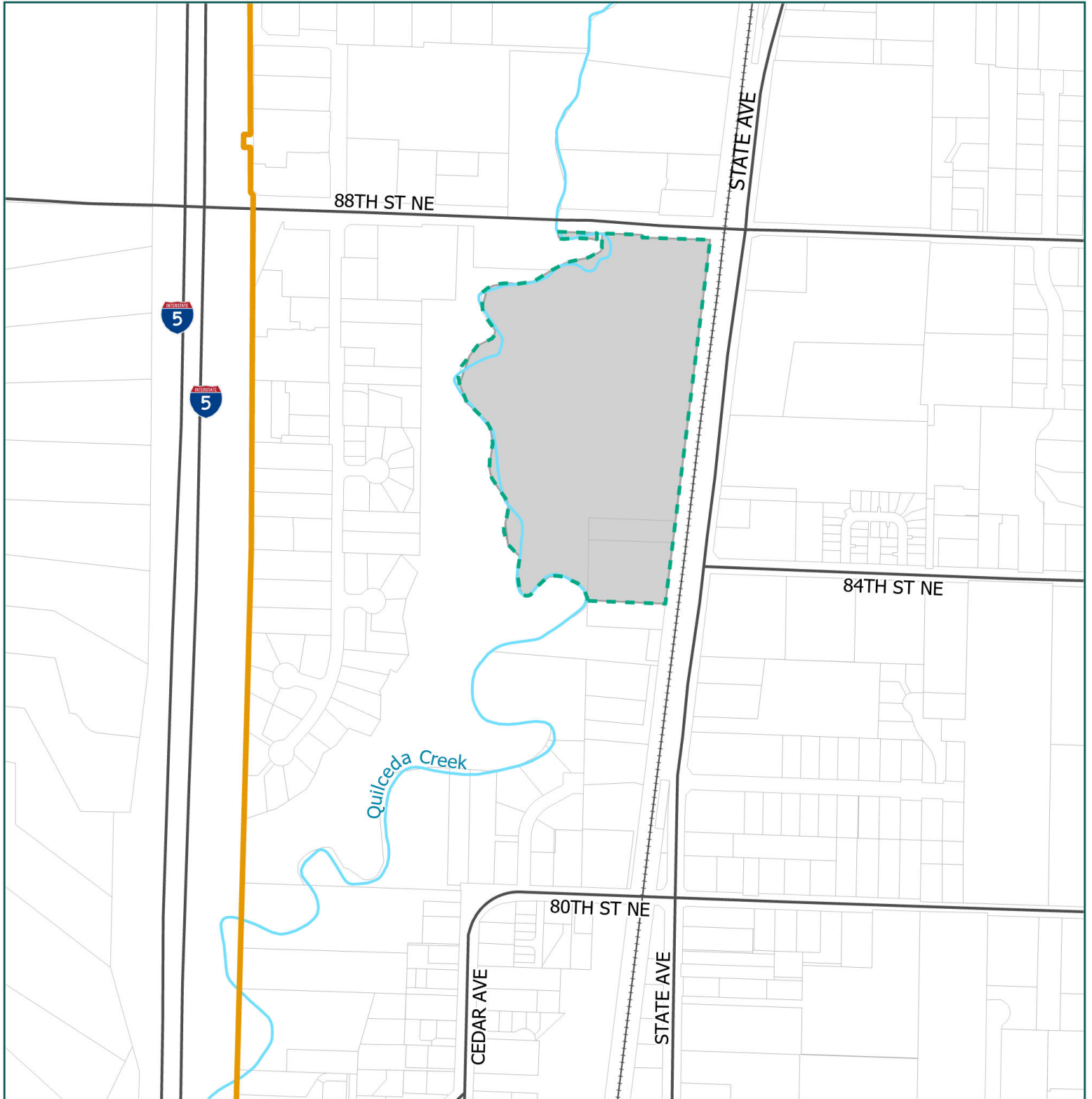


- Light Industrial
- Light Industrial with General Commercial Overlay
- City Boundary
- Railroad
- Arterial Industrial Area
- Smokey Point Master Plan Area
- Smokey Point Rezone Area
- Parcel



Map: CD22-16
Plotted: November 2022

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City of Marysville

Properties Subject to Light Industrial Site and Building Design Standards – South Area



Legend

-  Light Industrial
-  City Boundary
-  Parcel
-  Quil Ceda Rezone Area
-  Railroad



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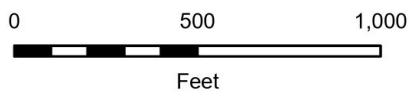


EXHIBIT 3

AREAS SUBJECT TO INDUSTRIAL (LI) DESIGN STANDARDS			
GEOGRAPHIC AREA	MAP EXCERPT	EXISTING STANDARD	PROPOSED STANDARD
Smokey Point Master Plan Area		Smokey Point Master Plan	LI design standards
88th Street Master Plan		88th Street Master Plan	LI design standards
Smokey Point Area-wide Rezone Area		City-wide design standards (MMC Section 22C.020.250)	LI design standards
LI zoned properties along State Avenue/Smokey Point Boulevard, 152nd Street NE, 136th Street NE and 128th Street NE		None	LI design standards (for buildings within 150 feet of street)
LI zoned properties outside above areas		None	None

EXHIBIT 5

GMTF 12.7.2020 Notes

Mayor Nehring: Thank everyone. Last scheduled meeting of the GMTF. Appreciates everyone and has given great feedback to the City. We'll talk about the Cascade Industrial Center and Downtown Master Plan. Keep this committee in ad hoc status in 2021 to get feedback. Can call you back as needed in 2021.

Gloria Hirashima, CAO: Wanted to talk about the Cascade Industrial Center. Designated for many years as an industrial job creation area. Took 20 plus years of planning, hoping and waiting to see it begin. We're going to continue to plan and strategize to see the types of jobs we'd like to see in Marysville. Will continue to do some planning and fine-tuning in response to issues of the day. Years ago we had worked on legislation to allow a property tax exemption. One of the things that the City devised was a property tax provision which is highly unusual for Washington. Took three years to get through State legislature to allow property tax exemption when 25 plus living wage jobs brought to the area. Chose \$18 per hour as the living wage. The legislation is expiring in 2022. In 2023, if we want to continue to offer that we would need new legislation in place for that. Mayor Nehring is working with legislators on that. We had started the conversation with a discussion about increasing the wage to \$25. We received push back from developers regarding that.

Mayor Nehring: When you're looking to give a tax break, is you want to incentive something that offers a good value for the taxpayer. If there isn't a strong living wage incentive, tax payers may question what the benefit is. Want to create living, family wage jobs in our community. Think \$25 may be more appropriate. \$18 was a very different figure when this provision was adopted than it is now.

Councilmember Mark James: How did you come to \$25 per hour? Is there something that will cause some developers to be disinterested? How was this indexed?

Mayor Nehring: Adjustment in wages due to price increases gets you to about the \$25 wage.

Gloria Hirashima: In order to extend this tax provision, something that came up with partner City Arlington is to potentially change the use categories that can use this bill. We were the primary author of this bill. We really wanted to promote manufacturing jobs so we limited to certain use categories. One thing that Arlington raised was expanding the categories to create additional uses. Limiting to more manufacturing uses and not expanding to warehousing and logistical uses. The reason we didn't allow those uses is that they aren't high value uses. Not job intensify. Warehousing jobs aren't the highest wage jobs, high truck traffic more wear and tear on city roads, lots of land dedicated to low employment per acre.

Steve Leifer: Were you saying that if we have a 25 jobs that pay \$25 per hour you would be eligible for the property tax exemption?

Gloria Hirashima: Chris has reviewed some so can confirm.

Chris Holland: Must have \$800,000 in value into the building to qualify.

Mayor Nehring: Want to draft something that will get through the legislature. Some get hung up on the wage requirement. Worry about where the tax revenue goes. There is not tax money right now. It's vacant farmland. Nothing is coming in. We're not giving away anything. What would normally be a tax

increase would be deferred. When they hear tax rebate, they think that the money is coming out of the budget.

Gloria Hirashima: The land value continues to not be exempt. The improvement value would be exempt.

Kristin Kinnamon: Agree with the Mayor's thinking on the living wage. Think that it should be a bit of an ask. Certainly hope that if there is tax relief there should be higher standards.

Peter Condyles: Has the legislature done this elsewhere, or is this a unique program?

Mayor Nehring: This is a pilot program. When we were meeting with prospective developers, in other cities

Rob Robertson: I'm from Oklahoma. General Motors was there for awhile and they wanted incentives and then packed up and left and left some environmental issues. There are a lot of factors – inflation, wages. If they are going to be living in the community and bringing jobs, then they will be more accepting to bringing the living wages.

Mark James: Why 25 jobs? Does it have to be so hard and fast? Can it be a sliding scale? Not be such an imposition on some businesses.

Mayor Nehring: One thing we learned the last time around is the more complicated it is the less chance it has of passing. If we start changing it up then there's a risk that legislators might revisit more.

Steve Leifer: Think we need to remember is what multi-nationals are doing to squeeze the little guy. Say you have a guy with a really good machine shop, but only has 12 guys working there but pays his employees \$30 per hour.

Dan Hazen: I want to applaud Steve's idea there. What kind of town do we want to be? We're going to grow but how do we want that growth to happen? Favor the smaller which is more local. Recall being in school and students wanting to join Boeing but now Boeing is more a Chicago company. Have investors say this is our neighborhood, we're going to build a full life adjacent to where they work. There's so much potential up there. Are there ways to create incentive, attract employees, and have them invested in local community? \$25 is not a big ask. Let's build in some residences, culture and green space. I bet that will attract a unique type of investment.

Allan Giffen, Interim Community Development Director: Marysville worked very hard to get Marysville designated a manufacturing industrial center by the regional council which would run afoul of commitments on a regional level.

Gloria Hirashima, CAO: may need to move on to talk about zoning

Allan Giffen: Cascade Industrial Center primarily zoned industrial. Try to attract higher tech, manufacturing jobs. Light industrial zone does not have a lot of standards. The Smokey Point Master Plan does have some standards which will result in a higher quality, campus like environment.

Chris Holland, Planning Manager: Smaller area is Smokey Point Master Plan and the black boundaries are the Cascade Industrial Center boundary. Red highlighted area has some specific industrial standards that pertain to it. Remaining area does not have any design standards associated with it.

Smokey Point Master Plan provides standards on building and site orientation, landscaping, access, service and loading area. Vehicular circulation parking lots to have service area behind buildings. Have separate areas for employees and trucks to access. Architectural concept that it's not just a straight metal box. Have some architectural interest and design elements. Wall modulation, windows, recessed entryways, etc. and other standards for architectural interest. Stormwater detention screening, signage, etc. standards. Have a lot of similar standards in the underlying code but no design standards for the industrial zone generally. Should design standards be carried over if we re-designate some of the commercial properties in an industrial capacity?

Councilmember Stephen Muller: What is Steve's experience with the design requirements?

Steve Leifer: A lot of design can be incorporated that can make a building look nice that don't cost too much money. Requiring too many architectural requirements and it can be cost prohibitive.

Stephen Muller: Like building to look nice but don't want things to be cost prohibitive. Do Steve or Chris have thoughts on the design requirements?

Steve Leifer: Costs a small user considerably more money to make walls look nice than it does to a large user. Definitely an economic cost difference.

Stephen Muller: Situation similar to where you have existing single family neighbors and a you have sidewalks built where there aren't any surrounding.

Chris Holland: South of 136th quite a few infill industrial lots. Several of the parcels north of 136th that are green space.

Stephen Muller: That's what I was thinking about. Maybe not applying the design standards south of 136th Street to infill parcels.

Allan Giffen: Have had inquiries about different industrial uses and other storage type uses from property owners in the GC zone. Looking at the lot pattern and the amount of GC zoning. There is a lot more GC zoning than the City can support for office and retail types of development particularly with recent trends in office and retail. Thought to leave the lands along Smokey Point Boulevard with commercial uses and taking the areas off of Smokey Point Boulevard to light industrial. Seems that the inquiries that we're getting from property owners on the east half of the General Commercial aren't allowed in the GC zone but would be allowed in the LI zone.

Chris Holland: MI-5, Web Industries, UPS, and other projects are going in that area. Have Behavioral Hospital, MI-5, Smart Cap, storage buildings in this area. Also have 160th that's going to extend out to 51st Avenue.

Stephen Muller: Why are we wanting to change this? We draw a line and then we have someone look to do something else. Is there a flexible approach that we can take?

Chris Holland: We changed the code a couple of years ago to allow light manufacturing with some incidental storage uses, but the inquiries we're getting don't always work out.

Steve Leifer: We have one major arterial which is State Avenue/Smokey Point Boulevard. Can we do Light Industrial and then put a General Commercial overlay over it?

Allan Giffen: Interesting idea. Creating some administrative flexibility is an interesting concept. That's something we can look at if the committee thinks that this is something we should pursue.

Dan Hazen: What is an overlay?

Allan Giffen: An overlay is a special type of zoning where you don't rezone the underlying zone but allows a bit of a hybrid between two zones.

Overlay creates a modifying process in your code where you can modify the standards or uses to allow for different uses. Can make it complicated where

Dan Hazen: Kind of like an a la carte thing where you can select different things on the menu?

Allan Giffen: It allows some flexibility not really a la carte where you can mix everything on the menu. The process where we would look at this would be through a Comprehensive Plan amendment. Takes the better part of a year to go through the process and come up with some recommendations that can be looked at. Is there a sense from the committee that this is something that we should explore further?

Rob Robertson: Glad that Steve brought up the possibility of the overlay.

Kristin Kinnamon: With the future interchange at 156th Street seems as if there will be an opportunity for commercial zoning in the area.

Mayor Nehring: What areas would you like the City to prioritize or explore that we haven't looked at for consideration for future legislative work?

Steve Leifer: There is a need in any community for all sorts of different uses. Support buildings uses and so forth. We need garbage dumps. We need industrial uses that aren't always attractive. We need to take care of people that aren't always easy to take care of. To what extent should a community accommodate the undesirable uses? Is it something that we have a responsibility to shoulder?

Councilmember Stephen Muller: When we sign off on the franchise agreements that we have a lot of holes in coverage because they won't put the infrastructure in place and we don't backfill these areas. A lot of neighborhoods don't have adequate wireless services to allow kids to participate in online school for example.

Rob Robertson: Our community will be becoming more diverse. How can we help to allow diverse companies and families with language barriers get access to services?

Peter Condyles: This has been a very educational experience. A lot of the plans that we've been talking about that have been around for decades. How do we get communication out to citizens when the issues were actually decided well in advance and it's a moot point when the concern comes up?

Mayor Nehring: That's an item that we've had internal discussions on that we are trying to better address.

Steve Leifer: A physical action item that is on the minds of many citizens. I think that we need to continue to figure out how we can eliminate these train whistles. As you move in to your new facility you'll recognize this issue more and more? It needs to be moved to the top of the list.

Mayor Nehring: That is an issue that the City Council is looking at and will discuss next year.

Kristin Kinnamon: Thank you for your leadership. I think that it has been an amazing committee. City staff bringing items forward and listening and engaging. I think that they've been very successful in educating people. Hard to make City planning appealing. Encourage you to continue with that. Our cities going and we're leaving some people behind. Very concerned about the existing parts of the City that don't have parks and don't have amenities. I like to go to the library but it's difficult to get there with the patchwork of pathways. Sidewalks – we need to focus on getting connections. A tree ordinance – preserving trees that we're losing with different development and also help with climate change. We need to work on getting bicycle connectivity from Marysville to Everett. It's very flat and would be a good way to get there.

Dylan Sluder: We need to be sure as we're recruiting the jobs that we're providing housing especially missing middle.

Mayor Nehring: Want to thank staff, councilmembers, citizen members, Master Builders. We would like to keep as a standing ad hoc committee to obtain advice as needed.

EXHIBIT 6



Industrial Projects Subject to Design Standards			
Project Name	Zoning	Subject to Design Standards?	Design Standards That Apply
Bayview Electric	Light Industrial	No	-
Cascade Commerce Center	Light Industrial	Yes	Smokey Point Master Plan
Kenney 136th Street Industrial	Light Industrial	No	-
Kitsap Tractor	Light Industrial	No	-
Marysville Corporate Center	Light Industrial	Yes	Smokey Point Master Plan
MI-5 Business Park	General Commercial	Yes	City-wide design standards
Northsound Industrial Park	Light Industrial	No	-
Old Dominion Freight Lines	Light Industrial	No	-
R & D Masonry	Light Industrial	No	-
SAIA	Light Industrial	No	-
Salacia	Light Industrial	No	-
Smartcap Building A	Light Industrial	No	-
Smartcap Building B	Light Industrial	No	-
Twin Lakes Logistics	General Commercial	Yes	City-wide design standards
Undi Commerce Park	Light Industrial	No	-
UPS	General Commercial	Yes	City-wide design standards
WEB Industries	General Commercial	Yes	City-wide design standards

EXHIBIT 7



MARYSVILLE
WASHINGTON

Comparison of Smokey Point Master Plan Design Standards and Proposed Industrial Design Standards

		Smokey Point Master Plan	Proposed Industrial Code
Design Requirement	Define Street with Buildings or Landscaping	Yes, landscaping.	Yes
	Entrances Visible from Street and Main Parking	Yes	Yes
	Orient Front of Building Towards One Street	Yes, implied.	Yes
	Pedestrian Access and Circulation Standards	Yes	Yes
	Screen and Locate Service Areas Behind Buildings	Yes	Yes
	Provide Employee and Visitor Amenities	Yes	Yes, applies for sites over two acres.
	Qualitative Landscape Standards	Yes	Yes
	Site Lighting Standards	No	Yes
	Crime Prevention Standards	No	Yes
	Façade Modulation	Yes, for walls over 60 feet long. The minimum modulation depth is 8 feet and length is 15 feet. Maximum modulation length is 60 feet.	Yes, for walls over 150 feet long. Depth must be 8 feet and length 20 feet. Depth reductions possible with materials variation.
	Roofline Variation	Yes, should be broken into planes.	Yes, roofline variation is an option to reduce the depth of modulation and to contribute to articulation. Roofline variation may promote a distinctive entry.
	Façade Articulation	Yes	Yes. Two articulation elements must also be provided.
	High Quality Building Materials	Yes. Pre-fabricated metals with corrugated metal siding also prohibited.	Yes. Pre-fabricated metals with corrugated metal siding also prohibited.
	Blank Wall Treatment Required	Yes, implied in "break up flat walls" standard.	Yes
	Building Entrance Requirements	No	Yes, distinctive and proportional entrance required. Weather protection must be at least five feet deep and eight feet above primary entrance.
	Screen mechanical equip	Implied but standard not specifically stated.	Yes

EXHIBIT 8

REVIEW OF INDUSTRIAL PROJECTS FOR CONSISTENCY WITH PROPOSED LIGHT INDUSTRIAL (LI) DESIGN STANDARDS							
PROJECT NAME							
		Cascade Commerce Center	Marysville Corporate Center	MI-5	Twin Lakes Logistics	UPS	WEB Industries
LEGEND	GREEN = meets code LIGHT ORANGE = partially meets code RED = doesn't meet code						
	Entrances Visible from Street & Primary Parking	Yes	Yes	Yes	Yes	Yes	Yes
Orient Buildings Toward At Least One Street	Yes	Yes	Yes	Yes	Yes	Yes	
Customer Parking in Front and Business Parking to Building's Side or Rear	Yes	Yes	Yes	Yes	Yes	Yes	
Service Areas to Building's Rear and Screened	Yes	Yes	Yes	Yes	Yes	Yes	
Service Areas to Building's Rear and Screened					Yes, due to the positioning of the building, service areas are to the rear and screened. Ideally more building would be placed along 156th Street NE.	Yes	

	Cascade Commerce Center	Marysville Corporate Center	MI-5	Twin Lakes Logistics	UPS	WEB Industries
Façade Modulation	Yes, depth of modulation decreased to 5 feet with changes of materials.	No	Yes, depth of modulation decreased to 4 feet with change of materials .	Yes, at least 2 1/2 feet deep and 25 feet long.	No, only one modulation provided.	No
Roofline Variation	Yes	Yes	Yes	Yes	No	Yes, could improve. Subtle stepping down of roofline.
Tripartite Articulation	Yes	No	Generally through distinctive roofline, and windows and canopies along lower level.	Generally through variation in colors, materials and roofline.	No	Somewhat. The focal point (office area) of the building provides, but the rest of the does not. The concrete sill wall and finished edge on the roof contributes some of the long part of the building, but more could be done to differentiate. Seems to be the thing that detracts most from the building's appearance.
Façade Articulation	Yes	Some. Should be increased.	Yes	Yes	No	Somewhat. The roofline changes and the vertical wave accent panels provide, but the roofline changes are not fully meeting the 60 foot interval requirement or sufficiently strong.

	Cascade Commerce Center	Marysville Corporate Center	MI-5	Twin Lakes Logistics	UPS	WEB Industries
High Quality Materials	Yes	Yes	Yes	Appears to be. Some materials don't appear to be labeled though.	Generally not. Primary material is corrugated metal; however, there is CMU along the base of the south and a small portion of the west wall.	Somewhat. Concrete sill walls, CMU in rear of building, windows are nice, and mini-wave accent panels are nice. Stucco finish insulated metal panels seem lower quality.
Blank Wall Treatment	Generally. Certain sections that are slightly over 50 feet are blank walls unless the reveals and change in colors are sufficient to address.	No	Generally. Certain sections are over 50 feet (55 feet to be precise) are blank walls unless the reveals are sufficient to address. It appears landscaping was proposed to address though.	Generally. There are a couple small sections that are approximately 60 feet long that are blank walls unless the reveals are sufficient to address.	Some untreated walls. There are numerous garage doors so technically those areas don't appear to be blank walls.	Yes, the vertical embossed, ribbed or mini-wave accent panels and blank walls result in no blank walls.
Distinct Building Entrance w/ Weather Cover	Generally. Depth is 4' so needs to be increased by 1'.	No	Generally. Depth is 3' 11" so needs to be increased 1' 1".	Yes, five foot deep entry and very distinctive window treatment and higher roofline. Very cool.	There is a covering but the depth is difficult to determine and it's not very distinctive; however, the change in building colors and windows at the entrance help.	Yes
Mechanical Equipment Screening	Yes	Yes	Yes	Yes	Unclear	Yes

PC Recommendation - Industrial Design Standards and Associated Amendments

The Planning Commission of the City of Marysville, having held a public hearing on November 8, 2022, in review of amendments to the Marysville Municipal Code (MMC) including a new Section 22C.020.245, *Industrial site and building design standards*, and revisions to Sections 22C.020.230, *Commercial, industrial, recreation and public institutional zones – Purpose*, 22C.020.240, *Commercial, industrial, recreation and public institutional zones design requirements – Applicability and interpretations*, 22C.020.340, *Special limitations in the business and commercial zones*, 22C.130.050, *Development standards*, and 22C.160.170, *Freestanding signs*, and repeal of Chapters 9 and 10 of the *Smokey Point Master Plan*, and having considered the exhibits and testimony presented, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held public work sessions in review of the proposed new Industrial Design Standards and associated code amendments, and repeal of Chapters 9 and 10 of the *Smokey Point Master Plan* on June 14 and October 25, 2022.
2. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on November 14, 2022 for the proposed new Industrial Design Standards and associated code amendments, and repeal of Chapters 9 and 10 of the *Smokey Point Master Plan*.
3. Community Development Staff submitted the DRAFT proposed new Industrial Design Standards and associated code amendments, to the State of Washington Department of Commerce (DOC) for expedited review pursuant to RCW 36.70A.106(3)(b).
4. The Community Development Department received a letter from the DOC acknowledging receipt of the DRAFT proposed new Industrial Design Standards and associated code amendments, on October 24, 2022 and processed with Submittal ID 2022-S-4476. No comments were received from State Agencies.
5. The Planning Commission was provided public comments received throughout the review process and took into consideration testimony received from staff and the public at the duly advertised public hearing held on November 8, 2022.

CONCLUSION:

At the public hearing, the Planning Commission recommended approving the proposed new Industrial Design Standards and associated code amendments, and repealing Chapters 9 and 10 of the *Smokey Point Master Plan*, by the Marysville Planning Commission this 8th day of November 2022.

RECOMMENDATION:

Forwarded to City Council as a recommendation to **approve** the proposed new Industrial Design Standards and associated code amendments, and repeal Chapters 9 and 10 of the *Smokey Point Master Plan*, by the Marysville Planning Commission this 8th day of November 2022.

By:



Steve Leifer, Planning Commission Chair

Meeting Minutes

June 14, 2022

1. ROLL CALL / CALL TO ORDER

Chair Leifer called the meeting to order at 6:32 p.m. and noted the excused absence of Tom Thetford and the absence of Sunshine Kapus.

Present: Chair Steve Leifer, Commissioner Jerry Andes, Commissioner Roger Hoen, Commissioner Brandon Whitaker, Commissioner Kristen Michal

Staff: Senior Planner Angela Gemmer, Community Development Director Haylie Miller, Planning Manager Chris Holland

Absent: Commissioner Tom Thetford (excused), Commissioner Sunshine Kapus

2. APPROVAL OF MINUTES (April 26, 2022)

Motion to approve the minutes of the April 26, 2022 meeting moved by Commissioner Hoen seconded by Commissioner Andes.

AYES: ALL

3. AUDIENCE PARTICIPATION (for topics not on the agenda)

None

4. NEW BUSINESS

A. Code Amendment – Light Industrial Design Standards

Senior Planner Gemmer introduced this item. Chair Leifer referred to the previous recommendation that these standards be applied to properties north of 136th Street on State Avenue. He asked if staff is now recommending moving those further south. Senior Planner Gemmer explained that staff is proposing to extend them the entire length of State Avenue. They will also apply to other areas. She presented a slide show regarding the Industrial Design Standards. She reviewed areas proposed for the Industrial Design Standards including the Smokey Point Master Plan Area; the area

proposed for rezone from GC to LI with GC overlay; and frontages (first 150 feet) along State Avenue/Smokey Point Blvd., 152nd Street, and 136th Street.

The main industrial design provisions are to:

- require customer/employee parking in front and truck/service parking to rear
- storage/service areas to rear and screened
- shared accesses when feasible
- encourage amenities for employees
- require tripartite articulation
- screen mechanical equipment
- decorative paved pedestrian connections
- landscaping per existing code (some new standards)
- exterior lighting standards and CPTED (Crime Prevention through Environmental Design) standards.
- retain desired street trees from SPMP.
- façade modulation for walls at least 200 feet long. Currently required in SPMP for walls over 60 feet long.
- desired and prohibited building materials outlined.
- blank walls must be treated
- building entries must be provided/meet certain standards.

Senior Planner Gemmer displayed images of the Southwest Everett Industrial area as examples of desired outcomes.

Commissioner Andes asked about tree requirements on properties in addition to boulevard trees. Ms. Gemmer reviewed tree requirements for landscape buffers and interior and perimeter landscaping.

Chair Leifer asked about the requirement that blank walls be treated. Senior Planner Gemmer explained that this pertains to large stretches of wall with no windows or doors. The requirement is to add something like different building materials, a landscape buffer, a trellis, or a false wall to break up the wall and make it more interesting. Commissioner Andes commented on places he has seen people plant large trees too close to the building. Ms. Gemmer agreed that the developer needs to choose something compatible with the space. Chair Leifer asked if it could be a painting or mural. Ms. Gemmer replied that it could.

Chair Leifer asked about examples of employee amenities. Senior Planner Gemmer replied that the amenities could be things like a gazebo, picnic area, or benches to make the area more usable for people that work there. It would not be a requirement but would be encouraged.

Chair Leifer asked how the County views overlay zones for taxation purposes regarding the highest and best use? Senior Planner Gemmer was not sure but offered to find out.

Commissioner Whitaker referred to frontage improvements and asked if new businesses along 152nd Street would be required to do right-of-way improvements on top of the landscaping requirements. Ms. Gemmer explained that typically they would be required to do frontage improvements prior to occupancy of the building which may include curb, gutter, sidewalk, landscaping, and an overlay of the asphalt to the surveyed center line of the road. Sometimes there are also offsite improvements if conditions are deteriorated or inadequate.

Commissioner Whitaker asked if 152nd Street is anticipated to be widened in the future. Senior Planner Gemmer wasn't certain but offered to bring back a timeline of improvements. Planning Manager Holland explained that the City is looking at going out for grant funding for the corridor from 156th Street that ties into 152nd just west of 51st; north on 51st up to 160th; and west back to Smokey Point Blvd. He further discussed how this is expected to be accomplished.

B. Code Amendment – Residential Design Standards – Applicability

Ms. Gemmer explained that the purpose of the amendment is to direct office, institutional and similar non-residential development in residential zones to use the commercial design standards chapter as the standard is more appropriate for that type of development. A similar fix is happening in the commercial design standards to direct exclusively multi-family residential uses in the Mixed Use zone to use the residential design standards. Planning Manager Holland reviewed an example of how this would be more appropriate.

C. 2022 Comprehensive Plan Amendments – Introduction

- Amendment 1 – Quil Ceda Tannery Rezone

This is a proposed rezone from 88 Mixed Use (88-MU) to Light Industrial (LI). Senior Planner Gemmer reviewed background on this area and the justification for the proposed rezone. Planning Manager Holland provided further details.

Chair Leifer commented that the restricted access is the reason that mixed use development has not been feasible. He doesn't think changing the zoning to LI is going to fix that issue. Planning Manager Holland agreed that access is still an issue.

Commissioner Andes asked about access over the railroad at 84th. Planning Manager Holland replied that would take a large development for that to happen. There are no plans for that crossing at this time.

Commissioner Hoen noted this is almost an identical situation to 116th. There was a developer looking at permitting for high rise storage. Ms. Gemmer noted the code was amended a couple of years ago to allow storage uses on properties with access and similar constraints. There were some pre applications made for the 116th property, but

no formal applications. Planning Manager Holland noted that the property referred to was sold to Tulalip Tribes.

- **Amendment 2 – Smokey Point Area-wide Rezone**

Senior Planner Gemmer gave a brief overview of this and explained this would impact parcels north of 152nd Street, west of Hayho Creek, south of the Arlington-Marysville city boundary, and east of Smokey Point Blvd. The proposed rezone of approximately 140 acres from General Commercial (GC) to Light Industrial (LI) with a GC overlay would afford a broad range of uses.

Commissioner Whitworth asked if it is anticipated that a lot of property owners might sell in the near future for light industrial uses. Ms. Gemmer noted there is a huge amount of activity in the area. Over time they will redevelop. Planning Manager Holland reviewed the status of parcels in that area.

Chair Leifer asked how many vacant usable acres are left in the Cascade Industrial Center. Planning Manager Holland was not sure but noted that the last large piece is getting ready to resubmit. He indicated staff could bring back the numbers. He shared the Community Development page which has information about development activity, plans, and zoning in Marysville in addition to a lot of other information. He encouraged commissioners to send people there who have questions about development to take a look at that information.

Senior Planner Gemmer stated that staff would bring back a more robust analysis of the rezones in the near future.

5. CITY COUNCIL AGENDA ITEMS and MINUTES

Director Miller gave an update on the Community Business Zone item that was discussed at a workshop a few months ago where the Planning Commission had made the recommendation to leave the code as it is. The City Council discussed this and ultimately established interim regulations in the zone establishing a maximum density of 12 units per acre. A public hearing will be held on the interim regulations in July. The City Council requested that staff cover the commercial design regulations for that area.

Chair Leifer asked about the reason for Council's decision since there is such pressure to create more housing in the area. Director Miller reviewed some of the reasons and noted it was ultimately a policy decision. There was discussion among the Planning Commission and staff about this topic. Senior Planner Gemmer highlighted several multifamily developments in the works placing a lot of pressure on 172nd Street. The traffic is a huge concern. She pointed out that there was not any residential development allocated for the CB zone. Planning Manager Holland reviewed a map showing the significant development activity in that Lakewood area.

6. ADJOURNMENT

Motion to adjourn the meeting at 8:35 p.m. moved by Commissioner Whitaker seconded by Commissioner Andes.

AYES: ALL

NEXT MEETING – June 28, 2022

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

Regular Meeting

October 25, 2022

CALL TO ORDER

The Tuesday, October 25 meeting of the Marysville Planning Commission was called to order at 6:35 p.m.

It was noted that Commissioners Tom Thetford and Sunshine Kapus had stepped down from the Planning Commission.

ROLL CALL

Present: Chair Steve Leifer, Commissioner Roger Hoen, Commissioner Jerry Andes, Commissioner Kristen Michal, Commissioner Brandon Whitaker

Absent: None

Staff: Community Development Director Haylie Miller, Principal Planner Angela Gemmer, Planning Manager Chris Holland (via Zoom)

APPROVAL OF MINUTES

September 27, 2022 Planning Commission Minutes

Motion to approve September 27, 2022 Planning Commission Minutes moved by Commissioner Roger Hoen seconded by Commissioner Jerry Andes.

AYES: ALL

AUDIENCE PARTICIPATION

None

OLD BUSINESS

A. Light Industrial Design Standards

Principal Planner Gemmer reviewed this item related to the Light Industrial (LI) Design Standards. The standards are proposed to apply to the Smokey Point Master Plan Area; 88th Street Master Plan Area; Smokey Point Area-wide Rezone Area; and LI zoned properties within 150 feet of 152nd Street, 136th Street, along State Avenue/Smokey Point Blvd., and 128th Street.

Chair Leifer referred to Exhibit 1 and noted that the drawings should show an overlay of General Commercial along Smokey Point Boulevard/State Avenue from 128th to 152nd Street. Senior Planner Gemmer indicated she would look into that. She also reviewed the map showing SWIFT stations and the half-mile radius around each one.

Commissioner Whitaker asked about the reason for applying the standards to these areas. Principal Planner Gemmer explained that it started with looking at design standards for the Smokey Point Area Wide Rezone and gradually evolved to a larger area.

Commissioner Hoen noted that Arlington is not shown as part of the coverage. He asked if there is a way to find out if the zoning in the Arlington area is similar to Marysville's. He thinks it would be beneficial to look at this as one area that the two municipalities are jointly developing. Ms. Gemmer noted they could look to see what design standards Arlington applies in that area. She stated that the two cities are well synchronized with regard to a shared vision and uses but there may be some deviation with design standards. She offered to bring back more information on this.

Ms. Gemmer reviewed a table showing a comparison of Smokey Point Master Plan Design Standards with the Proposed Industrial Design Standards. She highlighted other miscellaneous changes.

Chair Leifer asked if it was the intent of the code to preclude all engineered steel buildings. Ms. Gemmer explained that architectural metal could be used when it has a visible corner molding and trim and also has a matte, non-reflective surface. Prefabricated metal buildings with corrugated metal siding would not be allowed. Ms. Gemmer replied she could get clarification on specific situations. Chair Leifer wondered if this might be a deterrent for those seeking a more economical option. Ms. Gemmer noted that the approach is to focus the standards on the areas that are more visible or already have standards in place.

Chair Leifer asked for clarification about the requirement to install a vertical trellis and other treatments to cover at least 50% of the wall's area. Ms. Gemmer stated that it would apply to blank walls only; the intent is to cover 50% of the total area with vegetation or other treatments, but the shape could be flexible. This is in the City's current code.

Commissioner Andes asked how this relates to the changes they made in regard to the plans for the former Belmark property on 116th. Ms. Gemmer indicated that it may be something that needs to be cleaned up in code. Planning Manager Holland

commented that in the LI zone the storage facilities would have to be located on Smokey Pt. Blvd. He thought this was already covered in the code.

Commissioner Whitaker referred to the requirement for a landscape maintenance security bond to be held for three years and asked where this number came from. Ms. Gemmer explained that the bonds are typically for two growing seasons. Three years is a recommendation from MAKERS for this type of planting.

Commissioner Michal asked about the reasoning for changing the standard for façade modulation for walls from 60 to 150 feet. Ms. Gemmer explained that this is more consistent with other jurisdictions' industrial design standards.

Discussion Question: Is there a desire to have the design standards also apply to 40th Avenue, 45th Avenue, and 144th Street?

Commissioner Andes asked what the benefit of doing this would be. Ms. Gemmer replied that it would improve aesthetic outcomes along those three streets. Chair Leifer commented that everything is pretty much developed in that area. There was no indication that the Planning Commission wished to add those additional areas.

Commissioner Andes asked if there are plans for the road on the north side of the naval exchange area to be extended all the way to State Avenue/Smokey Pt. Blvd. Ms. Gemmer summarized that ultimately it might go through with future development, but it won't be in the near term. She discussed multiple challenges associated with this.

Motion to direct staff to bring the Light Industrial Design Standards back for a hearing on November 8 moved by Commissioner Jerry Andes seconded by Commissioner Kristen Michal.

VOTE: Motion carried 4 - 1

AYES: Chair Steve Leifer, Commissioner Roger Hoen, Commissioner Jerry Andes, Commissioner Kristen Michal

NOES: Commissioner Brandon Whitaker

B. Residential Design Standards - Applicability

Principal Planner Gemmer explained this is a change to the applicability section of the current Residential Design Standards to clarify that if there are non-residential uses in residential zones, they would be subject to the commercial design standards.

Commissioner Whitaker referred to 2(c) which would allow the project proponent to submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards and would provide for the director to determine if the intent of the standard has been met. He expressed concern that this might compromise the standards. Ms. Gemmer explained that this is an existing provision, and that changes would be at the discretion of the director but would still have to meet the intent of the standard.

Motion to direct staff to set a public hearing for the Residential Design Standards - Applicability on November 8 moved by Commissioner Brandon Whitaker seconded by Commissioner Jerry Andes.

AYES: ALL

NEW BUSINESS

A. 2024 Comprehensive Plan Update - General Growth Approach Discussion

Principal Planner Gemmer re-introduced the 2024 Comprehensive Plan Update and solicited feedback from the Planning Commission about where they would generally like to see growth go. She reviewed 2024 growth targets including current population, capacity, additional population to accommodate, and general approaches to accommodate growth. The City is expected to accommodate approximately 6,800 additional people with approximately 4,000 housing units. The County is expecting countywide that of the people that need to be accommodated, 75% of the units will be multifamily and 25% will be townhouses. Looking back at the growth that Marysville has seen and the fact that there is still a large amount of green space available, staff thinks that the new units in Marysville will be distributed as 45% multifamily, 25% townhouses, and 30% single family. Staff acknowledges a trend toward townhouses and multifamily, but not to the extent expected by the County.

Chair Leifer thought the areas surrounding the SWIFT stations made sense for increased densities. Ms. Gemmer explained that implementing the State Avenue Subarea plan could accommodate the bulk of the required housing if that is the desire of the community, Planning Commission, and Council. This is one of several approaches that are being considered.

Possible Approaches:

- Higher density and some rezoning within a half-mile radius of certain State Avenue SWIFT stations
- Look at multifamily and single family zones throughout the city to possibly allow more density in some of them.
- A combination of higher density along State SWIFT stations and modest density increases.
- Reassess land likely to redevelop downtown.
- Modify assumptions for density. Are higher densities than the buildable lands report recently observed?

Chair Leifer commented that it appears the County is going to make it difficult to expand urban growth boundaries. Ms. Gemmer agreed that they are discouraging that. She noted that the City would have to look at "reasonable measures" to accommodate growth before potentially expanding urban growth boundaries. Chair Leifer commended the City for acknowledging that there are some single family uses that would like to be accommodated. He thinks the County's recommendations are ill-advised. Ms. Gemmer noted there are also a lot of goals and approaches that come down from the State.

Commissioner Whitaker commented that in general, the townhomes along 100th Street and near the junior high/middle school area have been positive. He spoke in support of increasing density around major transportation corridors but still maintaining the opportunity for single family homes. Keeping a balance between the single family, multifamily, and townhomes feels like a good idea. He noted that having large multifamily developments far away from State Avenue or other major arterials doesn't make a lot of sense.

Ms. Gemmer reviewed:

- PSRC Regional goals and Community Transit SWIFT stations - SWIFT stations along State Avenue could provide some additional density. A regional goal is for 65% of population growth and 75% of employment growth to be within proximity of the high-capacity transit but cities can pursue different strategies. The City is having conversations with Community Transit about SWIFT station locations and routes.
- Incremental changes in single-family zones could help to spread out the growth more evenly throughout the community. This would entail some rezoning and/or modified density assumptions.
- Staff plans to reassess re-developable parcels downtown
- Staff has concerns about increasing any density up in Lakewood unless it is in the Community Business triangle. They are also cautious of any increased density near the 88th Street intersection. Increased density at 116th Street and State Avenue would require coordination with Public Works on transportation. These are already have challenges. The Whiskey Ridge water supply is a key consideration for any increase in density in East Sunnyside – Whiskey Ridge.

Discussion:

Commissioner Michal asked why the State Avenue Plan was tabled. Ms. Gemmer explained that it was relayed to her that there was some concern from some Council members about too much density along State Avenue. If they proceed with the State Avenue Plan, there will be a cautious approach regarding density. Staff will coordinate carefully with Public Works, Council, and the Planning Commission on any approach involving State Avenue.

Chair Leifer thought that State Avenue/Smokey Point Blvd. would make the most sense for higher density areas since it is the one major urban arterial. Senior Planner Gemmer commented that there are some unique challenges along State Avenue with the railroad and some challenged intersections. There are also some concerns by legislative bodies in general throughout the region about problems with increased multifamily. Chair Leifer commented that they all would actually prefer not to have any more growth in the City. However, the reality is that, with the directive from the County to accommodate growth, multifamily has to come into the mix. It makes sense to put it on a major arterial like State Avenue.

Commissioner Hoen asked about the expected route of the Gold Line. Ms. Gemmer replied that it will come up from Everett, through State Avenue/Smokey Pt. Blvd, and up to Arlington. It could possibly sweep to the east to capture some of the ridership from the Cascade Industrial Center before continuing up to Arlington. Commissioner Hoen asked if there had been consideration about expanding the Downtown Master Plan boundary north. Ms. Gemmer replied that it was significantly expanded in 2021. It could potentially be modified again if there was a desire to have more density along State towards the downtown area.

Commissioner Andes asked about Community Transit service in addition to SWIFT. Ms. Gemmer explained she thought there were some plans for other types of buses to get to and from the nodes in other cities but wasn't sure about Marysville. In general, the goal is to have a quarter to half-mile radius walkshed so people can walk or bike to the station.

Commissioner Michal recommended preserving the opportunity to purchase single family homes as much as possible because this is one of the things that makes Marysville a great place to be. She also recommended looking at the Downtown Master Plan to see if they can find numbers from what is existing. Finally, she noted that she has lived places that are really dense, and it was nice to have places close to transit. If they need to find more numbers, it makes sense to look for density around the SWIFT nodes. It might also be nice to have it not be all the way up State Avenue.

Chair Leifer commented that if there is a developed residential community near State Avenue that would be negatively impacted by higher density on State Avenue that should be considered.

Ms. Gemmer noted that the State Avenue Plan originally had proposed some pretty high densities (25-50 units/acre). She reviewed some examples of higher density projects around the city.

Chair Leifer commented that they should look at going up vertically even if they don't increase the density to maintain more open space.

Ms. Gemmer reviewed results of the Citizen Survey on growth to date. The largest concerns about increased growth are increased traffic, demands on school system, and environmental impacts. Measures that the City can take to make growth more welcome would be more amenities for people, improved transportation, and pedestrian connectivity. Overwhelmingly the community has indicated they would like to see a hybrid approach with density. If density were contemplated on State Avenue, most said they would like to see it up to 136th or 116th. If more density were along State Avenue, they would like to see a mix of apartments, mixed use, and townhouses. The least preferred approach would be an exclusively multifamily development along State Avenue. If density were spread throughout the City, a mix of housing types would be preferred.

Ms. Gemmer summarized that staff will assess State Avenue for some of the growth; the downtown area to see if we can recapture more density; and possibly some other strategic areas to increase density.

Commissioner Hoen referred to 116th and State Avenue and commented that the Tribes could connect to the road behind the hotel and develop the area behind the railroad track. If the Tribes decide to develop that area, do they have obligations to Marysville's codes? Ms. Gemmer replied that her understanding was that the Tribes' goal was to develop a transportation center there. In terms of following the City's standards, her understanding was that if they put the land in tribal trust they would have broad latitude with what they could pursue and would likely not need to adhere to city standards. If the land was not put in tribal trust, they would need to follow the City's standards.

ADJOURNMENT

Motion to adjourn at 8:45 p.m. moved by Commissioner Brandon Whitaker seconded by Commissioner Kristen Michal.

AYES: ALL

Angela Gemmer, Principal Planner for

Laurie Hugdahl, Recording Secretary

NEXT MEETING – November 8, 2022

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

**DRAFT
Meeting Minutes
November 8, 2022**

ROLL CALL

Chair Leifer opened the meeting at 6:30 p.m.

Present:

Commissioners: Chair Steve Leifer, Commissioner Brandon Whitaker, Commissioner Kristen Michal, Commissioner Jerry Andes, Commissioner Roger Hoen

Staff: Community Development Director Haylie Miller, Principal Planner Angela Gemmer, Recording Secretary Laurie Hugdahl

APPROVAL OF MINUTES

October 25, 2022 Planning Commission Meeting Minutes

Chair Leifer referred to the second paragraph on page 2 where he had commented about the General Commercial overlay on State Avenue/Smokey Point Blvd. He clarified that this overlay should be "from 128th to 152nd" not 136th to 152nd.

Motion to Approve October 25, 2022 minutes as corrected moved by Commissioner Jerry Andes seconded by Commissioner Brandon Whitaker.

AYES: ALL

AUDIENCE PARTICIPATION

None

PUBLIC HEARINGS

Light Industrial Design Standards

Principal Planner Angela Gemmer made the presentation regarding the Light Industrial Design Standards proposed to apply to the Quilceda Rezone Area, the Smokey Point Master Plan Area, the Smokey Point Rezone Area, and to the first 150 feet along 152nd Street, Smokey Point Blvd., 136th Street, and 128th Street. She reviewed a map of the areas, noting that the design standards are pretty comparable to the standards that are in place for the Smokey Point Master Plan.

She responded to a question from the previous meeting about whether or not the design standards would preclude corrugated metal. She clarified that the Brown Matson building is something that would not be eligible under the proposed design standards because it appears to be a prefabricated building with corrugated metal siding. She stated that in general the City does not want to see metal, prefab buildings in the Smokey Point Master Plan area or the Smokey Point Rezone area. In the other areas, there could be a potential to modify the standard if desired by the Planning Commission.

Commissioner Andes commented that he didn't see a problem with the Brown Matson building. They have done a nice job concealing the fact that it is prefab, and he didn't think someone driving by would even know. Principal Planner Gemmer concurred.

Chair Leifer commented that he is not a fan of metal buildings but he thinks they have their place if done properly. He also understands they are more economical. He noted that corrugated metal can be an appealing amenity if it is done right. He is not sure that this should be excluded outright. He referred to page 11, item i, related to the percentage of tinted glass and noted it was missing the amount. Principal Planner Gemmer noted that this should be 10%.

Chair Leifer referred to the map in the packet and stated that it needs to be updated to reflect the overlay zone from 128th to 152nd on State Avenue/Smokey Point Blvd. It was intended to allow General Commercial at least 500 feet back from State Avenue/Smokey Point Blvd. Senior Planner Gemmer explained she had looked into this and found that the overlay was in the Comprehensive Plan, but apparently had never made its way into the code. This is something staff will need to take a look at next year. She explained that as part of the center designation for the Cascade Industrial Center, one of the expectations by Puget Sound Regional Council was that some of the retail and service-based uses which were non-manufacturing in nature needed to be limited within the boundaries of the Cascade Industrial Center. The permitted uses matrices was amended to omit a fair number of retail and service-based uses from the majority of the Cascade Industrial Center excluding along State Avenue/Smokey Point Blvd. Staff will need to do more research to make sure the 500 foot retail area is something that can be implemented and still be consistent with the agreement with Puget Sound Regional Council.

Chair Leifer expressed concern about how this could have been overlooked. He also noted that they have maintained a General Commercial overlay for the properties north of 152nd. He stressed that this is an independent city and there should be enough leeway to make this work since it was unanimously approved. He noted that the Growth

Management Task Force (GMTF) was also in agreement that this overlay should be applied to that thoroughfare as reflected in the notes from the last GMTF meeting included in the packet. He recommended maintaining the light industrial zone but also allowing flexibility for development along State Avenue/Smokey Point Blvd in order to use that corridor to its highest and best use. He pointed out that there had been a consensus among the Growth Management Task Force also that this should be applied. He stated it was clear that it should be applied as approved from 128th to 152nd, but he also advocated for it being extended along the entire thoroughfare from 128th to 172nd.

Principal Planner Gemmer stated she would do more research to get to the bottom of why there is a disconnect between the Comprehensive Plan and the code on this issue. She noted that staff is not opposed to this; they just need to make sure that they do not compromise the centers designation. Chair Leifer thought this would allow the best of both worlds without having any adverse impacts. He spoke to the importance of maintaining flexibility with this corridor to accommodate a diverse array of uses. He doesn't think that light industrial is necessarily the highest and best use along this corridor.

Director Miller added that the overlay is in the Comprehensive Plan as an overarching goal, but there are a lot of things in the Comprehensive Plan that still need to be worked out at the code level with the Planning Commission and Council. She doesn't think anything was necessarily deleted or omitted from code; most likely it just hasn't been formally brought forward to the group to look at. Now, with the Cascade Industrial Center, they need to be careful to make sure it is not in conflict with those policies.

Commissioner Hoen agreed that this overlay makes a lot of sense. He referred to Highway 9 and how that has become a commercial area. Principal Planner Gemmer indicated she would do more research and come back to the Planning Commission with more details.

The public testimony portion of the public hearing was opened at 7:03 p.m. There were no comments. The hearing was closed at 7:03 p.m.

Motion to Approve forwarding the Light Industrial Design Standards to Council with a recommendation for approval moved by Commissioner Jerry Andes seconded by Commissioner Roger Hoen.

AYES: ALL

Residential Design Standards - Applicability

Principal Planner Gemmer explained that there have been some modifications since the Planning Commission last reviewed this section. The primary change is to point non-residential uses in residential zones to commercial design standards because presently there is a mismatch between the design standard and the use. Two other minor changes would be to omit unnecessary language regarding conflicts between codes and standards, and omit a specific reference to design guidelines that are out of date.

Discussion:

Commissioner Whitaker asked how commercial uses that abut residential uses would be treated. Principal Planner Gemmer explained that connectivity expectations are the same in industrial, commercial, and residential design standards codes. Commissioner Whitaker asked about landscape buffers. Principal Planner Gemmer explained that the landscape standards in the residential, industrial, and commercial include qualitative standards which are similar in all the codes. There are specific requirements in the general landscape code which apply to all the zones.

Commissioner Hoen raised a concern about this impacting business permits for people who sell art or similar things from their home. Principal Planner Gemmer replied that this would not have any impact on that.

Chair Leifer asked about a potential conflict between height standards. Principal Planner Gemmer explained that the height standards for commercial, industrial, and residential zones are in a separate chapter and will remain the same. There is also a separate section in code that relates to non-residential uses in residential uses which states that the base height shall conform to the height limitation of the underlying zone in which the use is located.

Commissioner Andes referred to landscaping and suggested that the requirements might be too high. He noted that he recently returned from a trip to Arizona where he noticed they did not require that everything be covered with something green or growing. This tends to make things look simpler and neater. Ms. Gemmer explained that there is flexibility in the City's administrative landscape guidelines. Staff also works with people if they have a vision of what they would like to implement.

Commissioner Andes referred to a project on Smokey Point Blvd. north of 136th where the City had planted a ton of shrubs and tall grass but several years later, they tore much of it out. Commissioner Whitaker asked why they tore it out. Principal Planner Gemmer was not sure, but thought it was likely a maintenance issue. She commented on the need to be strategic about what is planted where and to plant something that will outcompete weeds. Commissioner Whitaker agreed and recommended picking something that is applicable and reasonable for its location. Landscaping needs to make sense for where it is planted.

Commissioner Hoen referred to a clause in some code about requiring a three-year plant maintenance plan. Principal Planner Gemmer explained that it was only for the Industrial Design Standards when there is a large section of blank wall without windows or doors. The three-year maintenance plan would only be required for vegetation treating a blank wall due to the difficulty in getting enough plant coverage.

Chair Leifer expressed frustration about trying to meet the landscaping requirements in the code and then having the police express safety concerns about it. Principal Planner

Gemmer agreed that sometimes there is a tension between different standards and that a balance must be struck.

Commissioner Andes referred to the development on the north side of 116th where he has noticed that some of the trees were planted right underneath lightbulbs and now have grown up over the lights. Ms. Gemmer replied that is something that is supposed to be addressed in the code, but maybe was overlooked.

Chair Leifer stated the importance of allowing flexibility with projects. Principal Planner Gemmer agreed.

Motion to Approve the Residential Design Standards - Applicability and forward to the City Council with a recommendation for approval moved by Commissioner Kristen Michal seconded by Commissioner Jerry Andes.

AYES: ALL

ADJOURNMENT

Director Miller discussed paper packets and the City's initiative to go paper-free. She made a suggestion that the Planning Commission could be provided tablets to use. The Commission was receptive to the idea and willing to try it. Director Miller indicated she would look into it.

There was discussion about the November meeting which is just a couple days before Thanksgiving. Commissioner Michal noted she would not be available. Staff will follow up to confirm if the meeting will happen on that date or be rescheduled.

There was discussion about the two open commissioner positions. Staff is actively seeking applications. Chair Leifer asked about the requirement to live in city limits. Director Miller replied that a majority must be residents, and all members have to reside in the City's UGA. Chair Leifer thought that someone that owns a business in the City would be a good candidate.

Principal Planner Gemmer responded to previous questions:

- Widening the stretch of State Avenue from 104th and 116th is expected to begin in 2024 and be completed in 2025.
- Commissioner Hoen had asked about Arlington's design standards on the shared boundary. She replied that they do have standards for all the zones that abut Marysville, but in the general industrial zone they only apply to the front of their general industrial buildings. She noted that most of the shared boundary where the standards are changing is already developed.
- The proposed Smoke Point Rezone will not impact the mini-storage code pertaining to the CB and GC zones. There won't be any code changes needed in light of the industrial design standard code change or the rezone of the Smokey Point area.

Motion to Adjourn the meeting at 7:55 p.m. moved by Commissioner Brandon Whitaker seconded by Commissioner Kristen Michal.

AYES: ALL

Laurie Hugdahl, Recording Secretary

NEXT MEETING – November 22, 2022 (tentative)

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO AMENDMENTS TO THE CITY'S UNIFIED DEVELOPMENT CODE (MMC TITLE 22), AND THE MARYSVILLE GROWTH MANAGEMENT ACT COMPREHENSIVE PLAN, ORDINANCE NO. 3000, AS PREVIOUSLY AMENDED, RELATING TO INDUSTRIAL DESIGN STANDARDS INCLUDING AMENDMENTS TO MARYSVILLE MUNICIPAL CODE SECTIONS 22C.020.230, 22C.020.240, 22C.020.340, 22C.130.050, 22C.160.170, AND ADDING SECTION 22C.020.245, AND CONCURRENTLY REPEALING CHAPTERS 9 AND 10 OF THE SMOKEY POINT MASTER PLAN.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City of Marysville regularly updates development standards to address changing needs and to maintain compliance with changes in Washington State (State) laws; and

WHEREAS, the City of Marysville is concurrently processing rezones for two significant areas known as the 'Smokey Point Area-wide Rezone' and the 'Quil Ceda Tannery Rezone,' respectively, which together comprise approximately 163 acres; and

WHEREAS, both the 'Smokey Point Area-wide Rezone' and the 'Quil Ceda Tannery Rezone' areas are currently subject to site and building design standards which are in place to promote quality site design and architecture, and enhance the image and identity of the community, which are Comprehensive Plan goals; and

WHEREAS, the 'Smokey Point Area-wide Rezone' will result in the rezone area being rezoned from General Commercial (GC) to Light Industrial (LI) with a General Commercial Overlay; and

WHEREAS, the 'Quil Ceda Tannery Rezone' will result in the rezone area being rezoned from 88-Mixed Use (88-MU) to Light Industrial (LI); and

WHEREAS, the only Light Industrial (LI) zoned area in the City of Marysville that currently has design standards is the Smokey Point Master Plan Area; and

WHEREAS, the City seeks to rezone the areas to better align with market conditions while also ensuring that the site design and architecture in these areas is not compromised; and

WHEREAS, to ensure that the site design and architecture in these areas is not compromised, the City has prepared a new code MMC Section 22C.020.245, Industrial site and building design standards; and

WHEREAS, to improve the image and identity of the community, the industrial design standards are also proposed to apply to buildings located within 150 feet of Smokey Point Boulevard, 152nd Street NE, 136th Street NE, and 128th Street due to their high visibility and the potential for buildings in these locations to significantly impact the aesthetics of the community; and

WHEREAS, to promote a more consistent and cohesive appearance to industrial areas where the industrial design standards will apply, and to simplify the administration of the industrial design standards, the new industrial design standards will also apply to the Smokey Point Master Plan Area, and the existing design standards set forth in Chapters 9 and 10 of the Smokey Point Master Plan will be concurrently repealed; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City of Marysville has submitted proposed development regulation revisions to the Washington State Department of Commerce on October 24, 2022 (Material ID 2022-S-4476) seeking expedited review under RCW 36.70A.106(3)(b) and in compliance with the procedural requirements of RCW 36.70A.106; and

WHEREAS, on November 14, 2022 the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) which addressed the environmental impacts of the Industrial Design Standards amendments, a non-project action proposal; and

WHEREAS, during public meetings on June 14 and October 25, 2022, the Planning Commission discussed proposed amendments related to the Industrial Design Standards; and

WHEREAS, on November 8, 2022, the Marysville Planning Commission held a duly-advertised public hearing, and recommended that the City Council adopt the proposed Industrial Design Standards and concurrent repeal of Chapters 9 and 10 of the Smokey Point Master Plan; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, during the public meeting on November 28, 2022 the City Council discussed potential amendments related to the Industrial Design Standards and concurrent repeal of Chapters 9 and 10 of the Smokey Point Master Plan, and recommended approval of said changes; and

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

Section 1. Amendment of Municipal Code Section 22C.020.230. MMC Section 22C.020.230, entitled Commercial, industrial, recreation and public institutional zones – Purpose, is hereby amended as set forth in **Exhibit A.**

Section 2. Amendment of Municipal Code Section 22C.020.240. MMC Section 22C.020.240, entitled Commercial, industrial, recreation and public institutional zones design requirements – Applicability and interpretations, is hereby amended as set forth in **Exhibit B.**

Section 3. Adoption of a new code section Municipal Code Section 22C.020.245. A new MMC Section 22C.020.245, entitled Industrial site and building design standards, is hereby adopted as set forth in **Exhibit C.**

Section 4. Amendment of Municipal Code Section 22C.020.340. MMC Section 22C.020.340, entitled Special limitations in the business and commercial zones, is hereby amended as set forth in **Exhibit D.**

Section 5. Amendment of Municipal Code Section 22C.130.050. MMC Section 22C.130.050, currently entitled Development standards, is hereby amended as set forth in **Exhibit E.**

Section 6. Amendment of Municipal Code Section 22C.160.170. MMC Section 22C.160.170, entitled Freestanding signs, is hereby amended as set forth in **Exhibit F.**

Section 7. Repeal of Chapters 9 and 10 of the Smokey Point Master Plan. The City Council repeals Chapters 9 and 10 of the existing Smokey Point Master Plan that was adopted by Ordinance 2738, and amended by Ordinance 2922.

Section 8. Required Findings. The amendments to MMC Title 22 (consisting of amendments to MMC Sections 22C.020.230, 22C.020.240, 22C.020.340, 22C.130.050, and 22C.160.170, along with adoption of the new section 22C.020.245 and the repeal of Chapters 9 and 10 of the Smokey Point Master Plan) are consistent with the following required findings of MMC 22G.010.520:

- (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 a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action

Section 9. Amendment Tracking. MMC Section 22A.010.160, entitled “Amendments,” is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

“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>
------------------	----------------------------	-----------------------

_____ Industrial design standards & repeal of Chapters 9 & 10 SPMP _____, 2022”

Section 10. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 11. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections

Section 12. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Exhibit A

22C.020.230 Commercial, industrial, recreation and public institutional zones – Purpose.

This section through MMC [22C.020.350390](#) ~~apply~~ applies to new commercial, industrial, and mixed use ~~multifamily residential~~ development as noted herein. The purpose of this section is to:

- (1) Encourage the realization and creation of a desirable and aesthetic environment in the city of Marysville;
- (2) Encourage and promote development which features amenities and excellence in site planning, streetscape, building design and contribution to community charm;
- (3) Encourage creative approaches to the use of land and related physical developments;
- (4) Minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development;
- (5) Allow a mixture of complementary land uses that may include housing, retail, offices, and commercial services, to create economic and social vitality and to encourage the linking of vehicle trips;
- (6) Develop commercial and mixed use areas that are safe, comfortable and attractive to pedestrians;
- (7) Reinforce streets as public places that encourage pedestrian and bicycle travel;
- (8) Reduce opportunities for crimes against persons and property;
- (9) Minimize land use conflicts and adverse impacts;
- (10) Provide roadway and pedestrian connections between residential and commercial areas;
- (11) Provide public places and open space networks to create gateways, gathering places, and recreational opportunities that enhance the natural and built environment;
- (12) Minimize the rate of crime associated with persons and property and provide for the highest standards of public safety through the implementation of crime prevention through environmental design (CPTED) principles in design review.

EXHIBIT B

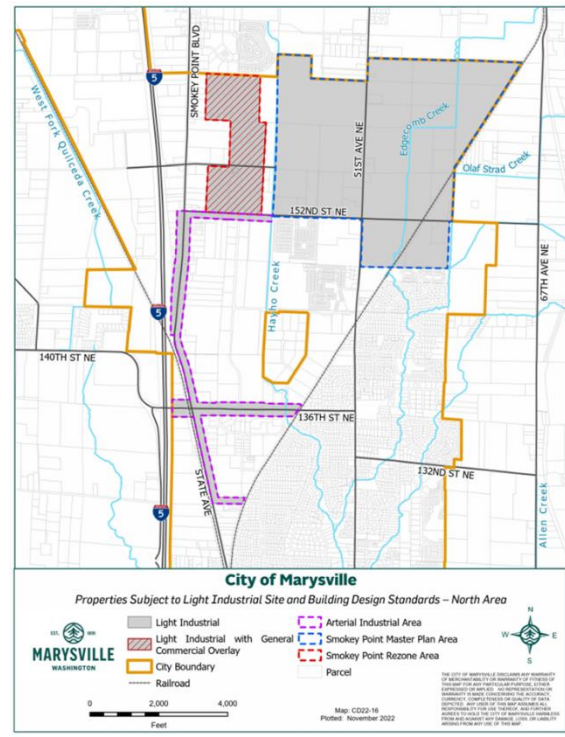
22C.020.240 Commercial, industrial, recreation and public institutional zones design requirements – Applicability and interpretations.

- (1) The intent of these design standards is to:
- (a) Provide building design that has a high level of design quality and creates comfortable human environments;
 - (b) Incorporate design treatments that add interest and reduce the scale of buildings;
 - (c) Encourage building design that is authentic and responsive to site conditions; and
 - (d) Encourage functional, durable, and environmentally responsible buildings.
- (2) Applicability.
- (a) The design standards in MMC Section 22C.020.245 apply to light industrial (LI) zoned properties as generally described below, and as depicted in Figures 1? and 2?:
- (i) Within the Smokey Point Master Plan area;
 - (ii) With a general commercial (GC) overlay;
 - (iii) Located southwest of the intersection of 88th Street NE and State Avenue;
- and
- (iv) Abutting State Avenue/Smokey Point Boulevard, 128th Street NE, 136th Street NE, and 152nd Street NE; provided that, design standards shall only apply to buildings located within 150 feet of these public streets for properties not subject to subsections (i) – (iii) above.

Figure 1?



Figure 2?



- (b) These design standards in MMC 22C.020.250 apply to all new development within the following zones: general commercial (GC), community business (CB),

neighborhood business (NB), and mixed use (MU); provided that, development that is exclusively multi-family shall be subject to the design standards set forth in MMC 22C.010.290.

~~(b)~~ (c) The following activities shall be exempt from these design standards set forth in MMC 22C.020.245 and 22C.020.250:

- (i) Construction activities which do not require a building permit;
- (ii) Interior remodels of existing structures;
- (iii) Modifications or additions to existing multifamily, commercial, industrial, office and public properties when the modification or addition:
 - (A) Constitutes less than 10 percent of the existing horizontal square footage of the use or structure; and
 - (B) Constitutes less than 10 percent of the existing building's exterior facade.

~~(c) These standards are intended to supplement the zoning standards in the Marysville Municipal Code. Where these standards and the zoning ordinance standards conflict, the city shall determine which regulation applies based on which is more in the public interest and more consistent with the comprehensive plan.~~

(3) Interpreting and Applying the Design Standards.

(a) These standards capture the community visions and values as reflected in the comprehensive plan's neighborhood planning areas. The city's community development director (hereinafter referred to as "director") retains full authority to determine whether a proposal meets these standards. The director is authorized to promulgate guidelines, graphic representations, and examples of designs and methods of construction that do or do not satisfy the intent of these standards. ~~The following resources can be used in interpreting the guidelines: Site Planning and Community Design for Great Neighborhoods (Frederick D. Jarvis, 1993) and City Comforts (David Sucher, 1996).~~

(b) Many of these site and building design standards call for a building or site to feature one or more elements from a menu of items. In these cases, a single element, feature, or detail may satisfy multiple objectives. For example, a specially designed or fabricated covered entry with attractive detailing might be counted toward requirements for human scale, building corners, and building details.

(c) Within these standards, certain words are used to indicate the relative importance and priority the city places upon a particular standard.

(i) The words "shall," "must," and "is/are required" mean that the development proposal must comply with the standard unless the director finds that:

- (A) The standard is not applicable in the particular instance; or
- (B) The development proposal meets the intent of the standards in some other manner.

(ii) The word "should" means that the development proposal will comply with the standard unless the director finds that:

- (A) The standard is not applicable in the particular instance;
- (B) The development proposal meets the intent of the standards in some other manner; or

(C) There is convincing evidence that applying the standard would not be in the public interest.

(iii) The words "is/are encouraged," "can," "consider," "help," and "allow" mean that the action or characteristic is allowed and will usually be viewed as a positive element in the city's review.

(d) The project proponent may submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards. In this case, the director will determine if the intent of the standard has been met.

EXHIBIT C

22C.020.245 Industrial site and building design standards.

(1) Applicability.

- (a) Prior to submitting a building permit application, all development to which these standards apply shall be required to submit a site plan and elevations addressing the standards in this section for administrative review and approval by the community development director.
- (b) The site and building design standards of this section apply to development in the light industrial zone.
- (c) The crime prevention through environmental design (CPTED) provisions of this section apply to all new commercial developments of over 12,000 square feet in building area.

(2) Site Layout and Building Orientation.

- (a) The site shall be planned to create an attractive and functional street edge that accommodates pedestrian access. Examples of ways that a development meets the requirements of this provision are to:
 - (i) Define the street edge with buildings, landscaping or other features.
 - (ii) Provide for building entrances that are visible from the street and primary parking area.
 - (iii) Provide for a sidewalk at least five feet wide if there is not space in the public right-of-way.
 - (iv) Provide building entries that are accessed from the sidewalk; preferably these access ways should be separated from the parking and drive aisles. If access traverses the parking lot, then it should be raised and clearly marked.
- (b) The front building façade shall be oriented towards at least one street. For sites that front multiple streets, buildings are encouraged to orient towards both streets; provided, that priority shall be given to streets that are more visible and/or provide a better opportunity for increased pedestrian activity as determined by the director.
- (c) Passenger vehicle parking should be located in front of the building near the entrance. Commercial vehicle parking should be located behind or to the side of buildings. Passenger and commercial vehicle accesses should be separated where allowed by the City's Engineering Design and Development Standards.
- (d) Service areas shall be located behind buildings, and screened in accordance with MMC Section 22C.120.160, Screening and impact abatement. Service courts are encouraged when the development includes multiple buildings, or as common facilities between sites when access is shared.
- (e) Large sites (over two acres) shall provide amenities for employees and visitors such as benches, weather protected seating areas, covered walkways, or other features that are integrated into the site design. On-site open space is encouraged to be provided. The number and type of amenities shall be approved by the Director based on site acreage, layout, and end users.

(3) Relationship of Buildings and Site to Adjoining Area.

- (a) Where adjacent buildings and neighborhoods are consistent with the comprehensive plan and desired community character, new buildings and structures should consider the visual continuity between the proposed and existing development with respect to building setbacks, placement of structures, location of pedestrian/vehicular facilities and spacing from adjoining buildings. Solar access of the subject and adjacent properties should be considered in building design and location.
- (b) Harmony in texture, lines and masses is encouraged.

- (c) Attractive landscape transition to adjoining properties shall be provided.
- (d) Public and quasi-public buildings and structures shall be consistent with the established neighborhood character.

(4) Landscape and Site Treatment.

(a) Parking lot screening and interior landscaping shall be provided consistent with Chapter 22C.120 MMC. The following criteria shall guide review of plans and administration of the landscaping standards in the zoning code:

- (i) The landscape plan shall demonstrate visual relief from large expanses of parking areas.
- (ii) The landscape plan shall provide some physical separation between vehicular and pedestrian traffic.
- (iii) The landscape plan shall provide decorative landscaping as a focal setting for signs, special site elements, and/or pedestrian areas.
- (iv) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.
- (v) Where building sites limit planting, the placement of trees or shrubs in parkways or paved areas is encouraged.
- (vi) Screening of outdoor service yards and other places which tend to be unsightly shall be accomplished by use of walls, fencing, planting, berms or combinations of these.
- (vii) Landscaping should be designed to create definition between public and private spaces.
- (viii) Where feasible, the landscape plan shall coordinate the selection of plant material to provide a succession of blooms, seasonal color, and a variety of textures.
- (ix) The landscape plan shall provide a transition in landscaping design between adjacent sites, within a site, and from native vegetation areas in order to achieve greater continuity.
- (x) The landscape plan shall use plantings to highlight significant site features and to define the function of the site, including parking, circulation, entries, and open spaces.
- (xi) Where feasible, the landscape plan shall integrate natural approaches to storm water management, including featured low impact development techniques.

(b) Street Landscaping. Where the site plan includes streetscape plantings, the following guidelines apply:

- (i) Sidewalks and pathways should be separated from the roadway by planting strips with street trees wherever possible.
- (ii) Planting strips should generally be at least five feet in width. They should include evergreen shrubs no more than four feet in height and/or ground cover in accordance with the city of Marysville landscape standards (Chapter 22C.120 MMC) and Marysville administrative landscaping guidelines.
- (iii) Street trees placed in tree grates may be more desirable than planting strips in key pedestrian areas.
- (iv) Use of trees and other plantings with special qualities (e.g., spring flowers and/or good fall color) are strongly encouraged to unify development.

(c) Exterior lighting shall be part of the architectural concept. Lighting shall enhance the building design and adjoining landscaping. Appropriate lighting levels shall be provided in all areas used by pedestrians or automobiles, including building entries, walkways, parking areas, circulation areas, and other open space areas, in order to ensure safety and security, and provide a distinctive character to the area. New

developments shall provide a lighting site plan which identifies lighting equipment, locations and standards, and implements the following design standards:

(i) All public areas shall be lighted with average minimum and maximum levels as follows:

(A) Minimum (for low or nonpedestrian and vehicular traffic areas) of one-half foot candle;

(B) Moderate (for moderate or high volume pedestrian areas) of one to two foot candles; and

(C) Maximum (for high volume pedestrian areas and building entries) of four foot candles.

(ii) Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.

(iii) Parking lot lighting shall be subject to the provisions set forth in MMC [22C.130.050\(3\)\(d\)](#).

(iv) Pedestrian-scale lighting (light fixtures no taller than 15 feet) is encouraged in areas with high anticipated pedestrian activity. All fixtures over 15 feet in height shall be fitted with a full cut-off shield, be dark sky rated, and mounted no more than 25 feet above the ground with lower fixtures preferable so as to maintain a human scale. Lighting shall enable pedestrians to identify a face 45 feet away in order to promote safety.

(v) Light levels at the property line should not exceed 0.1 foot candles (fc) adjacent to business properties, and 0.05 foot candles adjacent to residential properties.

All building lights shall be directed onto the building itself and/or the ground immediately adjacent to it. The light emissions should not be visible above the roofline of the building. Light fixtures other than traditional cobra heads are encouraged.

(vi) Uplighting on trees and provisions for seasonal lighting are encouraged.

(vii) Accent lighting on architectural and landscape features is encouraged to add interest and focal points.

(5) Site Design Utilizing Crime Prevention Through Environmental Design (CPTED) Principles. Development that is subject to this section shall incorporate the following CPTED strategies into building design and site layout:

(a) Access Control. Guidance of people coming and going from a building or site by placement of real and perceived barriers. Provision of natural access control limits access and increases natural surveillance to restrict criminal intrusion, especially into areas that are not readily observable.

(b) Surveillance. Placement of features, uses, activities, and people to maximize visibility. Provision of natural surveillance helps to create environments where there is plenty of opportunity for people engaged in their normal behavior to observe the space around them.

(c) Territoriality/Ownership. Delineation of private space from semi-public and public spaces that creates a sense of ownership. Techniques that reduce the perception of areas as "ownerless" and, therefore, available for undesirable uses. Examples of ways in which a proposal can comply with CPTED principles are outlined in the CPTED Guidelines for Project Design and Review, prepared by the city.

(6) Building Design – Architectural Scale. The architectural scale standards are intended to encourage compatibility of structures with adjacent properties, to help the building fit in with its context, and to add visual interest to buildings.

(a) Façade Modulation. All new buildings shall provide modulation (measured and proportioned inflexion or setback in a building's facade) on facades facing a public

street, trail, parking lot, park, or within one hundred (100) feet of and visible from a residential use in a residential zone as follows:

(i) Walls over 150 feet long must break up the length of the façade by providing vertical modulation at least eight feet deep and 20 feet long at appropriate intervals (on multi-story buildings, the modulation must extend through at least half of the building floors).

(ii) The minimum modulation depth detailed in subsection (7)(a)(i) of this section may be reduced to two feet if tied to a change in color or building materials, and/or roofline modulation.

(iii) The director may consider departures from these standards, provided the proposed treatment meets or exceeds the intent of these standards.

(b) Façade Articulation. All new buildings shall provide façade articulation on facades facing a public street, trail, parking lot, park, or within one hundred (100) feet of and visible from a residential use in a residential zone as follows:

(i) Articulation of the building's base, middle, and top.

(A) The "base" shall be distinct at ground level through the use of articulation, or building materials that suggest stability and strength, such as stone, masonry, or concrete.

(B) The "middle" of the building shall be distinguished through a change in material or color, windows, or other architectural features.

(C) The "top" of the building shall emphasize a distinct profile or outline with elements such as a project parapet, cornice, variation in roofline, or other technique.

(ii) At least two of the following articulation features must be provided for every 60 feet of façade:

(A) Window fenestration.

(B) Weather protection.

(C) Change in roofline.

(D) Change in building material or siding.

(E) Vertical piers/columns.

(F) Trellises/art/living wall.

(G) Strong vertical and horizontal reveals, off-sets, or other three dimensional details; or

(H) Other methods that meet the intent of these standards.

Exception: Alternative articulation methods will be considered by the director provided such treatment meets or exceeds the intent of the standards and guidelines. For example, use of high-quality building materials (such as brick or stone) with attractive detailing may allow a building to meet the intent of the standards using greater articulation intervals. Also, where the articulated features are more effective in breaking up the facade into smaller components, then a greater distance between articulation intervals may be acceptable.

(c) Where the view of buildings from trails, parks, or residential zones is obscured due to the provision of high quality landscape screening and fencing, or existing vegetation or structures, the director may waive compliance with this section for the impacted facades.

(7) Building Materials. The building materials standards are intended to encourage the use of a variety of high-quality, durable materials that will enhance the visual image of the city; provide visual interest and distinct design qualities; and promote compatibility and improvement within surrounding neighborhoods through effective architectural detailing and the use of traditional building techniques and materials. The following standards apply:

(a) Building exteriors shall be constructed from high-quality, durable materials. Exterior building materials shall not project or reflect natural or artificial lighting or glare into residential areas. Exterior building materials shall be factory finished, stained, integrally colored, or otherwise suitably treated. Materials may include:

- (i) Split face or fluted concrete masonry units (CMU).
- (ii) Factory glazed concrete masonry units (CMU).
- (iii) Face brick.
- (iv) Stone veneer.
- (v) Insulated glazing and framing systems.
- (vi) Architectural pre-cast concrete.
- (vii) Painted or stained site-cast concrete.
- (viii) Architectural concrete.
- (ix) Factory finished, standing seam metal roofing (for pitched roofs only).
- (x) Architectural metal. Metal siding must have visible corner molding and trim, and must be factory finished with a matte, non-reflective surface.
- (xi) Alternative materials may be approved by the director; provided that, the design quality and permanence meet the intent of this section.

(b) Prohibited materials in visible locations unless an exception is granted by the director based on the integration of the material into the overall design of the structure:

- (i) Highly tinted or mirrored glass (except stained glass) covering more than 10 percent of the exterior of any building, or located at the ground level along the street.
- (ii) Corrugated fiberglass.
- (iii) Pre-fabricated metal buildings with corrugated metal siding.
- (iv) Plywood siding, including T-111 and similar siding. Board and batten is an exception.
- (v) Materials which project or reflect natural or artificial glare onto public streets (e.g. highly reflective sheet metal, etc.).
- (vi) Vinyl siding on the ground floor.
- (vii) Any sheet materials, such as wood or metal siding, with exposed edges or unfinished edges, or made of nondurable materials as determined by the director.

(8) Blank Walls.

(a) The blank wall standards are intended to: reduce the visual impact of large, undifferentiated walls; reduce the apparent size of large walls through the use of various architectural and landscaping treatments; enhance the character and identity of the city; and ensure that visible sides of buildings provide visual interest. A wall (including building facades and other exterior building walls) is defined as a blank wall if a ground floor wall or portion of a ground floor wall over six feet in height has a horizontal length greater than fifty (50) feet that does not have a significant building feature, such as a window, door, modulation, articulation, or other special wall treatment within that fifty (50) foot section.

(b) All blank walls within one hundred fifty (150) feet of and visible from: a parking lot or drive aisle (excluding service area parking), public street, trail, park, or residential use in a residential zone shall be treated in one or more of the following measures:

- (i) Incorporate windows or doors;
- (ii) Install a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 50 percent of the wall's surface within three years; said landscaping shall be subject to a landscape maintenance security held for three years to ensure that the vines or plant materials

successfully establish. For large blank wall areas, the trellis must be used in conjunction with other treatments described below;

(iii) Provide a landscaped planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall. Plant materials must be able to obscure or screen at least 50 percent of the wall's surface within three years; said landscaping shall be subject to a landscape maintenance security held for three years to ensure that the landscape materials successfully establish.;

(iv) Provide artwork (mosaic, mural, decorative masonry, metal patterns or grillwork, sculpture, relief or other art, etc.) over at least 50 percent of the blank wall surface. Artwork should be located in areas that have good visibility to the public, and artwork, particularly murals, are strongly encouraged to reflect the history and heritage of the City and State;

(v) Provide architectural features such as setbacks, indentations, overhangs, projections, articulated cornices, bays, reveals, canopies, or awnings;

(vi) Provide material variation, textural changes, brick or metal banding, or color changes;

(vi) Other method as approved by the director. For example, landscaping or other treatments may not be necessary on a wall that employs high-quality building materials (such as brick) and provides desirable visual interest.

(9) Building Entrances. The intent of the building entrances standards is to ensure that buildings are inviting and accessible, that entrances are easy to locate, and that pedestrian activity is encouraged.

(a) Distinctive entrance treatment. An architectural treatment that is distinctive and proportional to the façade must be provided by the primary building entrance. Distinctive entrance treatments may include, but are not limited to, a more prominent or higher roofline or parapet above the entrance, decorative columns or posts, or equivalent treatment as determined by the director.

(b) Weather protection. Weather protection at least five feet deep and at least eight feet above ground level is required over the primary building entrances. Weather protection at least three feet deep and at least eight feet above ground level is required over the secondary entrances (applies only to entrances used by the public). Entrances may satisfy the weather protection requirements by being set back into the building façade.

(c) Lighting. Pedestrian entrances must be lit to at least four foot candles as measured on the ground plane.

(d) Visibility and Accessibility. Building entrances must be prominent and visible from the surrounding streets and must be connected by a walkway to the public sidewalk. Pedestrian pathways from public sidewalks to primary entrances or from parking lots to primary entrances shall be accessible, conforming to federal and state Americans with Disabilities Act requirements, and shall be clearly delineated.

(e) Transparency. Entries must feature glass doors, windows, or glazing (window area) in or near the door so that the visitor and occupant can view people opening the door from the other side.

EXHIBIT D

22C.020.340 Special limitations in the commercial, industrial, business and commercial public institutional zones.

- (1) Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and/or directed so as not to visibly create a nuisance to any property in a residential zoning classification.
- (2) Mechanical equipment located on the roof, facade or external portions of a building shall be architecturally screened so as not to be visible from adjacent properties at street level or the public street.
- (3) Equipment or vents which generate noise or air emissions shall be located on the opposite side of the building from adjoining residentially designated properties.

EXHIBIT E

22C.130.050 Development standards.

- (1) Purpose. The parking area layout standards are intended to promote safe circulation within the parking area and provide for convenient entry and exit of vehicles.
- (2) Where These Standards Apply. The standards of this section apply to all vehicle areas whether required or excess parking.
- (3) Improvements.
 - (a) Paving.
 - (i) In order to control dust and mud, all vehicle areas must be surfaced with a minimum all-weather surface. Such surface shall be specified by the city engineer. Alternatives to the specified all-weather surface may be provided, subject to approval by the city engineer. Gravel surfacing is not considered an all-weather surface.
 - (ii) The applicant shall be required to prove that the alternative surfacing provides results equivalent to paving. If, after construction, the city determines that the alternative is not providing the results equivalent to paving or is not complying with the standards of approval, paving shall be required.
 - (iii) Parks, agricultural and similar uses, and developments providing surplus parking are exempt from the all-weather surface requirement, provided, all surfacing must provide for the following minimum standards of approval:
 - (A) Gravel parking facilities shall be surfaced with no less than three inches of crushed gravel.
 - (B) Dust is controlled.
 - (C) Storm water is treated to city standards.
 - (D) Rock and other debris is not tracked off site.
 - (E) Driveway and approaches shall be paved with an all-weather surface, specified by the city engineer, from at least 20 feet back from the property line to the street.
 - (iv) Houses, Attached Houses and Duplexes. All driveways and parking areas must be covered in a minimum all-weather surface, specified by the city engineer. Gravel surfacing is not considered an all-weather surface.
 - (b) Striping. All parking spaces, except for stacked parking, must be striped in conformance with the minimum parking and aisle dimensions outlined in Table 2, except parking for single-family residences, duplexes and accessory dwelling units.
 - (c) Protective Curbs Around Landscaping. All perimeter and interior landscaped areas must have cast in place or extruded protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow storm water runoff to pass through them. Tire stops, bollards or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers. This provision does not apply to single-family residences, duplexes and accessory dwelling units.
 - (d) Illumination. Parking lot illumination shall be provided for all parking lots containing 15 or more parking spaces, and shall comply with the following design standards:
 - (i) Parking lot lighting fixtures shall be full cut-off, dark sky rated and mounted no more than 25 feet above the ground, with lower fixtures preferable so as to maintain a human scale;
 - (ii) All fixtures over 15 feet in height shall be fitted with a full cut-off shield;
 - (iii) Pedestrian scale lighting (light fixtures no taller than 15 feet) is encouraged in areas of pedestrian activity. Lighting shall enable pedestrians to identify a face 45 feet away in order to promote safety;

- (iv) Parking lot lighting shall be designed to provide security lighting to all parking spaces;
 - (v) Lighting shall be shielded in a manner that does not disturb residential uses or pose a hazard to passing traffic. Lighting should not be permitted to trespass onto adjacent private parcels nor shall light source (luminaire) be visible at the property line.
- (4) Storm Water Management. Storm water runoff from parking lots is regulated by MMC Title [14](#), Water and Sewers.
- (5) Parking Area Layout.
- (a) Access to Parking Spaces.
 - (i) All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.
 - (ii) Parking shall be designed so that automobiles do not back out into public streets.
 - (b) Parking Space and Aisle Dimensions.
 - (i) Parking spaces and aisles must meet the minimum dimensions contained in Table 2: Minimum Parking Space and Aisle Dimensions. Parking at any angle other than those shown is permitted, providing the width of the stalls and aisle are adjusted by interpolation between the specified standards.
 - (ii) Turning Radii. The minimum allowable inside vehicle turning radius in parking and driveway areas shall be 20 feet unless fire or solid waste apparatus access is necessary, in which case the minimum inside radius shall be 30.5 feet and the outside radius shall be 46 feet or as required by the fire district or solid waste division. Turning radii are not necessarily the radii or curbs around islands and other improvements.
 - (iii) On dead-end aisles, aisles shall extend five feet beyond the last stall to provide adequate turnaround.
 - (iv) The community development director may grant a deviation from the parking space and aisle dimensions outlined in Table 2: Minimum Parking Space and Aisle Dimensions, whenever (a) there exists a lot with one or more structures on it constructed before the effective date of this title, and (b) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (c) the parking space and aisle dimensions that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking dimensional standards. To grant a deviation, the community development director must make the following findings:
 - (A) That the granting of the deviation will not create a safety hazard or loading of vehicles on public streets in such a manner as to interfere with the free flow of vehicular and pedestrian traffic within the public right-of-way.
 - (B) That the granting of the deviation will not create a safety hazard or any other condition inconsistent with the objectives of this title.

Table 2: Minimum Parking Space and Aisle Dimensions

Angle	Width	Curb Length	1-Way Aisle Width	2-Way Aisle Width	Stall Depth
0 degrees (parallel)	8 feet	21 feet	12 feet	22 feet	8 feet
30 degrees	8 feet, 6 inches	17 feet	12 feet	22 feet	15 feet
45 degrees	8 feet, 6 inches	12 feet	12 feet	22 feet	17 feet

Table 2: Minimum Parking Space and Aisle Dimensions

Angle	Width	Curb Length	1-Way Aisle Width	2-Way Aisle Width	Stall Depth
60 degrees	8 feet, 6 inches	9 feet, 9 inches	16 feet	22 feet	18 feet
90 degrees	8 feet, 6 inches	8 feet, 6 inches	22 feet	22 feet	18 feet

Note: Dimensions of parking spaces for the disabled are regulated by the building code. See MMC [22C.130.050\(5\)\(e\)](#).

(c) Pedestrian Access and Circulation. Developments must provide specially marked or paved walkways through parking lots, as depicted in Figures 1 through 4. Parking lot walkways shall allow for access so pedestrians and wheelchairs can easily gain access from public sidewalks and bus stops to building entrances through the use of raised concrete, stamped concrete, colored concrete, or pervious pavement sidewalks, or pedestrian paths which are physically separated from vehicle traffic and maneuvering areas. The director may allow pedestrian pathways to be striped if it can be demonstrated that the pathways are not used by, or accessible to, the public.

Generally, walkways should be provided every four rows and a maximum distance of 180 feet shall be maintained between paths. Where possible, align the pathways to connect with major building entries or other sidewalks, pathways, and destinations. The pathways must be a minimum of five feet wide, universally accessible and meet ADA compliant standards. On narrow infill lots, the director may authorize a pathway that is less than five feet wide provided that the minimum ADA width is met.

Figure 1

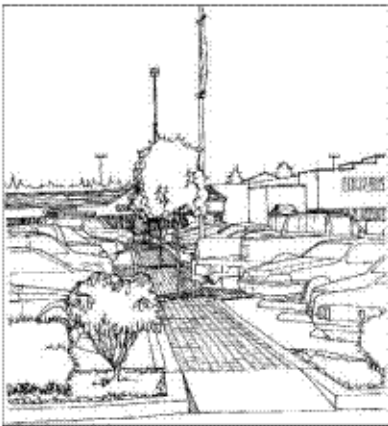


Figure 2

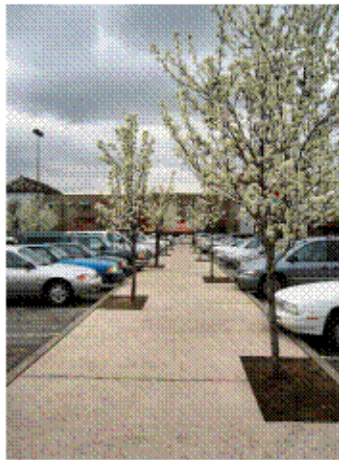
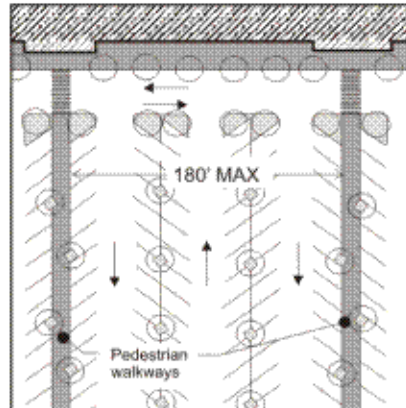


Figure 3



Figure 4



(d) Location. Parking areas should be located and designed to consider impacts to the streetscape. Except for adult facilities as defined by MMC [22A.020.020](#), on-site parking shall be located at the sides and rear of buildings or complexes. For adult facilities, on-site parking shall be located where most visible from both the streetscape and the public access to the adult facility.

(e) Parking for Disabled Persons. The building official regulates the following disabled person parking standards and access standards through the building code and the latest ICC/ANSI A117.1 standards for accessible and usable buildings and facilities:

- (i) Dimensions of disabled person parking spaces and access aisles;
- (ii) The minimum number of disabled person parking spaces and circulation routes;
- (iii) Location of disabled person parking spaces and circulation routes;
- (iv) Curb cuts and ramps including slope, width and location; and
- (v) Signage and pavement markings.

(f) A portion of a standard parking space may be landscaped instead of paved, as follows:

- (i) The landscaped area may be up to two feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space. Any vehicle overhang must be free from interference from sidewalks, landscaping, or other required elements;
- (ii) Landscaping must be ground cover plants; and
- (iii) The landscaped area counts toward parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.

(g) Ingress and Egress Provisions. The layouts of parking areas are reviewed for compliance with the curb cut and access restrictions outlined in the Marysville engineering design and development standards (EDDS).

(6) Parking Area Landscaping and Screening. All landscaping must comply with the standards of Chapter [22C.120](#) MMC. In addition, screening in the form of a solid masonry wall, architectural fences or dense coniferous hedges shall be erected or planted and maintained to a height of not less than five feet where a parking lot has a common boundary line with any residentially zoned property.

(7) Maintenance. Maintenance of all areas provided for off-street parking shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, repair of traffic-control devices, signs, light standards, fences, walls, surfacing materials, curbs and railings, and inspection, cleaning and repair of pervious surfacing materials and drainage facilities when applicable.

EXHIBIT F

22C.160.170 Freestanding signs. [SHARE](#)

(1) The basic allowance for freestanding signs shall be limited to one square foot of sign area for each lineal foot of street frontage not to exceed 200 square feet of sign area per street frontage and 75 square feet per sign face.



(2) The maximum height of freestanding signs is outlined in Table 1; provided, that monument signs shall not exceed 12 feet in height. Additionally, when the regulations of a subarea, master plan or special overlay district conflict, unless specifically indicated otherwise, the regulations of the subarea, master plan or special overlay district shall supersede the height requirements outlined in Table 1.

Table 1: Freestanding Signs – Maximum Height

Zoning District										
NB	CB	GC	DC	MS	FLEX	MU	LI	GI	REC	P/I
4 feet	25 feet	25 feet	6 feet	6 feet	6 feet	12 feet	25 feet	25 feet	4 feet	15 feet

(3) No portion of a freestanding sign shall be in, or project over, a public right-of-way, and the minimum setback shall be five feet, subject to sight distance review at intersections and driveways.

(4) Single-occupancy complexes are allowed one freestanding sign per street frontage.

(5) Multi-occupancy complexes are allowed one freestanding sign per access driveway for the complex. However, multi-occupancy complexes with only one access driveway shall be allowed one additional freestanding sign, as long as the freestanding sign advertises a different business or businesses located on site and can be spaced at least 150 feet apart.

(6) All pole, or pylon, sign supports shall be enclosed or concealed in accordance with the design criteria outlined in subsection (11) of this section.



(7) Pole, or pylon, signs are prohibited in the CB-WR, NB, MU and REC zones.

(8) Pole, or pylon, signs are prohibited in the commercial and industrial zones located along the 51st Avenue NE, Grove Street, 88th Street NE, 116th Street NE, ~~156th~~152nd Street NE, 156th Street NE, and 160th Street NE corridors-, and for properties located north of 152nd Street NE and east of Smokey Point Boulevard; provided that, properties that have direct frontage on Smokey Point Boulevard may have pole, or pylon, signs on their Smokey Point Boulevard frontage.

(9) Pole, or pylon, signs are prohibited on CB-zoned properties located adjacent to 64th Street NE (SR 528) and 84th Street NE from approximately 83rd Avenue NE to SR 9.

(10) Pole, or pylon, signs are prohibited within the boundary of the downtown master plan.

(11) Design and Materials.

(a) The base of a freestanding sign and all pole or pylon sign supports shall be constructed of durable high-quality materials such as stone, brick, textured concrete, decorative steel, or other quality materials and a design that relates to and/or complements the design of on-site buildings and/or is coordinated with other site design elements. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.

(b) Freestanding signs must integrate a top, middle, and bottom element. The top could include a distinctive sign cap and/or include the name of a multi-tenant center. The middle can include a consistent framing technique for an individual sign or multiple signs in a multi-tenant center. The bottom could include a distinctive base design with special materials and/or design.

(c) The architecture and composition of a freestanding sign structure must provide visual interest and detail for both pedestrian and motorists at both automotive- and pedestrian-scale speed and perception.

(d) The color, shape, material, lettering and other architectural details of freestanding signs shall be harmonious with the character of the primary structure.

(e) No angle irons, guy wires or braces shall be visible except those that are an integral part of the overall design.

(f) One square foot of landscaping is required per one square foot of sign face. Landscaping shall include a decorative combination of ground cover and shrubs to provide seasonal interest in the area surrounding the sign. Landscaping shall be well maintained at all times of the year. The director may reduce the landscaping requirement where the signage incorporates stone, brick, or other decorative materials.

(g) Departures to this subsection (11) will be considered by the director, provided the design complies with other standards herein and integrates a distinctive, high-quality design that contributes to the visual character of the area.



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Senior Planner Angela Gemmer, Community Development

ITEM TYPE: Ordinance

AGENDA SECTION: **New Business**

SUBJECT: **Ordinance** regarding Residential Design Standards
Applicability Amendments

SUGGESTED ACTION: Recommended Motion: I move to adopt Ordinance No. ____.

SUMMARY:

Currently the Marysville Municipal Code (MMC) is not clear on which design standards should apply to non-residential uses in residential zones. Non-residential uses in residential zones are most commonly churches, schools, offices, and similar uses. The primary amendment that is proposed is to clarify that non-residential uses in residential zones are subject to the design standards set forth in MMC Section 22C.020.250, *Site and building design standards*, which apply to commercial, mixed use and institutional structures and are, therefore, a more appropriate standard to use.

The second amendment is to MMC Section 22C.010.260(1)(d) which contains language regarding conflicts between the MMC and the design standards. This language would be needed if the design standards were set forth in a standalone master plan but is not needed since the design standards are part of the underlying code; therefore, this language is proposed to be eliminated. The final amendment is to remove the references to the outdated books and other materials that are mentioned in MMC Section 22C.010.260(2)(a).

The Planning Commission held a duly advertised public hearing for the Residential Design Standards Applicability amendments on November 8, 2022, and adopted the attached Findings, Conclusions and Recommendation.

ATTACHMENTS:

[Ord. residential design applicability](#)

[PC Recommendation and Minutes - residential design applicability](#)

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO AMENDMENTS TO THE CITY'S UNIFIED DEVELOPMENT CODE (MMC TITLE 22), RELATING TO RESIDENTIAL DESIGN STANDARDS INCLUDING AMENDMENTS TO MARYSVILLE MUNICIPAL CODE SECTION 22C.010.260.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City of Marysville regularly updates development standards to address changing needs and to maintain compliance with changes in Washington State (State) laws; and

WHEREAS, the City, in reviewing its development regulations, has determined that revisions to the applicability and interpretation provisions for the residential site and building design standards (which provisions are contained in MMC 22C.010.260) are needed; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City of Marysville has submitted proposed development regulation revisions to the Washington State Department of Commerce on October 24, 2022 (Material ID 2022-S-4477) seeking expedited review under RCW 36.70A.106(3)(b) and in compliance with the procedural requirements of RCW 36.70A.106; and

WHEREAS, the amendments to the development regulations are exempt from State Environmental Policy Act review under RCW 43.21C.450(1).

WHEREAS, during public meetings on June 14 and October 25, 2022, the Planning Commission discussed proposed amendments related to the Residential Design Standards; and

WHEREAS, on November 8, 2022, the Marysville Planning Commission held a duly-advertised public hearing, and recommended that the City Council adopt the proposed Residential Design Standards amendments; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, during the public meeting on November 28, 2022 the City Council discussed potential amendments related to the Residential Design Standards, and recommended approval of said changes; and

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

Section 1. Amendment of Municipal Code Section 22C.010.260. MMC Section 22C.010.260, entitled Residential design requirements – Applicability and interpretations, is hereby amended as set forth in **Exhibit A**.

Section 2. Required Findings. The amendments to MMC Title 22 (consisting of amendments to MMC Section 22C.010.260 are consistent with the following required findings of MMC 22G.010.520:

- (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 a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action

Section 3. Amendment Tracking. MMC Section 22A.010.160, entitled “Amendments,” is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

“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>
_____	Residential design standards applicability	_____, 2022”

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

Section 5. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections

Section 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2022.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)

Exhibit A

22C.010.260 Residential design requirements – Applicability and interpretations.

(1) Applicability.

(a) These design standards apply to all new planned residential developments (PRD) in any zone, multifamily structures in any zone and residential development within the following zones: high density multiple-family (R-28), medium density multiple-family (R-18), low density multiple-family (R-12), high density single-family, and small lot (R-8). Non-residential development in residential zones (e.g. churches, schools, offices, etc.) shall be subject to the design standards set forth in MMC Section 22C.020.250.

(b) The standards specified in the following sections shall be applied by the city to individual building permits for single-family residences, MMC [22C.010.310](#); duplexes, MMC [22C.010.400](#); and accessory uses, Chapter [22C.180](#) MMC; provided, that the applicable standards shall be those in effect on the date that the city approves the preliminary subdivision, short subdivision, or binding site plan, whichever is applicable, unless the applicant opts to have the city apply the standards that may have been revised by the city after such date.

(c) The following activities shall be exempt from these standards:

(i) Construction activities which do not require a building permit;

(ii) Interior remodels of existing structures;

(iii) Modifications or additions to existing multifamily and public properties when the modification or addition:

(A) Constitutes less than 10 percent of the existing horizontal square footage of the use or structure; and

(B) Constitutes less than 10 percent of the existing building's exterior facade.

~~(d) These standards are intended to supplement the zoning standards in the Marysville Municipal Code. Where these standards and the zoning ordinance standards conflict, the city shall determine which regulation applies based on which is more in the public interest and more consistent with the comprehensive plan.~~

(2) Interpreting and Applying the Design Standards.

(a) These standards capture the community visions and values as reflected in the comprehensive plan's neighborhood planning areas. The city's community development director (hereinafter referred to as director) retains full authority to determine whether a proposal meets these standards. The director is authorized to promulgate guidelines, graphic representations, and examples of designs and methods of construction that do or do not satisfy the intent of these standards. ~~The following resources can be used in interpreting the guidelines: Residential Development Handbook for Snohomish County Communities (prepared for Snohomish County~~

~~Tomorrow by Makers, Inc.), Site Planning and Community Design for Great Neighborhoods (Frederick D. Jarvis, 1993), and City Comforts (David Sucher, 1996).~~

(b) Within these standards, certain words are used to indicate the relative importance and priority the city places upon a particular standard.

(i) The words "shall," "must," and "is/are required" mean that the development proposal must comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance; or

(B) The development proposal meets the intent of the standards in some other manner.

(ii) The word "should" means that the development proposal will comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance;

(B) The development proposal meets the intent of the standards in some other manner; or

(C) There is convincing evidence that applying the standard would not be in the public interest.

(iii) The words "is/are encouraged," "can," "consider," "help," and "allow" mean that the action or characteristic is allowed and will usually be viewed as a positive element in the city's review.

(c) The project proponent may submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards. In this case, the director will determine if the intent of the standard has been met.

PC Recommendation - Residential Design Standards Applicability

The Planning Commission of the City of Marysville, having held a public hearing on November 8, 2022, in review of amendments to the Marysville Municipal Code (MMC) consisting of revisions to MMC Section 22C.010.260, *Residential design requirements – Applicability and interpretations*, does hereby enter the following findings, conclusions and recommendation for consideration by Marysville City Council:

FINDINGS:

1. The Planning Commission held public work sessions in review of the proposed amendments to the residential design standards applicability section on June 14 and October 25, 2022.
2. The proposed revisions to MMC Section 22C.010.260, *Residential design requirements – Applicability and interpretations*, are categorically exempt from State Environmental Policy Act (SEPA) review pursuant to RCW 36.70A.106(3)(b).
3. Community Development Staff submitted the DRAFT revisions to MMC Section 22C.010.260, *Residential design requirements – Applicability and interpretations*, to the State of Washington Department of Commerce (DOC) for expedited review pursuant to RCW 36.70A.106(3)(b).
4. The Community Development Department received a letter from the DOC acknowledging receipt of the DRAFT revisions to MMC Section 22C.010.260, *Residential design requirements – Applicability and interpretations*, on October 24, 2022 and processed with Submittal ID 2022-S-4477. No comments were received from State Agencies.
5. The Planning Commission was provided public comments received throughout the review process and took into consideration testimony received from staff and the public at the duly advertised public hearing held on November 8, 2022.

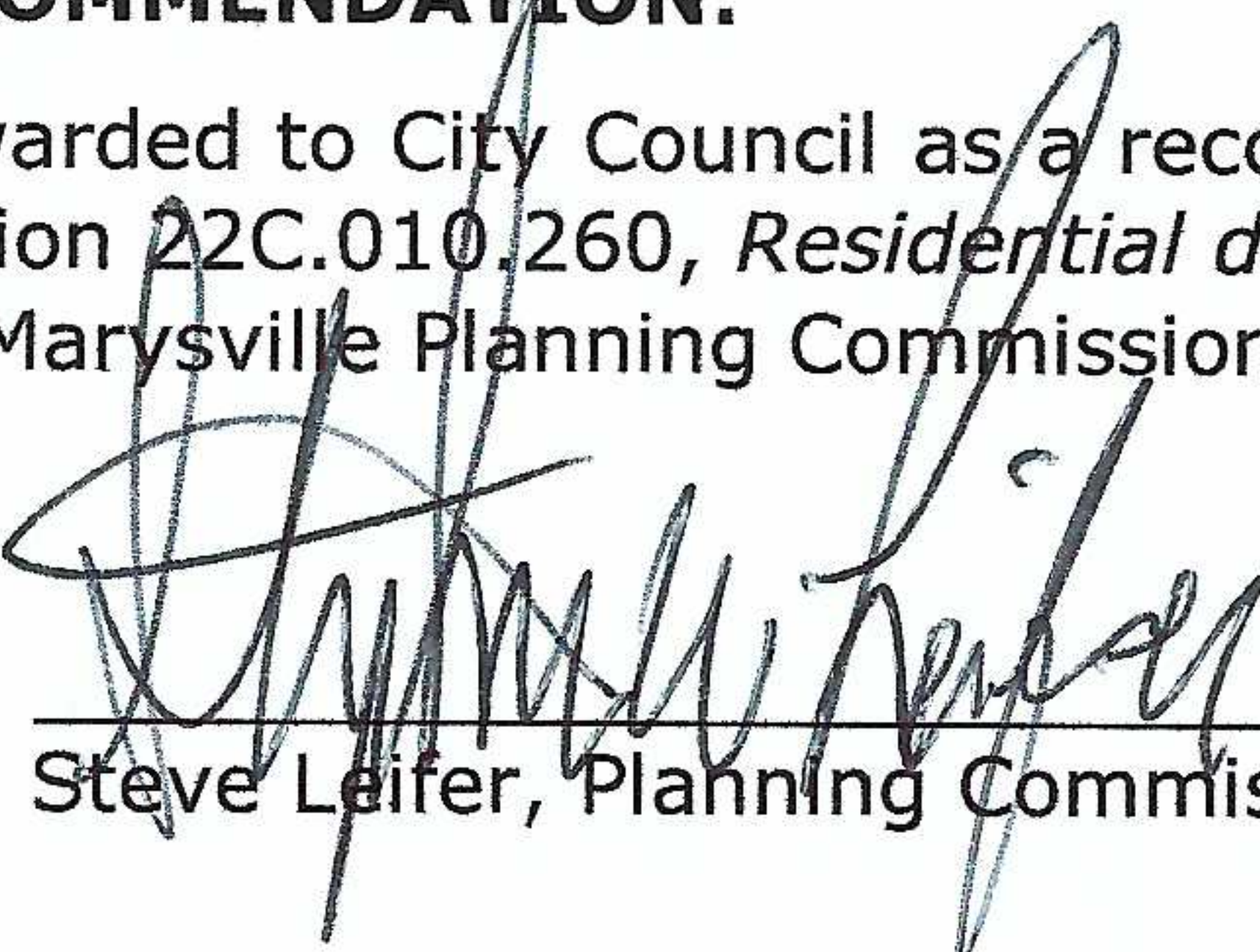
CONCLUSION:

At the public hearing, the Planning Commission recommended approving the proposed revisions to MMC Section 22C.010.260, *Residential design requirements – Applicability and interpretations*, by the Marysville Planning Commission this 8th day of November 2022.

RECOMMENDATION:

Forwarded to City Council as a recommendation to **approve** the proposed revisions to MMC Section 22C.010.260, *Residential design requirements – Applicability and interpretations*, by the Marysville Planning Commission this 8th day of November 2022.

By:



Steve Leifer, Planning Commission Chair

Meeting Minutes

June 14, 2022

1. ROLL CALL / CALL TO ORDER

Chair Leifer called the meeting to order at 6:32 p.m. and noted the excused absence of Tom Thetford and the absence of Sunshine Kapus.

Present: Chair Steve Leifer, Commissioner Jerry Andes, Commissioner Roger Hoen, Commissioner Brandon Whitaker, Commissioner Kristen Michal

Staff: Senior Planner Angela Gemmer, Community Development Director Haylie Miller, Planning Manager Chris Holland

Absent: Commissioner Tom Thetford (excused), Commissioner Sunshine Kapus

2. APPROVAL OF MINUTES (April 26, 2022)

Motion to approve the minutes of the April 26, 2022 meeting moved by Commissioner Hoen seconded by Commissioner Andes.

AYES: ALL

3. AUDIENCE PARTICIPATION (for topics not on the agenda)

None

4. NEW BUSINESS

A. Code Amendment – Light Industrial Design Standards

Senior Planner Gemmer introduced this item. Chair Leifer referred to the previous recommendation that these standards be applied to properties north of 136th Street on State Avenue. He asked if staff is now recommending moving those further south. Senior Planner Gemmer explained that staff is proposing to extend them the entire length of State Avenue. They will also apply to other areas. She presented a slide show regarding the Industrial Design Standards. She reviewed areas proposed for the Industrial Design Standards including the Smokey Point Master Plan Area; the area

proposed for rezone from GC to LI with GC overlay; and frontages (first 150 feet) along State Avenue/Smokey Point Blvd., 152nd Street, and 136th Street.

The main industrial design provisions are to:

- require customer/employee parking in front and truck/service parking to rear
- storage/service areas to rear and screened
- shared accesses when feasible
- encourage amenities for employees
- require tripartite articulation
- screen mechanical equipment
- decorative paved pedestrian connections
- landscaping per existing code (some new standards)
- exterior lighting standards and CPTED (Crime Prevention through Environmental Design) standards.
- retain desired street trees from SPMP.
- façade modulation for walls at least 200 feet long. Currently required in SPMP for walls over 60 feet long.
- desired and prohibited building materials outlined.
- blank walls must be treated
- building entries must be provided/meet certain standards.

Senior Planner Gemmer displayed images of the Southwest Everett Industrial area as examples of desired outcomes.

Commissioner Andes asked about tree requirements on properties in addition to boulevard trees. Ms. Gemmer reviewed tree requirements for landscape buffers and interior and perimeter landscaping.

Chair Leifer asked about the requirement that blank walls be treated. Senior Planner Gemmer explained that this pertains to large stretches of wall with no windows or doors. The requirement is to add something like different building materials, a landscape buffer, a trellis, or a false wall to break up the wall and make it more interesting. Commissioner Andes commented on places he has seen people plant large trees too close to the building. Ms. Gemmer agreed that the developer needs to choose something compatible with the space. Chair Leifer asked if it could be a painting or mural. Ms. Gemmer replied that it could.

Chair Leifer asked about examples of employee amenities. Senior Planner Gemmer replied that the amenities could be things like a gazebo, picnic area, or benches to make the area more usable for people that work there. It would not be a requirement but would be encouraged.

Chair Leifer asked how the County views overlay zones for taxation purposes regarding the highest and best use? Senior Planner Gemmer was not sure but offered to find out.

Commissioner Whitaker referred to frontage improvements and asked if new businesses along 152nd Street would be required to do right-of-way improvements on top of the landscaping requirements. Ms. Gemmer explained that typically they would be required to do frontage improvements prior to occupancy of the building which may include curb, gutter, sidewalk, landscaping, and an overlay of the asphalt to the surveyed center line of the road. Sometimes there are also offsite improvements if conditions are deteriorated or inadequate.

Commissioner Whitaker asked if 152nd Street is anticipated to be widened in the future. Senior Planner Gemmer wasn't certain but offered to bring back a timeline of improvements. Planning Manager Holland explained that the City is looking at going out for grant funding for the corridor from 156th Street that ties into 152nd just west of 51st; north on 51st up to 160th; and west back to Smokey Point Blvd. He further discussed how this is expected to be accomplished.

B. Code Amendment – Residential Design Standards – Applicability

Ms. Gemmer explained that the purpose of the amendment is to direct office, institutional and similar non-residential development in residential zones to use the commercial design standards chapter as the standard is more appropriate for that type of development. A similar fix is happening in the commercial design standards to direct exclusively multi-family residential uses in the Mixed Use zone to use the residential design standards. Planning Manager Holland reviewed an example of how this would be more appropriate.

C. 2022 Comprehensive Plan Amendments – Introduction

- Amendment 1 – Quil Ceda Tannery Rezone

This is a proposed rezone from 88 Mixed Use (88-MU) to Light Industrial (LI). Senior Planner Gemmer reviewed background on this area and the justification for the proposed rezone. Planning Manager Holland provided further details.

Chair Leifer commented that the restricted access is the reason that mixed use development has not been feasible. He doesn't think changing the zoning to LI is going to fix that issue. Planning Manager Holland agreed that access is still an issue.

Commissioner Andes asked about access over the railroad at 84th. Planning Manager Holland replied that would take a large development for that to happen. There are no plans for that crossing at this time.

Commissioner Hoen noted this is almost an identical situation to 116th. There was a developer looking at permitting for high rise storage. Ms. Gemmer noted the code was amended a couple of years ago to allow storage uses on properties with access and similar constraints. There were some pre applications made for the 116th property, but

no formal applications. Planning Manager Holland noted that the property referred to was sold to Tulalip Tribes.

- **Amendment 2 – Smokey Point Area-wide Rezone**

Senior Planner Gemmer gave a brief overview of this and explained this would impact parcels north of 152nd Street, west of Hayho Creek, south of the Arlington-Marysville city boundary, and east of Smokey Point Blvd. The proposed rezone of approximately 140 acres from General Commercial (GC) to Light Industrial (LI) with a GC overlay would afford a broad range of uses.

Commissioner Whitworth asked if it is anticipated that a lot of property owners might sell in the near future for light industrial uses. Ms. Gemmer noted there is a huge amount of activity in the area. Over time they will redevelop. Planning Manager Holland reviewed the status of parcels in that area.

Chair Leifer asked how many vacant usable acres are left in the Cascade Industrial Center. Planning Manager Holland was not sure but noted that the last large piece is getting ready to resubmit. He indicated staff could bring back the numbers. He shared the Community Development page which has information about development activity, plans, and zoning in Marysville in addition to a lot of other information. He encouraged commissioners to send people there who have questions about development to take a look at that information.

Senior Planner Gemmer stated that staff would bring back a more robust analysis of the rezones in the near future.

5. CITY COUNCIL AGENDA ITEMS and MINUTES

Director Miller gave an update on the Community Business Zone item that was discussed at a workshop a few months ago where the Planning Commission had made the recommendation to leave the code as it is. The City Council discussed this and ultimately established interim regulations in the zone establishing a maximum density of 12 units per acre. A public hearing will be held on the interim regulations in July. The City Council requested that staff cover the commercial design regulations for that area.

Chair Leifer asked about the reason for Council's decision since there is such pressure to create more housing in the area. Director Miller reviewed some of the reasons and noted it was ultimately a policy decision. There was discussion among the Planning Commission and staff about this topic. Senior Planner Gemmer highlighted several multifamily developments in the works placing a lot of pressure on 172nd Street. The traffic is a huge concern. She pointed out that there was not any residential development allocated for the CB zone. Planning Manager Holland reviewed a map showing the significant development activity in that Lakewood area.

6. ADJOURNMENT

Motion to adjourn the meeting at 8:35 p.m. moved by Commissioner Whitaker seconded by Commissioner Andes.

AYES: ALL

NEXT MEETING – June 28, 2022

Chris Holland

Chris Holland, Planning Manager for
Laurie Hugdahl, Recording Secretary

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

Regular Meeting

October 25, 2022

CALL TO ORDER

The Tuesday, October 25 meeting of the Marysville Planning Commission was called to order at 6:35 p.m.

It was noted that Commissioners Tom Thetford and Sunshine Kapus had stepped down from the Planning Commission.

ROLL CALL

Present: Chair Steve Leifer, Commissioner Roger Hoen, Commissioner Jerry Andes, Commissioner Kristen Michal, Commissioner Brandon Whitaker

Absent: None

Staff: Community Development Director Haylie Miller, Principal Planner Angela Gemmer, Planning Manager Chris Holland (via Zoom)

APPROVAL OF MINUTES

September 27, 2022 Planning Commission Minutes

Motion to approve September 27, 2022 Planning Commission Minutes moved by Commissioner Roger Hoen seconded by Commissioner Jerry Andes.

AYES: ALL

AUDIENCE PARTICIPATION

None

OLD BUSINESS

A. Light Industrial Design Standards

Principal Planner Gemmer reviewed this item related to the Light Industrial (LI) Design Standards. The standards are proposed to apply to the Smokey Point Master Plan Area; 88th Street Master Plan Area; Smokey Point Area-wide Rezone Area; and LI zoned properties within 150 feet of 152nd Street, 136th Street, along State Avenue/Smokey Point Blvd., and 128th Street.

Chair Leifer referred to Exhibit 1 and noted that the drawings should show an overlay of General Commercial along Smokey Point Boulevard/State Avenue from 128th to 152nd Street. Senior Planner Gemmer indicated she would look into that. She also reviewed the map showing SWIFT stations and the half-mile radius around each one.

Commissioner Whitaker asked about the reason for applying the standards to these areas. Principal Planner Gemmer explained that it started with looking at design standards for the Smokey Point Area Wide Rezone and gradually evolved to a larger area.

Commissioner Hoen noted that Arlington is not shown as part of the coverage. He asked if there is a way to find out if the zoning in the Arlington area is similar to Marysville's. He thinks it would be beneficial to look at this as one area that the two municipalities are jointly developing. Ms. Gemmer noted they could look to see what design standards Arlington applies in that area. She stated that the two cities are well synchronized with regard to a shared vision and uses but there may be some deviation with design standards. She offered to bring back more information on this.

Ms. Gemmer reviewed a table showing a comparison of Smokey Point Master Plan Design Standards with the Proposed Industrial Design Standards. She highlighted other miscellaneous changes.

Chair Leifer asked if it was the intent of the code to preclude all engineered steel buildings. Ms. Gemmer explained that architectural metal could be used when it has a visible corner molding and trim and also has a matte, non-reflective surface. Prefabricated metal buildings with corrugated metal siding would not be allowed. Ms. Gemmer replied she could get clarification on specific situations. Chair Leifer wondered if this might be a deterrent for those seeking a more economical option. Ms. Gemmer noted that the approach is to focus the standards on the areas that are more visible or already have standards in place.

Chair Leifer asked for clarification about the requirement to install a vertical trellis and other treatments to cover at least 50% of the wall's area. Ms. Gemmer stated that it would apply to blank walls only; the intent is to cover 50% of the total area with vegetation or other treatments, but the shape could be flexible. This is in the City's current code.

Commissioner Andes asked how this relates to the changes they made in regard to the plans for the former Belmark property on 116th. Ms. Gemmer indicated that it may be something that needs to be cleaned up in code. Planning Manager Holland

commented that in the LI zone the storage facilities would have to be located on Smokey Pt. Blvd. He thought this was already covered in the code.

Commissioner Whitaker referred to the requirement for a landscape maintenance security bond to be held for three years and asked where this number came from. Ms. Gemmer explained that the bonds are typically for two growing seasons. Three years is a recommendation from MAKERS for this type of planting.

Commissioner Michal asked about the reasoning for changing the standard for façade modulation for walls from 60 to 150 feet. Ms. Gemmer explained that this is more consistent with other jurisdictions' industrial design standards.

Discussion Question: Is there a desire to have the design standards also apply to 40th Avenue, 45th Avenue, and 144th Street?

Commissioner Andes asked what the benefit of doing this would be. Ms. Gemmer replied that it would improve aesthetic outcomes along those three streets. Chair Leifer commented that everything is pretty much developed in that area. There was no indication that the Planning Commission wished to add those additional areas.

Commissioner Andes asked if there are plans for the road on the north side of the naval exchange area to be extended all the way to State Avenue/Smokey Pt. Blvd. Ms. Gemmer summarized that ultimately it might go through with future development, but it won't be in the near term. She discussed multiple challenges associated with this.

Motion to direct staff to bring the Light Industrial Design Standards back for a hearing on November 8 moved by Commissioner Jerry Andes seconded by Commissioner Kristen Michal.

VOTE: Motion carried 4 - 1

AYES: Chair Steve Leifer, Commissioner Roger Hoen, Commissioner Jerry Andes, Commissioner Kristen Michal

NOES: Commissioner Brandon Whitaker

B. Residential Design Standards - Applicability

Principal Planner Gemmer explained this is a change to the applicability section of the current Residential Design Standards to clarify that if there are non-residential uses in residential zones, they would be subject to the commercial design standards.

Commissioner Whitaker referred to 2(c) which would allow the project proponent to submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards and would provide for the director to determine if the intent of the standard has been met. He expressed concern that this might compromise the standards. Ms. Gemmer explained that this is an existing provision, and that changes would be at the discretion of the director but would still have to meet the intent of the standard.

Motion to direct staff to set a public hearing for the Residential Design Standards - Applicability on November 8 moved by Commissioner Brandon Whitaker seconded by Commissioner Jerry Andes.

AYES: ALL

NEW BUSINESS

A. 2024 Comprehensive Plan Update - General Growth Approach Discussion

Principal Planner Gemmer re-introduced the 2024 Comprehensive Plan Update and solicited feedback from the Planning Commission about where they would generally like to see growth go. She reviewed 2024 growth targets including current population, capacity, additional population to accommodate, and general approaches to accommodate growth. The City is expected to accommodate approximately 6,800 additional people with approximately 4,000 housing units. The County is expecting countywide that of the people that need to be accommodated, 75% of the units will be multifamily and 25% will be townhouses. Looking back at the growth that Marysville has seen and the fact that there is still a large amount of green space available, staff thinks that the new units in Marysville will be distributed as 45% multifamily, 25% townhouses, and 30% single family. Staff acknowledges a trend toward townhouses and multifamily, but not to the extent expected by the County.

Chair Leifer thought the areas surrounding the SWIFT stations made sense for increased densities. Ms. Gemmer explained that implementing the State Avenue Subarea plan could accommodate the bulk of the required housing if that is the desire of the community, Planning Commission, and Council. This is one of several approaches that are being considered.

Possible Approaches:

- Higher density and some rezoning within a half-mile radius of certain State Avenue SWIFT stations
- Look at multifamily and single family zones throughout the city to possibly allow more density in some of them.
- A combination of higher density along State SWIFT stations and modest density increases.
- Reassess land likely to redevelop downtown.
- Modify assumptions for density. Are higher densities than the buildable lands report recently observed?

Chair Leifer commented that it appears the County is going to make it difficult to expand urban growth boundaries. Ms. Gemmer agreed that they are discouraging that. She noted that the City would have to look at "reasonable measures" to accommodate growth before potentially expanding urban growth boundaries. Chair Leifer commended the City for acknowledging that there are some single family uses that would like to be accommodated. He thinks the County's recommendations are ill-advised. Ms. Gemmer noted there are also a lot of goals and approaches that come down from the State.

Commissioner Whitaker commented that in general, the townhomes along 100th Street and near the junior high/middle school area have been positive. He spoke in support of increasing density around major transportation corridors but still maintaining the opportunity for single family homes. Keeping a balance between the single family, multifamily, and townhomes feels like a good idea. He noted that having large multifamily developments far away from State Avenue or other major arterials doesn't make a lot of sense.

Ms. Gemmer reviewed:

- PSRC Regional goals and Community Transit SWIFT stations - SWIFT stations along State Avenue could provide some additional density. A regional goal is for 65% of population growth and 75% of employment growth to be within proximity of the high-capacity transit but cities can pursue different strategies. The City is having conversations with Community Transit about SWIFT station locations and routes.
- Incremental changes in single-family zones could help to spread out the growth more evenly throughout the community. This would entail some rezoning and/or modified density assumptions.
- Staff plans to reassess re-developable parcels downtown
- Staff has concerns about increasing any density up in Lakewood unless it is in the Community Business triangle. They are also cautious of any increased density near the 88th Street intersection. Increased density at 116th Street and State Avenue would require coordination with Public Works on transportation. These are already have challenges. The Whiskey Ridge water supply is a key consideration for any increase in density in East Sunnyside – Whiskey Ridge.

Discussion:

Commissioner Michal asked why the State Avenue Plan was tabled. Ms. Gemmer explained that it was relayed to her that there was some concern from some Council members about too much density along State Avenue. If they proceed with the State Avenue Plan, there will be a cautious approach regarding density. Staff will coordinate carefully with Public Works, Council, and the Planning Commission on any approach involving State Avenue.

Chair Leifer thought that State Avenue/Smokey Point Blvd. would make the most sense for higher density areas since it is the one major urban arterial. Senior Planner Gemmer commented that there are some unique challenges along State Avenue with the railroad and some challenged intersections. There are also some concerns by legislative bodies in general throughout the region about problems with increased multifamily. Chair Leifer commented that they all would actually prefer not to have any more growth in the City. However, the reality is that, with the directive from the County to accommodate growth, multifamily has to come into the mix. It makes sense to put it on a major arterial like State Avenue.

Commissioner Hoen asked about the expected route of the Gold Line. Ms. Gemmer replied that it will come up from Everett, through State Avenue/Smokey Pt. Blvd, and up to Arlington. It could possibly sweep to the east to capture some of the ridership from the Cascade Industrial Center before continuing up to Arlington. Commissioner Hoen asked if there had been consideration about expanding the Downtown Master Plan boundary north. Ms. Gemmer replied that it was significantly expanded in 2021. It could potentially be modified again if there was a desire to have more density along State towards the downtown area.

Commissioner Andes asked about Community Transit service in addition to SWIFT. Ms. Gemmer explained she thought there were some plans for other types of buses to get to and from the nodes in other cities but wasn't sure about Marysville. In general, the goal is to have a quarter to half-mile radius walkshed so people can walk or bike to the station.

Commissioner Michal recommended preserving the opportunity to purchase single family homes as much as possible because this is one of the things that makes Marysville a great place to be. She also recommended looking at the Downtown Master Plan to see if they can find numbers from what is existing. Finally, she noted that she has lived places that are really dense, and it was nice to have places close to transit. If they need to find more numbers, it makes sense to look for density around the SWIFT nodes. It might also be nice to have it not be all the way up State Avenue.

Chair Leifer commented that if there is a developed residential community near State Avenue that would be negatively impacted by higher density on State Avenue that should be considered.

Ms. Gemmer noted that the State Avenue Plan originally had proposed some pretty high densities (25-50 units/acre). She reviewed some examples of higher density projects around the city.

Chair Leifer commented that they should look at going up vertically even if they don't increase the density to maintain more open space.

Ms. Gemmer reviewed results of the Citizen Survey on growth to date. The largest concerns about increased growth are increased traffic, demands on school system, and environmental impacts. Measures that the City can take to make growth more welcome would be more amenities for people, improved transportation, and pedestrian connectivity. Overwhelmingly the community has indicated they would like to see a hybrid approach with density. If density were contemplated on State Avenue, most said they would like to see it up to 136th or 116th. If more density were along State Avenue, they would like to see a mix of apartments, mixed use, and townhouses. The least preferred approach would be an exclusively multifamily development along State Avenue. If density were spread throughout the City, a mix of housing types would be preferred.

Ms. Gemmer summarized that staff will assess State Avenue for some of the growth; the downtown area to see if we can recapture more density; and possibly some other strategic areas to increase density.

Commissioner Hoen referred to 116th and State Avenue and commented that the Tribes could connect to the road behind the hotel and develop the area behind the railroad track. If the Tribes decide to develop that area, do they have obligations to Marysville's codes? Ms. Gemmer replied that her understanding was that the Tribes' goal was to develop a transportation center there. In terms of following the City's standards, her understanding was that if they put the land in tribal trust they would have broad latitude with what they could pursue and would likely not need to adhere to city standards. If the land was not put in tribal trust, they would need to follow the City's standards.

ADJOURNMENT

Motion to adjourn at 8:45 p.m. moved by Commissioner Brandon Whitaker seconded by Commissioner Kristen Michal.

AYES: ALL

Angela Gemmer, Principal Planner for

Laurie Hugdahl, Recording Secretary

NEXT MEETING – November 8, 2022

**Planning
Commission**



**1049 State Avenue
Marysville, WA 98270**

**DRAFT
Meeting Minutes
November 8, 2022**

ROLL CALL

Chair Leifer opened the meeting at 6:30 p.m.

Present:

Commissioners: Chair Steve Leifer, Commissioner Brandon Whitaker, Commissioner Kristen Michal, Commissioner Jerry Andes, Commissioner Roger Hoen

Staff: Community Development Director Haylie Miller, Principal Planner Angela Gemmer, Recording Secretary Laurie Hugdahl

APPROVAL OF MINUTES

October 25, 2022 Planning Commission Meeting Minutes

Chair Leifer referred to the second paragraph on page 2 where he had commented about the General Commercial overlay on State Avenue/Smokey Point Blvd. He clarified that this overlay should be "from 128th to 152nd" not 136th to 152nd.

Motion to Approve October 25, 2022 minutes as corrected moved by Commissioner Jerry Andes seconded by Commissioner Brandon Whitaker.

AYES: ALL

AUDIENCE PARTICIPATION

None

PUBLIC HEARINGS

Light Industrial Design Standards

Principal Planner Angela Gemmer made the presentation regarding the Light Industrial Design Standards proposed to apply to the Quilceda Rezone Area, the Smokey Point Master Plan Area, the Smokey Point Rezone Area, and to the first 150 feet along 152nd Street, Smokey Point Blvd., 136th Street, and 128th Street. She reviewed a map of the areas, noting that the design standards are pretty comparable to the standards that are in place for the Smokey Point Master Plan.

She responded to a question from the previous meeting about whether or not the design standards would preclude corrugated metal. She clarified that the Brown Matson building is something that would not be eligible under the proposed design standards because it appears to be a prefabricated building with corrugated metal siding. She stated that in general the City does not want to see metal, prefab buildings in the Smokey Point Master Plan area or the Smokey Point Rezone area. In the other areas, there could be a potential to modify the standard if desired by the Planning Commission.

Commissioner Andes commented that he didn't see a problem with the Brown Matson building. They have done a nice job concealing the fact that it is prefab, and he didn't think someone driving by would even know. Principal Planner Gemmer concurred.

Chair Leifer commented that he is not a fan of metal buildings but he thinks they have their place if done properly. He also understands they are more economical. He noted that corrugated metal can be an appealing amenity if it is done right. He is not sure that this should be excluded outright. He referred to page 11, item i, related to the percentage of tinted glass and noted it was missing the amount. Principal Planner Gemmer noted that this should be 10%.

Chair Leifer referred to the map in the packet and stated that it needs to be updated to reflect the overlay zone from 128th to 152nd on State Avenue/Smokey Point Blvd. It was intended to allow General Commercial at least 500 feet back from State Avenue/Smokey Point Blvd. Senior Planner Gemmer explained she had looked into this and found that the overlay was in the Comprehensive Plan, but apparently had never made its way into the code. This is something staff will need to take a look at next year. She explained that as part of the center designation for the Cascade Industrial Center, one of the expectations by Puget Sound Regional Council was that some of the retail and service-based uses which were non-manufacturing in nature needed to be limited within the boundaries of the Cascade Industrial Center. The permitted uses matrices was amended to omit a fair number of retail and service-based uses from the majority of the Cascade Industrial Center excluding along State Avenue/Smokey Point Blvd. Staff will need to do more research to make sure the 500 foot retail area is something that can be implemented and still be consistent with the agreement with Puget Sound Regional Council.

Chair Leifer expressed concern about how this could have been overlooked. He also noted that they have maintained a General Commercial overlay for the properties north of 152nd. He stressed that this is an independent city and there should be enough leeway to make this work since it was unanimously approved. He noted that the Growth

Management Task Force (GMTF) was also in agreement that this overlay should be applied to that thoroughfare as reflected in the notes from the last GMTF meeting included in the packet. He recommended maintaining the light industrial zone but also allowing flexibility for development along State Avenue/Smokey Point Blvd in order to use that corridor to its highest and best use. He pointed out that there had been a consensus among the Growth Management Task Force also that this should be applied. He stated it was clear that it should be applied as approved from 128th to 152nd, but he also advocated for it being extended along the entire thoroughfare from 128th to 172nd.

Principal Planner Gemmer stated she would do more research to get to the bottom of why there is a disconnect between the Comprehensive Plan and the code on this issue. She noted that staff is not opposed to this; they just need to make sure that they do not compromise the centers designation. Chair Leifer thought this would allow the best of both worlds without having any adverse impacts. He spoke to the importance of maintaining flexibility with this corridor to accommodate a diverse array of uses. He doesn't think that light industrial is necessarily the highest and best use along this corridor.

Director Miller added that the overlay is in the Comprehensive Plan as an overarching goal, but there are a lot of things in the Comprehensive Plan that still need to be worked out at the code level with the Planning Commission and Council. She doesn't think anything was necessarily deleted or omitted from code; most likely it just hasn't been formally brought forward to the group to look at. Now, with the Cascade Industrial Center, they need to be careful to make sure it is not in conflict with those policies.

Commissioner Hoen agreed that this overlay makes a lot of sense. He referred to Highway 9 and how that has become a commercial area. Principal Planner Gemmer indicated she would do more research and come back to the Planning Commission with more details.

The public testimony portion of the public hearing was opened at 7:03 p.m. There were no comments. The hearing was closed at 7:03 p.m.

Motion to Approve forwarding the Light Industrial Design Standards to Council with a recommendation for approval moved by Commissioner Jerry Andes seconded by Commissioner Roger Hoen.

AYES: ALL

Residential Design Standards - Applicability

Principal Planner Gemmer explained that there have been some modifications since the Planning Commission last reviewed this section. The primary change is to point non-residential uses in residential zones to commercial design standards because presently there is a mismatch between the design standard and the use. Two other minor changes would be to omit unnecessary language regarding conflicts between codes and standards, and omit a specific reference to design guidelines that are out of date.

Discussion:

Commissioner Whitaker asked how commercial uses that abut residential uses would be treated. Principal Planner Gemmer explained that connectivity expectations are the same in industrial, commercial, and residential design standards codes. Commissioner Whitaker asked about landscape buffers. Principal Planner Gemmer explained that the landscape standards in the residential, industrial, and commercial include qualitative standards which are similar in all the codes. There are specific requirements in the general landscape code which apply to all the zones.

Commissioner Hoen raised a concern about this impacting business permits for people who sell art or similar things from their home. Principal Planner Gemmer replied that this would not have any impact on that.

Chair Leifer asked about a potential conflict between height standards. Principal Planner Gemmer explained that the height standards for commercial, industrial, and residential zones are in a separate chapter and will remain the same. There is also a separate section in code that relates to non-residential uses in residential uses which states that the base height shall conform to the height limitation of the underlying zone in which the use is located.

Commissioner Andes referred to landscaping and suggested that the requirements might be too high. He noted that he recently returned from a trip to Arizona where he noticed they did not require that everything be covered with something green or growing. This tends to make things look simpler and neater. Ms. Gemmer explained that there is flexibility in the City's administrative landscape guidelines. Staff also works with people if they have a vision of what they would like to implement.

Commissioner Andes referred to a project on Smokey Point Blvd. north of 136th where the City had planted a ton of shrubs and tall grass but several years later, they tore much of it out. Commissioner Whitaker asked why they tore it out. Principal Planner Gemmer was not sure, but thought it was likely a maintenance issue. She commented on the need to be strategic about what is planted where and to plant something that will outcompete weeds. Commissioner Whitaker agreed and recommended picking something that is applicable and reasonable for its location. Landscaping needs to make sense for where it is planted.

Commissioner Hoen referred to a clause in some code about requiring a three-year plant maintenance plan. Principal Planner Gemmer explained that it was only for the Industrial Design Standards when there is a large section of blank wall without windows or doors. The three-year maintenance plan would only be required for vegetation treating a blank wall due to the difficulty in getting enough plant coverage.

Chair Leifer expressed frustration about trying to meet the landscaping requirements in the code and then having the police express safety concerns about it. Principal Planner

Gemmer agreed that sometimes there is a tension between different standards and that a balance must be struck.

Commissioner Andes referred to the development on the north side of 116th where he has noticed that some of the trees were planted right underneath lightbulbs and now have grown up over the lights. Ms. Gemmer replied that is something that is supposed to be addressed in the code, but maybe was overlooked.

Chair Leifer stated the importance of allowing flexibility with projects. Principal Planner Gemmer agreed.

Motion to Approve the Residential Design Standards - Applicability and forward to the City Council with a recommendation for approval moved by Commissioner Kristen Michal seconded by Commissioner Jerry Andes.

AYES: ALL

ADJOURNMENT

Director Miller discussed paper packets and the City's initiative to go paper-free. She made a suggestion that the Planning Commission could be provided tablets to use. The Commission was receptive to the idea and willing to try it. Director Miller indicated she would look into it.

There was discussion about the November meeting which is just a couple days before Thanksgiving. Commissioner Michal noted she would not be available. Staff will follow up to confirm if the meeting will happen on that date or be rescheduled.

There was discussion about the two open commissioner positions. Staff is actively seeking applications. Chair Leifer asked about the requirement to live in city limits. Director Miller replied that a majority must be residents, and all members have to reside in the City's UGA. Chair Leifer thought that someone that owns a business in the City would be a good candidate.

Principal Planner Gemmer responded to previous questions:

- Widening the stretch of State Avenue from 104th and 116th is expected to begin in 2024 and be completed in 2025.
- Commissioner Hoen had asked about Arlington's design standards on the shared boundary. She replied that they do have standards for all the zones that abut Marysville, but in the general industrial zone they only apply to the front of their general industrial buildings. She noted that most of the shared boundary where the standards are changing is already developed.
- The proposed Smoke Point Rezone will not impact the mini-storage code pertaining to the CB and GC zones. There won't be any code changes needed in light of the industrial design standard code change or the rezone of the Smokey Point area.

Motion to Adjourn the meeting at 7:55 p.m. moved by Commissioner Brandon Whitaker seconded by Commissioner Kristen Michal.

AYES: ALL

Laurie Hugdahl, Recording Secretary

NEXT MEETING – November 22, 2022 (tentative)



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Stephen Doherty, Information Systems

ITEM TYPE: Agreement

AGENDA SECTION: **New Business**

SUBJECT: SHI Quote # 22570333 for Microsoft 365 & Microsoft Enterprise Enrollment # 58565302.

SUGGESTED ACTION:

Recommended Motion: I move to approve the contract for Microsoft 365 in the amount of \$115,931.49 based on Washington State Contract #AR2488 for this service/product.

SUMMARY:

The city is currently on a perpetual license for Microsoft software. Microsoft is moving away from perpetual licenses to subscription licenses. By moving forward with this agreement, the city will future proof itself for continued use of Microsoft products.

Microsoft 365 provides additional tools that improve productivity and collaboration, including Microsoft Teams, SharePoint, OneDrive, and both on-prem and cloud access to the Microsoft Office Suite. This further enhances our ability to connect from anywhere and get our work done securely. In addition to cloud access, Microsoft 365 applications are updated indefinitely by Microsoft to ensure interagency compatibility.

ATTACHMENTS:
[Microsoft - Enterprise Agreement.pdf](#)



MARYSVILLE

WASHINGTON

CONTRACT ROUTING COVER SHEET NEW CONTRACT

Department: Information Services Date: November 10, 2022

Project Manager: Stephen Doherty Title: IS Director Phone: (360) 363 -8028

Project Name: Microsoft Enterprise Agreement

Project #: 58565302 Contracting Ending Date: 36 Months From Effective Date

Contractor/Vendor/Consultant: Microsoft

Nature of Scope of Contract: Microsoft Enterprise Agreement

Return executed contract to Project Manager Mail executed contract to Contractor at address below

Council Agenda date: _____ Council Agenda not required
(not less than 12 working days from submittal date)

Contract Amount: \$115,931.49 Budget Account #: 50300090-541000-20221

Complete For Bid Projects

State Excise Tax Registration #: _____ Current UBI#: _____

Employment Security Department #: _____

Registered Contractor Industrial Insurance Coverage Verified Not disqualified from bidding

Routing Sequence: (please initial, date and then forward)

Please submit in this order:	Initial	Date	Comments
Business Licensing	JTN	11-10-22	Copy of this form sent to Business Licensing, Project Manager's initials and date.
Department Director	SMD	11/14/2022	
City Clerk			_____ Date to City Attorney
CAO			
City Attorney			
Finance Director			
Mayor			
City Clerk			

Enterprise Enrollment

State and Local

Enterprise Enrollment number
(Microsoft to complete)

58565302

Framework ID
(if applicable)Previous Enrollment number
(Reseller to complete)**This Enrollment must be attached to a signature form to be valid.**

This Microsoft Enterprise Enrollment is entered into between the entities as identified in the signature form as of the effective date. Enrolled Affiliate represents and warrants it is the same Customer, or an Affiliate of the Customer, that entered into the Enterprise Agreement identified on the program signature form.

This Enrollment consists of: (1) these terms and conditions, (2) the terms of the Enterprise Agreement identified on the signature form, (3) the Product Selection Form, (4) the Product Terms, (5) the Online Services Terms, (6) any Supplemental Contact Information Form, Previous Agreement/Enrollment form, and other forms that may be required, and (7) any order submitted under this Enrollment. This Enrollment may only be entered into under a 2011 or later Enterprise Agreement. By entering into this Enrollment, Enrolled Affiliate agrees to be bound by the terms and conditions of the Enterprise Agreement.

All terms used but not defined are located at <http://www.microsoft.com/licensing/contracts>. In the event of any conflict the terms of this Agreement control.

Effective date. If Enrolled Affiliate is renewing Software Assurance or Subscription Licenses from one or more previous Enrollments or agreements, then the effective date will be the day after the first prior Enrollment or agreement expires or terminates. If this Enrollment is renewed, the effective date of the renewal term will be the day after the Expiration Date of the initial term. Otherwise, the effective date will be the date this Enrollment is accepted by Microsoft. Any reference to "anniversary date" refers to the anniversary of the effective date of the applicable initial or renewal term for each year this Enrollment is in effect.

Term. The initial term of this Enrollment will expire on the last day of the month, 36 full calendar months from the effective date of the initial term. The renewal term will expire 36 full calendar months after the effective date of the renewal term.

Terms and Conditions

1. Definitions.

Terms used but not defined in this Enrollment will have the definition in the Enterprise Agreement. The following definitions are used in this Enrollment:

"Additional Product" means any Product identified as such in the Product Terms and chosen by Enrolled Affiliate under this Enrollment.

"Community" means the community consisting of one or more of the following: (1) a Government, (2) an Enrolled Affiliate using eligible Government Community Cloud Services to provide solutions to a Government or a qualified member of the Community, or (3) a Customer with Customer Data that is subject to Government regulations for which Customer determines and Microsoft agrees that the use of Government Community Cloud Services is appropriate to meet Customer's regulatory requirements.

Membership in the Community is ultimately at Microsoft's discretion, which may vary by Government Community Cloud Service.

"Enterprise Online Service" means any Online Service designated as an Enterprise Online Service in the Product Terms and chosen by Enrolled Affiliate under this Enrollment. Enterprise Online Services are treated as Online Services, except as noted.

"Enterprise Product" means any Desktop Platform Product that Microsoft designates as an Enterprise Product in the Product Terms and chosen by Enrolled Affiliate under this Enrollment. Enterprise Products must be licensed for all Qualified Devices and Qualified Users on an Enterprise-wide basis under this program.

"Expiration Date" means the date upon which the Enrollment expires.

"Federal Agency" means a bureau, office, agency, department or other entity of the United States Government.

"Government" means a Federal Agency, State/Local Entity, or Tribal Entity acting in its governmental capacity.

"Government Community Cloud Services" means Microsoft Online Services that are provisioned in Microsoft's multi-tenant data centers for exclusive use by or for the Community and offered in accordance with the National Institute of Standards and Technology (NIST) Special Publication 800-145. Microsoft Online Services that are Government Community Cloud Services are designated as such in the Use Rights and Product Terms.

"Industry Device" (also known as line of business device) means any device that: (1) is not useable in its deployed configuration as a general purpose personal computing device (such as a personal computer), a multi-function server, or a commercially viable substitute for one of these systems; and (2) only employs an industry or task-specific software program (e.g. a computer-aided design program used by an architect or a point of sale program) ("Industry Program"). The device may include features and functions derived from Microsoft software or third-party software. If the device performs desktop functions (such as email, word processing, spreadsheets, database, network or Internet browsing, or scheduling, or personal finance), then the desktop functions: (1) may only be used for the purpose of supporting the Industry Program functionality; and (2) must be technically integrated with the Industry Program or employ technically enforced policies or architecture to operate only when used with the Industry Program functionality.

"Managed Device" means any device on which any Affiliate in the Enterprise directly or indirectly controls one or more operating system environments. Examples of Managed Devices can be found in the Product Terms.

"Qualified Device" means any device that is used by or for the benefit of Enrolled Affiliate's Enterprise and is: (1) a personal desktop computer, portable computer, workstation, or similar device capable of running Windows Pro locally (in a physical or virtual operating system environment), or (2) a device used to access a virtual desktop infrastructure ("VDI"). Qualified Devices do not include any device that is: (1) designated as a server and not used as a personal computer, (2) an Industry Device, or (3) not a Managed Device. At its option, the Enrolled Affiliate may designate any device excluded above (e.g., Industry Device) that is used by or for the benefit of the Enrolled Affiliate's Enterprise as a Qualified Device for all or a subset of Enterprise Products or Online Services the Enrolled Affiliate has selected.

"Qualified User" means a person (e.g., employee, consultant, contingent staff) who: (1) is a user of a Qualified Device, or (2) accesses any server software requiring an Enterprise Product Client Access License or any Enterprise Online Service. It does not include a person who accesses server software or an Online Service solely under a License identified in the Qualified User exemptions in the Product Terms.

"Reseller" means an entity authorized by Microsoft to resell Licenses under this program and engaged by an Enrolled Affiliate to provide pre- and post-transaction assistance related to this agreement;

"Reserved License" means for an Online Service identified as eligible for true-ups in the Product Terms, the License reserved by Enrolled Affiliate prior to use and for which Microsoft will make the Online Service available for activation.

"State/Local Entity" means (1) any agency of a state or local government in the United States, or (2) any United States county, borough, commonwealth, city, municipality, town, township, special purpose district, or other similar type of governmental instrumentality established by the laws of Customer's state and located within Customer's state's jurisdiction and geographic boundaries.

"Tribal Entity" means a federally recognized tribal entity performing tribal governmental functions and eligible for funding and services from the U.S. Department of Interior by virtue of its status as an Indian tribe.

"Use Rights" means, with respect to any licensing program, the use rights or terms of service for each Product and version published for that licensing program at the Volume Licensing Site and updated from time to time. The Use Rights include the Product-Specific License Terms, the License Model terms, the Universal License Terms, the Data Protection Terms, and the Other Legal Terms. The Use Rights supersede the terms of any end user license agreement (on-screen or otherwise) that accompanies a Product.

"Volume Licensing Site" means <http://www.microsoft.com/licensing/contracts> or a successor site.

2. Order requirements.

- a. Minimum order requirements.** Enrolled Affiliate's Enterprise must have a minimum of 250 Qualified Users or Qualified Devices. The initial order must include at least 250 Licenses for Enterprise Products or Enterprise Online Services.
 - (i) Enterprise commitment.** Enrolled Affiliate must order enough Licenses to cover all Qualified Users or Qualified Devices, depending on the License Type, with one or more Enterprise Products or a mix of Enterprise Products and the corresponding Enterprise Online Services (as long as all Qualified Devices not covered by a License are only used by users covered with a user License).
 - (ii) Enterprise Online Services only.** If no Enterprise Product is ordered, then Enrolled Affiliate need only maintain at least 250 Subscription Licenses for Enterprise Online Services.
- b. Additional Products.** Upon satisfying the minimum order requirements above, Enrolled Affiliate may order Additional Products.
- c. Use Rights for Enterprise Products.** For Enterprise Products, if a new Product version has more restrictive use rights than the version that is current at the start of the applicable initial or renewal term of the Enrollment, those more restrictive use rights will not apply to Enrolled Affiliate's use of that Product during that term.
- d. Country of usage.** Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.
- e. Resellers.** Enrolled Affiliate must choose and maintain a Reseller authorized in the United States. Enrolled Affiliate will acquire its Licenses through its chosen Reseller. Orders must be submitted to the Reseller who will transmit the order to Microsoft. The Reseller and Enrolled Affiliate determine pricing and payment terms as between them, and Microsoft will invoice the Reseller based on those terms. Throughout this Agreement the term "price" refers to reference price. Resellers and other third parties do not have authority to bind or impose any obligation or liability on Microsoft.
- f. Adding Products.**
 - (i) Adding new Products not previously ordered.** New Enterprise Products or Enterprise Online Services may be added at any time by contacting a Microsoft Account Manager or Reseller. New Additional Products, other than Online Services, may be used if an order is placed in the month the Product is first used. For Additional Products that are Online Services, an initial order for the Online Service is required prior to use.

- (ii) **Adding Licenses for previously ordered Products.** Additional Licenses for previously ordered Products other than Online Services may be added at any time but must be included in the next true-up order. Additional Licenses for Online Services must be ordered prior to use, unless the Online Services are (1) identified as eligible for true-up in the Product Terms or (2) included as part of other Licenses.
- g. **True-up requirements.** Enrolled Affiliate must submit an annual true-up order that accounts for any changes since the initial order or last order. If there are no changes, then an update statement must be submitted instead of a true-up order.
- (i) **Enterprise Products.** For Enterprise Products, Enrolled Affiliate must determine the number of Qualified Devices and Qualified Users (if ordering user-based Licenses) at the time the true-up order is placed and must order additional Licenses for all Qualified Devices and Qualified Users that are not already covered by existing Licenses, including any Enterprise Online Services.
- (ii) **Additional Products.** For Additional Products that have been previously ordered under this Enrollment, Enrolled Affiliate must determine the maximum number of Additional Products used since the latter of the initial order, the last true-up order, or the prior anniversary date and submit a true-up order that accounts for any increase.
- (iii) **Online Services.** For Online Services identified as eligible for true-up in the Product Terms, Enrolled Affiliate may place a reservation order for the additional Licenses prior to use and payment may be deferred until the next true-up order. Microsoft will provide a report of Reserved Licenses ordered but not yet invoiced to Enrolled Affiliate and its Reseller. Reserved Licenses will be invoiced retrospectively to the month in which they were ordered.
- (iv) **Subscription License reductions.** Enrolled Affiliate may reduce the quantity of Subscription Licenses at the Enrollment anniversary date on a prospective basis if permitted in the Product Terms, as follows:
- 1) For Subscription Licenses that are part of an Enterprise-wide purchase, Licenses may be reduced if the total quantity of Licenses and Software Assurance for an applicable group meets or exceeds the quantity of Qualified Devices and Qualified Users (if ordering user-based Licenses) identified on the Product Selection Form, and includes any additional Qualified Devices and Qualified Users added in any prior true-up orders. Step-up Licenses do not count towards this total count.
 - 2) For Enterprise Online Services that are not a part of an Enterprise-wide purchase, Licenses can be reduced as long as the initial order minimum requirements are maintained.
 - 3) For Additional Products available as Subscription Licenses, Enrolled Affiliate may reduce the Licenses. If the License count is reduced to zero, then Enrolled Affiliate's use of the applicable Subscription License will be cancelled.
- Invoices will be adjusted to reflect any reductions in Subscription Licenses at the true-up order Enrollment anniversary date and effective as of such date.
- (v) **Update statement.** An update statement must be submitted instead of a true-up order if, since the initial order or last true-up order, Enrolled Affiliate's Enterprise: (1) has not changed the number of Qualified Devices and Qualified Users licensed with Enterprise Products or Enterprise Online Services; and (2) has not increased its usage of Additional Products. This update statement must be signed by Enrolled Affiliate's authorized representative.
- (vi) **True-up order period.** The true-up order or update statement must be received by Microsoft between 60 and 30 days prior to each Enrollment anniversary date. The third-year true-up order or update statement is due within 30 days prior to the Expiration Date, and any license reservations within this 30 day period will not be accepted. Enrolled Affiliate

may submit true-up orders more often to account for increases in Product usage, but an annual true-up order or update statement must still be submitted during the annual order period.

- (vii) **Late true-up order.** If the true-up order or update statement is not received when due, Microsoft will invoice Reseller for all Reserved Licenses not previously invoiced and Subscription License reductions cannot be reported until the following Enrollment anniversary date (or at Enrollment renewal, as applicable).
- h. **Step-up Licenses.** For Licenses eligible for a step-up under this Enrollment, Enrolled Affiliate may step-up to a higher edition or suite as follows:
 - (i) For step-up Licenses included on an initial order, Enrolled Affiliate may order according to the true-up process.
 - (ii) If step-up Licenses are not included on an initial order, Enrolled Affiliate may step-up initially by following the process described in the Section titled "Adding new Products not previously ordered," then for additional step-up Licenses, by following the true-up order process.
- i. **Clerical errors.** Microsoft may correct clerical errors in this Enrollment, and any documents submitted with or under this Enrollment, by providing notice by email and a reasonable opportunity for Enrolled Affiliate to object to the correction. Clerical errors include minor mistakes, unintentional additions and omissions. This provision does not apply to material terms, such as the identity, quantity or price of a Product ordered.
- j. **Verifying compliance.** Microsoft may, in its discretion and at its expense, verify compliance with this Enrollment as set forth in the Enterprise Agreement.

3. **Pricing.**

- a. **Price Levels.** For both the initial and any renewal term Enrolled Affiliate's Price Level for all Products ordered under this Enrollment will be Level "D" throughout the term of the Enrollment.
- b. **Setting Prices.** Enrolled Affiliate's prices for each Product or Service will be established by its Reseller. Except for Online Services designated in the Product Terms as being exempt from fixed pricing, As long as Enrolled Affiliate continues to qualify for the same price level, Microsoft's prices for Resellers for each Product or Service ordered will be fixed throughout the applicable initial or renewal Enrollment term. Microsoft's prices to Resellers are reestablished at the beginning of the renewal term.

4. **Payment terms.**

For the initial or renewal order, Microsoft will invoice Enrolled Affiliate's Reseller in three equal annual installments. The first installment will be invoiced upon Microsoft's acceptance of this Enrollment and remaining installments will be invoiced on each subsequent Enrollment anniversary date. Subsequent orders are invoiced upon acceptance of the order and Enrolled Affiliate may elect to pay annually or upfront for Online Services and upfront for all other Licenses.

5. **End of Enrollment term and termination.**

- a. **General.** At the Expiration Date, Enrolled Affiliate must immediately order and pay for Licenses for Products it has used but has not previously submitted an order, except as otherwise provided in this Enrollment.
- b. **Renewal option.** At the Expiration Date of the initial term, Enrolled Affiliate can renew Products by renewing this Enrollment for one additional 36-month term or by signing a new Enrollment. Microsoft must receive a Renewal Form, Product Selection Form, and renewal order prior to or at the Expiration Date. Microsoft will not unreasonably reject any renewal.

Microsoft may make changes to this program that will make it necessary for Customer and its Enrolled Affiliates to enter into new agreements and Enrollments at renewal.

c. If Enrolled Affiliate elects not to renew.

(i) **Software Assurance.** If Enrolled Affiliate elects not to renew Software Assurance for any Product under its Enrollment, then Enrolled Affiliate will not be permitted to order Software Assurance later without first acquiring a new License with Software Assurance.

(ii) **Online Services eligible for an Extended Term.** For Online Services identified as eligible for an Extended Term in the Product Terms, the following options are available at the end of the Enrollment initial or renewal term.

1) **Extended Term.** Licenses for Online Services will automatically expire in accordance with the terms of the Enrollment. An extended term feature that allows Online Services to continue month-to-month ("Extended Term") is available. During the Extended Term, Online Services will be invoiced monthly at the then-current published price as of the Expiration Date plus a 3% administrative fee for up to one year. If Enrolled Affiliate wants an Extended Term, Enrolled Affiliate must submit a request to Microsoft at least 30 days prior to the Expiration Date.

2) **Cancellation during Extended Term.** At any time during the first year of the Extended Term, Enrolled Affiliate may terminate the Extended Term by submitting a notice of cancellation to Microsoft for each Online Service. Thereafter, either party may terminate the Extended Term by providing the other with a notice of cancellation for each Online Service. Cancellation will be effective at the end of the month following 30 days after Microsoft has received or issued the notice.

(iii) **Subscription Licenses and Online Services not eligible for an Extended Term.** If Enrolled Affiliate elects not to renew, the Licenses will be cancelled and will terminate as of the Expiration Date. Any associated media must be uninstalled and destroyed and Enrolled Affiliate's Enterprise must discontinue use. Microsoft may request written certification to verify compliance.

d. Termination for cause. Any termination for cause of this Enrollment will be subject to the "Termination for cause" section of the Agreement. In addition, it shall be a breach of this Enrollment if Enrolled Affiliate or any Affiliate in the Enterprise that uses Government Community Cloud Services fails to meet and maintain the conditions of membership in the definition of Community.

e. Early termination. Any early termination of this Enrollment will be subject to the "Early Termination" Section of the Enterprise Agreement.

For Subscription Licenses, in the event of a breach by Microsoft, or if Microsoft terminates an Online Service for regulatory reasons, Microsoft will issue Reseller a credit for any amount paid in advance for the period after termination.

6. Government Community Cloud.

a. Community requirements. If Enrolled Affiliate purchases Government Community Cloud Services, Enrolled Affiliate certifies that it is a member of the Community and agrees to use Government Community Cloud Services solely in its capacity as a member of the Community and, for eligible Government Community Cloud Services, for the benefit of end users that are members of the Community. Use of Government Community Cloud Services by an entity that is not a member of the Community or to provide services to non-Community members is strictly prohibited and could result in termination of Enrolled Affiliate's license(s) for Government Community Cloud Services without notice. Enrolled Affiliate acknowledges that only Community members may use Government Community Cloud Services.

b. All terms and conditions applicable to non-Government Community Cloud Services also apply

to their corresponding Government Community Cloud Services, except as otherwise noted in the Use Rights, Product Terms, and this Enrollment.

- c. Enrolled Affiliate may not deploy or use Government Community Cloud Services and corresponding non-Government Community Cloud Services in the same domain.
- d. **Use Rights for Government Community Cloud Services.** For Government Community Cloud Services, notwithstanding anything to the contrary in the Use Rights:
 - (i) Government Community Cloud Services will be offered only within the United States.
 - (ii) Additional European Terms, as set forth in the Use Rights, will not apply.
 - (iii) References to geographic areas in the Use Rights with respect to the location of Customer Data at rest, as set forth in the Use Rights, refer only to the United States.

Enrollment Details

1. Enrolled Affiliate's Enterprise.

- a. Identify which Agency Affiliates are included in the Enterprise. (Required) Enrolled Affiliate's Enterprise must consist of entire offices, bureaus, agencies, departments or other entities of Enrolled Affiliate, not partial offices, bureaus, agencies, or departments, or other partial entities. Check only one box in this section. If no boxes are checked, Microsoft will deem the Enterprise to include the Enrolled Affiliate only. If more than one box is checked, Microsoft will deem the Enterprise to include the largest number of Affiliates:
- Enrolled Affiliate only
 - Enrolled Affiliate and all Affiliates
 - Enrolled Affiliate and the following Affiliate(s) (Only identify specific affiliates to be included if fewer than all Affiliates are to be included in the Enterprise):

 - Enrolled Affiliate and all Affiliates, with following Affiliate(s) excluded:
- b. Please indicate whether the Enrolled Affiliate's Enterprise will include all new Affiliates acquired after the start of this Enrollment: Exclude future Affiliates

2. Contact information.

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (*) indicate required fields. By providing contact information, Enrolled Affiliate consents to its use for purposes of administering this Enrollment by Microsoft, its Affiliates, and other parties that help administer this Enrollment. The personal information provided in connection with this Enrollment will be used and protected in accordance with the privacy statement available at <https://www.microsoft.com/licensing/servicecenter>.

- a. **Primary contact.** This contact is the primary contact for the Enrollment from within Enrolled Affiliate's Enterprise. This contact is also an Online Administrator for the Volume Licensing Service Center and may grant online access to others. The primary contact will be the default contact for all purposes unless separate contacts are identified for specific purposes

Name of entity (must be legal entity name)* City of Marysville

Contact name* First Stephen **Last** Doherty

Contact email address* sdoherty@marysvillewa.gov

Street address* 501 Delta Avenue

City* Marysville

State* WA

Postal code* 98270-4540-

(Please provide the zip + 4, e.g. xxxxx-xxxx)

Country* United States

Phone* 360-363-8000

Tax ID 91-6001459

** indicates required fields*

- b. **Notices contact and Online Administrator.** This contact (1) receives the contractual notices, (2) is the Online Administrator for the Volume Licensing Service Center and may grant online access to others, and (3) is authorized to order Reserved Licenses for eligible Online Services, including adding or reassigning Licenses and stepping-up prior to a true-up order.

Same as primary contact (default if no information is provided below, even if the box is not checked).

Contact name* First Stephen Last Doherty
Contact email address* sdoherty@marysvillewa.gov
Street address* 501 Delta Avenue
City* Marysville
State* WA
Postal code* 98270-4540-
(Please provide the zip + 4, e.g. xxxxx-xxxx)
Country* United States
Phone* 360-363-8000

Language preference. Choose the language for notices. English

This contact is a third party (not the Enrolled Affiliate). Warning: This contact receives personally identifiable information of the Customer and its Affiliates.

** indicates required fields*

- c. **Online Services Manager.** This contact is authorized to manage the Online Services ordered under the Enrollment and (for applicable Online Services) to add or reassign Licenses and step-up prior to a true-up order.

Same as notices contact and Online Administrator (default if no information is provided below, even if box is not checked)

Contact name*: First Stephen Last Doherty
Contact email address* sdoherty@marysvillewa.gov
Phone* 360-363-8000

This contact is from a third party organization (not the entity). Warning: This contact receives personally identifiable information of the entity.

** indicates required fields*

- d. **Reseller information.** Reseller contact for this Enrollment is:

Reseller company name* SHI International Corp.
Street address (PO boxes will not be accepted)* 290 Davidson Ave
City* Somerset
State* NJ
Postal code* 08873-4145
Country* United States
Contact name* Randy Lee
Phone* 1-888-764-8888
Contact email address* Randy_Lee@shi.com
** indicates required fields*

By signing below, the Reseller identified above confirms that all information provided in this Enrollment is correct.

Signature* _____
Printed name*
Printed title*
Date*

** indicates required fields*

Changing a Reseller. If Microsoft or the Reseller chooses to discontinue doing business with each other, Enrolled Affiliate must choose a replacement Reseller. If Enrolled Affiliate or the Reseller intends to terminate their relationship, the initiating party must notify Microsoft and the

other party using a form provided by Microsoft at least 90 days prior to the date on which the change is to take effect.

- e. If Enrolled Affiliate requires a separate contact for any of the following, attach the Supplemental Contact Information form. *Otherwise, the notices contact and Online Administrator remains the default.*

- (i) Additional notices contact
- (ii) Software Assurance manager
- (iii) Subscriptions manager
- (iv) Customer Support Manager (CSM) contact

3. Financing elections.

Is a purchase under this Enrollment being financed through MS Financing? Yes, No.

If a purchase under this Enrollment is financed through MS Financing, and Enrolled Affiliate chooses not to finance any associated taxes, it must pay these taxes directly to Microsoft.

Physically Submitted

Proposal ID

1252706.003

Enrollment Number

Language: English (United States)

Enrolled Affiliate's Enterprise Products and Enterprise Online Services summary for the initial order:

Profile	Qualified Devices	Qualified Users	Device / User Ratio	Enterprise Product Platform	CAL Licensing Model
Enterprise	25	25	1.0	No	User Licenses

Products	Enterprise Quantity
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Microsoft 365 Enterprise	
M365 G3 GCC USL Unified	25

Enrolled Affiliate's Product Quantities:

Price Group	1	2	3	4
Enterprise Products	Office Professional Plus + M365 Apps for Enterprise + Office 365 (Plans E3 and E5) + Microsoft 365 Enterprise	Client Access License + Office 365 (Plans E1, E3 and E5) + Microsoft 365 Enterprise	Client Access License + Windows Intune + EMS USL + Microsoft 365 Enterprise	Win E3 + Win E5 + Win VDA + Microsoft 365 Enterprise
Quantity	25	25	25	25

Enrolled Affiliate's Price Level:

Product Offering / Pool	Price Level
Enterprise Products and Enterprise Online Services USLs: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Groups 1 through 4.	D
Additional Product Application Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 1.	D
Additional Product Server Pool: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Group 2 or 3.	D
Additional Product Systems Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 4.	D

NOTES

Unless otherwise indicated in the associated contract documents, the price level for each Product offering / pool is set as described above, based upon the quantity to price level mapping below:

Quantity of Licenses and Software Assurance	Price Level
2,399 and below	A
2,400 to 5,999	B
6,000 to 14,999	C
15,000 and above	D
<p>Note 1: Enterprise Online Services may not be available in all locations. Please see the Product List for a list of locations where these may be purchased.</p>	
<p>Note 2: If Enrolled Affiliate does not order an Enterprise Product or Enterprise Online Service associated with an applicable Product pool, the price level for Additional Products in the same pool will be price level "A" throughout the term of the Enrollment. Refer to the Qualifying Government Entity Addendum pricing provision for more details on price leveling.</p>	

Enterprise

Sub 250 Program Amendment ID W29

The parties agree that the Enrollment is amended as follows:

1. On the first page of the Enrollment, the following is added after the second paragraph:

By entering into this Enrollment, the Enrolled Affiliate agrees that (1) it also has 25 or more Qualified Devices or Qualified Users; or (2) as a condition of entering into this Enrollment with 25-249 Qualified Devices or Qualified Users, Enrolled Affiliate has elected not to receive CD ROMs as part of the Enrollment and therefore no CD ROMs will automatically be shipped. If Enrolled Affiliate is enrolling with 25-249 Qualified Devices or Qualified Users and it would like to receive CD ROM Kits and updates, Enrolled Affiliate may order these through its Reseller for a fee.

The submission of this Amendment can only be placed against a 2011 Enterprise Agreement or an Enrollment that has the Updated EA Amendment terms and conditions applied. The submittal of this Amendment may not be contingent on submittal of a new Enterprise Agreement.

2. Section 2a of the Enrollment titled "Order Requirements", is hereby amended and restated in its entirety with the following:

- a. **Minimum Order Requirements.** Enrolled Affiliate's Enterprise must have a minimum of 25 Qualified Users or Qualified Devices.
 - (i) **Initial Order.** Initial order must include at least 25 Licenses from one of the four groups outlined in the Product Selection Form.
 - (ii) **If choosing Enterprise Products.** If choosing Enterprise Products in a specific group outlined in the Product Selection Form, Enrolled Affiliate's initial order must include an Enterprise-wide selection of one or more Enterprise Products or a mix of Enterprise Products and corresponding Enterprise Online Services for that group.
 - (iii) **Additional Products.** Upon satisfying the minimum order requirements above, Enrolled Affiliate may order Additional Products.
 - (iv) **Country of Usage.** Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.
 - (v) **Enterprise Online Services only.** If no Enterprise Product is ordered, then Enrolled Affiliate need only maintain at least 25 Subscription Licenses for Enterprise Online Services.

3. Software Assurance renewal.

Renewing Software Assurance: If Enrolled Affiliate will be renewing Products Software Assurance coverage from a separate agreement, check this box.	<input type="checkbox"/>
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By checking the above box, a new section is added to the Enrollment entitled "Software Assurance Addition."

Software Assurance Addition. Enrolled Affiliate is permitted to and will include in its initial order under this Enrollment Software Assurance quantities from eligible Program's identified in the table below, even though Enrolled Affiliate is not otherwise eligible to order such Software Assurance without simultaneously ordering a License.

Enrolled Affiliate agrees that any perpetual Licenses received through the New Software Assurance shall supersede and replace the underlying Licenses, and the underlying Licenses are not to be transferred separately from any Licenses received through the New Software Assurance. Any remaining payment obligations with respect to the underlying Licenses shall continue in effect.

Program	License ID Number	Expiration Date
<>	<>	<>

Physically Submitted

Program Signature Form

MBA/MBSA number

Agreement number <p style="text-align: center;">6564327</p>
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Note: Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
Enterprise Enrollment (Indirect)	X20-10635
Sub250 Form	W29
Product Selection Form	1252706.003_PSF

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer
Name of Entity (must be legal entity name)* City of Marysville
Signature* _____
Printed First and Last Name*
Printed Title
Signature Date*
Tax ID 91-6001459

** indicates required field*

Microsoft Affiliate
Microsoft Corporation
Signature _____
Printed First and Last Name
Printed Title
Signature Date <small>(date Microsoft Affiliate countersigns)</small>
Agreement Effective Date <small>(may be different than Microsoft's signature date)</small>

Optional 2nd Customer signature or Outsourcer signature (if applicable)

Customer
Name of Entity (must be legal entity name)*
Signature* _____
Printed First and Last Name*
Printed Title
Signature Date*

** indicates required field*

Outsourcer
Name of Entity (must be legal entity name)*
Signature* _____
Printed First and Last Name*
Printed Title
Signature Date*

** indicates required field*

If Customer requires additional contacts or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

Microsoft Corporation
Dept. 551, Volume Licensing
6880 Sierra Center Parkway
Reno, Nevada 89511
USA



Pricing Proposal
 Quotation #: 22570333
 Created On: 9/29/2022
 Valid Until: 10/31/2022

WA-City of Marysville

Inside Account Executive

Stephen Doherty

1049 State Avenue
 Marysville, WA 98270
 United States
 Phone: (360) 363-8033
 Fax:
 Email: sdoherty@marysvillewa.gov

Ty Pellot

290 Davidson ave,
 Somerset, NJ 08879
 Phone: 732-652-3080
 Fax: 732-652-3099
 Email: Ty_Pellot@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 Microsoft 365 E3 - Subscription license - 1 user - hosted - EA Subscription, Government Community Cloud - All Languages Microsoft - Part#: AAD-34704 Contract Name: NASPO Cloud Solutions Contract #: AR2488 Subcontract #: 05116 Coverage Term: 11/1/2022 – 10/31/2023 Note: Year 1 of 3	250	\$403.96	\$100,990.00
2 Microsoft Office 365 Advanced Threat Protection - Subscription license - 1 user - hosted - GOV - EA Subscription, Government Community Cloud - All Languages Microsoft - Part#: 3GU-00001 Contract Name: NASPO Cloud Solutions Contract #: AR2488 Subcontract #: 05116 Coverage Term: 11/1/2022 – 10/31/2023 Note: Year 1 of 3	250	\$19.57	\$4,892.50
3 Microsoft Azure Active Directory Premium P2 - Subscription license - 1 user - hosted - GOV - EA Subscription, Government Community Cloud - All Languages Microsoft - Part#: MQN-00001 Contract Name: NASPO Cloud Solutions Contract #: AR2488 Subcontract #: 05116 Coverage Term: 11/1/2022 – 10/31/2023 Note: Year 1 of 3	1	\$87.78	\$87.78
4 Teams AC with Dial Out US/CA GCC Sub Addon Microsoft - Part#: NYH-00001 Contract Name: NASPO Cloud Solutions Contract #: AR2488 Subcontract #: 05116 Coverage Term: 11/1/2022 – 10/31/2023 Note: Year 1 of 3	250	\$0.00	\$0.00

Subtotal \$105,970.28
 *Tax \$9,961.21

Additional Optional Items

Microsoft 365 E3 - Subscription license - 1 user - hosted - EA Subscription, Government Community Cloud - All Languages Microsoft - Part#: AAD-34704 Contract Name: NASPO Cloud Solutions Contract #: AR2488 Subcontract #: 05116 Coverage Term: 11/1/2023 – 10/31/2024 Note: Year 2 of 3	250	\$403.96	\$100,990.00
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Microsoft Office 365 Advanced Threat Protection - Subscription license - 1 user - hosted - GOV - EA Subscription, Government Community Cloud - All Languages Microsoft - Part#: 3GU-00001 Contract Name: NASPO Cloud Solutions Contract #: AR2488 Subcontract #: 05116 Coverage Term: 11/1/2023 – 10/31/2024 Note: Year 2 of 3	250	\$19.57	\$4,892.50
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Microsoft Azure Active Directory Premium P2 - Subscription license - 1 user - hosted - GOV - EA Subscription, Government Community Cloud - All Languages Microsoft - Part#: MQN-00001 Contract Name: NASPO Cloud Solutions Contract #: AR2488 Subcontract #: 05116 Coverage Term: 11/1/2023 – 10/31/2024 Note: Year 2 of 3	1	\$87.78	\$87.78
--	---	---------	---------

Teams AC with Dial Out US/CA GCC Sub Addon Microsoft - Part#: NYH-00001 Contract Name: NASPO Cloud Solutions Contract #: AR2488 Subcontract #: 05116 Coverage Term: 11/1/2023 – 10/31/2024 Note: Year 2 of 3	250	\$0.00	\$0.00
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Microsoft 365 E3 - Subscription license - 1 user - hosted - EA Subscription, Government Community Cloud - All Languages Microsoft - Part#: AAD-34704 Contract Name: NASPO Cloud Solutions Contract #: AR2488 Subcontract #: 05116 Coverage Term: 11/1/2024 – 10/31/2025 Note: Year 3 of 3	250	\$403.96	\$100,990.00
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Microsoft Office 365 Advanced Threat Protection - Subscription license - 1 user - hosted - GOV - EA Subscription, Government Community Cloud - All Languages Microsoft - Part#: 3GU-00001 Contract Name: NASPO Cloud Solutions Contract #: AR2488 Subcontract #: 05116 Coverage Term: 11/1/2024 – 10/31/2025 Note: Year 3 of 3	250	\$19.57	\$4,892.50
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Microsoft Azure Active Directory Premium P2 - Subscription license - 1 user - hosted - GOV - EA Subscription, Government Community Cloud - All Languages Microsoft - Part#: MQN-00001	1	\$87.78	\$87.78
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Contract Name: NASPO Cloud Solutions
Contract #: AR2488
Subcontract #: 05116
Coverage Term: 11/1/2024 – 10/31/2025
Note: Year 3 of 3

Teams AC with Dial Out US/CA GCC Sub Addon	250	\$0.00	\$0.00
Microsoft - Part#: NYH-00001			
Contract Name: NASPO Cloud Solutions			
Contract #: AR2488			
Subcontract #: 05116			
Coverage Term: 11/1/2024 – 10/31/2025			
Note: Year 3 of 3			

Additional Comments

Please note, if Emergency Connectivity Funds (ECF) will be used to pay for all or part of this quote, please let us know as we will need to ensure compliance with the funding program.

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084. SHI International Corp. is 100% Minority Owned, Woman Owned Business. TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Administrative Services Supervisor Shelli Edwards, Engineering

ITEM TYPE: Report

AGENDA SECTION: **New Business**

SUBJECT: 2021 Transportation Benefit District (TBD) Annual Report

SUGGESTED ACTION: Recommended Motion: I move to approve the 2021 Transportation Benefit District Annual Report

SUMMARY:

Per RCW 36.73.160(2), the Marysville Transportation Benefit District is required to issue an annual report detailing the TBD's revenues, expenditures, and status of projects, including cost and construction schedules. The report is to be distributed to the public and newspaper of record. Attached for your review and approval is the 2021 Transportation Benefit District Annual Report and presentation. The presentation includes a project breakdown with a description of expenditures, project photos and map.

ATTACHMENTS:
[TBD Annual Report - 2021 - Signed.pdf](#)
[2021 TBD Presentation.pptx](#)



MARYSVILLE
PUBLIC WORKS

Marysville Transportation Benefit District
Official Notice of 2021 Annual Report

NOTICE IS HEREBY GIVEN that the City Council is issuing the Marysville Transportation Benefit District 2021 Annual Report to the Marysville residents.

The Marysville Transportation Benefit District (MTBD) was created on January 13, 2014. The creation of the MTBD established the boundaries as the entire City of Marysville as it currently exists or any adjustment to the boundaries in the future. In April, 2014 the citizens of Marysville approved a ballot measure authorizing the MTBD to collect two tenths of one percent sales tax for a period of 10 years.

Revenues from this tax are to be dedicated for the purposes of ongoing transportation improvements that preserve, maintain and as appropriate, construct or reconstruct the transportation infrastructure of the City of Marysville.

The MTBD is governed by the City of Marysville Council. The MTBD began receiving sales tax receipts in December, 2014.

2021 Report

2021 Financial Summary of the MTBD activity (as of 12/31/2021):

Sales Tax & Investment Income	3,663,897
TOTAL REVENUES	\$ 3,663,897
2020 OVERLAYS Total	28,354
2021 OVERLAYS Total	830,292
2022 OVERLAYS Total	1,623
83RD/SOPER HILL RD INTERSECTION IMPROVEMENTS Total	9
8TH STREET IMPROVEMENTS Total	97,476
SOPER HILL RD AND 71ST AVE NE INTERSECTION Total	43,581
SUNNYSIDE BLVD AND 52ND AVE NE INTERSECTION Total	114,258
SUNNYSIDE BLVD AND 53RD AVE NE INTERSECTION Total	126,930
TOTAL EXPENDITURES	\$ 1,242,522

Please visit <http://www.marysvillewa.gov> for additional information.

CITY OF MARYSVILLE

Sandy Langdon, Finance Director
Dated December 31, 2021

(360) 363-8100

Public Works
80 Columbia Avenue
Marysville, WA 98270

2021 Transportation Benefit District Annual Report



Transportation Benefit District (TBD)



Background

Why the TBD was Established?

The TBD was formed by the Marysville City Council in 2013 to replace the transportation funding used to preserve, maintain and expand the City's transportation infrastructure.

What is a TBD?

The TBD is a separate and independent taxing district authorized by state law and created for the sole purpose of repairing, building, improving, preserving and funding transportation improvements within the district. Due to changes in State Law, the City has assumed all rights, powers, immunities, functions and obligations of the TBD. (see Ordinance No. 3006)

What is the Funding Source?

On April 2014, Marysville voters approved a 0.2% sales and use tax increase. The tax increase went into effect on October 1, 2014. The revenue from the sales tax is estimated to generate \$1.6 million per year over a 10-year period towards TBD-designated projects.

Additional Information is available on the City's Website at: <http://marysvillewa.gov/index.aspx?NID=585>

Transportation Benefit District (TBD)



TBD Oversight

The Marysville City Council oversees the Transportation Benefit District. TBD business will be conducted with regular City Council business at City Council meetings held on the second and fourth Monday's of the month. Meetings are held at the Marysville City Hall, Council Chambers, 1049 State Avenue.

City Council

Kamille Norton, Council President

Peter Condyles

Stephen C. Muller

Tom King

Michael A. Stevens

Kelly Richards

Mark A. James

Mayor

Jon Nehring

Questions or Comments:

Please contact the City of Marysville Public Works Department at (360) 363-8100.

2021 Transportation Benefit District



2021 TBD program total - \$6,850,000

2021 Pavement Preservation - \$830,292

The 2020 Pavement Preservation Program included asphalt resurfacing at the locations shown below. This work included pavement repair, pavement overlay, and replacement of sidewalks ramps as required under ADA at locations per below.

- State Ave (Grove Street to 80th St NE) - \$460,292
- 47th Ave NE (76th St NE to 84th St NE) - \$370,000

2021 Transportation Projects - \$412,230

- 8th Street Improvements from State Ave to Ash Ave (PE) - \$97,476
- Soper Hill Rd and 71st Ave NE Intersection (PE) - \$43,581
- Sunnyside Blvd and 52nd Ave NE Intersection (PE+RW) - \$114,258
- Sunnyside Blvd and 53rd Ave NE Intersection (PE+RW) - \$126,930

2021 PPP: State Ave (Grove St to 80th St NE)



Project Cost: \$460,292



2021 PPP: 47th Ave NE (76th St NE to 84th St NE)



Project Cost: \$370,000



TBD Snapshot



- Revenues generated from TBD sales tax revenue have continued to trend higher than anticipated. Original estimates were \$1.6M annually.
- Estimated revenue, planned TBD expenditures and year-end balances are shown below.

	2021	2022
Carryover	\$3.24M	\$5.61M
Projected Revenue	\$3.61M	\$3.86M
Expenditures	\$1.23M	\$2.80M Est
Remaining Balance	\$5.61M	\$6.67M

TBD Map

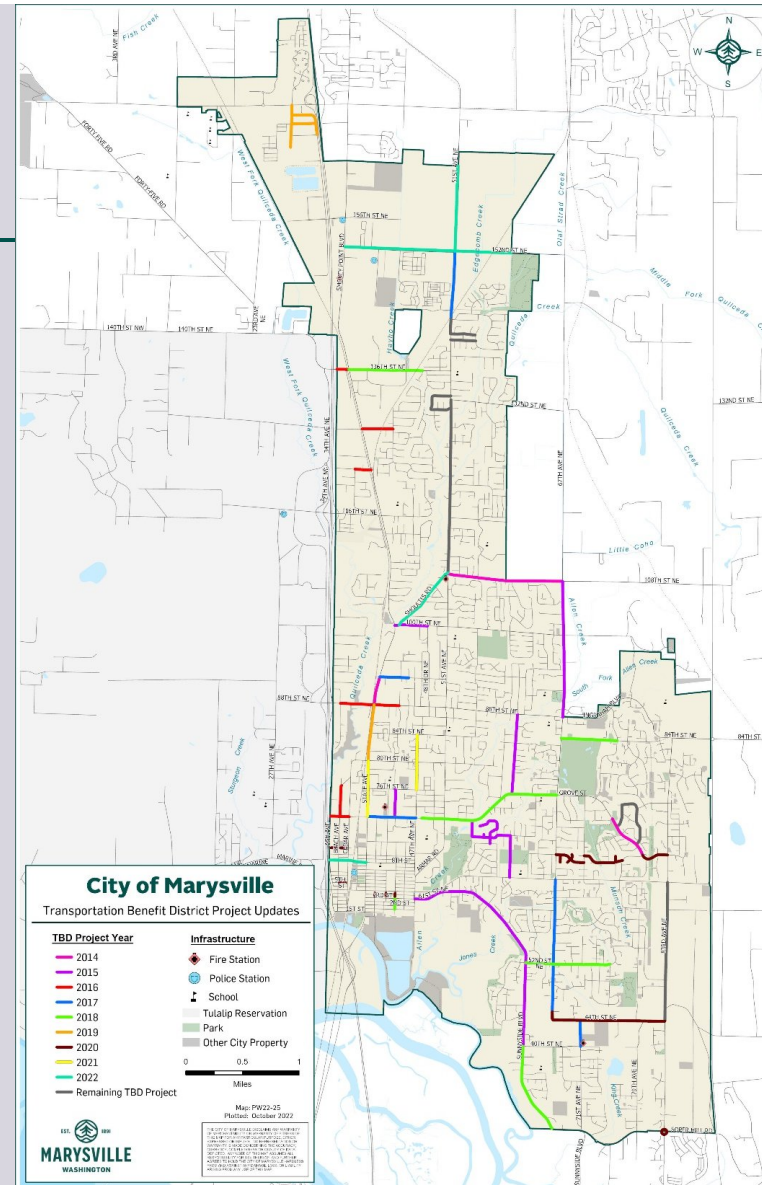
Shows projects completed by year since 2014, planned construction projects and remaining TBD project locations

2022 Overlay Projects:

- 152nd St NE
- Shoultes Road
- 51st Ave NE

2022 Projects:

- 80th St NE Non-Motorized
- Sunnyside/52nd Ave NE
- Sunnyside/53rd Ave NE
- 8th Street Improvements



Questions





Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Administrative Services Supervisor Shelli Edwards, Engineering

ITEM TYPE: Presentation

AGENDA SECTION: **New Business**

SUBJECT: 2023 Transportation Benefit District (TBD) Projects

SUGGESTED ACTION: Recommended Motion: I move to approve the list of 2023 Transportation Benefit District Projects.

SUMMARY: Staff will provide a presentation on the proposed 2023 Transportation Benefit District projects. The presentation includes a list of projects with a description of expenditures, project limits and maps.

ATTACHMENTS:
[2023 TBD Projects.pptx](#)

2023 Transportation Benefit District Projects



2022-2023 TBD Snapshot



- Revenues generated from TBD sales tax revenue have continued to trend higher than anticipated. Original estimates were \$1.6M annually.
- Estimated revenue, planned TBD expenditures and year-end balances are shown below.

	2022	2023
Carryover	\$5.61M	\$6.67M
Projected Revenue	\$3.86M	\$3.80M
Expenditures	\$2.80M Est	\$5.62M Est
Remaining Balance	\$6.67M	\$4.85M

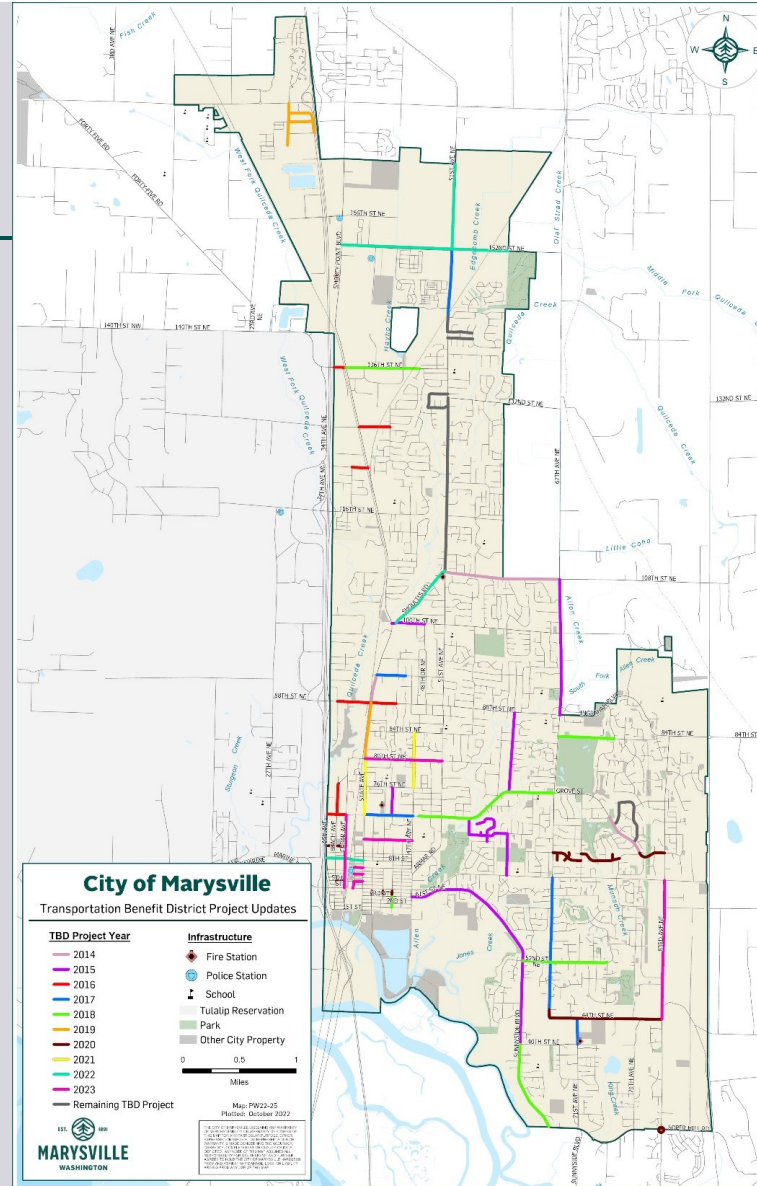
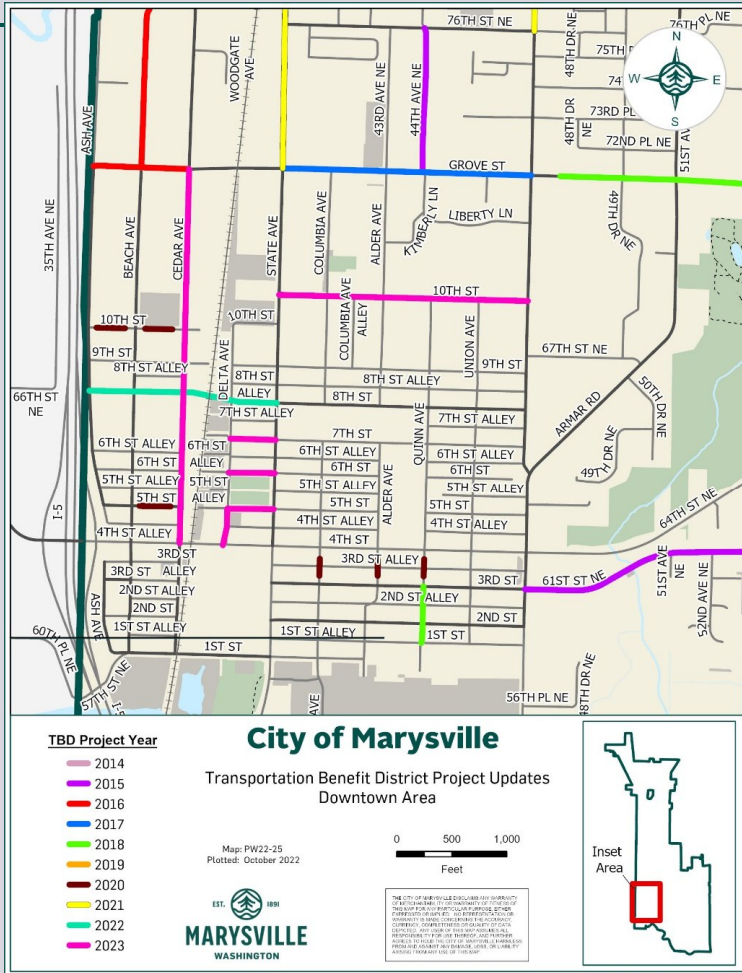
2023 TBD Projects



Project Name	From	To	Grant	2023 TBD
80 th St NE Non-Motorized (includes overlay)	State Ave	51 st Ave NE	\$498,525	\$1,152,000
Sunnyside Blvd and 52nd Ave NE Intersection			\$1,020,371	\$285,000
Sunnyside Blvd and 53rd Ave NE Intersection			\$655,419	\$1,010,000
*2023 Pavement Preservation				\$3,210,000
TOTAL				\$5,621,000

Pavement Preservation	From	To	Estimates
7th St	Delta	State	\$150,000.00
6th St	Delta	State	\$150,000.00
5th St	Delta	State	\$150,000.00
Delta Ave	4th St	5th St	\$160,000.00
Cedar Ave	4th St	Grove St	\$1,370,000.00
10th St	State	47th	\$930,000.00
83rd Ave NE (spot repairs)	44th St NE	64th St NE/SR528	\$300,000.00
		2023 Total	\$3,210,000.00

2023 TBD Maps





2023 Pavement Preservation: Downtown/MCC



Delta Ave (4th to 5th): \$160,000 Est



5th St (Delta to State): \$150,000 Est

2023 Pavement Preservation: 10th St and Cedar Ave



10th St (State to 47th): \$930,000 Est



Cedar St (4th to Grove): \$1,370,000 Est

Questions





Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Administrative Services Supervisor Shelli Edwards, Public Works

ITEM TYPE: Project Closeout

AGENDA SECTION: **New Business**

SUBJECT: Project Acceptance - Opera House Exterior Painting

SUGGESTED ACTION:

Recommended Motion: I move to authorize the Mayor to accept the 2021 Opera House Exterior Painting project, starting the 60-day lien filing period for the project closeout.

SUMMARY: The Opera House Recoating project was a public works contract to prepare, seal and recoat the Opera House structure exterior surfaces. This project was approved by City Council on March 7, 2022.

The City Council awarded the contract to K-A General Construction LLC on March 7, 2022, for the bid amount of \$109,297.93 with a management reserve of \$5,464.90 for a total allocation of \$114,762.83. The project was completed in the amount of \$109,397.93, or \$100.00 (.09%) over bid amount due to .01% increase in sales tax.

Work performed under this contract was inspected by City staff and determined to be physically complete in accordance with the approved plans and specifications.

ATTACHMENTS:
[Opera House - Physical Completion Letter.pdf](#)



MARYSVILLE
PUBLIC WORKS

September 9, 2022

K-A General Construction
Attn: Kalwinder Brar
PO Box 2304
Woodinville, WA 98072

SUBJECT: Opera House Exterior Painting

Dear Kal,

This project was considered physically complete as of today, Thursday, September 9, 2022. This notification does not constitute final acceptance. Recommendation for final acceptance will be sent to the City Council for approval at the first available council meeting. Please submit the following items for project closeout:

1. Affidavits of Wages Paid to include L&I issued Affidavit Number

Upon obtaining receipt of the above items, and acceptance, I will submit a notice of completion of public works project to obtain the following:

1. Certificate of Release from the Department of Revenue
2. Certificate of Release from the Employment Security Department
3. Certificate of Release from the Department of L&I

It has been a pleasure working with K-A General Construction, LLC. on this project. I look forward to working with you in the future.

Sincerely,

Skip Knutsen

Skip Knutsen
Public Works Services Manager

(360) 363-8100

Public Works
80 Columbia Avenue
Marysville, WA 98270



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Administrative Services Supervisor Shelli Edwards, Engineering

ITEM TYPE: Project Closeout

AGENDA SECTION: **New Business**

SUBJECT: Project Acceptance - State Avenue HSIP (3rd to 80th)

SUGGESTED ACTION: Recommended Motion: I move to authorize the Mayor to accept the State Avenue HSIP (3rd to 80th) project, starting the 60-day lien filing period for project closeout.

SUMMARY:

This project constructed traffic safety improvements at State Avenue intersections including:

- 3rd Street ADA improvements
- 4th Street vehicular signalization improvements
- 6th Street ADA improvements
- 8th Street ADA improvements
- 76th Street NE ADA improvements
- 80th Street NE full signal replacement

City Council awarded the construction contract to Colacurcio Bros., Inc. on March 22, 2021, for the bid amount of \$1,073,115 and also awarded a management reserve in the amount of \$100,000, for a total allocation of \$1,173,115.

The project was completed in the amount of \$1,097,923 which is \$24,808 (2.3%) over the original bid amount due to changes in anticipated contract bid item quantities based on actual site conditions.

<u>Construction Total</u>	<u>\$1,097,923</u>
FHWA HSIP Grant	\$1,142,015
<u>Construction Support Services</u>	<u>\$213,790</u>
FHWA HSIP Grant	\$254,509
Total Construction Cost to City	\$0

ATTACHMENTS:

[Letter 005A_Physical Completion_10-28-22.pdf](#)



MARYSVILLE

WASHINGTON

PUBLIC WORKS ENGINEERING AND TRANSPORTATION SERVICES

Jeff Laycock, *Director*

80 Columbia Avenue
Marysville, Washington 98270
Phone (360) 363-8100
Fax (360) 363-8284

October 31, 2022

Colacurcio Bros., Inc.
Attn: Daniel Colacurcio
3287 H Street Rd.
Blaine, WA 98230

Subject: State Avenue (3rd to 80th) HSIP – REVISED - Physical Completion

Letter # 005A

Dear Daniel,

In accordance with special provision 1-05.11(2), the 2019 Citywide HSIP project was determined to be physically complete on Friday, October 28, with completion of punch list items discussed previously.

For close out of the project, please complete the following:

- Enter all final payments to subcontractors in the WSDOT Diversity and Management Compliance System.
- Final Monthly Retainage report, form 272-065. Please return a copy to our office, showing release of retainage to your subcontractors. See attached.
- Submit final Certified Payrolls.
- Submit affidavits of wages paid for Colacurcio and all subcontractors.

It has been a pleasure working with Colacurcio Brothers on this project. I look forward to working with you on future projects with the City.

Sincerely,

Steve Miller
Project Manager



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Senior Planner Angela Gemmer, Community Development

ITEM TYPE: Agreement

AGENDA SECTION: **New Business**

SUBJECT: Washington State Department of Commerce Growth Management Act Periodic Update Grant - FY 2023

SUGGESTED ACTION: Recommended Motion: I move to authorize the Mayor to sign and execute the Washington State Department of Commerce Growth Management Act Periodic Update Grant contract agreement for FY 2023 (Contract Number 23-63210-078).

SUMMARY:

The Washington State legislature made a significant investment in Growth Management Act (GMA) planning during the 2022 Legislative Session by allocating funds for GMA comprehensive plan periodic updates. As a result, the Washington State Department of Commerce will be awarding grant funding to all jurisdictions required to plan under GMA for their comprehensive plan periodic updates, required under [RCW 36.70A.130\(5\)](#). The award of funds for cities is based on population. As of city with a population between 50,000 and 99,999, the City of Marysville has been awarded \$175,000.00 (Contract Number 23-63210-078). Half of the funds (\$87,500.00) must be spent during fiscal year (FY) 2023 which ends June 30, 2023. The balance must be spent in FY 2024 which ends June 30, 2024. Separate contracts will be required for FY 2023 and 2024.

The Community Development Department anticipates primarily using the grant funds for updating the Transportation Plan (Element) of the Comprehensive Plan, enhancing the graphic appeal and usability of the Comprehensive Plan, and preparing a Housing Action Plan (HAP). A HAP is a policy document with a set of concrete steps for a city to support and encourage new housing production that meets local housing needs. In 2021, the Washington Legislature changed the way communities are required to plan for housing. House Bill 1220 (HB 1220) amended the GMA to instruct local governments to “plan and accommodate” for housing affordable to all income levels. This significantly strengthens the previous goal, which was to encourage affordable housing. The HAP will inform the City's Housing Element update and further compliance with these State requirements.

ATTACHMENTS:

[Marysville-COM update grant 23-63210-078.pdf](#)



Interagency Agreement with

City of Marysville

through

Growth Management Services

**Contract Number:
23-63210-078**

For

GMA Periodic Update Grant – FY2023

Dated: Date of Execution

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Face Sheet

Contract Number: 23-63210-078

Local Government Division Growth Management Services

1. Contractor City of Marysville Community Development 80 Columbia Avenue Marysville, WA 98270		2. Contractor Doing Business As (as applicable) N/A	
3. Contractor Representative Haylie Miller Community Development Director (360) 363-8211 hmiller@marysvillewa.gov		4. COMMERCE Representative Valerie Smith Deputy Managing Director (360) 725-3062 valerie.smith@commerce.wa.gov	
5. Contract Amount \$87,500	6. Funding Source Federal: <input type="checkbox"/> State: <input checked="" type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>		7. Start Date Date of Execution
8. End Date June 30, 2023			
9. Federal Funds (as applicable) N/A	Federal Agency: N/A		ALN N/A
10. Tax ID # N/A	11. SWV # SWV0000432-00	12. UBI # 314-000-001	13. UEI # N/A
14. Contract Purpose Grant funding to assist the City of Marysville with planning work for the completion the Growth Management Act (GMA) requirement to review and revise the comprehensive plan and development regulations under RCW 36.70A.130(5).			
COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract and Attachments and have executed this Contract on the date below and warrant they are authorized to bind their respective agencies. The rights and obligations of both parties to this Contract are governed by this Contract and the following documents incorporated by reference: Contractor Terms and Conditions including Attachment "A" – Scope of Work and Attachment B - Budget			
FOR CONTRACTOR _____ Jon Nehring, Mayor City of Marysville _____ Date		FOR COMMERCE _____ Mark K. Barkley, Assistant Director Local Government Division _____ Date APPROVED AS TO FORM ONLY BY ASSISTANT ATTORNEY GENERAL APPROVAL ON FILE	

Special Terms and Conditions

1. AUTHORITY

COMMERCE and Contractor enter into this Contract pursuant to the authority granted by Chapter 39.34 RCW.

2. CONTRACT MANAGEMENT

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Representative for COMMERCE and their contact information are identified on the Face Sheet of this Contract.

The Representative for the Contractor and their contact information are identified on the Face Sheet of this Contract.

3. COMPENSATION

COMMERCE shall pay an amount not to exceed eighty-seven thousand five hundred dollars (87,500), for the performance of all things necessary for or incidental to the performance of work under this Contract as set forth in the Scope of Work.

4. BILLING PROCEDURES AND PAYMENT

COMMERCE will pay Contractor upon acceptance of services and deliverables provided and receipt of properly completed invoices, which shall be submitted to the Representative for COMMERCE not more often than monthly nor less than quarterly.

The parties agree this is a performance-based contract intended to produce the deliverables identified in Scope of Work (Attachment A). Payment of any invoice shall be dependent upon COMMERCE'S acceptance of Contractor's performance and/or deliverable. The invoices shall describe and document, to COMMERCE's satisfaction, a description of the work performed, the progress of the project, and fees. The invoice shall include the Contract Number 23-63210-078. If expenses are invoiced, provide a detailed breakdown of each type. A receipt must accompany any single expenses in the amount of \$50.00 or more in order to receive reimbursement.

Payment shall be considered timely if made by COMMERCE within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

COMMERCE may, in its sole discretion, terminate the Contract or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Contract.

No payments in advance or in anticipation of services or supplies to be provided under this Agreement shall be made by COMMERCE.

Grant Start Date

COMMERCE will pay the Contractor for costs incurred beginning July 1, 2022, for services and deliverables described under this Agreement.

Duplication of Billed Costs

The Contractor shall not bill COMMERCE for services performed under this Agreement, and COMMERCE shall not pay the Contractor, if the Contractor is entitled to payment or has been or will be paid by any other source, including grants, for that service.

Disallowed Costs

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

COMMERCE may, in its sole discretion, withhold ten percent (10%) from each payment until acceptance by COMMERCE of the final report (or completion of the project, etc.).

Line Item Transfers

The total amount of transfers of funds between line item budget categories shall not exceed ten percent (10%) of the total budget. If the cumulative amount of these transfers exceeds or is expected to exceed ten percent, the total budget shall be subject to justification and negotiation of a contracts amendment by the Contractor and COMMERCE.

Ineligible Costs

Only eligible project-related costs will be reimbursed. Ineligible costs include, but are not necessarily limited to: capital expenses, such as land acquisition or construction costs; purchase of machinery; hosting expenses, such as meals, lodging, or transportation incurred by persons other than staff and volunteers working directly on the project; lobbying or political influencing; and other costs which are not directly related to the project.

5. SUBCONTRACTOR DATA COLLECTION

Contractor will submit reports, in a form and format to be provided by Commerce and at intervals as agreed by the parties, regarding work under this Contract performed by subcontractors and the portion of Contract funds expended for work performed by subcontractors, including but not necessarily limited to minority-owned, woman-owned, and veteran-owned business subcontractors. "Subcontractors" shall mean subcontractors of any tier.

6. INSURANCE

Each party certifies that it is self-insured under the State's or local government self-insurance liability program, and shall be responsible for losses for which it is found liable.

7. FRAUD AND OTHER LOSS REPORTING

Contractor shall report in writing all known or suspected fraud or other loss of any funds or other property furnished under this Contract immediately or as soon as practicable to the Commerce Representative identified on the Face Sheet.

8. ORDER OF PRECEDENCE

In the event of an inconsistency in this Contract, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Attachment A – Scope of Work
- Attachment B – Budget

General Terms and Conditions

1. DEFINITIONS

As used throughout this Contract, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Director and/or the designee authorized in writing to act on the Director's behalf.
- B. "COMMERCE" shall mean the Washington Department of Commerce.
- C. "Contract" or "Agreement" or "Grant" means the entire written agreement between COMMERCE and the Contractor, including any Attachments, documents, or materials incorporated by reference. E-mail or Facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
- D. "Contractor" or "Grantee" shall mean the entity identified on the face sheet performing service(s) under this Contract, and shall include all employees and agents of the Contractor.
- E. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- F. "State" shall mean the state of Washington.
- G. "Subcontractor" shall mean one not in the employment of the Contractor, who is performing all or part of those services under this Contract under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

2. ALL WRITINGS CONTAINED HEREIN

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

3. AMENDMENTS

This Contract may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

4. ASSIGNMENT

Neither this Contract, work thereunder, nor any claim arising under this Contract, shall be transferred or assigned by the Contractor without prior written consent of COMMERCE.

5. CONFIDENTIALITY AND SAFEGUARDING OF INFORMATION

- A. "Confidential Information" as used in this section includes:
 - i. All material provided to the Contractor by COMMERCE that is designated as "confidential" by COMMERCE;
 - ii. All material produced by the Contractor that is designated as "confidential" by COMMERCE; and

iii. All Personal Information in the possession of the Contractor that may not be disclosed under state or federal law.

- B.** The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Contract and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COMMERCE or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide COMMERCE with its policies and procedures on confidentiality. COMMERCE may require changes to such policies and procedures as they apply to this Contract whenever COMMERCE reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by COMMERCE. Upon request, the Contractor shall immediately return to COMMERCE any Confidential Information that COMMERCE reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.
- C.** Unauthorized Use or Disclosure. The Contractor shall notify COMMERCE within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

6. COPYRIGHT

Unless otherwise provided, all Materials produced under this Contract shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COMMERCE. COMMERCE shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COMMERCE effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Contract, but that incorporate pre-existing materials not produced under the Contract, the Contractor hereby grants to COMMERCE a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COMMERCE.

The Contractor shall exert all reasonable effort to advise COMMERCE, at the time of delivery of Materials furnished under this Contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Contract. The Contractor shall provide COMMERCE with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Contract. COMMERCE shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

7. DISPUTES

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, Agreement terms and applicable statutes and rules and make a determination of the dispute. The Dispute Board shall thereafter decide the dispute with the majority

prevailing. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

8. GOVERNING LAW AND VENUE

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

9. INDEMNIFICATION

Each party shall be solely responsible for the acts of its employees, officers, and agents

10. LICENSING, ACCREDITATION AND REGISTRATION

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Contract.

11. RECAPTURE

In the event that the Contractor fails to perform this Contract in accordance with state laws, federal laws, and/or the provisions of this Contract, COMMERCE reserves the right to recapture funds in an amount to compensate COMMERCE for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by COMMERCE. In the alternative, COMMERCE may recapture such funds from payments due under this Contract.

12. RECORDS MAINTENANCE

The Contractor shall maintain books, records, documents, data and other evidence relating to this contract and performance of the services described herein, including but not limited to accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract.

The Contractor shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the contract, shall be subject at all reasonable times to inspection, review or audit by COMMERCE, personnel duly authorized by COMMERCE, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

13. SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Contract and prior to normal completion, COMMERCE may suspend or terminate the Contract under the "Termination for Convenience" clause, without the ten calendar day notice requirement. In lieu of termination, the Contract may be amended to reflect the new funding limitations and conditions.

14. SEVERABILITY

The provisions of this contract are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the contract.

15. SUBCONTRACTING

The Contractor may only subcontract work contemplated under this Contract if it obtains the prior written approval of COMMERCE.

If COMMERCE approves subcontracting, the Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, COMMERCE in writing may: (a) require the Contractor to amend its subcontracting procedures as they relate to this Contract; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Contract. The Contractor is responsible to COMMERCE if the Subcontractor fails to comply with any applicable term or condition of this Contract. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal conditions of this Contract. In no event shall the existence of a subcontract operate to release or reduce the liability of the Contractor to COMMERCE for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that COMMERCE and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

16. SURVIVAL

The terms, conditions, and warranties contained in this Contract that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Contract shall so survive.

17. TERMINATION FOR CAUSE

In the event COMMERCE determines the Contractor has failed to comply with the conditions of this contract in a timely manner, COMMERCE has the right to suspend or terminate this contract. Before suspending or terminating the contract, COMMERCE shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the contract may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, e.g., cost of the competitive bidding, mailing, advertising and staff time.

COMMERCE reserves the right to suspend all or part of the contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by COMMERCE to terminate the contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of COMMERCE provided in this contract are not exclusive and are, in addition to any other rights and remedies, provided by law.

18. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Contract, COMMERCE may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part. If this Contract is so terminated, COMMERCE shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

19. TERMINATION PROCEDURES

Upon termination of this contract, COMMERCE, in addition to any other rights provided in this contract, may require the Contractor to deliver to COMMERCE any property specifically produced or acquired for the performance of such part of this contract as has been terminated. The provisions of the "Treatment of Assets" clause shall apply in such property transfer.

COMMERCE shall pay to the Contractor the agreed upon price, if separately stated, for completed work and services accepted by COMMERCE, and the amount agreed upon by the Contractor and COMMERCE for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services that are accepted by COMMERCE, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Authorized Representative shall determine the extent of the liability of COMMERCE. Failure to agree with such determination shall be a dispute within the meaning of the "Disputes" clause of this contract. COMMERCE may withhold from any amounts due the Contractor such sum as the Authorized Representative determines to be necessary to protect COMMERCE against potential loss or liability.

The rights and remedies of COMMERCE provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

- A. Stop work under the contract on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract that is not terminated;
- C. Assign to COMMERCE, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case COMMERCE has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to COMMERCE and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the contract had been completed, would have been required to be furnished to COMMERCE;
- F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and
- G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this contract, which is in the possession of the Contractor and in which COMMERCE has or may acquire an interest.

20. TREATMENT OF ASSETS

Title to all property furnished by COMMERCE shall remain in COMMERCE. Title to all property furnished by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in COMMERCE upon delivery of such property by the Contractor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in COMMERCE upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by COMMERCE in whole or in part, whichever first occurs.

- A. Any property of COMMERCE furnished to the Contractor shall, unless otherwise provided herein or approved by COMMERCE, be used only for the performance of this contract.
- B. The Contractor shall be responsible for any loss or damage to property of COMMERCE that results from the negligence of the Contractor or which results from the failure on the part of the Contractor to maintain and administer that property in accordance with sound management

practices.

- C.** If any COMMERCE property is lost, destroyed or damaged, the Contractor shall immediately notify COMMERCE and shall take all reasonable steps to protect the property from further damage.
- D.** The Contractor shall surrender to COMMERCE all property of COMMERCE prior to settlement upon completion, termination or cancellation of this contract.
- E.** All reference to the Contractor under this clause shall also include Contractor's employees, agents or Subcontractors.

21. WAIVER

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Contract unless stated to be such in writing and signed by Authorized Representative of COMMERCE.

Attachment A: Scope of Work

Tasks / Actions / Deliverables	Description	End Date
Task 1	Review relevant plans and regulations to determine what revisions are required	March 31, 2023
Action 1.1	Review the comprehensive plan using the Commerce periodic update checklist	March 31, 2023
Action 1.2	Review development regulations using the Commerce periodic update checklist, including the critical areas ordinance and transportation plan	March 31, 2023
Deliverable 1	Completed Commerce periodic update checklists for comprehensive plan and development regulations	March 31, 2023
Task 2	Consultant selection and preliminary traffic element/plan work	March 31, 2023
Action 2.1	Request for proposals (RFPs) for professional services, evaluation of consultants, and contracts with consultant	February 28, 2023
Action 2.2	Contract(s) with scope of work to be completed	April 30, 2023
Deliverable 2	Copy of contracts with consultants	April 30, 2023
Task 3	Initiate Traffic Plan/Element (TE) update	June 30, 2023
Action 3.1	Review existing TE and summarize expected changes and updates to comply with current requirements.	June 30, 2023
Action 3.2	Begin review and development of recommended goals and/or policy changes.	June 30 2023

Action 3.3	Initiate update to the travel demand model and complete traffic data collection.	June 30, 2023
Deliverable 3	Brief summary of expected TE changes and updates, and copies of traffic data collected.	June 30, 2023
Task 4	Housing Action Plan – Conduct Public Outreach and Stakeholder Engagement	June 30, 2023
Action 4.1	Conduct stakeholder interviews	June 30, 2023
Action 4.2	Establish stakeholder working group and hold a minimum of two stakeholder working group meetings.	June 30, 2023
Action 4.3	Provide executive summary of stakeholder interviews	June 30, 2023
Action 4.4	Conduct at least one housing survey of the public	June 30, 2023
Action 4.5	Provide survey results	June 30, 2023
Action 4.6	Conduct at least one community meeting	June 30, 2023
Action 4.7	Provide minutes or executive summary of community meeting	June 30, 2023
Deliverable 4	Executive summary of stakeholder interviews, survey results and community meeting discussion	June 30, 2023
Task 5	Housing Action Plan – Preliminary research and background on housing needs and market conditions	June 30, 2023
Action 5.1	Compile information on housing needs for City	June 30, 2023
Action 5.2	Research information on local market conditions	June 30, 2023
Deliverable 5	Preliminary background information/executive summary on housing needs and location market conditions	June 30, 2023

Attachment B: Budget

SFY 2023 Task/Deliverable	SFY 2023 Amount
Deliverable 1	\$500
Deliverable 2	\$500
Deliverable 3	\$40,000
Deliverable 4	\$23,250
Deliverable 5	\$23,250
Total Grant (SFY 2023 only)	\$87,500



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Engineering Services Manager Ken McIntyre, Community Development

ITEM TYPE: Real Estate

AGENDA SECTION: **New Business**

SUBJECT: Provide easements to the City of Marysville for operation/maintenance of fire-hydrants on the Amazon Distribution Center property in Arlington.

SUGGESTED ACTION: Recommended Motion: I move to authorize the mayor to sign the easement document, accepting the proposed easements for recording with Snohomish County.

SUMMARY: Panattoni Development Company is currently constructing the Amazon Distribution Center along 172nd St NE, between 73rd Ave NE and 51st Ave NE in Arlington. The project was known as “Project Roxy” before the public release that it would be an Amazon Warehouse.

The City of Marysville owns/operates water mains along the north, west and east sides of the property, along with several fire hydrants that are situated the Amazon Facility’s frontages. As part of the project’s frontage improvements, all fire hydrants along the projects three frontages were relocated further away from their respective roads, to allow for frontage improvements around the three sides of the project. The attached easement document will provide the City of Marysville with the necessary access/maintenance rights for the hydrants located along the perimeter of Amazon’s property. Each hydrant is contained within a small easement area.

ATTACHMENTS:

- 01 Easement Document.pdf
- 02 Property Description (Ex A).pdf
- 03 Easement Description (Ex B).pdf
- 04 Easement Drawings (Ex C).pdf
- 05 Grantors Deed.pdf
- 06 As-Built Plans.pdf

AFTER RECORDING, RETURN TO:

CITY OF MARYSVILLE
1049 State Avenue
Marysville, WA 98270

FIRE HYDRANT EASEMENT AGREEMENT

GRANTOR (S): **AMAZON.COM SERVICES LLC, a Delaware limited liability company**

GRANTEE (S): **City of Marysville, Washington**

LEGAL (Abbrev.): **THAT PORTION OF NEW LOT 1, AS SHOWN ON RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, RECORDED AT RECORDING NUMBER 202110225002**

ASSESSOR'S TAX #: 31052800100400

THIS FIRE HYDRANT EASEMENT AGREEMENT (the "Agreement") is made and entered into this _____ day of, _____ 2022 by and between Amazon.com Services LLC, a Delaware limited liability company, (hereinafter "Grantor") and the City of Marysville, Washington (hereinafter "City" or "Grantee").

WHEREAS, Grantors are the owners of certain property located within the County of Snohomish, Washington legally described on Exhibit A attached hereto ("Grantor's Property"); and

WHEREAS, Grantor wishes to grant an easement to the Grantee to install and maintain fire hydrants on portions of Grantor's Property;

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, it is agreed by and between the parties hereto as follows:

1. Grant of Easements by Grantors to the City.

- 1.1 Grantors convey and grant to the City of Marysville, its successors and assigns and permittees and licensees, a non-exclusive, perpetual easement for fire hydrants and related appurtenances (the "Fire Hydrant Easement") and the right, privilege and authority to construct, alter, improve, repair, operate and maintain the fire hydrant and related appurtenances (collectively, the "Easement Improvements"), over, under and across Grantor's property legally described as follows:

See Attached Exhibits "B" & "C" (the "Easement Property")

together with the right to ingress to and egress from the Easement Property across such immediately adjacent lands of the Grantor as reasonably necessary for the purpose of constructing, reconstructing, repairing, renewing, altering, changing, patrolling, and operating the said hydrants and appurtenances, and the right at any time to remove said hydrants and appurtenances from said lands.

- 1.2 The Fire Hydrant Easement granted herein is not intended to create a public land fee ownership or to convert the Easement Property to a public forum. The Grantor reserves general ownership rights and the right to continued use the surface of the Easement Property in any manner now existing, including without limitation, the right to construct or install landscaping, pavement, driveways, sidewalks and related improvements in the Easement Property and to install, or permit the installation of, utilities within the Easement Property and grant additional easements, but shall not erect any buildings or structures on the Easement Property; provided, however, that Grantor shall have the right to make any use of the Easement Property not inconsistent with the Grantee's rights hereunder.
- 1.3 After completion of construction of the Easement Improvements, Grantee shall conduct all maintenance, repairs and replacements to the Easement Improvements as necessary to keep the Easement Improvements in good condition and repair (the "Maintenance Obligations"). All Maintenance Obligations shall be completed by Grantee, at Grantee's sole cost and expense, and in conformity with all applicable laws, rules, regulations and ordinances. The Maintenance Obligations shall not include maintenance of the surface of the

Easement Property, which surface shall be maintained by Grantor (except as expressly set forth in Section 2.7 below).

- 1.4 The Easement Property and the Easement Improvements may be relocated by Grantor, at Grantor's sole expense, to a location on Grantor's property approved by Grantee in Grantee's reasonable discretion.

2. General Terms.

2.1 Entire Agreement. This Agreement contains all of the agreements of the parties and no prior agreements or understandings pertaining to any such matters shall be effective for any such purpose.

2.2 Modification. No provision of this Agreement may be amended or added to except by agreement in writing signed by the parties.

2.3 Successors in interest. This Fire Hydrant Easement shall be a covenant running with the land and shall be binding on the Grantor, and Grantor's heirs, successors and assigns forever.

2.4 Title. Grantor makes no representation regarding the title of the Easement Property, and Grantor grants this Fire Hydrant Easement subject to all matters of public record.

2.5 Grantee's Obligations. Grantee will perform all work in, under, or upon the Easement Property expeditiously and in a good and workmanlike fashion. Grantee agrees that in performing the work in, under, or upon the Easement Property, Grantee will use reasonable efforts to avoid interfering with operations on the Grantor's property, and Grantee will endeavor to give Grantor at least two days' prior notice of such work when feasible given the circumstances surrounding such work. Grantee represents and warrants that it will maintain the Easement Property and the balance of the Grantor's property free and clear from any liens or encumbrances of any nature whatsoever in connection with the exercise of Grantee's rights set forth in this Agreement.

2.6 Indemnification. To the extent permitted by law, Grantee agrees to indemnify, defend, and hold Grantor and its tenants, occupants, permittees, and invitees harmless from and against any and all claims, causes of action, costs, expenses, losses, liabilities, and damages (collectively, "Claims") arising from or incurred in connection with Grantee's breach of this Agreement or actions undertaken by Grantee or its employees, agents, or contractors in connection with the exercise of any right set forth in this instrument. The foregoing indemnification will not cover any Claims to the extent the same were caused by any act or omission of Grantor or its tenants, occupants, permittees, or invitees. Without limiting the foregoing, Grantee agrees to indemnify, defend, and hold Grantor and its tenants, occupants, permittees, and invitees harmless from and against any Claims arising from or incurred in connection with the release or discharge by Grantee

or its employees, agents, or contractors of any hazardous materials into or upon the Easement Property or Grantor's property in connection with this Agreement.

2.7 Restoration. Grantee will, at its sole cost and expense and promptly after completion of its work, restore the surface and subsurface of the Easement Property as may have been disturbed in the use, operation, maintenance, or repair of Grantee's Easement Improvements in substantially the same condition that existed prior to Grantee's work, and repair all Easement Improvements and replace sod which may have been damaged by work within the Easement Property or which is a direct result of the exercise of the rights herein granted.

2.8 Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under, or in connection with this easement grant. Each party further waives any right to consolidate any action in which a jury trial has been waived hereunder with any other action in which a jury trial cannot be or has not been waived.

2.9 Attorneys' Fees. The prevailing party in any action to enforce this instrument will be entitled to receive from the other party all reasonable expenses, including legal fees and disbursements paid or incurred by the prevailing party in such action.

2.10 No Waiver. Neither party's failure to insist on strict performance of any part of this instrument will be construed as a waiver of the performance in any other instance.

2.11 Governing Law; Venue. Construction and interpretation of this instrument will be governed by laws of the state in which the Easement Property is located, excluding any principles of conflicts of laws. Any dispute arising under, in connection with, or incident to this instrument or about its interpretation will be resolved exclusively in the state or federal courts located in the county in which the Easement Property is located. Each of the parties irrevocably submits to those courts' venue and jurisdiction.

2.12 Counterparts. This instrument may be executed in multiple counterparts, each of which shall be deemed an original, and all of which, taken together, shall constitute one instrument.

2.13 Waiver of Consequential Damages. Notwithstanding any provision in this Contract to the contrary, neither party will be liable to the other party for consequential damages, such as lost profits or interruption of the other party's business.

2.14 Notices. All notices, approvals, consents, requests, or demands required or permitted to be given by either party will be delivered via email only, properly addressed to the email addresses set forth below:

4865-1729-2327.3
4865-1729-2327.9

To Grantor:

naops-propmgmt@amazon.com;
opsrelegalnotice@amazon.com; and
na-realestate@amazon.com

To Grantee:

DATED this _____ day of _____, 2022.

*[remainder of page intentionally left blank;
Signature pages to follow]*

GRANTOR:

AMAZON.COM SERVICES LLC,
a Delaware limited liability company

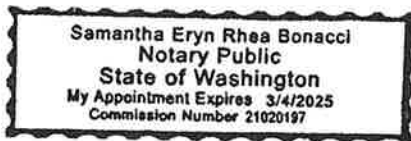
By: Jason Smith

STATE OF WASHINGTON)
)
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Jason Smith is the person who appeared before me, and said person acknowledged that (he/she/they) signed this instrument, on oath stated that (he/she/they) was authorized to execute the instrument and acknowledged it as the Authorized Signatory of AMAZON.COM SERVICES LLC, a Delaware limited liability company to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 21 day of July 2022.

[Notary Seal]



Samantha Eryn Rhea Bonacci

Print name: Samantha Eryn Rhea Bonacci
Notary Public in and for the State of Washington
residing at Seattle, WA
My appointment expires: March 4, 2025

*[remainder of page intentionally left blank;
Signature pages continue]*

FIRE HYDRANT EASEMENT

GRANTOR:

AMAZON.COM SERVICES LLC,
a Delaware limited liability company

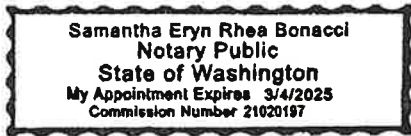
By: 

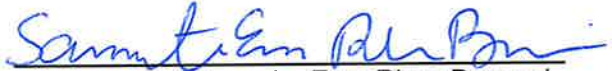
STATE OF WASHINGTON)
)
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Jason Smith is the person who appeared before me, and said person acknowledged that (he/she/they) signed this instrument, on oath stated that (he/she/they) was authorized to execute the instrument and acknowledged it as the Authorized Signatory of AMAZON.COM SERVICES LLC, a Delaware limited liability company to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 21 day of July 2022.

[Notary Seal]




Print name: Samantha Eryn Rhea Bonacci
Notary Public in and for the State of Washington
residing at Seattle, WA
My appointment expires: March 4, 2025

*[remainder of page intentionally left blank;
Signature pages continue]*

FIRE HYDRANT EASEMENT

GRANTEE:

CITY OF MARYSVILLE, WASHINGTON

By: _____

This record was acknowledged before me on _____ by
(date)

_____ as _____ of _____
(name) *(type of authority)* *(name of party/company)*

Notary Public for the State of Washington
My Commission Expires: _____

EXHIBIT "A"
(PROPERTY DESCRIPTION)

THAT PORTION OF NEW LOT 1, AS SHOWN ON RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT,
RECORDS OF SNOHOMISH COUNTY, WASHINGTON, RECORDED AT RECORDING NUMBER
202110225002.

EXHIBIT "B"
(FIRE HYDRANT EASEMENT)

THAT PORTION OF NEW LOT 1, AS SHOWN ON RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT, RECORDS OF SNOHOMISH COUNTY, WASHINGTON, RECORDED AT RECORDING NUMBER 202110225002; THAT PORTION BEING DESCRIBED AS FOLLOWS:

EASEMENT #1

BEING A 10.00 FOOT WIDE STRIP OF LAND, LYING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF 172ND STREET NE AND 43RD AVENUE NE, BEING THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; SAID COMMENCING POINT BEING NORTH 87°34'26" WEST, 2,610.44 FEET FROM THE NORTHEAST SECTION CORNER OF SAID SECTION 28;

THENCE ALONG THE CENTERLINE OF SAID 43RD AVENUE NE, SOUTH 01°41'03" WEST, 439.98 FEET;

THENCE CONTINUING SOUTH 01°41'03" WEST, 249.18 FEET;

THENCE CONTINUING SOUTH 01°41'03" WEST, 319.79 FEET;

THENCE LEAVING SAID CENTERLINE, SOUTH 88°17'49" EAST, 37.00 FEET TO THE **POINT OF BEGINNING** OF EASEMENT #1 AND CENTERLINE OF SAID DESCRIBED CENTERLINE;

THENCE SOUTH 88°10'35" EAST, 7.00 FEET TO THE **POINT OF TERMINUS** OF SAID DESCRIBED CENTERLINE.

CONTAINING 70 SQUARE FEET.

AND

EASEMENT #2

BEING A 10.00 FOOT WIDE STRIP OF LAND, LYING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF 172ND STREET NE AND 43RD AVENUE NE, BEING THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; SAID COMMENCING POINT BEING NORTH 87°34'26" WEST, 2,610.44 FEET FROM THE NORTHEAST SECTION CORNER OF SAID SECTION 28;

THENCE ALONG THE CENTERLINE OF SAID 43RD AVENUE NE, SOUTH 01°41'03" WEST, 439.98 FEET;

THENCE CONTINUING, SOUTH 01°41'03" WEST, 249.18 FEET;

THENCE LEAVING SAID CENTERLINE, SOUTH 88°17'49" EAST, 37.00 FEET TO THE **POINT OF BEGINNING** OF EASEMENT #2 AND CENTERLINE OF SAID DESCRIBED CENTERLINE;

THENCE SOUTH 88°10'35" EAST, 7.00 FEET TO THE **POINT OF TERMINUS** OF SAID DESCRIBED CENTERLINE.

CONTAINING 70 SQUARE FEET.



AND

EASEMENT #3

BEING A 10.00 FOOT WIDE STRIP OF LAND, LYING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF 172ND STREET NE AND 43RD AVENUE NE, BEING THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; SAID COMMENCING POINT BEING NORTH 87°34'26" WEST, 2,610.44 FEET FROM THE NORTHEAST SECTION CORNER OF SAID SECTION 28;

THENCE ALONG THE CENTERLINE OF SAID 43RD AVENUE NE, SOUTH 01°41'03" WEST, 439.98 FEET;

THENCE LEAVING SAID CENTERLINE, SOUTH 88°17'49" EAST, 37.00 FEET TO THE **POINT OF BEGINNING** OF EASEMENT #3 AND CENTERLINE OF SAID DESCRIBED CENTERLINE;

THENCE SOUTH 88°10'35" EAST, 7.00 FEET TO THE **POINT OF TERMINUS** OF SAID DESCRIBED CENTERLINE.

CONTAINING 70 SQUARE FEET.

AND

EASEMENT #4

BEING A 10.00 FOOT WIDE STRIP OF LAND, LYING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF 172ND STREET NE AND 43RD AVENUE NE, BEING THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; SAID COMMENCING POINT BEING NORTH 87°34'26" WEST, 2,610.44 FEET FROM THE NORTHEAST SECTION CORNER OF SAID SECTION 28;

THENCE ALONG THE CENTERLINE OF SAID 172ND STREET NE AND NORTH LINE OF SAID SECTION, SOUTH 87°34'26" EAST, 602.64 FEET;

THENCE LEAVING SAID CENTERLINE AND SAID NORTH LINE, SOUTH 02°32'18" WEST, 68.00 FEET TO THE **POINT OF BEGINNING** OF EASEMENT #4 AND CENTERLINE OF SAID DESCRIBED CENTERLINE;

THENCE SOUTH 02°37'38" WEST, 7.00 FEET TO THE **POINT OF TERMINUS** OF SAID DESCRIBED CENTERLINE.

CONTAINING 70 SQUARE FEET.

AND

EASEMENT #5

BEING A 10.00 FOOT WIDE STRIP OF LAND, LYING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF 172ND STREET NE AND 43RD AVENUE NE, BEING THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; SAID COMMENCING POINT BEING NORTH 87°34'26" WEST, 2,610.44 FEET FROM THE NORTHEAST SECTION CORNER OF SAID SECTION 28;

THENCE ALONG THE CENTERLINE OF SAID 172ND STREET NE AND NORTH LINE OF SAID SECTION, SOUTH 87°34'26" EAST, 602.64 FEET;
THENCE CONTINUING, SOUTH 87°34'26" EAST, 598.55 FEET;
THENCE LEAVING SAID CENTERLINE AND SAID NORTH LINE, SOUTH 02°22'43" WEST, 79.00 FEET TO THE **POINT OF BEGINNING** OF EASEMENT #5 AND CENTERLINE OF SAID DESCRIBED CENTERLINE;
THENCE SOUTH 02°20'59" WEST, 6.57 FEET TO THE **POINT OF TERMINUS** OF SAID DESCRIBED CENTERLINE.

CONTAINING 66 SQUARE FEET.

AND

EASEMENT #6

BEING A 10.00 FOOT WIDE STRIP OF LAND, LYING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF 172ND STREET NE AND 43RD AVENUE NE, BEING THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; SAID COMMENCING POINT BEING NORTH 87°34'26" WEST, 2,610.44 FEET FROM THE NORTHEAST SECTION CORNER OF SAID SECTION 28;

THENCE ALONG THE CENTERLINE OF SAID 172ND STREET NE AND NORTH LINE OF SAID SECTION, SOUTH 87°34'26" EAST, 602.64 FEET;

THENCE CONTINUING, SOUTH 87°34'26" EAST, 598.55 FEET;

THENCE CONTINUING, SOUTH 87°34'26" EAST, 603.52 FEET;

THENCE LEAVING SAID CENTERLINE AND SAID NORTH LINE, SOUTH 02°32'27" WEST, 69.98 FEET TO THE **POINT OF BEGINNING** OF EASEMENT #6 AND CENTERLINE OF SAID DESCRIBED CENTERLINE;

THENCE SOUTH 02°37'38" WEST, 7.20 FEET TO THE **POINT OF TERMINUS** OF SAID DESCRIBED CENTERLINE.

CONTAINING 72 SQUARE FEET.

AND

EASEMENT #7

BEING A 10.00 FOOT WIDE STRIP OF LAND, LYING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF 172ND STREET NE AND 43RD AVENUE NE, BEING THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; SAID COMMENCING POINT BEING NORTH 87°34'26" WEST, 2,610.44 FEET FROM THE NORTHEAST SECTION CORNER OF SAID SECTION 28;

THENCE ALONG THE CENTERLINE OF SAID 172ND STREET NE AND NORTH LINE OF SAID SECTION, SOUTH 87°34'26" EAST, 602.64 FEET;

THENCE CONTINUING, SOUTH 87°34'26" EAST, 598.55 FEET;

THENCE CONTINUING, SOUTH 87°34'26" EAST, 603.52 FEET;

THENCE CONTINUING, SOUTH 87°34'26" EAST, 359.29 FEET;

THENCE LEAVING SAID CENTERLINE AND SAID NORTH LINE, SOUTH 02°32'18" WEST, 68.00 FEET TO THE **POINT OF BEGINNING** OF EASEMENT #7 AND CENTERLINE OF SAID DESCRIBED CENTERLINE;
THENCE SOUTH 02°37'38" WEST, 7.00 FEET TO THE **POINT OF TERMINUS** OF SAID DESCRIBED CENTERLINE.

CONTAINING 70 SQUARE FEET.

AND

EASEMENT #8

BEING A 10.00 FOOT WIDE STRIP OF LAND, LYING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE INTERSECTION OF 172ND STREET NE AND 43RD AVENUE NE, BEING THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; SAID COMMENCING POINT BEING NORTH 87°34'26" WEST, 2,610.44 FEET FROM THE NORTHEAST SECTION CORNER OF SAID SECTION 28;
THENCE ALONG THE CENTERLINE OF SAID 172ND STREET NE AND NORTH LINE OF SAID SECTION, SOUTH 87°34'26" EAST, 2,610.44 FEET TO SAID NORTHEAST SECTION CORNER;
THENCE ALONG THE CENTERLINE OF 51ST AVENUE NE, SOUTH 02°02'32" WEST, 627.12 FEET;
THENCE LEAVING SAID CENTERLINE, NORTH 87°57'28" WEST, 47.50 FEET TO THE **POINT OF BEGINNING** OF EASEMENT #8 AND CENTERLINE OF SAID DESCRIBED CENTERLINE;
THENCE CONTINUING, NORTH 87°57'28" WEST, 6.45 FEET TO THE **POINT OF TERMINUS** OF SAID DESCRIBED CENTERLINE.

CONTAINING 64 SQUARE FEET.

AND

EASEMENT #9

COMMENCING AT THE INTERSECTION OF 172ND STREET NE AND 43RD AVENUE NE, BEING THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 31 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; SAID COMMENCING POINT BEING NORTH 87°34'26" WEST, 2,610.44 FEET FROM THE NORTHEAST SECTION CORNER OF SAID SECTION 28;
THENCE ALONG THE CENTERLINE OF SAID 172ND STREET NE AND NORTH LINE OF SAID SECTION, SOUTH 87°34'26" EAST, 2,610.44 FEET TO SAID NORTHEAST SECTION CORNER;
THENCE ALONG THE CENTERLINE OF 51ST AVENUE NE, SOUTH 02°02'32" WEST, 627.12 FEET;
THENCE CONTINUING, SOUTH 02°02'32" WEST, 280.03 FEET;
THENCE LEAVING SAID CENTERLINE, NORTH 88°46'09" WEST, 47.50 FEET TO THE **POINT OF BEGINNING** OF EASEMENT #9 AND NORTHEAST CORNER OF PARCEL A, OF AFORESAID CITY OF ARLINGTON BOUNDARY LINE ADJUSTMENT NO. PLN-439;
THENCE ALONG THE EAST LINE OF AFORESAID PARCEL B, NORTH 02°02'32" EAST, 2.42 FEET;
THENCE LEAVING SAID EAST LINE, NORTH 87°57'28" WEST, 6.67 FEET;
THENCE SOUTH 02°02'32" WEST, 2.51 FEET TO THE NORTH LINE OF SAID PARCEL A;
THENCE ALONG SAID NORTH LINE, SOUTH 88°46'09" EAST, 6.67 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 16 SQUARE FEET.

THE SIDELINES OF WHICH ARE LENGTHENED OR SHORTENED TO CREATE A FULL AND CONTINUOUS STRIP OF LAND FROM THE FUTURE RIGHT-OF-WAY TO A LINE BEING PERPENDICULAR FROM THE POINT OF TERMINUS.

EXCEPT ANY PORTION LYING WITHIN THE NOW OR FUTURE RIGHT-OF-WAY FOR 43RD AVENUE NE, 172ND STREET NE AND 51ST AVENUE NE.

[ABOVE EASEMENTS ARE WRITTEN BASED ON 43RD AVENUE NE, 172ND STREET NE AND 51ST AVENUE NE AS THEY CURRENTLY EXIST 6/9/2022; THERE ARE KNOWN PROPOSED RIGHT-OF-WAY DEDICATIONS OF THESE ROADS NOT YET PERFECTED OR RECORDED AT THE TIME OF WRITING THESE EASEMENTS]

EXHIBIT "C" (sheet 1 of 4)

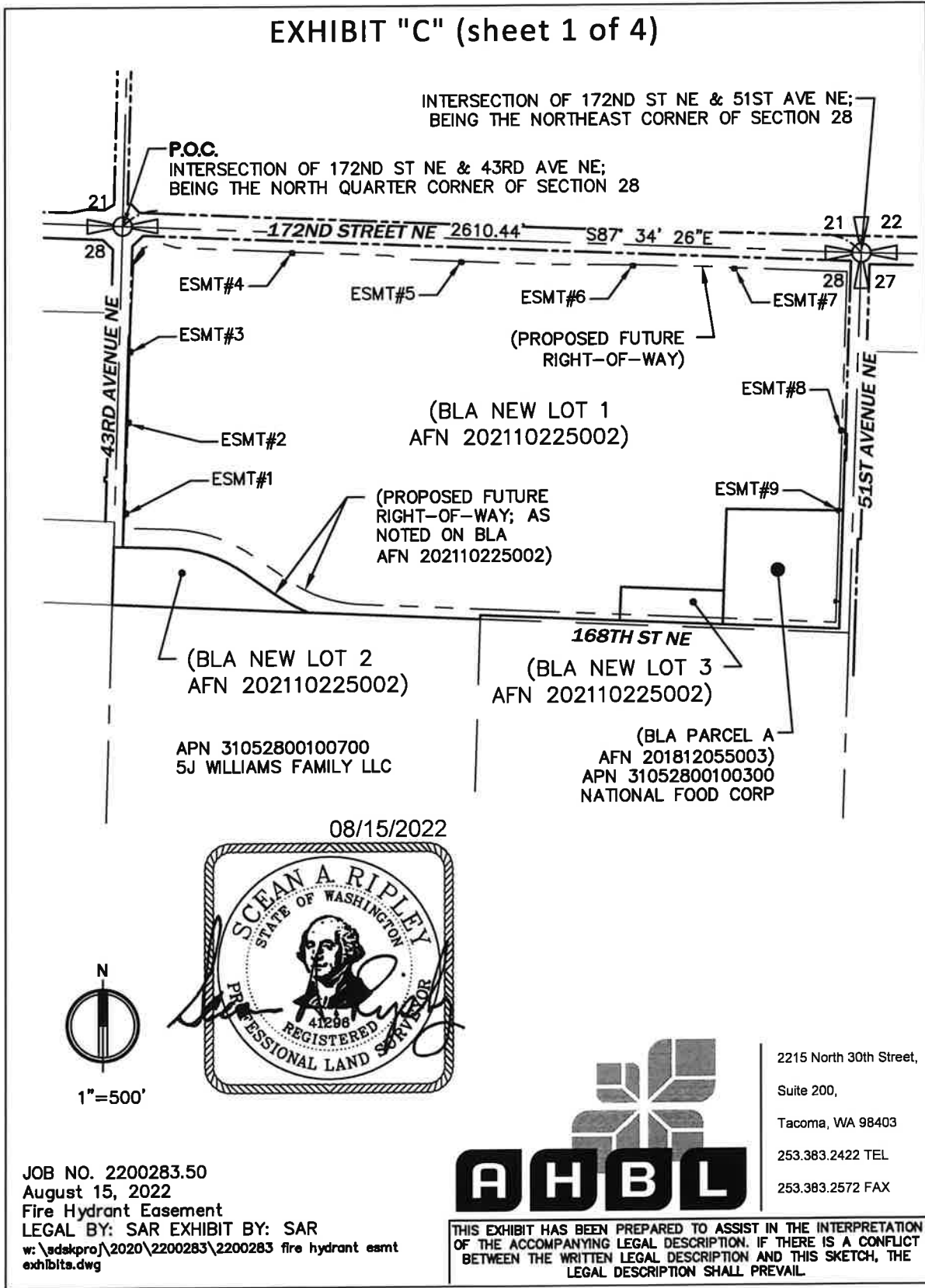


EXHIBIT "C" (sheet 2 of 4)

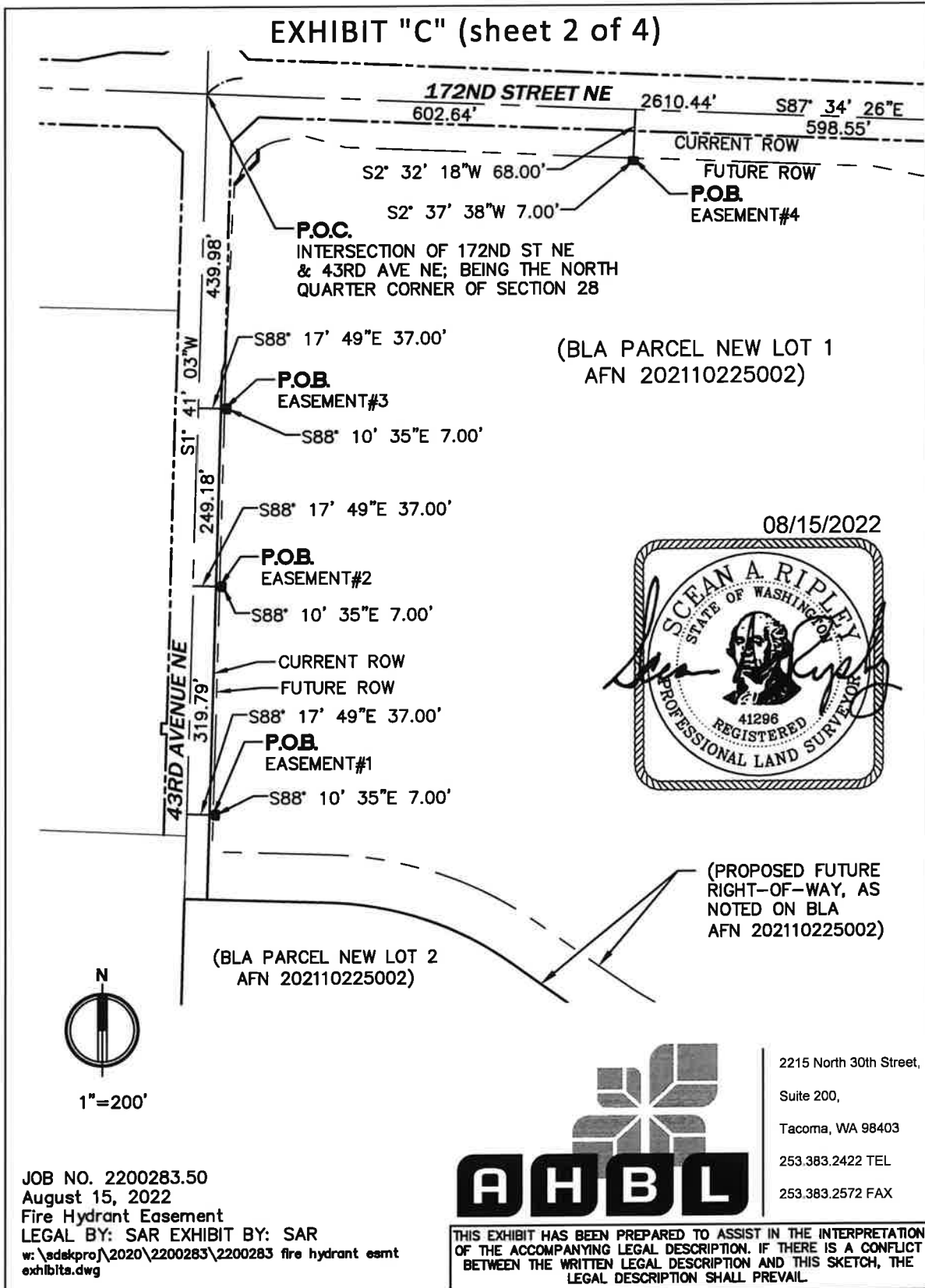
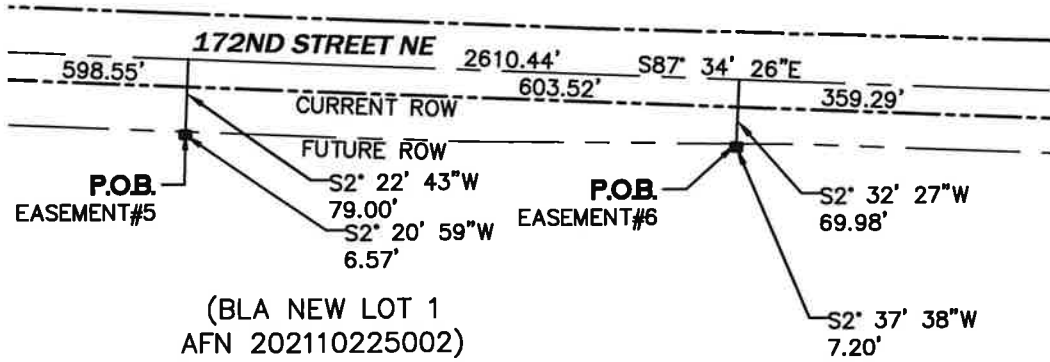


EXHIBIT "C" (sheet 3 of 4)



08/15/2022



1"=200'

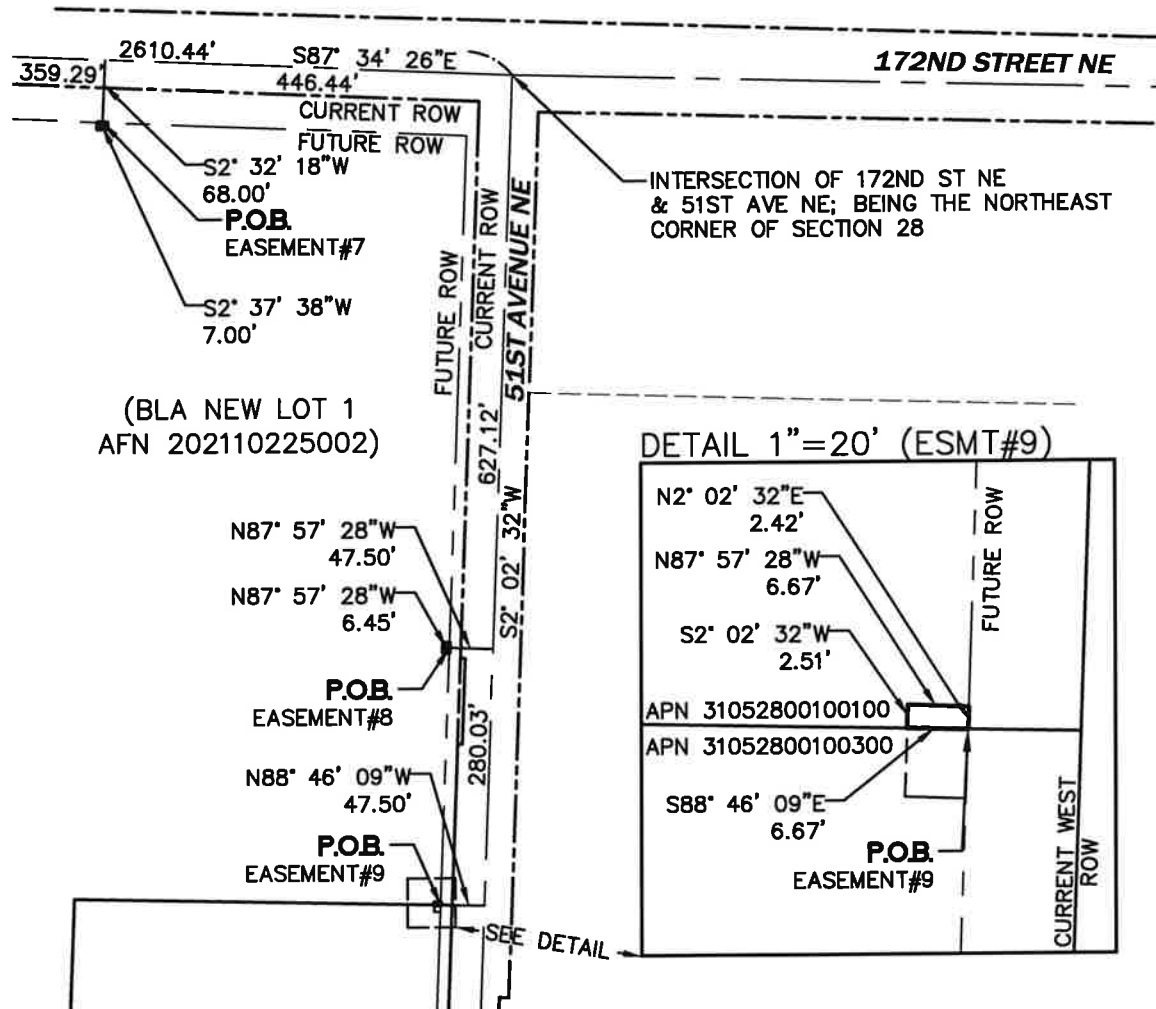


2215 North 30th Street,
Suite 200,
Tacoma, WA 98403
253.383.2422 TEL
253.383.2572 FAX

JOB NO. 2200283.50
August 15, 2022
Fire Hydrant Easement
LEGAL BY: SAR EXHIBIT BY: FSS
w: \sdeskpro\2020\2200283\2200283 fire hydrant esmt
exhibits.dwg

THIS EXHIBIT HAS BEEN PREPARED TO ASSIST IN THE INTERPRETATION OF THE ACCOMPANYING LEGAL DESCRIPTION. IF THERE IS A CONFLICT BETWEEN THE WRITTEN LEGAL DESCRIPTION AND THIS SKETCH, THE LEGAL DESCRIPTION SHALL PREVAIL.

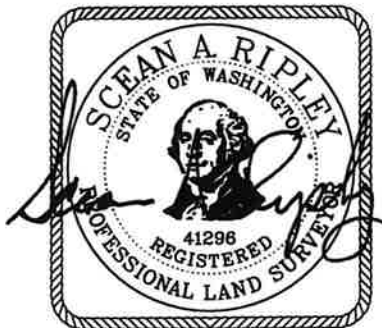
EXHIBIT "C" (sheet 4 of 4)



08/15/2022



1"=200'



JOB NO. 2200283.50
 August 15, 2022
 Fire Hydrant Easement
 LEGAL BY: SAR EXHIBIT BY: FSS
 w: \adskpro\2020\2200283\2200283 fire hydrant esmt exhibits.dwg



2215 North 30th Street,
 Suite 200,
 Tacoma, WA 98403
 253.383.2422 TEL
 253.383.2572 FAX

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AHBL
 FACSIMILE - SEATTLE - SPOKANE - TRICITIES
 2115 North 30th Street, Suite 300 - Tacoma, WA 98403
 206.252.7272 FAX: 206.252.7271
 WWW.AHBL.COM

PROJECT ROXY

**PANATTONI
 DEVELOPMENT
 COMPANY, LLC**
 1481 DODD STREET, SUITE 100
 TACOMA, WA 98402

SHEET NO. 2000003.10
 ISSUE SHEET DATE: 8/1/2021

**SITE
 DEVELOPMENT
 PERMIT SET**

8/1/2021



- ▲ CITY PERMIT COMMENTS AND CONDITIONS
- ▲ REVISED PERMITS
- ▲ AS-BUILT PLAN CHECK
- ▲ PERMIT REVISION 03/2021
- ▲ PERMITS 04/12/2021
- ▲ AS-BUILT PERMIT REVISION 4/12/2021
- ▲ AS-BUILT CIVIL REVIEW COMMENTS

**HYDRANT
 RELOCATION PLAN**

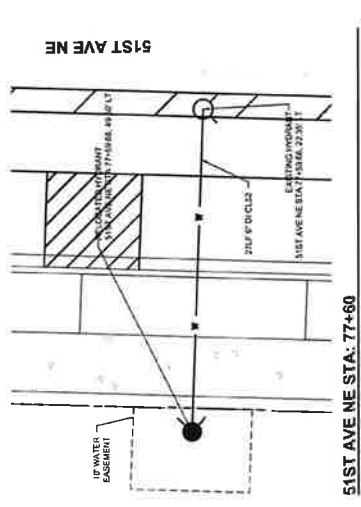
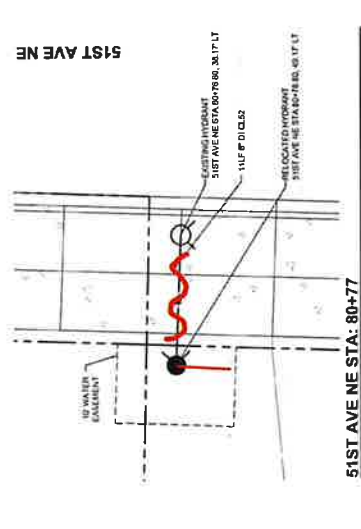
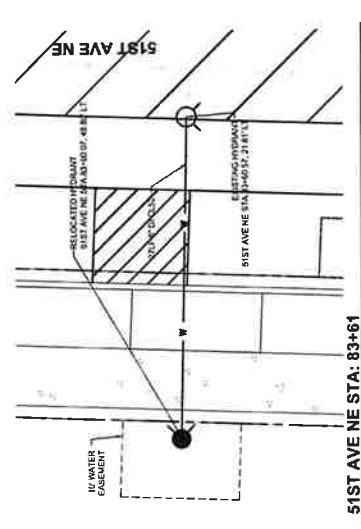
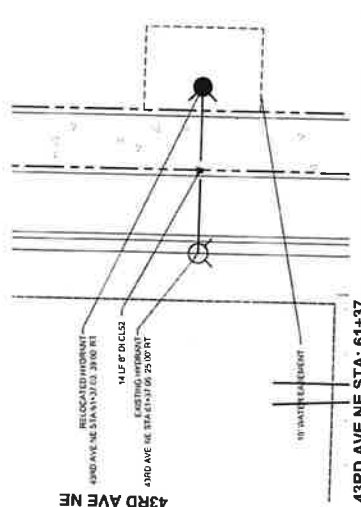
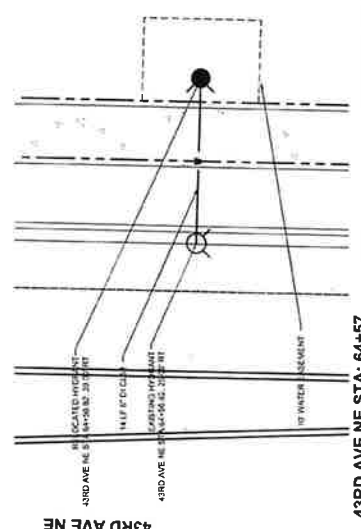
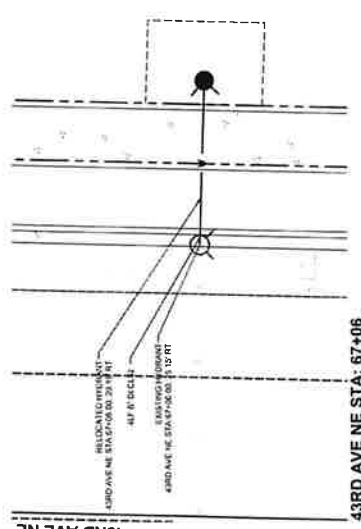
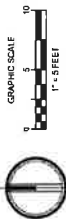
SHEET NO. 2000003.10
 SHEET NO. 2000003.10
 SHEET NO. 2000003.10

C4.7B

4.0 of 4.0 Sheets

FOR REVIEW BY CITY OF BAINBRIDGE

PROJECT ROXY
 A PORTION OF THE N 1/2 OF THE NE 1/4 OF SEC. 28, TWN. 31 N., RGE. 05 E. W.M.
 CITY OF ARLINGTON, SNOHOMISH COUNTY WASHINGTON.



RF10638 Civil - Fire Hydrant Relocation at National Foods.pdf



Know what's below. Call before you dig.

DATE: August 25, 2021 FILENAME: G:\20000002010101_CIVIL_C4.7B\PROJECT\PROJECT\DWG\RF10638_CIVIL_811.DWG



PROJECT ROXY

PANATTONI DEVELOPMENT COMPANY, LLC
1821 DOCK STREET, SUITE 100
SEASIDE, WA 98138

SITE DEVELOPMENT PERMIT SET
11/13/2022



- ▲ AS1.000
- ▲ AS1.020
- ▲ REVISED PER REF. 0489
- ▲ 172ND WATER CROSSINGS 12/27/2021
- ▲ REVISIONS PER REF. 0494
- ▲ AS1.022
- ▲ INT. 001
- ▲ INT. 003
- ▲ CITY PERMITS COMMENT SOLUTIONS
- ▲ REVISIONS PER REF. 0515
- ▲ AS1.015 PLAN CHECK
- ▲ BARBERS

HYDRANT RELOCATION PLAN

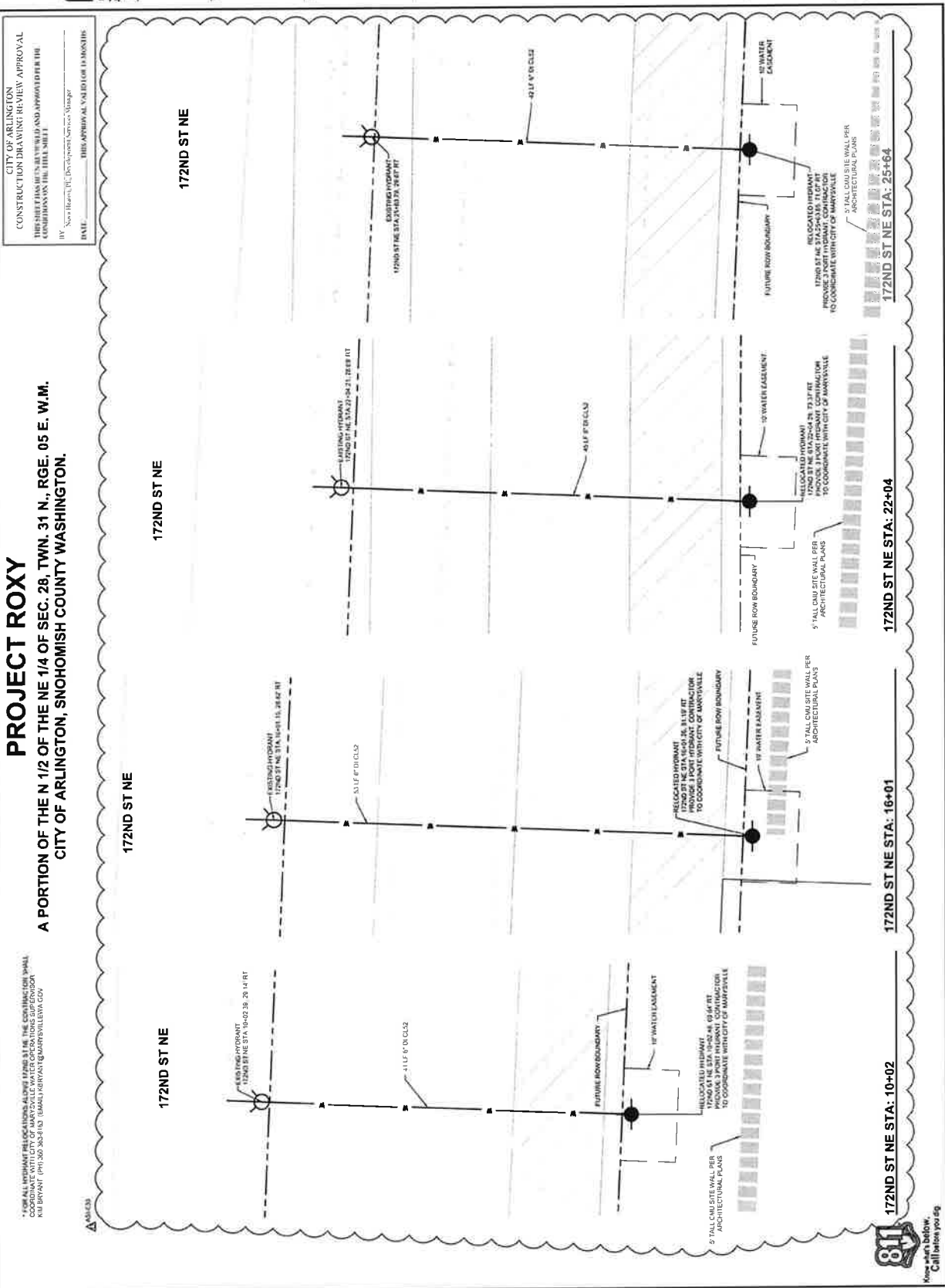
DATE: 11/13/2022
DRAWN BY: [Name]
CHECKED BY: [Name]

C4.7C
43 of 83 Sheets

CITY OF ARLINGTON
CONSTRUCTION DRAWING REVIEW APPROVAL
THIS SHEET HAS BEEN REVIEWED AND APPROVED FOR THE
CONFORMANCE WITH THE TITLE SET 1
BY: [Signature]
DATE: [Date]

PROJECT ROXY
A PORTION OF THE N 1/2 OF THE NE 1/4 OF SEC. 28, TWN. 31 N., RGE. 05 E. W.M.
CITY OF ARLINGTON, SNOHOMISH COUNTY WASHINGTON.

* FOR ALL HYDRANT RELOCATIONS ALONG 172ND ST NE, THE COORDINATE FOR SHALL
COORDINATE WITH CITY OF MARYSVILLE WATER OPERATIONS SUPERVISOR
AND DESIGNER (PH) 360-384-9145 (EMAIL) HYDRANT@MARYSVILLEWA.GOV





202104080925
 DEEDS (EXCEPT QCDs)
 Rec: \$107.50
 4/8/2021 2:16 PM 1 of 5
 SNOHOMISH COUNTY, WA

1249532
 #11,745,344.

Return Address

Amazon.com, Inc.
 Attn: Real Estate Manager (NA Ops: PAE2)
 410 Terry Ave. N.
 Seattle, WA 98109-5210

No. 11480072 4/8/2021 1:58 PM 380,642.04
 Thank you for your payment.
 PHYLLIS

<p>Document Title(s) (or transactions contained therein):</p> <p>Warranty Deed</p>
<p>Reference Number(s) of Documents assigned or released: N/A (on page ___ of documents(s))</p>
<p>Grantor(s) (Last name first, then first name and initials):</p> <p>National Food Corporation, a Washington corporation</p>
<p>Grantee(s) (Last name first, then first name and initials):</p> <p>Amazon.com Services LLC, a Delaware limited liability company</p>
<p>Legal description (abbreviated: i.e. lot, block, plat or section, township, range)</p> <p>SEC 28 TWP 31 RGE.05E and SEC 28 TWP 31 RGE 05RT, New Parcel B of Arlington Boundary Line No. PLN-439, REC NO. 201812055003, City of Arlington, County of Snohomish, State of Washington.</p> <p><input checked="" type="checkbox"/> Full legal is on page 3 of document.</p>
<p>Assessor's Property Tax Parcel/Account Numbers</p> <p>31052800100100; 31052800100101; 31052800101300</p>


WARRANTY DEED

Grantor, NATIONAL FOOD CORPORATION, a Washington corporation, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt and sufficiency of which are acknowledged, convey and warrant to AMAZON.COM SERVICES LLC, a Delaware limited liability company ("Grantee"), that certain real estate situated in Snohomish County, Washington as more particularly described in SCHEDULE 1 attached hereto and incorporated herein by this reference, together with any and all improvements now located thereon.

Subject to the exceptions noted in SCHEDULE 2 attached hereto and incorporated herein by this reference.

DATED April 6, 2021.

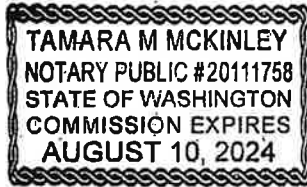
NATIONAL FOOD CORPORATION,
a Washington corporation

By: 
Name: Brian Bookey
Title: President

STATE OF WASHINGTON)
COUNTY OF Snoh) ss.

On this 6 day of April, 2021, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared BRIAN BOOKEY, to me known to be the President of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN UNDER my hand and official seal hereto affixed the day and year in this certificate first above written.



Tamara M McKinley
(Signature of Notary)
Tamara M McKinley
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Mashtake Terrace
My appointment expires: 8-10-24

SCHEDULE 1
to Warranty Deed

LEGAL DESCRIPTION

Parcel 1:

New Parcel B, City of Arlington Boundary Line Adjustment No. PLN-439, recorded under recording no. 201812055003, records of Snohomish County, Washington;

INCLUDING mobile home(s) located thereon.

Parcel 2:

The East 176.00 feet of the South 93.50 feet of the North 732.00 feet of the Northeast quarter of the Northeast quarter of Section 28, Township 31 North, Range 5 East, W.M., records of Snohomish County, Washington;

EXCEPT the East 30 feet for road.

SNB

**SCHEDULE 2
to Warranty Deed**

PERMITTED EXCEPTIONS

1. Above and below ground electrical easement impacting a portion of Parcel 1. Recorded at Snohomish County, WA Rec. No. 7904060253.
2. Restrictive covenant to maintain drainage facilities impacting Parcel 1. Recorded at Snohomish County, WA Rec. No. 8810250114.
3. Wire overhang easement impacting a portion of Parcel 1. Recorded at Snohomish County, WA Rec. No. 9001180266.
4. Easement for underground and/or overhead electric transmission and/or distribution system impacting a portion of Parcels 1 and 2. Recorded at Snohomish County Rec. No. 201101210454.
5. Right, title and interest of the owner of land adjoining on the South as to the portion of the fence and the property line impacting Parcel 1. Recorded at Snohomish County Rec. No. 9006055001.
6. Water and sewer line easement impacting a portion of Parcel 1. Recorded at Snohomish County, WA Rec. No. 9105020176.





202104080923
 DEEDS (EXCEPT QCDS)
 Rec: \$108.50
 4/8/2021 2:16 PM 1 of 6
 SNOHOMISH COUNTY, WA

1249520
 #14,100,312.

CHICAGO TITLE NCS
 REF# 202151-5C

Return Address

Amazon.com, Inc.
 Attn: Real Estate Manager (NA Ops: PAE2)
 410 Terry Ave. N.
 Seattle, WA 98109-5210

No. 11479711 4/8/2021 12:57 PM 463,065.92
 Thank you for your payment.
 PHYLLIS

Document Title(s) (or transactions contained therein):

Warranty Deed

Reference Number(s) of Documents assigned or released: N/A
 (on page ___ of documents(s))

Grantor(s) (Last name first, then first name and initials):

National Food Corporation 401-K Retirement Plan, a trust

Grantee(s) (Last name first, then first name and initials):

Amazon.com Services LLC, a Delaware limited liability company

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

SEC 28 TWP 31 RGE 05, City of Arlington, County of Snohomish, State of Washington.

Full legal is on page 4 of document.

Assessor's Property Tax Parcel/Account Numbers

31052800100500; 31052800100400

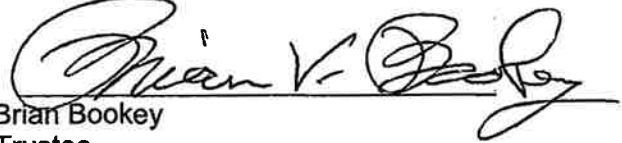
WARRANTY DEED

Grantor, NATIONAL FOOD CORPORATION 401-K RETIREMENT, a trust, successor by merger to the National Food Corporation Employees Pension Trust and National Food Corporation Profit Sharing Trust, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt and sufficiency of which are acknowledged, convey and warrant to AMAZON.COM SERVICES LLC, a Delaware limited liability company ("Grantee"), that certain real estate situated in Snohomish County, Washington as more particularly described in SCHEDULE 1 attached hereto and incorporated herein by this reference, together with any and all improvements now located thereon.


Subject to the exceptions noted in SCHEDULE 2 attached hereto and incorporated herein by this reference.

DATED April 6, 2021.

NATIONAL FOOD CORPORATION 401-K
RETIREMENT PLAN, a trust

By: 
Name: Brian Bookey
Title: Trustee

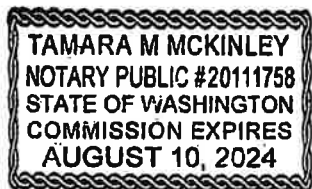
By: 
Name: Roger Deffner
Title: Trustee

By: 
Name: Dean Fox
Title: Trustee

STATE OF WASHINGTON)
COUNTY OF Snoh) ss.

On this 6 day of April, 2021, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared BRIAN BOOKEY, to me known to be the Trustee of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN UNDER my hand and official seal hereto affixed the day and year in this certificate first above written.



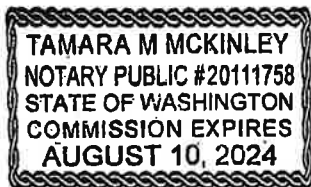
Tamara M McKinley
(Signature of Notary)
Tamara M McKinley
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State of Washington, residing at Mountlake Terrace
My appointment expires: 8-10-24.

STATE OF WASHINGTON)
COUNTY OF Snoh) ss.

On this 6 day of April, 2021, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared ROGER DEFFNER, to me known to be the Trustee of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN UNDER my hand and official seal hereto affixed the day and year in this certificate first above written.



Tamara M McKinley
(Signature of Notary)
Tamara M McKinley
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State of Washington, residing at Mountlake Terrace
My appointment expires: 8-10-24.

STATE OF WASHINGTON)
) ss.
COUNTY OF Snoh)

On this 6 day of April, 2021, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared DEAN FOX, to me known to be the Trustee of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

GIVEN UNDER my hand and official seal hereto affixed the day and year in this certificate first above written.



Tamara M McKinley
(Signature of Notary)
Tamara M McKinley
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Marshall Terrace
My appointment expires: 8-10-24

SCHEDULE 1
to Warranty Deed

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ARLINGTON, COUNTY OF SNOHOMISH, STATE OF WASHINGTON AND IS DESCRIBED AS FOLLOWS:

Parcel A:

The West half of the Northwest quarter of the Northeast quarter of Section 28, Township 31 North, Range 5 East of the Willamette Meridian, records of Snohomish County, Washington;

EXCEPT county road; and

EXCEPT those portions thereof conveyed to the City of Arlington by deeds recorded under recording nos. 200905010150 and 201807260156.

Parcel B:

The East half of the Northwest quarter of the Northeast quarter of Section 28, Township 31 North, Range 5 East of the Willamette Meridian, records of Snohomish County, Washington;

EXCEPT county road.

Handwritten signatures and initials:
[Signature]
[Signature]
R.D.

SCHEDULE 2
to Warranty Deed

PERMITTED EXCEPTIONS

1. Easement for oil and gas pipeline and appurtenances impacting Parcel A recorded at Snohomish County, WA Rec. No. 1732490.
2. Underground and overhead electric transmission and/or distribution system impacting Parcel A. Recorded at Snohomish County, WA Rec. No. 9310010643.
3. Underground and/or overhead distribution easement impacting Parcel A. Recorded at Snohomish County, WA Rec. No. 20070510064.
4. Easement for underground and/or overhead electric transmission and/or distribution system impacting Parcels A and B. Recorded at Snohomish County Rec. No. 201101210453.

#VB
AS
RO



AHBL
 ARCHITECTS - ENGINEERS - TRICIES
 2115 North 30th Street, Suite 300 Tacoma, WA 98403
 253.732.1111 Fax: 253.732.1110 www.ahbl.com

PROJECT ROXY

**PANATTONI
 DEVELOPMENT
 COMPANY, LLC**
 1481 DODD STREET SUITE 100
 TACOMA, WA 98402

SHEET NO. 200003.10
 ISSUE SHEET DATE 03/1/2021

**SITE
 DEVELOPMENT
 PERMIT SET**

03/1/2021



- ▲ CITY PERMIT COMMENTS AND CONDITIONS
- ▲ REVISED PERMITS
- ▲ AS-BUILT PLAN CHECK
- ▲ PERMIT REVISION 03/2021
- ▲ PERMITS 02/12/2021
- ▲ AS-BUILT PERMIT REVISION 01/2021
- ▲ AS-BUILT CIVIL REVIEW COMMENTS

**HYDRANT
 RELOCATION PLAN**

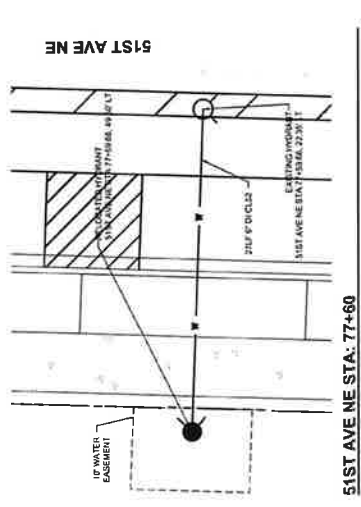
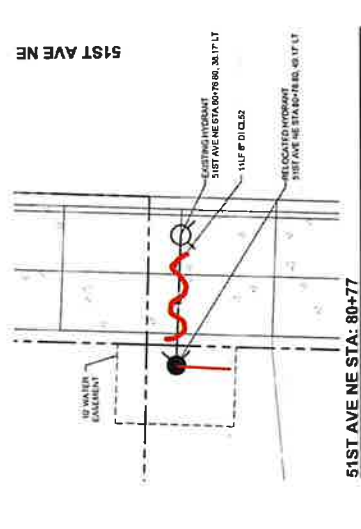
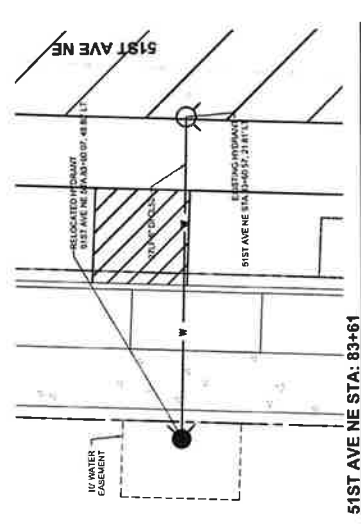
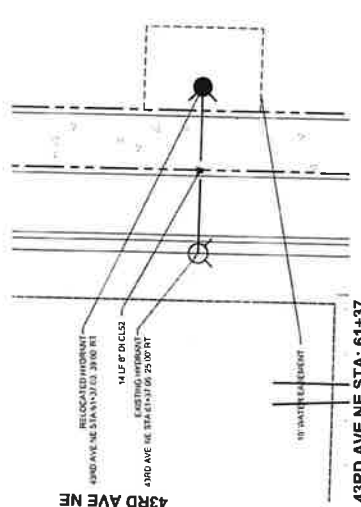
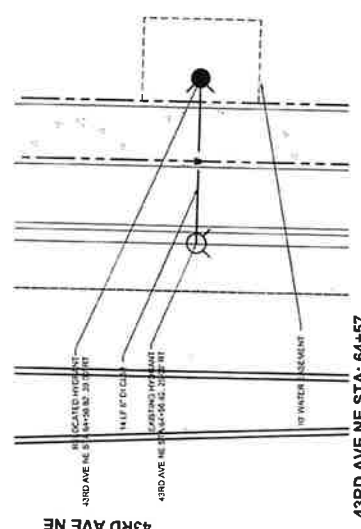
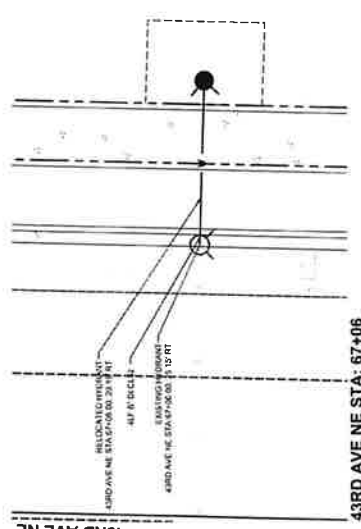
SHEET NO. 200003.10
 ISSUE SHEET DATE 03/1/2021

C4.7B

4.0 of 4.0 Sheets

FOR REVIEW BY CITY OF BAINBRIDGE

PROJECT ROXY
 A PORTION OF THE N 1/2 OF THE NE 1/4 OF SEC. 28, TWN. 31 N., RGE. 05 E. W.M.
 CITY OF ARLINGTON, SNOHOMISH COUNTY WASHINGTON.



RF10638 Civil - Fire Hydrant Relocation at National Foods.pdf



Know what's below. Call before you dig.

DATE: August 25, 2021 FILENAME: G:\2020\202021\RF10638_Civil\Fire Hydrant Relocation at National Foods.dwg



PROJECT ROXY

PANATTONI DEVELOPMENT COMPANY, LLC
1821 DOCK STREET, SUITE 100
SEASIDE, WA 98148

SITE DEVELOPMENT PERMIT SET
11/13/2022

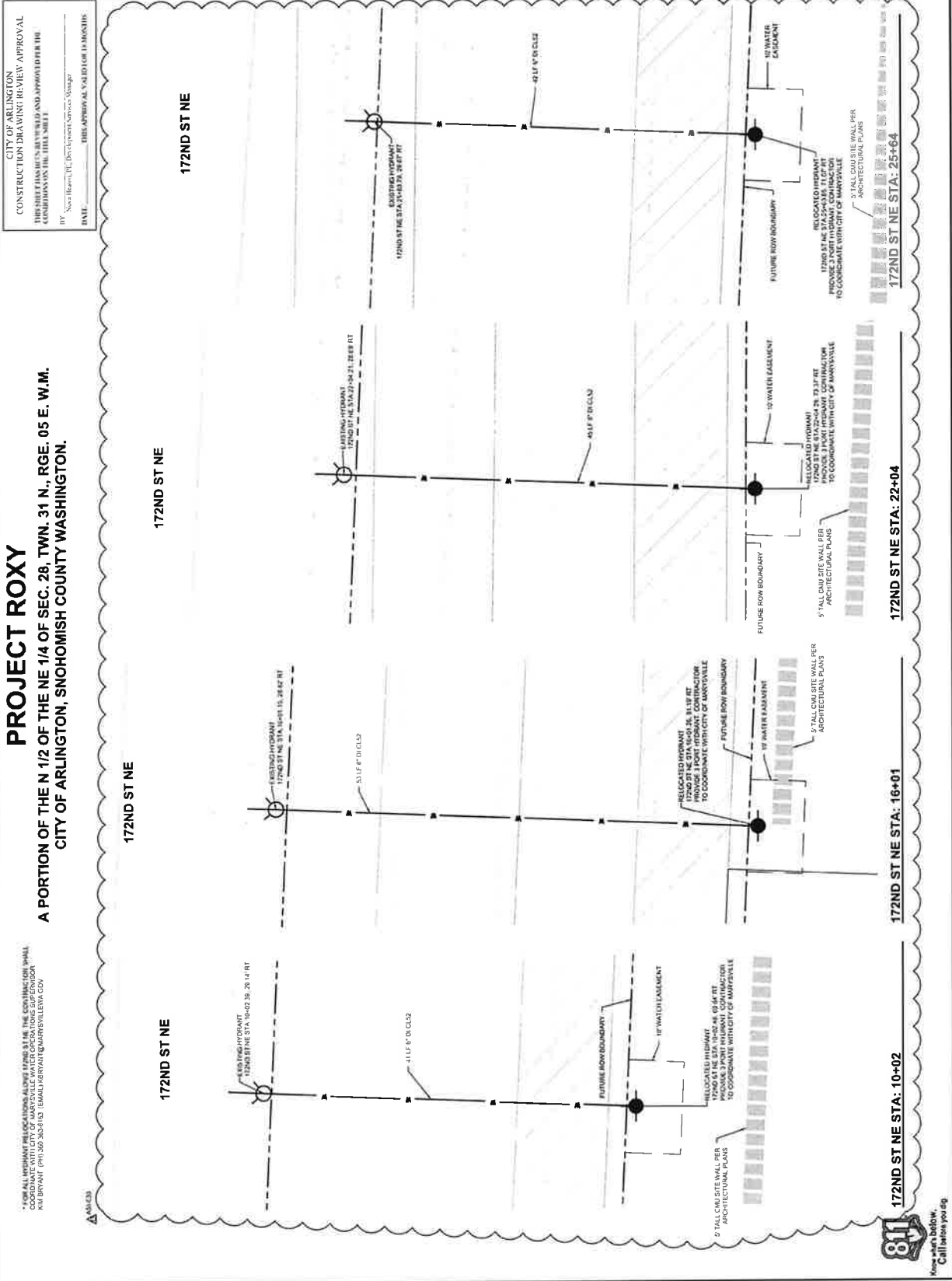


- ▲ AS1.000
- ▲ AS1.020
- ▲ REVISED PER REF. 0489
- ▲ 172ND WATER CROSSINGS 12/27/2021
- ▲ REVISIONS PER REF. 0494
- ▲ AS1.022
- ▲ INT. 001
- ▲ INT. 003
- ▲ CITY PERMITS COMMENTS/RESOLUTIONS
- ▲ REVISIONS PER REF. 0475
- ▲ AS1.015 PLAN CHECK
- BARBERS

HYDRANT RELOCATION PLAN

DATE: 11/13/2022
DRAWN BY: [Name]
CHECKED BY: [Name]

C4.7C
43 of 83 Sheets



DATE: JANUARY 13, 2022 7:51 AM - LOCAL TIME (PACIFIC TIME) 10:22:00 AM '22 (PST) - FILE: D:\p2\775543\5\172ND ST NE 1.C4.7C.dwg



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Executive Services Coordinator Leah Tocco, Executive

ITEM TYPE: Mayor's Business

AGENDA SECTION: **New Business**

SUBJECT: 2023 State and Federal Legislative Priorities

SUGGESTED ACTION: Recommended Motion: I move to approve the 2023 State and Federal Legislative Priorities.

SUMMARY:

ATTACHMENTS:
[2023 Legislative Priorities.pdf](#)



Prioritized Project Funding Needs

- 1. I-5/4th Street & 88th Street Improvements** **\$19.3M**
The interchanges off I-5 at 4th Street and 88th Street cause significant traffic delays due to numerous signalized intersections in the area. Replacing the signalized intersections with roundabouts, as well as sidewalk and lighting improvements, will improve traffic flow, reduce congestion and improve safety for both motorized and non-motorized users.
- 2. Grove Street Overcrossing** **\$19M**
Grove Street is a critical east-west corridor in downtown Marysville. A new overcrossing at the BNSF mainline between Cedar Avenue and State Avenue will help eliminate congestion and traffic backups currently experienced due to increasing train traffic through the city. The project is currently at 30% design.
- 3. 156th Street NE Overcrossing** **\$500K**
The 156th Street NE Overcrossing proposes to reinstate a public railroad crossing with an overcrossing at the BNSF mainline. A future interchange at Interstate 5 and 156th Street NE is funded under Connecting Washington. This overcrossing would allow neighborhoods to the west of I-5 access to the new interchange. The City is requesting funding for design.
- 4. Ebey Waterfront Trail** **\$1M**
The City of Marysville has been constructing the Ebey Waterfront Trail in phases since 2017, providing a regional destination unlocking pedestrian and biking access to shoreline of the Qwuloot Estuary and Ebey Slough. There is currently a 1.28-mile gap in the trail, which once constructed will fully connect the current trail segments.

Policy Request

- **Public Safety Legislation Requests**
The City of Marysville is requesting that the Legislature continue to engage with law enforcement regarding potential amendments in response to the Blake decision and police pursuits, as well as consider new requirements in the judicial system.

Additional Priorities

- **To Be Determined**
Content pending.
- **To Be Determined**
Content pending.



MARYSVILLE
WASHINGTON

Corridor Improvements I-5/4th St. & 88th St. NE

Project Background

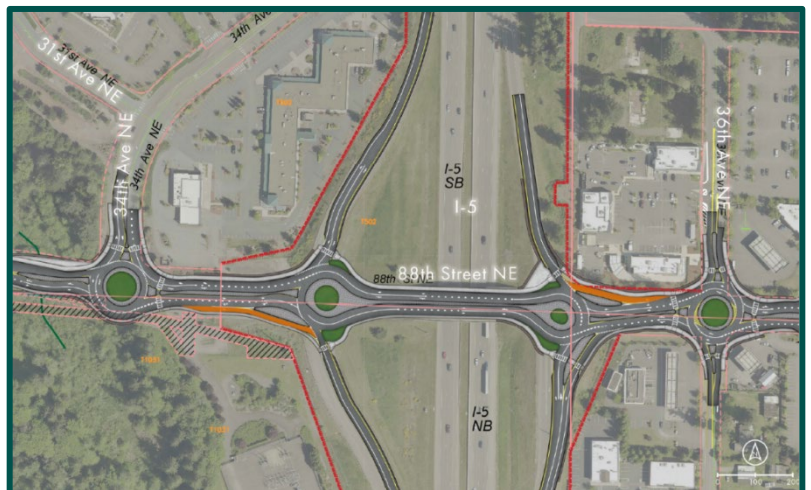
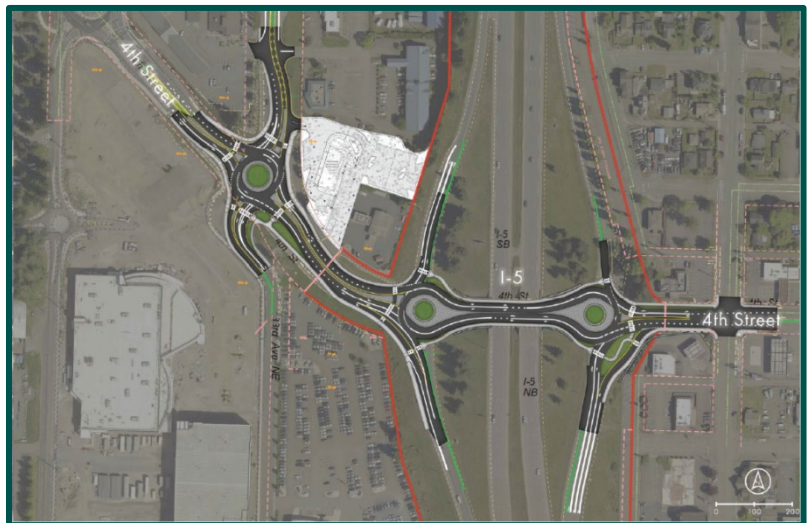
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Improvements

The proposed corridor improvements will remove seven signalized intersections on 4th and 88th, including four ramp terminal intersections, by constructing seven (7) multi-lane roundabouts in their place. In addition to the construction of the roundabouts, the proposed improvements will:

- widen and complete sidewalk connections;
- signalize crosswalks;
- improve roadway and pedestrian lighting under I-5 at 4th Street;
- improve transit access and stops and streamline channelization of these two corridors between Tulalip and Marysville; and
- replace a culvert on Coho Creek under 88th Street with a bridge to meet current fish passage and design requirements.

60% Design has been completed, with PS&E in process. The Tulalip Tribes have funded \$9M toward the planning and engineering efforts, identifying these project improvements as the preferred solution to help address the safety concerns and increase capacity for motorized and non-motorized traffic. This project has received \$34M in funding through the Connecting Washington Package, as well as funding from the City of Marysville and Snohomish County. Total remaining project cost is estimated at \$19M to fully fund the project.



Requested Funding: \$19,000,000

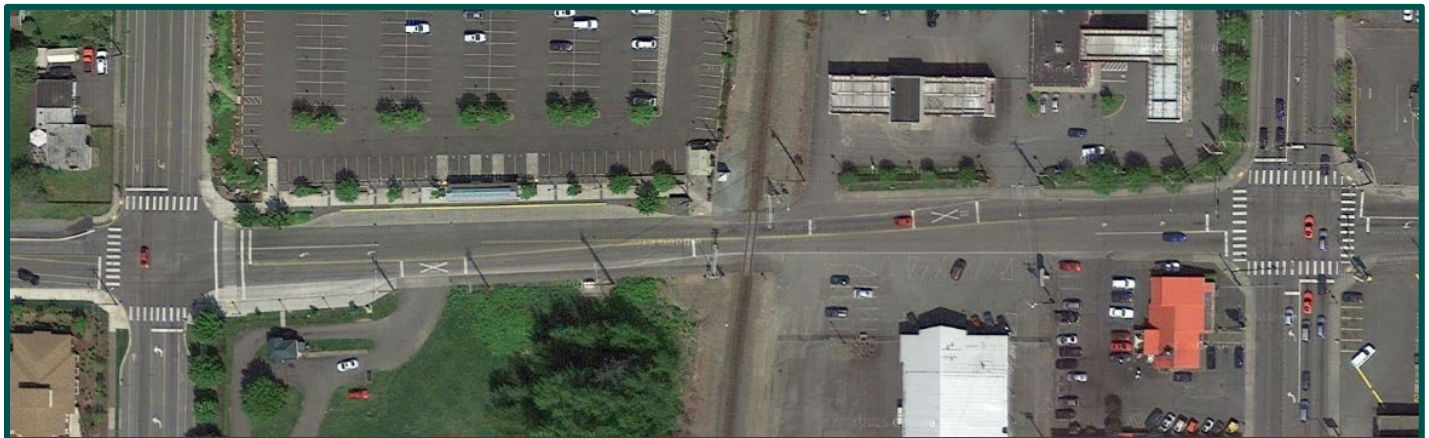


MARYSVILLE
WASHINGTON

Grove Street Overcrossing

Project Background

The Grove Street Overcrossing project in Marysville proposes to build an overcrossing that would span the BNSF Railway track on Grove Street from State Avenue to Cedar Avenue. The tracks run between and nearly parallel to Interstate 5 and State Avenue/State Route 529. The tracks significantly impede the east-west flow of traffic into and through the downtown core, compounding the lack of sufficient traffic capacity between I-5 and State Route 9. The City aims to improve safety, alleviate congestion and increase overall east-west connectivity along key corridors in its downtown. In 2015, the City conducted a grade separation study to determine which key corridor would be most suitable for grade separation at the railway track. Through a qualitative review and screening process, this study identified Grove Street as the preferred location.



Improvements

The Grove Street Overcrossing project proposes to construct an overcrossing that would span the BNSF Railway track. The overcrossing bridge would be about 67 feet wide and 120 feet long. The location along Grove Street is ideal because it has the least impact on adjacent property and also provides the longest distance between arterial streets, Cedar Avenue and State Avenue.

A 30% design effort has been completed with \$500K from the State and \$400K from the City. An additional \$5M in Move Ahead WA funds were allocated in 2022 to advance the project. The total remaining project cost is estimated at \$24M including design, permitting, right-of-way and construction. The City's request of \$19M would fully fund the project.



Requested Funding: \$19,000,000



MARYSVILLE
WASHINGTON

156th Street NE Railroad Overcrossing

Project Background

The 156th Street NE Railroad Overcrossing project in Marysville proposes to reinstate the public railroad crossing with an overcrossing at the Burlington Northern Santa Fe (BNSF) mainline track at 156th Street NE just west of Interstate 5. This crossing was once a public at-grade crossing that was closed by BNSF and the WUTC in the early 2000s without recognition of the future growth needs west of I-5. Reinstating this crossing will support future development and provide much needed expanded public access to and from I-5 for north Snohomish County.



Access

Current access to and from the freeway in this vicinity occurs at the interchange of I-5 and State Route 531 (172nd Street NE). A future I-5 interchange at 156th Street NE is funded under Connecting Washington (\$42M, 2025-31). Once the interchange is complete, the west leg will not fully function as traffic west of I-5 will essentially be landlocked by the parallel railroad line. While the City has planned connections through the developing Lakewood Triangle, a railroad crossing at 156th Street NE will better accommodate traffic circulation and growth in the region.

Development

The City of Marysville, in partnership with adjacent property owners, constructed the overcrossing at 156th and I-5 in 2013 to spur development and provide access to the newly designated Cascade Industrial Center and the Lakewood Triangle. With full buildout expected within the next 20 years and continued growth in unincorporated Snohomish County west of I-5, the area will see increased congestion and significant daily traffic impacts along SR 531 (172nd Street NE) and I-5.

Improvements

The project cost for the 156th Street NE Overcrossing project that would span the BNSF Railway track is estimated at \$17.7M including design, permitting, right-of-way and construction. This estimate is based on a preliminary design completed in 2019. The project is supported by BNSF, WSDOT, Snohomish County and other local agencies. The City received \$500,000 in Move Ahead WA funds in 2022 to advance preliminary design of the project. The City's request of \$500,000 would fully fund 30% design, early permitting and right-of-way assessment. Advancing the project to this level of effort would make the project more competitive toward obtaining other funding sources.

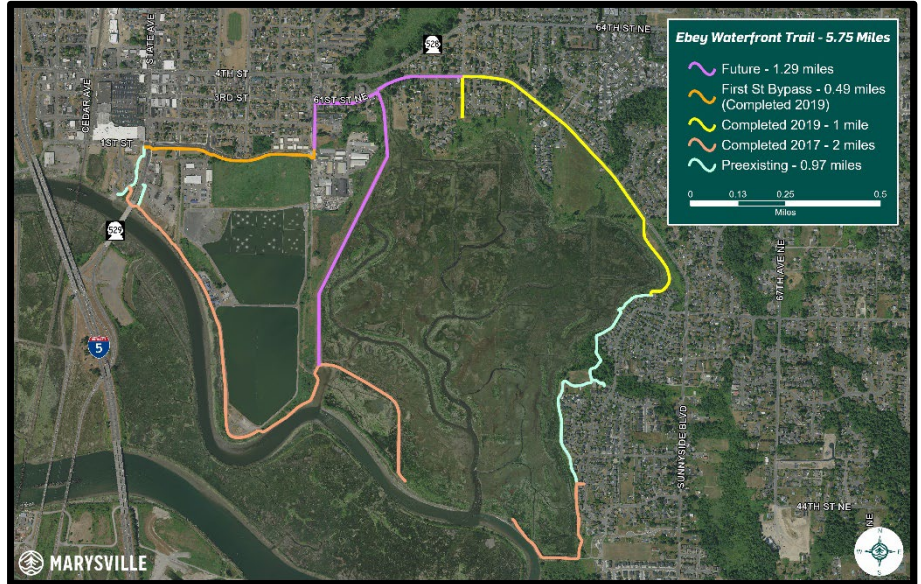


Requested Funding: \$500,000 for Design

Ebey Waterfront Trail

Project Background

The Ebey Waterfront Trail project represents a significant improvement by the City of Marysville to improve its image by developing a regional destination that connects users with shoreline access to the newly restored Qwuloolt Estuary, the Ebey Slough waterfront and various parks located along the trail. The project further supports environmental awareness, promotes tourism, encourages physical activity and builds upon the City's downtown economic development.



Improvements

The Ebey Waterfront Trail has been a multi-phase planned trail network. Most recently, a one-mile segment on Sunnyside Boulevard south of 53rd Avenue NE was completed in 2019. Construction of this phase was funded in part by legislative appropriations received in 2018. The overall project has been funded by development, City and State funds.

The final phase, as depicted in purple in the graphic above, will complete a gap in the trail on Sunnyside Boulevard west of 53rd Avenue NE and south on 47th Avenue NE. Additionally, the trail will connect along a newly constructed dike that was installed as part of the Qwuloolt Estuary restoration project. Trailhead parking will also be included. The City received State funds to secure a key property where the trail intersects along the dike and Sunnyside Boulevard and to locate trailhead parking. This remaining 1.28 miles represents a gap in the Ebey Waterfront Trail system that, once complete, will provide nearly six (6) miles of fully connected trails.

Total project cost is currently estimated at \$2.1M, including design, right-of-way and construction. The City requests \$1M to contribute toward a City match to fully fund the project.



Requested Funding: \$1,000,000 for design, right-of-way and construction



Blake Decision

In response to the Blake decision and drug possession, the city asks the Legislature to consider the following:

- Re-establish accountability to the system so that law enforcement can take enforcement actions, included a “custodial action” (arrest), when legally authorized and appropriate. The city requests that these arrests are classified as a gross misdemeanor.
- Create court-driven solutions to prescribe treatment or services:
 - Offer a deferred sentence on first and second offenses, with a willingness to have this extended to additional offenses, contingent upon the offender agreeing to receive treatment or services. Should services be rejected, then we would like to be able to pursue the arrest with a gross misdemeanor charge.
 - For offenders who accept this offer, defer sentencing for those who enter a court-approved treatment program containing accountability requirements. This approach is similar to what is seen in DUI courts.
 - Reward those who complete court requirements, including a substance abuse assessment, with expungement of any record of conviction for the offense.
- Emphasize and stress the role of courts, ensuring there are significant additional resources to go with an enhanced court-services system. Complementary funding through “988” should be explored, as should the use of the state’s portion of the opioid settlement revenues.
- Provide cities and counties with opioid settlement funding with a local match by all cities and counties receiving those proceeds.
- Ensure penalties are available for imposition on repeat offenders or those who refuse help and/or do not complete agreed-upon treatment or services programs.

Police Pursuits

Regarding police pursuits, the city asks the Legislature to consider the following:

- Allow law enforcement to more fully use their training, experience and judgment in the field.
- Restore the option for law enforcement to consider vehicle pursuits as required, removing the idea that criminals will not be challenged.

Judicial System

We believe that public confidence in the judicial system will be enhanced by creating more transparency regarding the charging, bail conviction and sentencing decisions of local prosecutors and judges, and we encourage the Legislature to consider new requirements in that area.



Prioritized Project Funding Needs

- **I-5/4th Street & 88th Street Improvements** **\$19.3M**
The interchanges off I-5 at 4th Street and 88th Street cause significant traffic delays due to numerous signalized intersections in the area. Replacing the signalized intersections with roundabouts, as well as sidewalk and lighting improvements, will improve traffic flow, reduce congestion and improve safety for both motorized and non-motorized users.
- **Grove Street Overcrossing** **\$19M**
Grove Street is a critical east-west corridor in downtown Marysville. A new overcrossing at the BNSF mainline between Cedar Avenue and State Avenue will help eliminate congestion and traffic backups currently experienced due to increasing train traffic through the city. The project is currently at 30% design.
- **156th Street NE Overcrossing** **\$20M**
The 156th Street NE Overcrossing proposes to reinstate a public railroad crossing with an overcrossing at the BNSF mainline. A future interchange at Interstate 5 and 156th Street NE is funded under Connecting Washington. This overcrossing would allow neighborhoods to the west of I-5 access to the new interchange. The City is requesting funding for design.
- **Ebey Waterfront Trail** **\$1M**
The City of Marysville has been constructing the Ebey Waterfront Trail in phases since 2017, providing a regional destination unlocking pedestrian and biking access to shoreline of the Qwuloot Estuary and Ebey Slough. There is currently a 1.28-mile gap in the trail which, once constructed, will fully connect the current trail segments.

Policy Requests or Additional Priorities

- **To Be Determined**
Content pending



MARYSVILLE
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Corridor Improvements I-5/4th St. & 88th St. NE

Project Background

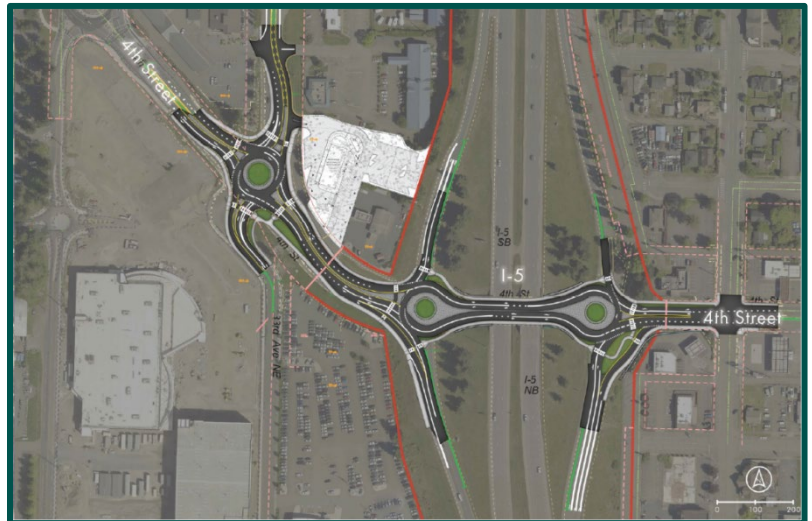
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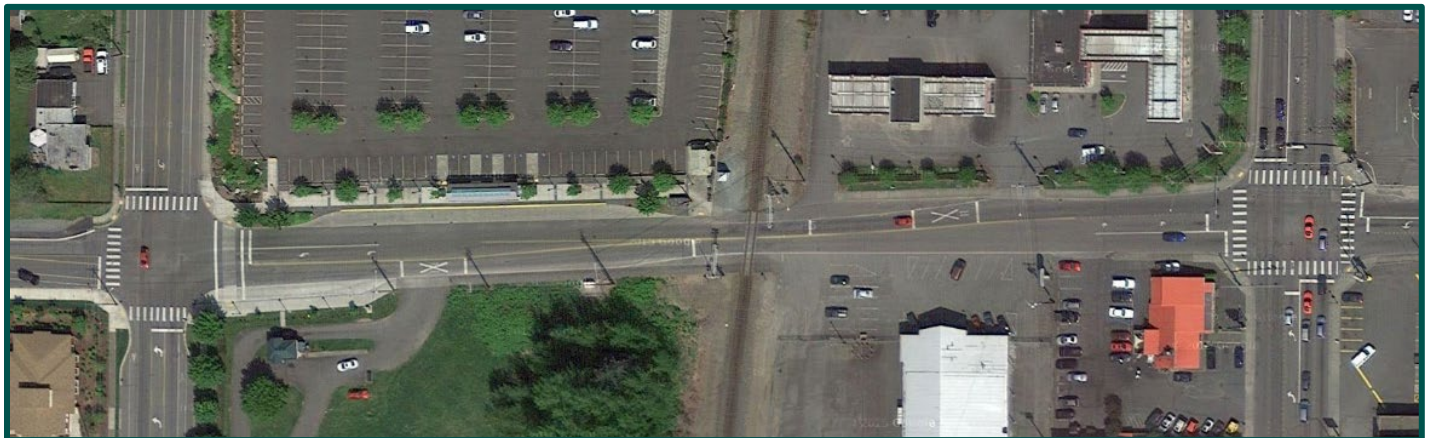


MARYSVILLE
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Improvements

The project cost for the 156th Street NE Overcrossing project that would span the BNSF Railway track is estimated at \$23.5M including design, permitting, right-of-way and construction. The City received \$500,000 in State funds through Move Ahead WA in 2022 to advance preliminary design. The City is matching this amount. An additional \$20M is needed to fund construction. The project is supported by BNSF, WSDOT, Snohomish County and other local agencies.



Requested Funding: \$20,000,000

Ebey Waterfront Trail

Project Background

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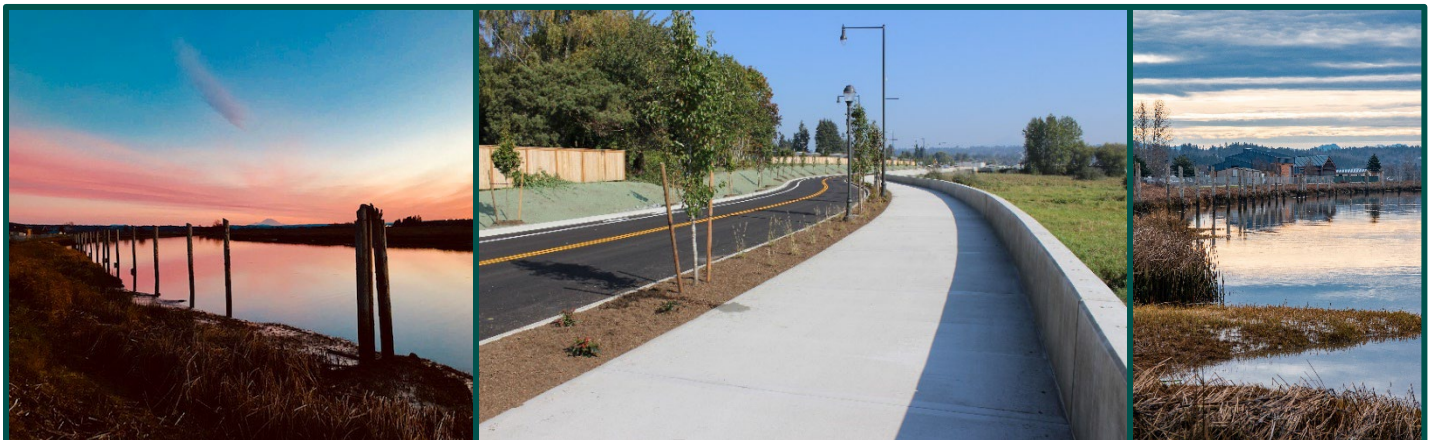


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Requested Funding: \$1,000,000 for design, right-of-way and construction



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: Genevieve Geddis, Police

ITEM TYPE: Interlocal Agreement

AGENDA SECTION: **New Business**

SUBJECT: Contract Extension for SCORE Jail Services

SUGGESTED ACTION: Recommended Motion: I move to authorize the Mayor to sign and execute ILA with SCORE.

SUMMARY: Since 2014 Marysville Police Department and the Marysville jail has had an Interlocal agreement with SCORE, (South Correctional Entity) jail facility, for housing inmates that have medical, behavioral, or mental health issues that exceed the capabilities of the current Marysville jail facility and or staff and resources.

The current ILA expires December 31st, 2022. We are proposing entering into a one-year extension of the ILA with SCORE that would go through December 2023.

The yearly cost associated with this contract varies depending on use.

Daily Housing Rates:
General Population – Guaranteed Beds \$138.43 No. of
Beds: 2
General Population – Non-Guaranteed Beds \$199.

Daily Rate Surcharges:
Mental Health – Residential Beds \$159.00
Medical – Acute Beds \$217.00
Mental Health – Acute Beds \$278.00

Booking Fee \$50.00

ATTACHMENTS:

[2023 SCORE Interlocal Housing Agreement_v07282022.mh.pdf](#)

INTERLOCAL AGREEMENT FOR INMATE HOUSING

THIS INTERLOCAL AGREEMENT FOR INMATE HOUSING (hereinafter “Agreement”) is made and entered into by and between the SOUTH CORRECTIONAL ENTITY, a governmental administrative agency formed pursuant to RCW 39.34.030(3) (“SCORE”) and the CITY OF Marysville, WA a municipal corporation organized under the laws of the State of Washington (hereinafter the “Contract Agency” together with SCORE, the “Parties” or individually a “Party”).

RECITALS

WHEREAS, SCORE was formed by its Owner Cities (as defined herein) as a governmental administrative agency pursuant to RCW 39.34.030(3) to operate and maintain a consolidated correctional facility located in the city of Des Moines (the “SCORE Facility”) to serve the Owner Cities, federal and state agencies and other local governments that contract with SCORE from time to time to provide correctional services essential to the preservation of the public health, safety and welfare; and

WHEREAS, the Contract Agency desires to transfer custody of certain inmates to SCORE to be housed at the SCORE Facility; and

WHEREAS, this Agreement is entered into by and between the Parties pursuant to chapters 39.34 and 70.48 RCW, which provide for interlocal agreements for sharing of correction/detention facilities between local governments;

In consideration of the mutual covenants, conditions, and promises contained herein, the Parties hereto mutually agree as follows:

SECTION 1. DEFINITIONS.

Terms defined in the recitals of this Agreement are incorporated herein as if fully set forth in this Agreement. Capitalized terms used herein shall have the following meanings. Terms not otherwise defined herein shall have the meanings set forth in the Interlocal Agreement.

Detainer means a legal order authorizing or commanding another agency a right to take custody of a person.

Commencement Date means [January 1, 2023].

Contract Agency Inmate means a person or persons subject to the Contract Agency’s custody who is transferred to SCORE’s custody under this Agreement.

Daily Bed Rate means the daily rate the Contract Agency is charged to occupy a general population bed, as set forth in Exhibit A.

Daily Surcharge Rates means any of the following special charges as defined in Exhibit A: Daily Surcharge Rates: Medical-Acute; Mental Health-Acute; and Mental Health-General Population.

Guaranteed Bed Rate means a reduced Daily Bed Rate - Guaranteed, as set forth in Exhibit A.

Inmate means a person or persons transferred to SCORE’s custody to be housed at the SCORE Facility. The term “Inmates” includes Contract Agency Inmates.

Interlocal Agreement means the Amended and Restated SCORE Interlocal Agreement dated as of October 1, 2009 and amended and restated on December 11, 2019, as it may be further amended from time to time, executed among the parties thereto for the purpose of forming SCORE.

Mental Health - Residential Beds means Inmates clinically determined by SCORE Health Services Provider, or its successor charged with the same duties, as needing ongoing mental health care services and specialized housing in SCORE's Mental Health - Residential Unit.

Medical – Acute Beds means an Inmate clinically determined by SCORE Health Services Provider, or its successor charged with the same duties, as needing the level of medical services and housing provided in SCORE's medical clinic.

Mental Health – Acute Beds means an Inmate clinically determined by SCORE Health Services Provider, or its successor charged with the same duties, as needing the level of psychiatric services and specialized housing in SCORE's Mental Health - Acute Unit.

Owner City has the meaning set forth in the Interlocal Agreement.

Non-Guaranteed Bed Rate means a higher daily housing bed rate and subject to availability, as set forth in Exhibit A.

SCORE Facility means the correctional facility maintained and operated by SCORE located at 20817 17th Avenue South, Des Moines, WA 98198.

Termination Date means December 31st, 2023.

SECTION 2. TERM.

This Agreement shall commence at 12:00 a.m. PST on the Commencement Date and terminate at 11:59 p.m. PST on the Termination Date, unless sooner terminated by either Party in accordance with this Agreement. This Agreement may be renewed for any successive period by written addendum under terms and conditions acceptable to the Parties.

SECTION 3. INMATE HOUSING AND SERVICES.

Subject to the terms of this Agreement, SCORE hereby agrees to accept Contract Agency Inmates and to provide housing, care, and custody of those Contract Agency Inmates pursuant to SCORE policies and procedures. Additional related services and associated fees, if any, to be provided to Contract Agency Inmates and/or the Contract Agency are listed in Exhibit A.

To the greatest extent permitted by law, SCORE shall have the right to refuse to accept an individual in custody of the Contract Agency or to return any Contract Agency Inmate to the Contract Agency for any reason, including but not limited to if, in the sole discretion of SCORE, such individual presents a substantial risk of escape, of injury to self or other persons or property, of adversely affecting or significantly disrupting the operations of the SCORE Facility, and/or has a medical illness or injury that makes housing such individual not in the best interest of SCORE or other Inmates as described in Exhibit D. Final acceptance of an individual based on illness or injury is determined upon approval of medical staff at the time of booking.

SECTION 4. COMPENSATION.

In consideration of SCORE's commitment to provide housing and related services for Contract Agency Inmates, the Contract Agency agrees to pay SCORE the fees and charges set forth in Exhibit A.

Such fees and charges may include, but are not limited to, booking, daily bed rate, medical and specialty, mental health, transportation, security, other charges and/or negotiated fees.

SCORE may from time to time revise the fees and charges for housing and related services under this Agreement during the term of this Agreement. SCORE shall give advance notice of any change to its fees and charges for such service in order to allow the Contract Agency sufficient time to adjust its annual budget. Unless otherwise agreed to by the Parties hereto, any new fees and charges under a new fee schedule shall become effective on January 1 of the following year.

The Contract Agency shall acknowledge receipt of the rates and charges schedule in writing and such acknowledgement shall be deemed to be an amendment to this Agreement and incorporated as if fully set forth herein without the necessity of a formal amendment or separate approval by the legislative authority of the Contract Agency or the Administrative Board of SCORE.

SECTION 5. TRANSPORTATION, BOOKING, CLASSIFICATION, DISCIPLINE AND RELEASE PROCEDURES.

- A. Transportation. The Contract Agency is responsible for the transportation of Contract Agency Inmates to the SCORE Facility, including all costs associated therewith.
- B. Booking. Contract Agency Inmates shall be booked pursuant to SCORE's booking policies and procedures. Pursuant to RCW 70.48.130, and as part of the booking procedure, SCORE shall obtain general information concerning the Contract Agency Inmate's ability to pay for medical care, including insurance or other medical benefits or resources to which a Contract Agency Inmate is entitled. The information is used for third party billing.
- C. Classification. Contract Agency Inmates shall be classified pursuant to SCORE's classification policies and procedures, and within the sole discretion and reasonable judgment of SCORE. The Contract Agency shall provide sufficient information regarding each Contract Agency Inmate as needed to allow SCORE to make such classification. Contract Agency Inmates shall be assigned to housing pursuant to SCORE's policies and procedures, and within the sole discretion and reasonable judgment of SCORE as provided in Exhibit F.
- D. Inmate Discipline. SCORE shall discipline Contract Agency Inmates according to SCORE policies and procedures and in the same manner which other Inmates are disciplined; provided, however, nothing contained herein shall be construed to authorize the imposition of a type of discipline that would not be imposed on a comparable Inmate, up to and including the removal of earned early release credits as approved by the Contract Agency.
- E. Release. Except for work programs or health care, if no probable cause determination is made as required by law, and during emergencies, Contract Agency Inmates shall not be removed and/or released from the SCORE Facility without written authorization from the Contract Agency or by the order of a court of competent jurisdiction. If SCORE becomes aware that there has been no probable cause determination as required by law, and the person is still in SCORE's custody, SCORE will notify the Contract Agency that the person must be released unless written proof that the probable cause determination was made is provided. Other jurisdictions may "borrow" a Contract Agency Inmate according to policies and procedures of SCORE and as listed in Exhibit G.

Contract Agency Inmates will be transported at the time of release as follows: SCORE will release each Contract Agency Inmates to the Contract Agency at a mutually agreeable location. Alternatively, SCORE will provide transportation upon release to either the closest Owner City of

arrest, or the Owner City of residence, whichever is closer, unless confirmed transportation is available at the time of release. Additional fees, if any, for transportation outside of King County are included in Exhibit A.

Contract Agency Inmates for whom bail is posted, or who otherwise have a right to be released, may choose to remain in custody at the SCORE Facility by signing written waiver and return to the Contract Agency by the regularly scheduled transport, be released to a family Owner or friend with confirmed transportation, or be released via private taxi.

SECTION 6. INMATE MEDICAL RECORDS, CLOTHING, BEDDING, PROPERTY AND WORK PROGRAMS.

- A. Inmate Medical Records. Should a Contract Agency Inmate receive medical care for injuries or illness at the time of arrest and prior to booking at the SCORE Facility, the Contract Agency shall provide medical documentation pertaining to injury or illness to SCORE at the time of booking if the Contract Agency has access to such records. If the Contract Agency cannot provide such records, SCORE, in its sole discretion, may refuse to accept a Contract Agency Inmate.
- B. Inmate Property. SCORE agrees to provide each Contract Agency Inmate with necessary or appropriate clothing and essential hygiene items. SCORE shall accept, hold and handle, and return any Contract Agency Inmate property in accordance with SCORE's policies and procedures, and shall be responsible only for Contract Agency Inmate property actually delivered into SCORE's possession. In the event a Contract Agency Inmate is being transported from a Contract Agency designated detention or correction facility, it will be the responsibility of the Contract Agency to process the Contract Agency Inmate's property not delivered and accepted into SCORE's possession as provided in Exhibit E.
- C. Work Programs. SCORE may assign Contract Agency Inmates to work programs such as inside and outside work crews, kitchen and facility duties, and other appropriate duties pursuant to SCORE's policies and procedures and within the sole discretion and judgment of SCORE.
- D. Visitation. SCORE shall provide reasonable scheduled visitation for Contract Agency Inmates. Inmate visitation may be accessible via video connection by third party provider at off-site locations for an access fee. Complimentary video visit access is available at the SCORE Facility. Confidential telephones or visitation rooms shall be available to a Contract Agency Inmate to communicate with his or her legal counsel.
- E. Inmate Accounts. SCORE shall establish and maintain a non-interest-bearing account for each Contract Agency Inmate. Upon returning custody of a Contract Agency Inmate to the Contract Agency, SCORE shall transfer the balance of that Contract Agency Inmate's account that is not subject to charges, to the Contract Agency Inmate or to the Contract Agency in the form of cash, check, debit card or other agreed upon method in the name of the Contract Agency Inmate.

SECTION 7. HEALTH CARE.

SCORE shall provide in-facility medical care commonly associated with corrections operations as guided by American Correctional Association (ACA) or National Commission on Correctional Health Care (NCCHC).

Contract Agency Inmates shall be responsible for co-payment for health services according to SCORE policy. The Contract Agency shall not be responsible to SCORE for Contract Agency Inmate co-payments. No Contract Agency Inmate shall be denied necessary health care because of an inability to pay for health services.

In-facility medical, dental, and mental health services are included in the daily rate set forth in Exhibit A. Should a Contract Agency Inmate require medical, mental health, dental, and/or other medical services at an outside medical or health care facility, SCORE shall notify the Contract Agency's designee (either by written or electronic means) within a reasonable time period before the Contract Agency Inmate receives such medical, mental health, dental or any other medical services. Notwithstanding the foregoing, the Contract Agency acknowledges that such notice may not be reasonably possible prior to emergency care.

Except to the extent that a Contract Agency Inmate can pay pursuant to Section 5.B, the Contract Agency shall pay for all medical, mental health, dental or any other medical services or equipment that are required to care for Contract Agency Inmates outside of the SCORE Facility in addition to the charges listed in Exhibit A. Lack of prior notice shall not excuse the Contract Agency from financial responsibility for such expenses and shall not be a basis for imposing financial responsibility for related medical expenses on SCORE. SCORE shall bear the expense of any such medical care necessitated by improper conduct of SCORE, or of its officers or agents.

If a Contract Agency Inmate is admitted to a hospital, the Contracting Agency will be responsible for hospital security unless other arrangements are made with SCORE. SCORE, in its sole discretion, may, or at the request of the Contract Agency shall, provide hospital security services for an additional charge as provided in Exhibit A.

SECTION 8. DETAINERS.

Warrants and Contract Agency Inmates in a "Detainer" status shall be handled according to SCORE policies and procedures and as provided in Exhibit B attached hereto.

SECTION 9. RELEASE OF HOLDS AND COURT APPEARANCES.

If a court of limited jurisdiction releases a hold on a Contract Agency Inmate still incarcerated at the SCORE Facility, SCORE will not facilitate further court appearances of that Contract Agency Inmate except if the Contract Agency wishes to use the video arraignment system at the SCORE Facility.

SECTION 10. ESCAPE; DEATH.

If a Contract Agency Inmate escapes SCORE's custody, SCORE shall notify the Contract Agency as soon as reasonably possible. SCORE shall use all reasonable efforts to pursue and regain custody of escaped Contract Agency Inmates.

If a Contract Agency Inmate dies while in SCORE custody, SCORE shall notify the Contract Agency as soon as reasonably possible. The King County Medical Examiner shall assume custody of the Contract Agency Inmate's body. Unless another agency becomes responsible for investigation, one or more Owner City shall investigate and shall provide the Contract Agency with a report of its investigation. The Contract Agency may participate in the investigation. If another agency becomes responsible for investigation, SCORE shall serve as a liaison or otherwise facilitate the Contract Agency's communication with and receipt of reports from the other agency.

The Contract Agency shall provide SCORE with written instructions regarding the disposition of the Contract Agency Inmate's body. The Contract Agency shall pay for all reasonable expenses for the preparation and shipment of the body. The Contract Agency may request in writing that SCORE arrange for burial and all matters related or incidental thereto and the Contract Agency shall be responsible for all costs associated with this request.

SECTION 11. REPORTING AND INSPECTION.

SCORE agrees to use reasonable efforts to work with the Contract Agency to provide access to and/or reports from jail management systems that provide statistical information about Inmates. The Contract Agency shall have the right, upon reasonable advance notice, to inspect the SCORE Facility at reasonable times. During such inspections, the Contract Agency may interview Contract Agency Inmates and review Contract Agency Inmates' records. The Contract Agency shall have no right to interview Inmates housed for other jurisdictions or to review their records unless Contract Agency is properly authorized to do so by the Inmate or the other jurisdiction.

SECTION 12. TECHNOLOGY.

SCORE and the Contract Agency may each permit the other continuous access to its computer database regarding all Contract Agency Inmates housed by SCORE. This continuous access feature may be accomplished through a computer link between a computer(s) designated by the Contract Agency and appropriate computer(s) of SCORE.

SECTION 13. BILLING AND PAYMENT.

SCORE shall provide the Contract Agency with monthly statements itemizing the name of each Contract Agency Inmate; the number of days of housing, including the date and time booked into the SCORE Facility and date and time released from SCORE; and itemization of any additional charges including a description of the service provided, date provided and reason for service. Payment shall be due to SCORE within 30 days from the date the bill is received. SCORE may bill the Contract Agency electronically. Payments not received by the 30th day shall bear interest at the rate of 1% per month until payment is received. Any fees or charges for Inmates housed on charges from multiple agencies (including but not limited to outside medical care) will be divided equally among those agencies.

SECTION 14. BILLING DISPUTE RESOLUTION.

The Contract Agency must provide written notice of dispute to SCORE within 60 days of billing or other disputed charges. SCORE shall respond in writing to such disputes within 60 days of receipt of such disputes. SCORE and the Contract Agency shall attempt to resolve the dispute by negotiation. If such negotiation is unsuccessful, either Party may refer the dispute to the SCORE Operations Board for resolution. The decision of the SCORE Operations Board is the final internal administrative remedy the Contract Agency must exhaust before pursuing other contractual, legal, equitable, or alternative dispute resolutions.

SECTION 15. INDEPENDENT CONTRACTOR.

In providing services under this Agreement, SCORE is an independent contractor and neither it nor its officers, nor its agents nor its employees are employees of the Contract Agency for any purpose, including responsibility for any federal or state tax, industrial insurance, or Social Security liability. Neither shall the provision of services under this Agreement give rise to any claim of career service or civil service rights, which may accrue to an employee of the Contract Agency under any applicable law, rule or regulation. Nothing in this Agreement is intended to create an interest in or give a benefit to third persons not signing as a Party to this Agreement.

SECTION 16. HOLD HARMLESS, DEFENSE, AND INDEMNIFICATION.

SCORE shall hold harmless, defend, and indemnify the Contract Agency, its elected officials, officers, employees, and agents from and against any and all suits, actions, claims, liability, damages, judgments, costs and expenses (including reasonable attorney's fees) (also including but not limited to claims related to false arrest or detention, alleged mistreatment, alleged violation of civil rights, injury, or death of any Contract Agency Inmate, or loss or damage to Contract Agency Inmate

property while in SCORE custody) that result from or arise out of the acts or omissions of SCORE, its elected officials, officers, employees, and agents in connection with or incidental to the performance or non-performance of SCORE's services, duties, and obligations under this Agreement.

The Contract Agency shall hold harmless, defend, and indemnify SCORE, its elected officials, officers, employees, and agents from and against any and all suits, actions, claims, liability, damages, judgments, costs and expenses (including reasonable attorney's fees) (also including but not limited to claims related to false arrest or detention, alleged mistreatment, alleged violation of civil rights (unless the Contract Agency has affirmatively notified SCORE in writing that a probable cause determination has been made within 48 hours of the arrest of the person bringing the claim), injury, or death of any Contract Agency Inmate, or loss or damage to Contract Agency Inmate property while in SCORE custody) that result from or arise out of the acts or omissions of the Contract Agency, its elected officials, officers, employees, and agents in connection with or incidental to the performance or non-performance of the Contract Agency's services, duties, and obligations under this Agreement.

In the event the acts or omissions of the officials, officers, agents, and/or employees of both the Contract Agency and SCORE in connection with or incidental to the performance or non-performance of the Contract Agency's and or SCORE's services, duties, and obligations under this Agreement are the subject of any liability claims by a third party, the Contract Agency and SCORE shall each be liable for its proportionate concurrent negligence in any resulting suits, actions, claims, liability, damages, judgments, costs and expenses and for their own attorney's fees.

Nothing contained in this section, or this Agreement shall be construed to create a right in any third party to indemnification or defense.

SCORE and the Contract Agency hereby waive, as to each other only, their immunity from suit under industrial insurance, Title 51 RCW. This waiver of immunity was mutually negotiated by the Parties hereto.

The provisions of this section shall survive any termination or expiration of this Agreement.

SECTION 17. INSURANCE.

SCORE and the Contract Agency shall provide each other with evidence of insurance coverage, in the form of a certificate or other competent evidence from an insurance provider, insurance pool, or of self-insurance sufficient to satisfy the obligations set forth in this Agreement.

SCORE and the Contract Agency shall each maintain throughout the term of this Agreement coverage in minimum liability limits of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate for its liability exposures, including comprehensive general liability, errors and omissions, auto liability and police professional liability. The insurance policies shall provide coverage on an occurrence basis.

Each Party shall provide to the other Party at least 30 days advance notice of any cancellation, suspension or material change in coverage.

SECTION 18. TERMINATION.

Either Party may terminate this Agreement, with or without cause, by providing the other Party with 90 days written notice of termination as provided in RCW 70.48.090.

SECTION 19. RECORDS.

The Parties hereto shall maintain all records, reports, and documents created, held or maintained under this Agreement and the services to be provided hereunder in accordance with chapter 42.56 RCW (the Washington Public Records Act), chapter 40.14 RCW (Preservation and Destruction of Public Records) and all other applicable federal, state and local laws and regulations.

SECTION 20. OPERATION OF SCORE FACILITY; PRISON RAPE ELIMINATION ACT.

SCORE shall manage, maintain, and operate the SCORE Facility in compliance with all applicable federal, state, and local laws and regulations. SCORE acknowledges and complies with the terms of the Prison Rape Elimination Act regarding custodial sexual misconduct as set forth in Exhibit C.

SECTION 21. HIPAA AND HITECH COMPLIANCE.

The Parties shall comply with all requirements of the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Federal Health Information and Technology for Economic and Clinical Health Act (HITECH Act) as applicable, which relate to the Parties' responsibilities under this Agreement, as well as state laws and regulations including chapter 70.02 RCW.

SECTION 22. EQUAL OPPORTUNITY.

Neither Party shall discriminate against any person on the grounds of race, creed, color, religion, national origin, sex, age, marital status, sexual orientation, veterans and military status, political affiliation or belief or the presence of any sensory, mental or physical handicap in violation of any applicable federal law, Washington State Law Against Discrimination (chapter 49.60 RCW) or the Americans with Disabilities Act (42 USC 12110 *et seq.*).

SECTION 23. MISCELLANEOUS.

- A. Real or Personal Property. It is not anticipated that any real or personal property will be acquired or purchased by the Parties solely because of this Agreement.
- B. Assignment. This Agreement, or any interest herein, or claim hereunder, shall not be assigned or transferred in whole or in part by a Party to any other person or entity without the prior written consent of the other Party. In the event that such prior written consent to an assignment is granted, then the assignee shall assume all duties, obligations, and liabilities of the assigning Party stated herein.
- C. Non-Waiver. The failure of either Party to insist upon strict performance of any provision of this Agreement or to exercise any right based upon a breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any right under this Agreement.
- D. Severability. If this Agreement, or any portion of this Agreement, is held invalid by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.
- E. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. If any dispute arises between the Parties under any of the provisions of this Agreement, resolution of that dispute shall be available only through the jurisdiction, venue and rules of the King County Superior Court, King County, Washington.
- F. Attorneys' Fees. In any claim or lawsuit for damages arising from the Parties' performance of this Agreement, each Party shall be responsible for payment of its own legal costs and attorney's fees incurred in defending or bringing such claim or lawsuit; however, nothing in this subsection shall limit each Parties' right to indemnification under this Agreement.

- G. Approval and Filing. Each Party shall approve this Agreement by resolution, ordinance, motion or otherwise pursuant to the laws of the governing body of each Party. The signatures of the authorized signatories below shall constitute a presumption that such approval was properly obtained. A copy of this Agreement shall be filed and/or posted pursuant to chapter 39.34 RCW.
- H. Amendment. Except as otherwise provided in Section 4 of this Agreement, no waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless evidenced in writing signed by duly authorized representatives of both Parties.
- I. No Joint Venture or Partnership. No joint venture, separate administrative or governmental entity, or partnership is formed as a result of this Agreement
- J. Compliance with Applicable Laws and Standards. SCORE agrees to manage the Contract Agency Inmates and the SCORE Facility in accordance with applicable federal and state laws and regulations and to maintain staffing levels at the SCORE Facility in sufficient numbers and rank to maintain the safety of the public, staff, Inmates, and to reasonably carry out the provisions of this Agreement.
- K. Continuation of Performance. In the event that any dispute or conflict arises between the Parties while this Agreement is in effect, the Parties hereto agree that, notwithstanding such dispute or conflict, they shall continue to make a good faith effort to cooperate and continue work toward successful completion of assigned duties and responsibilities. Provided that if the Contract Agency fails to pay for the services provided by the SCORE, SCORE can cease providing such services until payment is made.
- L. Representatives; Notices. The individuals listed below the signature blocks included in this Agreement are designated as representatives of the respective Parties. The representatives shall be responsible for administration of this Agreement and for coordinating and monitoring performance under this Agreement. In the event such representatives are changed, the Party making the change shall notify the other Party. Any notice or other communication given hereunder shall be deemed sufficient, if in writing and delivered personally to the addressee, or sent electronically or by certified or registered mail, return receipt requested, addressed as provided after the signature blocks included in this Agreement, or to such other address as may be designated by the addressee by written notice to the other Party.
- M. Entire Agreement. This Agreement, together with any subsequent amendments, constitutes the entire Agreement between the Parties and supersedes all prior agreements for inmate housing between the Parties.

SECTION 24. EXECUTION.

This Agreement shall be executed by the Parties hereto by their duly authorized representative. This Agreement may be executed in one or more counterparts.

THIS AGREEMENT is hereby effective as of the Commencement Date.

SOUTH CORRECTIONAL ENTITY

City of Marysville, WA

Contract Agency Name

Signature

Signature

Print Name - Title

Print Name - Title

Date

Date

ATTESTED BY:

Signature

NOTICE ADDRESS:

NOTICE ADDRESS:

SOUTH CORRECTIONAL ENTITY
20817 17th Avenue South
Des Moines, WA 98198

Attention: Devon Schrum, Executive Director

Attention:

Email: dschrum@scorejail.org

Email:

Telephone: (206) 257-6262

Telephone:

Fax: (206) 257-6310

Fax:

DESIGNATED REPRESENTATIVE FOR PURPOSES OF THIS AGREEMENT:

DESIGNATED REPRESENTATIVE FOR PURPOSES OF THIS AGREEMENT:

Name: Devon Schrum

Name: [Mark A. Thomas](#)

Title: Executive Director

Title: [Commander](#)

Exhibit A

FEES AND CHARGES AND SERVICES

<u>Booking Fee:</u> ¹	\$50.00	
<u>Daily Housing Rates:</u>		
General Population – Guaranteed Beds	\$138.43	No. of Beds: <u>2</u>
General Population – Non-Guaranteed Beds	\$199.00	
<u>Daily Rate Surcharges:</u> ²		
Mental Health – Residential Beds	\$159.00	
Medical - Acute Beds	\$217.00	
Mental Health – Acute Beds	\$278.00	
<u>Health Care Services:</u> ³		
In-Facility Care	Included	
Co-Payments	Inmate responsibility	
Outside Medical Services	Contract Agency billed	
Emergency Care	Contract Agency billed	
Pharmaceuticals	Medications billed to Contract Agency	
<u>Transportation Fees:</u>		
SCORE Officer Transport	\$75.00/per hour	
<u>Security Services:</u>		
Hospital Security	\$75.00/per hour	
<u>Video Court:</u>		
In-Custody Arraignment	Included	
<u>Other Terms & Conditions:</u>		
<u>Fees, charges, and services will be annually adjusted each January 1st.</u>		

¹ The Booking Fee will be charged to the jurisdiction responsible for housing the inmate

² Surcharges are in addition to daily housing rates and subject to bed availability

³ Guided by American Correctional Association (ACA) and/or National Commission on Correctional Health Care (NCCHC)

Exhibit B

WARRANTS/OTHER COURT ORDERS/DETAINERS

The following shall apply to Contract Agency Inmates who are subject to warrants from other jurisdictions or to other court orders for confinement or detainees:

1. When receiving a Contract Agency Inmate, the booking officers at SCORE shall review all paperwork provided by the Contract Agency for all grounds to hold the Contract Agency Inmate.
2. Prior to releasing a Contract Agency Inmate, SCORE shall check the NCIC and WACIC systems to determine if the Contract Agency Inmate is subject to any valid warrants or other detainees.
 - a) If the Contract Agency Inmate is subject to a warrant that is limited to King County, SCORE will, upon receiving written permission (e-mail) from the Contract Agency, transport the Inmate to the custodial agency for the jurisdiction that issued the warrant. However, SCORE will not assume responsibility to serve any such warrants.
 - b) If the Contract Agency Inmate is subject to a warrant from a western Washington jurisdiction outside King County, SCORE will either process the Inmate for transfer on the Cooperative Transport Chain or provide transfer to a jurisdiction that participates in Cooperative Transport Chain.
 - c) If the Contract Agency Inmate is subject to a warrant from an eastern Washington jurisdiction, SCORE will send the Inmate to a jurisdiction that participates in the Cooperative Transport Chain.
 - d) If, upon return from SCORE to the Contract Agency, the Inmate is subject to a warrant that provides for statewide extradition, SCORE will either transport the Inmate to the detention/correction facility in King County designated by the agency/jurisdiction that issued the warrant if it is in King County or will send the Inmate to the agency/jurisdiction that issued the warrant on the Mini- Chain.

Exhibit C

PREA ACKNOWLEDGMENT - CUSTODIAL AND SEXUAL MISCONDUCT

1. Compliance
SCORE agrees to ensure that all of its employees, contractors, vendors, and volunteers that have contact with Contract Agency Inmates comply with all federal and state laws regarding sexual misconduct including, but not limited to:
 - a) The Prison Rape Elimination Act of 2003 (PREA)
 - b) The standards for adult Prisons and Jails or Community Confinement Facilities, whichever is applicable, as promulgated by the US Attorney, and
 - c) Zero tolerance toward all forms of sexual abuse and sexual harassment.

2. Monitoring
SCORE agrees to provide the Contract Agency documented compliance with the Federal Prison Rape Elimination Act standards. Monitoring may include, but is not limited to:
 - a) Site visits,
 - b) Access to facility data, and
 - c) Review of applicable documentation.

3. Contract Agency may terminate this Agreement
 - a) Should SCORE fail to provide documentation that demonstrates that the SCORE is actively and effectively working toward and is making substantive progress toward achieving compliance; or
 - b) Should SCORE fail to maintain PREA compliance between auditing periods, after being given a reasonable opportunity to cure.

4. The Contract Agency will terminate this Agreement
 - a) Should SCORE elect to discontinue pursuit of PREA compliance;
 - b) Should SCORE be found in noncompliance through a PREA Audit and fail to cure such noncompliance within the identified time-frames; or
 - c) Should SCORE be found to be in egregious violation of PREA.

Exhibit D

MEDICAL ACCEPTABILITY

SCORE shall determine the medical and mental acceptability of Inmates for booking or housing using the following guidelines. However, final acceptance is based upon approval of medical staff at the time of booking. Excluding criteria include but are not limited to:

1. Signs of untreated broken bones or dislocated joints.
2. Any injury or illness requiring emergency medical treatment.
3. Unconsciousness.
4. Inmates unable to stand and walk under their own power, unless they normally use an assistive device, such as a wheelchair, for mobility.
5. Bed bound individuals.
6. Individuals with attached IV or requiring IV medications.
7. Individuals requiring the use of oxygen tanks.
8. AMA (Against Medical Advice) from the hospital.
9. Individuals having had major invasive surgery within the last 72 hours. Non-invasive surgery such as oral surgery, laser-eye surgery and minor surgery may be evaluated on a case-by-case basis.
10. Wounds with drainage tubes attached.
11. Persons with Alzheimer's, dementia, or other psychological conditions to the point where the Inmate cannot perform activities of daily living ("ADL's") or who do not have the capacity to function safely within a correctional environment.
12. Persons who are diagnosed as developmentally delayed and who do not have the capacity to function safely within a correctional environment or who cannot perform ADL's.
13. Persons undergoing chemotherapy and/or radiation treatment.
14. Persons undergoing dialysis.
15. Persons with suicidal ideations or gestures within the past 72 hours.
16. Persons, if prescribed, who have not taken psychotropic medications for at least 72 hours.
17. Persons who have by self-disclosure, admitted to attempting suicide within the last 30 days.
18. Persons who have attempted suicide during their current incarceration.
19. Persons displaying current psychotic episode.

Exhibit E

PROPERTY

1. SCORE will *not accept or transport* the following:
 - a) Backpacks, suitcases, etc.
 - b) Unpackaged food products.
 - c) Food products in packaging that have been opened.
 - d) Any type of weapon (includes pocket knives).
 - e) Liquids.
 - f) Helmets or any kind.
 - g) Large items that will not fit into a common paper grocery bag.
 - h) Material deemed to be contraband.

SCORE will limit property returned with the Inmate to the Contract Agency according to these criteria.

Exhibit F

CLASSIFICATION

SCORE maintains a classification plan to guide staff in the processing of individuals brought into the facility. The plan includes an initial screening process, as well as a process for determining appropriate housing assignments (28 CFR 115.42) and uses an objective screening instrument and procedures for making decisions about classification and housing assignments. The plan includes, and not limited to, an evaluation of the following criteria:

1. Behavior during arrest and intake process
2. Potential risk of safety to others or self
3. Medical needs
4. The inmate's own perception of his/her vulnerability
5. Any other criteria as deemed appropriate by the Executive Director or designee

The Contract Agency shall supply SCORE with the following Classification related information, if known to or in possession of the Contract Agency:

1. If the Contract Agency Inmate has been classified to a special housing unit.
2. If the Contract Agency Inmate has been classified as protective custody.
3. If the Contract Agency Inmate:
 - a) Is a violent offender or has displayed violent behavior during present or past incarcerations
 - b) Is identified as a threat to law enforcement
 - c) Is an escape risk

Exhibit G

BORROWING

One contracting agency may “borrow” another Contract Agency’s Inmate as follows:

1. If a Contract Agency requests the transport of another contracting agency’s Inmate from SCORE the requesting agency must notify each agency with rights to custody of the Inmate, and if each agency with rights to custody of the Inmate notifies SCORE in writing (e-mail) of its approval, SCORE shall provide the requested transport to the requesting agency. SCORE will complete a custody transfer form that lists all outstanding detainers. The custody transfer paperwork will accompany the Inmate.
2. Once custody of the Inmate has been transferred to the requesting agency, it is the responsibility of the requesting agency to determine whether the Inmate shall be returned to the custody of SCORE, and if so, the requesting agency shall make all necessary and proper arrangements with SCORE and any agency with rights to custody of the Inmate, for the Inmate’s return according to the terms of this Agreement. The requesting agency, to the full extent permitted by law, defend, indemnify, save and hold harmless SCORE as provided in Section 16 of the Agreement.
3. SCORE will not track the Inmate once he or she has left the SCORE Facility.
4. If the Inmate is returned to the custody of SCORE, the requesting agency shall provide SCORE with sentencing/charge information. The requesting agency shall supply all pre-sentence, and post-sentence paperwork from agreeing agencies that authorized the borrowing of the Inmate. This will aid SCORE in determining split billing and release dates.
5. SCORE will transport the Inmate only to an agency that also contracts with SCORE for Inmate housing.



Agenda Bill

CITY COUNCIL AGENDA ITEM REPORT

DATE: November 28, 2022

SUBMITTED BY: City Attorney Jon Walker, Legal

ITEM TYPE: Agreement

AGENDA SECTION: **New Business**

SUBJECT: Second Amendment to site lease with T-Mobile West Tower LLC

SUGGESTED ACTION:

Recommended Motion: I move to authorize the mayor to sign and execute the second amendment to the site lease with option with T-Mobile West Tower LLC and the memorandum of second amendment to site lease.

SUMMARY:

The City of Marysville entered into a lease with Delaware Corporation (the original tenant) on October 8, 1998. T-Mobile West Tower LLC is the current tenant as the ultimate successor in interest to the original tenant. The lease is for operating an existing communication tower located on the southwest corner of the City's Sunnyside Treatment Plant parcel. This amendment adds a 300 square foot area to the lease area which will be sublet to AT&T. T-Mobile will pay the city a one time fee of \$1,000 and 30% of the rents received from AT&T.

There are two more five year extensions on the current lease with the last expiring on December 27, 2033.

ATTACHMENTS:
[Second Amendment Crown Castle.pdf](#)
[Memorandum of Second Amendment Crown Castle.pdf](#)

**SECOND AMENDMENT TO
SITE LEASE WITH OPTION**

THIS SECOND AMENDMENT TO SITE LEASE WITH OPTION (the “Second Amendment”) is made effective this ____ day of _____, 2022 (“Effective Date”), by and between CITY OF MARYSVILLE (hereinafter referred to as “Landlord”) and T-MOBILE WEST TOWER LLC, a Delaware limited liability company, by and through its Attorney In Fact, CCTMO LLC, a Delaware limited liability company (hereinafter referred to as “Tenant”).

RECITALS

WHEREAS, Landlord and Western PCS III Corporation, a Delaware corporation (“Original Tenant”) entered into a Site Lease with Option dated October 8, 1998 (the “Original Lease”), together with an Addendum to Site Lease with Option dated October 8, 1998 (the “Addendum”), a memorandum of which was recorded in the official records of Snohomish County, Washington (“Official Records”) on February 10, 1999 at Instrument No. 9902100360, whereby Original Tenant leased certain real property, together with access and utility easements, located in Snohomish County, Washington from Landlord (the “Premises”), all located within certain real property owned by Landlord (“Landlord’s Property”); and

WHEREAS, the Original Lease was amended by that certain First Amendment to Site Lease with Option dated April 27, 2018, a memorandum of which was recorded in the Official Records on May 16, 2018 at Instrument No. 201805160287 (“First Amendment”) (hereinafter the Original Lease, the Addendum and First Amendment are collectively referred to as the “Lease”); and

WHEREAS, T-Mobile West Tower LLC is currently the Tenant under the Lease as successor in interest to the Original Tenant; and

WHEREAS, the Lease had an initial term that commenced on December 28, 1998 and expired on December 27, 2003. The Lease, as amended, provides for six (6) extensions of five (5) years each, four (4) of which were exercised by Tenant. According to the Lease, the final extension expires on December 27, 2033; and

WHEREAS, Landlord and Tenant desire to amend the Lease on the terms and conditions contained herein.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, Landlord and Tenant agree as follows:

1. Recitals; Defined Terms. The parties acknowledge the accuracy of the foregoing recitals. Any capitalized terms not defined herein shall have the meanings ascribed to them in the Lease.

2. Notice of Sublease. In accordance with Section 15 of the Original Lease, Tenant hereby provides notice of the sublease of a portion of the Premises, as expanded, to AT&T or an affiliate or subsidiary (the “AT&T Subtenant”) for purposes of installation, maintenance and replacement of equipment, antennas, cables, fiber, and related accessories on the Premises for the

operation of a wireless communications facility thereon. In accordance with Section 7a of the Original Lease, Landlord consents to the installation, maintenance and replacement of such improvements reasonably required by the AT&T Subtenant to operate on the Premises. As used herein, the term "sublease" includes any arrangement by which a third party can collocate its equipment at the Premises, whether it is by sublease, license, easement or any other agreement or arrangement. Tenant shall pay Landlord thirty percent (30%) of the rents actually received by the AT&T Subtenant in accordance with Section 2 of the Addendum. In consideration of such share of rentals, Landlord hereby waives the right under Section 2 of the Addendum to require the AT&T Subtenant to enter a separate ground lease with Landlord.

3. First Additional Lease Area. The existing Premises is hereby expanded in size to include additional space, which consists of a three hundred (300) square foot parcel of real property adjacent to the existing Premises at a location more particularly described on Exhibit A-1 attached hereto and shown on the Site Plan attached hereto as Exhibit B (the "First Additional Lease Area"). The Premises, as expanded, is described on Exhibit A-2 attached hereto. Notwithstanding anything to the contrary in this Second Amendment, Tenant is not relinquishing any rights to any lease area, access easements, and/or utility easements that it possesses prior to the date of this Second Amendment. In the event the location of any of Tenant's or its sublessees' existing improvements, utilities, and/or access routes are not depicted or described on the Site Plan and/or legal descriptions, Tenant's leasehold rights and access and utility easement rights over such areas shall remain in full force and effect and the Premises shall be deemed to include such areas.

4. Right to Return the First Additional Lease Area. Tenant shall have the option, upon thirty (30) days prior written notice to Landlord, in its sole and absolute discretion, to return the First Additional Lease Area to the Landlord and to terminate the lease of the same by removing all improvements from the First Additional Lease Area and returning same to its condition as of the Effective Date, ordinary wear and tear excepted (the "Return of the First Additional Lease Area").

5. Conditional Signing Bonus. Tenant will pay to Landlord a one-time amount of One Thousand and 00/100 Dollars (\$1,000.00) for the full execution of this Second Amendment, payable within sixty (60) days of the full execution of this Second Amendment ("Conditional Signing Bonus"). In the event that this Second Amendment (and any applicable memorandum of Lease and/or amendment) is not fully executed by both Landlord and Tenant for any reason, Tenant shall have no obligation to pay the Conditional Signing Bonus to Landlord.

6. Representations, Warranties and Covenants of Landlord. Landlord represents, warrants and covenants to Tenant as follows:

a) Landlord is duly authorized to and has the full power and authority to enter into this Second Amendment and to perform all of Landlord's obligations under the Lease as amended hereby.

b) Tenant is not currently in default under the Lease, and to Landlord's knowledge, no event or condition has occurred or presently exists which, with notice or the passage of time or both, would constitute a default by Tenant under the Lease.

c) Landlord agrees to provide such further assurances as may be requested to carry out and evidence the full intent of the parties under the Lease as amended hereby, and ensure Tenant's continuous and uninterrupted use, possession and quiet enjoyment of the Premises under the Lease as amended hereby.

d) Landlord acknowledges that the Premises, as defined, shall include any portion of Landlord's Property on which communications facilities or other Tenant improvements exist on the date of this Second Amendment.

7. Notices. Tenant's notice address as stated in Section 11 of the First Amendment is amended as follows:

If to Tenant:

T-Mobile West Tower LLC
12920 S.E. 38th Street
Bellevue, WA 98006
Attn: Leasing Administration

With a copy to:

T-Mobile West Tower LLC
c/o CCTMO LLC
Attn: Legal – Real Estate Department
2000 Corporate Drive
Canonsburg, PA 15317

8. Counterparts. This Second Amendment may be executed in separate and multiple counterparts, each of which shall be deemed an original but all of which taken together shall be deemed to constitute one and the same instrument.

9. Remainder of Lease Unaffected. In all other respects, the remainder of the Lease shall remain in full force and effect. Any portion of the Lease that is inconsistent with this Second Amendment is hereby amended to be consistent.

10. Recordation. Tenant, at its cost and expense, shall have the right to record a memorandum of this Second Amendment in the Official Records at any time following the execution of this Second Amendment by all parties hereto. In addition, Tenant shall have the right in its discretion, to record a notice of lease, affidavit or other form to be determined by Tenant without Landlord's signature in form and content substantially similar to the memorandum, to provide record notice of the terms of this Second Amendment.

[Signature pages follow]

Landlord and Tenant have caused this Second Amendment to be duly executed on the day and year first written above.

LANDLORD:
CITY OF MARYSVILLE

By: _____

Print Name: _____

Title: _____

Landlord affirms that this Second Amendment was approved at a duly noticed public meeting held on _____ 2022

CITY

STATE OF _____)

) §§

COUNTY OF _____)

This record was acknowledged before me on the _____ day of _____, 2022 by _____ (name(s) of individuals) as _____ (type of authority, such as officer or trustee) of CITY OF MARYSVILLE

(Signature of notary public)

(Stamp)

(Title of office)

My commission expires: _____

[Tenant Execution Page Follows]

Exhibit A-1
(Legal Description of the First Additional Lease Area)

A portion of Lot 1, Short Plat No. 07004, auditor's file no. 200803205001, records of Snohomish County, Washington, located in the Northeast Quarter of the Northwest Quarter of Section 2, Township 29 North, Range 5 East, Willamette Meridian, Snohomish County, Washington, more particularly described as follows:

Commencing at the northwest corner of the Northwest Quarter of Section 2, Township 29 North, Range 5 East, Willamette Meridian, from which the northeast corner of the Northwest Quarter of said Section 2, bears South 89°21'46" East, a distance of 2625.07 feet, as shown on said Snohomish County Short Plat No. 07004, auditor's file no. 200803205001, records of Snohomish County, Washington;

thence South 60°24'24" East, a distance of 1688.74 feet to the Point of Beginning;

thence North 89°32'40" West, a distance of 15.00 feet;

thence North 00°27'20" East, a distance of 20.00 feet;

thence South 89°32'40" East, a distance of 15.00 feet;

thence South 00°27'20" West, a distance of 20.00 feet to the Point of Beginning;

Containing 300 square feet or 0.01 acres, more or less.

SUBJECT TO:

Existing rights-of-way and easements of record and or appearing on said above described parcel.

Exhibit A-2
(Legal Description of the Premises as expanded)

A portion of Lot 1, Short Plat No. 07004, auditor's file no. 200803205001, records of Snohomish County, Washington, located in the Northeast Quarter of the Northwest Quarter of Section 2, Township 29 North, Range 5 East, Willamette Meridian, Snohomish County, Washington, more particularly described as follows:

Commencing at the northwest corner of the Northwest Quarter of Section 2, Township 29 North, Range 5 East, Willamette Meridian, from which the northeast corner of the Northwest Quarter of said Section 2, bears South 89°21'46" East, a distance of 2625.07 feet, as shown on said Snohomish County Short Plat No. 07004, auditor's file no. 200803205001, records of Snohomish County, Washington;

thence South 60°24'24" East, a distance of 1688.74 feet to the Point of Beginning;

thence North 89°32'40" West, a distance of 15.00 feet;

thence North 00°27'20" East, a distance of 20.00 feet;

thence South 89°32'40" East, a distance of 15.00 feet;

thence North 00°27'20" East, a distance of 9.58 feet;

thence North 43°17'31" East, a distance of 12.96 feet;

thence North 89°07'25" East, a distance of 32.77 feet;

thence South 01°50'18" West, a distance of 40.29 feet;

thence North 88°55'54" West, a distance of 40.60 feet to the Point of Beginning;

Containing 1,885 square feet or 0.05 acres, more or less.

SUBJECT TO:

Existing rights-of-way and easements of record and or appearing on said above described parcel.

ACCESS AND UTILITY EASEMENT

A strip of land 20 feet wide across a portion of Lot 1, Short Plat No. 07004, auditor's file no. 200803205001, records of Snohomish County, Washington, located in the Northeast Quarter of the Northwest Quarter of Section 2, Township 29 North, Range 5 East, Willamette Meridian, Snohomish County, Washington, being 10 feet on each side of the following described centerline, more particularly described as follows:

Commencing at the northwest corner of the Northwest Quarter of Section 2, Township 29 North, Range 5 East, Willamette Meridian, from which the northeast corner of the Northwest Quarter of said Section 2, bears South 89°21'46" East, a distance of 2625.07 feet, as shown on said Snohomish County Short Plat No. 07004, auditor's file no. 200803205001, records of Snohomish County, Washington;

thence South 60°24'24" East, a distance of 1688.74 feet;

thence South 88°55'54" East, a distance of 28.59 feet to the Point of Beginning;

thence South 01°04'06" West, a distance of 6.90 feet;

thence South 31°27'21" West, a distance of 26.11 feet;

thence South 88°49'34" West, a distance of 126.78 feet to the Point of Terminus;

Lengthening and shortening the side lines of said strip so as to terminate on the south line of the tower lease and the easterly right-of-way line of Black Hill Road (71st Avenue NE).

Containing 3,196 square feet or 0.07 acres, more or less.

SUBJECT TO:

Existing rights-of-way and easements of record and or appearing on said above described parcel.

**Exhibit B
(Site Plan)**

TOWER SURVEY

SURVEY PROCEDURES & EQUIPMENT

THIS SURVEY WAS PERFORMED WITH A TOPCON GPS SYSTEM AND A 3 SECOND TOPCON TOTAL STATION THEODOLITE USING FIELD TRAVERSE PROCEDURES.

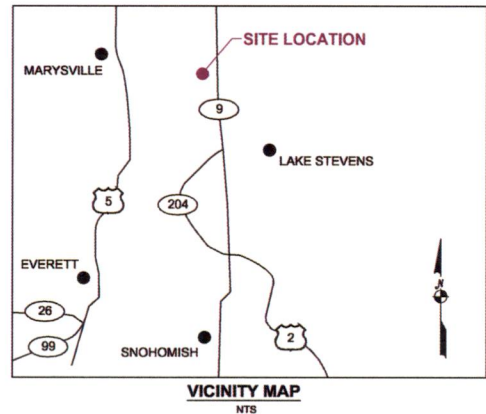
825702

MARYSVILLE WT

4123 71ST AVE NE
MARYSVILLE, WA 98270
SNOHOMISH COUNTY

LEGEND

Additional Land Building	IP / Rebar Monu	Transformer (Aerial)
Asphalt Pavement	IP / Rebar Monu - Found	Transformer Pad
Contour - Major	Cased Monu - Found	Catch Basin
Contour - Minor	Calculated Point	Inlet
Easement	Survey Point	Culvert
Guideroil	Gravel	Utility Vault
Jurisdiction Line	Dirt	Manhole
Property Line	Concrete	Handhole
Property Tie	Retaining Wall	Pull box
Parent Property	Stairs	Pedestal
Tower Easement	Door / Gate	Riser
Right of Way	Double	Meter
Setback	Door / Gate	Valve
Treeline	Gate - Sliding	Cleanout
Wetland	Signs	Junction Box
Railroad Tracks	Mailbox	Pump Station
Centerline	Column	Utility Box
Road Centerline	Utility Pole	Controller
Stream	Guyed Pole	HVAC
Ditch	Pole	Generator
Channel	Bollard	Schedule B Item
Fence	Fire Hydrant	Fuel Tanks
Cable UG	Flag Pole	Traffic Signal Controller
Combined Sewer	Shrub	
Cable TV & Elec	Tree - Palm	
Cable TV & Elec UG	Tree - Coniferous	
Cable, Elec, & Tele	Tree - Deciduous	
Cable, Elec, & Tele UG	Metal Platform	
Electric		
Electric UG		
Fiber		
Fiber UG		
Gas		
Sewer		
Storm		
Telephone		
Telephone UG		
Unknown Utility		
Water		
Topo - High Point		
Topo - Low Point		
Breakline		
Match line		
Property Tie		



CONTENTS

COVER SHEET
PROPERTY OVERVIEW
SITE OVERVIEW
LEGAL DESCRIPTIONS

ABBREVIATIONS

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
POT	POINT OF TERMINUS
R/W	RIGHT OF WAY

AREA SUMMARY

AREA	SQ. FT	ACRES
PARENT PARCEL		±21.8
TOWER LEASE	1,585	0.04
ACCESS & UTILITY EASEMENT	3,196	0.07
ADDITIONAL AREA	300	0.01
OVERALL AREA	1,885	0.05

SURVEY PERFORMED FOR:

 1500 Corporate Drive
 Canonsburg, PA 15317

SURVEY COORDINATED BY:
 GEOLINE SURVEYING, INC.
 13430 NW 10th Terrace, Suite A, Alachua, FL 32815
 Tele: (386) 418-0500 | Fax: (386) 462-9888

SURVEY PERFORMED BY:
 H2 SURVEYING & ENGINEERING
 7800 N. Mineral Drive, Suite 900, Coeur d'Alene, ID 83815
 Tele: (208) 772-8600 | www.h2survey.com

SURVEYOR'S CERTIFICATION:
 I hereby certify to T-Mobile West Tower LLC, by: CCTMO LLC, its attorney in fact, Crown Castle USA Inc. including its parents, subsidiaries and affiliated entities, Westcor Land Title Insurance Company
 SURVEYOR NAME: JOSHUA A. BAGLEY

Joshua A. Bagley
 Digitally signed by Joshua A. Bagley
 Date: 2022.09.19 14:43:06 -0700

LEASE AREA FLOOD NOTE:
 ZONE X - FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 53061C07170, EFFECTIVE DATE: 06/19/2020

BEARING BASIS:
 THE NORTH LINE OF THE NORTH-WEST QUARTER OF SECTION 2, BEARS SOUTH 89°21'46" EAST, AS SHOWN ON SHORT PLAT NO 07004 AUDITOR'S FILE NO. 200803205001, RECORDS OF SNOHOMISH COUNTY, WASHINGTON.

NOTES:
 1 SURVEY PERFORMED ON 05/14/2022.
 2 DATA SHOWN ON AN ASSUMED HORIZONTAL DATUM.
 3 NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
 4 ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA, UNLESS OTHERWISE NOTED HEREON.
 5. NOT ALL SYMBOLS ARE DEPICTED TO SCALE.
 6. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.

REV	DATE	DESCRIPTION	DRWN
-	-	-	-
-	-	-	-
-	-	-	-

SITE INFORMATION:
 Name MARYSVILLE WT
 BUN 825702
 Address 4123 71ST AVE NE
 MARYSVILLE, WA 98270
 County SNOHOMISH

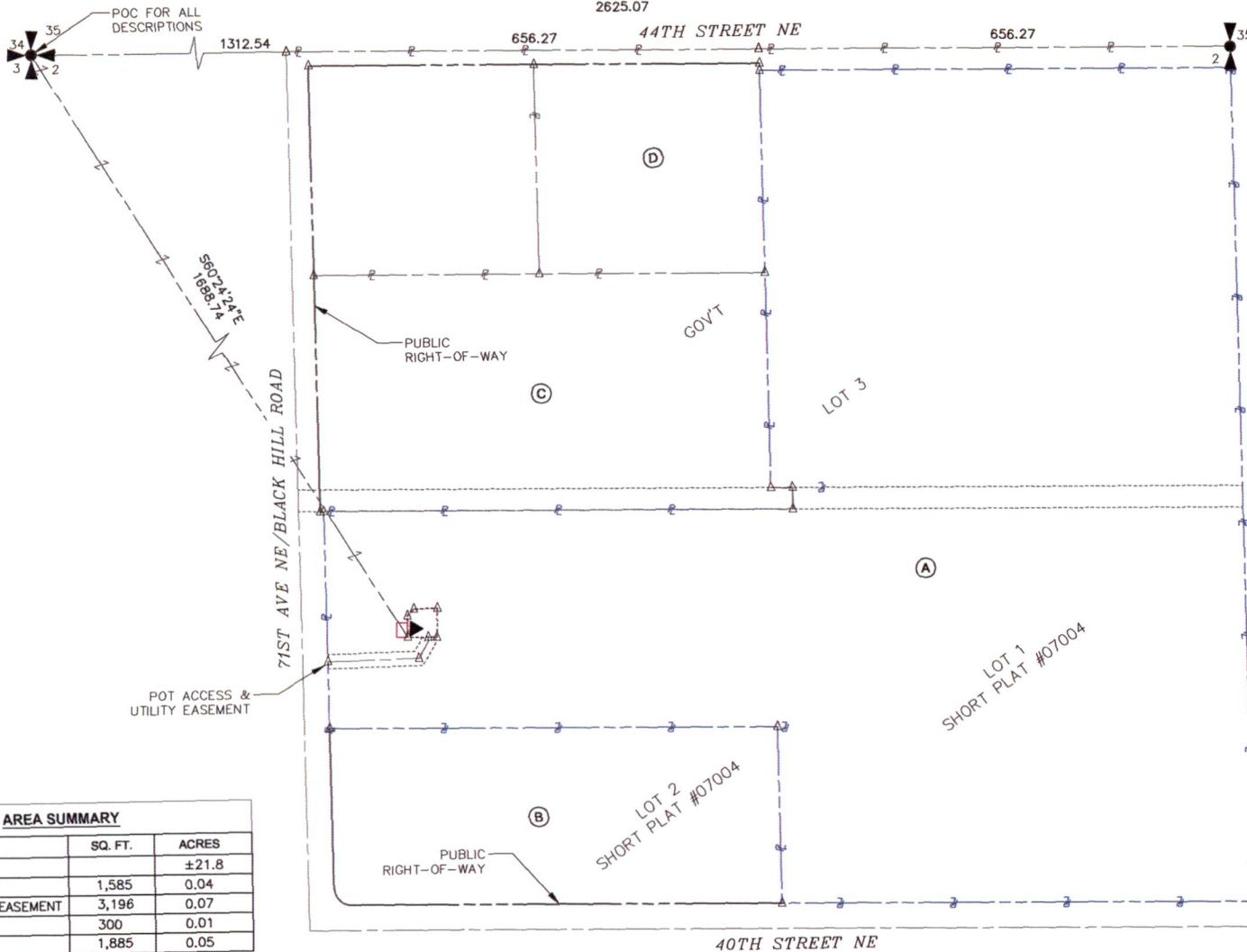
SITE LOCATED IN:
 NW 1/4 of Section 2, Township 29 N, Range 5 E, W.M.

TOWER SURVEY

SHEET: COVER SHEET

DATE PLOTTED: 05/11/2022 10:49 AM

BASIS OF BEARINGS
S89°21'46"E
2625.07



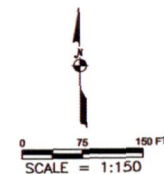
PROPERTY INFORMATION

PARENT PARCEL
 (A) City of Marysville, A Municipal Corporation
 APN: 29050200206500
 Deed No.: 9710310187

Address:
 4123 71st Ave NE
 Marysville, WA 98270

ADJACENT PARCELS

- (B) Marysville Fire District
 Regional Fire A
 APN: 29050200206600
- (C) Keystone Land LLC
 APN: 29050200200300
- (D) Squaglia, Lauren A.
 APN: 29050200200400



AREA SUMMARY

AREA	SQ. FT.	ACRES
PARENT PARCEL		±21.8
TOWER LEASE	1,585	0.04
ACCESS & UTILITY EASEMENT	3,196	0.07
ADDITIONAL AREA	300	0.01
OVERALL AREA	1,885	0.05

SURVEY PERFORMED FOR:

CROWN CASTLE 1500 Corporate Drive
 Canonsburg, PA 15317

REV	DATE	DESCRIPTION	DRWN
-	-	-	-
-	-	-	-
-	-	-	-

SITE INFORMATION:

Name MARYSVILLE WT
 BUN 825702
 Address 4123 71ST AVE NE
 MARYSVILLE, WA 98270
 County SNOHOMISH

SITE LOCATED IN:
 NW 1/4 of Section 2, Township 29 N, Range 5 E, W.M.

TOWER SURVEY

SHEET: PROPERTY OVERVIEW

OVERALL AREA
LINE TABLE

LINE	BEARING	DISTANCE
L10	N89°32'40"W	15.00
L11	N00°27'20"E	20.00
L12	S89°32'40"E	15.00
L14	N00°27'20"E	9.58
L2	N43°17'31"E	12.96
L3	N89°07'25"E	32.77
L4	S01°50'18"W	40.29
L5	N88°55'54"W	40.60

TOWER LEASE
LINE TABLE

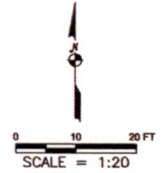
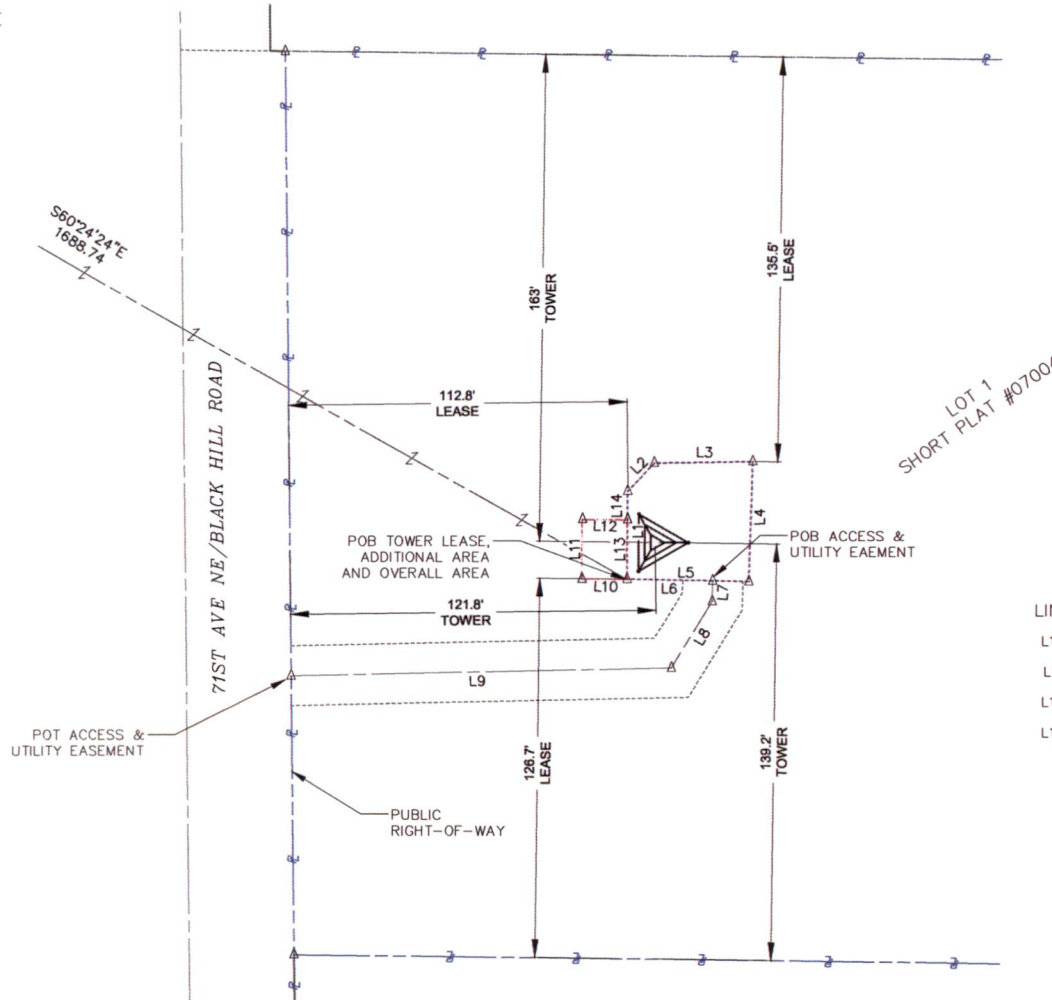
LINE	BEARING	DISTANCE
L1	N00°27'20"E	29.58
L2	N43°17'31"E	12.96
L3	N89°07'25"E	32.77
L4	S01°50'18"W	40.29
L5	N88°55'54"W	40.60

ACCESS & UTILITY
EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L6	S88°55'54"E	28.59
L7	S01°04'06"W	6.90
L8	S31°27'21"W	26.11
L9	S88°49'34"W	126.78

ADDITIONAL AREA
LINE TABLE

LINE	BEARING	DISTANCE
L10	N89°32'40"W	15.00
L11	N00°27'20"E	20.00
L12	S89°32'40"E	15.00
L13	S00°27'20"W	20.00



SURVEY PERFORMED FOR:			
		1500 Corporate Drive Canonburg, PA 15317	
REV	DATE	DESCRIPTION	DRWN
-	-	-	-
-	-	-	-
SITE INFORMATION:			
Name	MARYSVILLE WT		
BLN	825702		
Address	4123 71ST AVE NE MARYSVILLE, WA 98270		
County	SNOHOMISH		
SITE LOCATED IN:			
NW 1/4 of Section 2, Township 20 N, Range 5 E, W.M.			
TOWER SURVEY			
SHEET: SITE OVERVIEW			

RETURN ADDRESS:

T-Mobile West Tower LLC
c/o Post Closing – Recording
8020 Katy Freeway
Houston, TX 77024

Document Title:	Memorandum of Second Amendment to Site Lease with Option
Reference Number(s) of Related Documents:	February 10, 1999 at #9902100360; May 16, 2018 at #201805160287
Landlord(s):	City of Marysville
Tenant(s):	T-Mobile West Tower LLC, a Delaware limited liability company
Legal Description:	Ptn. Section 2, Township 29 North, Range 5 East, W.M., in Snohomish County, Washington
Assessor's Tax Parcel ID Number:	290502-002-065-00
Site ID:	Marysville WT (BUN 825702)

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Sign below only if your document is Non-Standard.

I am requesting an emergency non-standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some parts of the text of the original document. Fee for non-standard processing is \$150.

Signature of Requesting Party

**MEMORANDUM OF SECOND AMENDMENT TO
SITE LEASE WITH OPTION**

This Memorandum of Second Amendment to Site Lease with Option is made effective this _____ day of _____, 2022 by and between CITY OF MARYSVILLE (hereinafter referred to as “Landlord”) and T-MOBILE WEST TOWER LLC, a Delaware limited liability company, by and through its Attorney In Fact, CCTMO LLC, a Delaware limited liability company (hereinafter referred to as “Tenant”).

1. Landlord and Western PCS III Corporation, a Delaware corporation (“Original Tenant”) entered into a Site Lease with Option dated October 8, 1998 (the “Original Lease”), together with an Addendum to Site Lease with Option dated October 8, 1998 (the “Addendum”), a memorandum of which was recorded in the official records of Snohomish County, Washington (“Official Records”) on February 10, 1999 at Instrument No. 9902100360, whereby Original Tenant leased certain real property, together with access and utility easements, located in Snohomish County, Washington from Landlord (the “Premises”), all located within certain real property owned by Landlord (“Landlord’s Property”). Landlord’s Property, of which the Premises is a part, is more particularly described on Exhibit B attached hereto.

2. The Original Lease was amended by that certain First Amendment to Site Lease with Option dated April 27, 2018, a memorandum of which was recorded in the Official Records on May 16, 2018 at Instrument No. 201805160287 (“First Amendment”) (hereinafter the Original Lease, the Addendum and First Amendment are collectively referred to as the “Lease”).

3. T-Mobile West Tower LLC is currently the Tenant under the Lease as successor in interest to the Original Tenant.

4. The Lease had an initial term that commenced on December 28, 1998 and expired on December 27, 2003. The Lease, as amended, provides for six (6) extensions of five (5) years each, four (4) of which were exercised by Tenant (each extension is referred to as a “Renewal Term”). According to the Lease, the final Renewal Term expires December 27, 2033.

5. Landlord and Tenant have entered into a Second Amendment to Site Lease with Option (the “Second Amendment”), of which this is a Memorandum, wherein the Premises was expanded by an additional area of three hundred (300) square feet. A metes and bounds description of the Premises, as expanded, is attached hereto as Exhibit A.

6. The terms, covenants and provisions of the Second Amendment shall extend to and be binding upon the respective executors, administrators, heirs, successors and assigns of Landlord and Tenant.

7. This Memorandum does not contain the social security number of any person.

8. A copy of the Second Amendment is on file with Landlord and Tenant.

[Execution Pages Follow]

TENANT:
T-MOBILE WEST TOWER LLC, a Delaware limited liability company

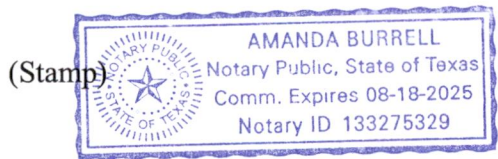
By: CCTMO LLC, a Delaware limited liability company
Its: Attorney In Fact

By: [Signature]
Print Name: Matthew Norwood
Title: Sr Manager Nat'l Transactions

LIMITED LIABILITY COMPANY

STATE OF TEXAS)
) §§
COUNTY OF Harris)

This record was acknowledged before me on the 21 day of Sept., 2022 by Matthew Norwood (name(s) of individuals) as Sr. Manager Nat'l Transactions (type of authority, such as officer or trustee) of CCTMO LLC.



[Signature]
(Signature of notary public)
Amanda Burrell, notary Public
(Title of office)
My commission expires: 08/18/2025

EXHIBIT A
(Legal Description of Premises)

A portion of Lot 1, Short Plat No. 07004, auditor's file no. 200803205001, records of Snohomish County, Washington, located in the Northeast Quarter of the Northwest Quarter of Section 2, Township 29 North, Range 5 East, Willamette Meridian, Snohomish County, Washington, more particularly described as follows:

Commencing at the northwest corner of the Northwest Quarter of Section 2, Township 29 North, Range 5 East, Willamette Meridian, from which the northeast corner of the Northwest Quarter of said Section 2, bears South 89°21'46" East, a distance of 2625.07 feet, as shown on said Snohomish County Short Plat No. 07004, auditor's file no. 200803205001, records of Snohomish County, Washington;

thence South 60°24'24" East, a distance of 1688.74 feet to the Point of Beginning;

thence North 89°32'40" West, a distance of 15.00 feet;

thence North 00°27'20" East, a distance of 20.00 feet;

thence South 89°32'40" East, a distance of 15.00 feet;

thence North 00°27'20" East, a distance of 9.58 feet;

thence North 43°17'31" East, a distance of 12.96 feet;

thence North 89°07'25" East, a distance of 32.77 feet;

thence South 01°50'18" West, a distance of 40.29 feet;

thence North 88°55'54" West, a distance of 40.60 feet to the Point of Beginning;

Containing 1,885 square feet or 0.05 acres, more or less.

SUBJECT TO:

Existing rights-of-way and easements of record and or appearing on said above described parcel.

ACCESS AND UTILITY EASEMENT

A strip of land 20 feet wide across a portion of Lot 1, Short Plat No. 07004, auditor's file no. 200803205001, records of Snohomish County, Washington, located in the Northeast Quarter of the Northwest Quarter of Section 2, Township 29 North, Range 5 East, Willamette Meridian, Snohomish County, Washington, being 10 feet on each side of the following described centerline, more particularly described as follows:

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thence South 31°27'21" West, a distance of 26.11 feet;

thence South 88°49'34" West, a distance of 126.78 feet to the Point of Terminus;

Lengthening and shortening the side lines of said strip so as to terminate on the south line of the tower lease and the easterly right-of-way line of Black Hill Road (71st Avenue NE).

Containing 3,196 square feet or 0.07 acres, more or less.

SUBJECT TO:

Existing rights-of-way and easements of record and or appearing on said above described parcel.

EXHIBIT B
(Legal Description of Landlord's Property)

The following described real estate, situated in the County of Snohomish, State of Washington:

Lot 1 of the City of Marysville Short Plat PFN #SP 07004, recorded under Recording Number 200803205001, being a portion of Government Lot 3, Section 2, Township 29 North, Range 5 East, W.M.. in Snohomish County, Washington.

Parcel ID No.: 29050200206500