



# MARYSVILLE

WASHINGTON

Marysville, WA WORK SESSION  
MONDAY, DECEMBER 5, 2022 – 7:00 PM  
501 DELTA AVENUE  
MARYSVILLE, WA 98270

## AGENDA

---

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

Pledge of Allegiance

Roll Call

Approval of the Agenda

Presentations

- A. Resource Centers
- B. Potential Sports Complex Briefing  
[Waterfront Revitalization\\_20221201 final.pptx](#)

Discussion Items

- C. 2024 Comprehensive Plan - General Growth Strategy Discussion

Recommended Motion: I move to approve the 2024 Comprehensive Plan update.

[Memo re. General Growth Strategies & Exhibits 1 - 4](#)

[General Growth Strategies PowerPoint - Exhibit 5](#)

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

Consent

1. November 23, 2022 Payroll in the amount of \$1,620,809.43 Paid by EFT

Transactions and Check Numbers 34209 through 34221.

2. November 23, 2022 Claims in the Amount of \$1,181,733.19 Paid by EFT Transactions and Check Numbers 159205 through 159284.  
[112322.rtf](#)
3. November 30, 2022 Claims in the Amount of \$1,291,736.68 Paid by EFT Transactions and Check Numbers 159285 through 159384.  
[113022.rtf](#)

## Review Bids

## Public Hearings

## New Business

4. Memorandum of Understanding between the City of Marysville and the City of Everett regarding overhead costs to administer the Therapeutic Court Grant

Recommended Motion: I move to authorize the Mayor to sign and execute the Memorandum of Understanding between the City of Marysville and the City of Everett regarding overhead costs to administer the Therapeutic Court Grant.  
[Overhead Expenses for Therapeutic Court Grant 11-28-22.docx](#)

5. Supplemental Agreement No. 1 to the Professional Services Agreement with PH Consulting, LLC for Engineering Design Services Associated with the Quiet Zone Project

Recommended Motion: I move to authorize the Mayor to sign and execute Supplemental Agreement No. 1 to the Professional Services Agreement with PH Consulting, LLC for Engineering Design Services associated with the Quiet Zone Project.  
[PSA\\_SuppSF.docx](#)  
[PH QZ Additional Scope & Fee.updated.pdf](#)

6. Interagency Agreement between Washington State Administrative Office of the Court and Marysville for continued participation in the Interpreter Reimbursement program

Recommended Motion: I move to authorize the Mayor to sign and execute the Interagency Agreement between Washington State Administrative Office of the Court and Marysville to continue participation in the Interpreter Reimbursement program  
[Interpreter Reimbursement.pdf](#)  
[Exhibit A - FY23 Language Access Interpreter Reimbursement.docx](#)  
[Exhibit B-Annotated Language Access Plan Template for Approval.pdf](#)

7. A **Resolution** for Proposed Rate Increase at Cedarcrest Golf Course

Recommended Motion: I move to adopt Resolution No. \_\_\_\_.

[Cedarcrest proposed 6 year plan for rates increase 20-25 - MF \(002\).pdf](#)  
[Golf Fees Resolution 11-29-22.docx](#)

8. An **Ordinance** approving Josephine Master Planned Senior Community Rezone

Recommended Motion: I move to adopt Ordinance No. \_\_\_\_\_.  
[Ord. with exhibits - Josephine Caring Community Rezone](#)  
[Staff Recommendation Josephine Caring Community](#)  
[Email from Josephine Caring Community re Age & Residency Agreement](#)

9. An **Ordinance** of the City of Marysville Amending Chapter 6.27 of the Municipal Code in Regard to the Use of Controlled Substances in Public Places

Recommended Motion: I move to adopt Ordinance No. \_\_\_\_\_.  
[Use of a Controlled Substance in Public Ordinance.docx](#)

10. An **Ordinance** of the City of Marysville Amending Section 6.54.010 of the Municipal Code and Adopting the State Crime of Unlawful Transit Conduct in RCW 9.91.025

Recommended Motion: I move to adopt Ordinance No. \_\_\_\_\_.  
[Unlawful Transit Conduct Ordinance 11-30-22.docx](#)

11. 2023 LifeWise Assurance Company Stop Loss Insurance (**Action Requested**)

Recommended Motion: I move to approve the LifeWise Assurance Company services renewal.  
[LifeWise Assurance Company Agreement.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:** December 5, 2022

**SUBMITTED BY:** Parks Director Tara Mizell, Parks, Recreation & Culture

**ITEM TYPE:** Presentation

**AGENDA SECTION:** **Presentations**

**SUBJECT:** Resource Centers

**SUGGESTED ACTION:**

**SUMMARY:** Presentation by a team about Community Resource Centers.  
(Speakers and supporting documentation to be supplied later.)

---

**ATTACHMENTS:**



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Economic Development & Real Property Manager Terrie Battuello, Executive

**ITEM TYPE:** Discussion Item

**AGENDA SECTION:** **Presentations**

**SUBJECT:** Potential Sports Complex Briefing

**SUGGESTED ACTION:**

**SUMMARY:**

---

**ATTACHMENTS:**  
[Waterfront Revitalization\\_20221201 final.pptx](#)

# Waterfront Revitalization Sports Complex Brief

City Council - December 5, 2022

Terrie Battuello, CEcD, Economic Development and Real Estate Manager



# City Vision

- ▶ Master planning
- ▶ Roadway and utilities investment
- ▶ Park Enhancement
- ▶ Civic Center establishment
- ▶ Land aggregation
- ▶ Legacy environmental resolution
- ▶ State investment
- ▶ Private and community partners

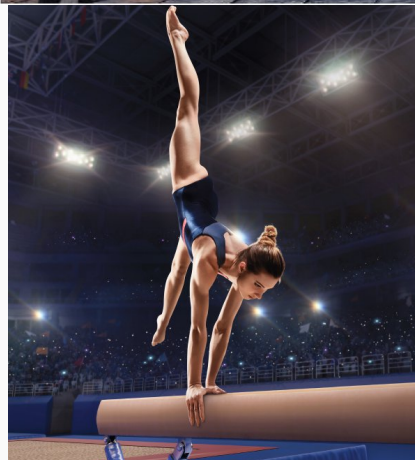




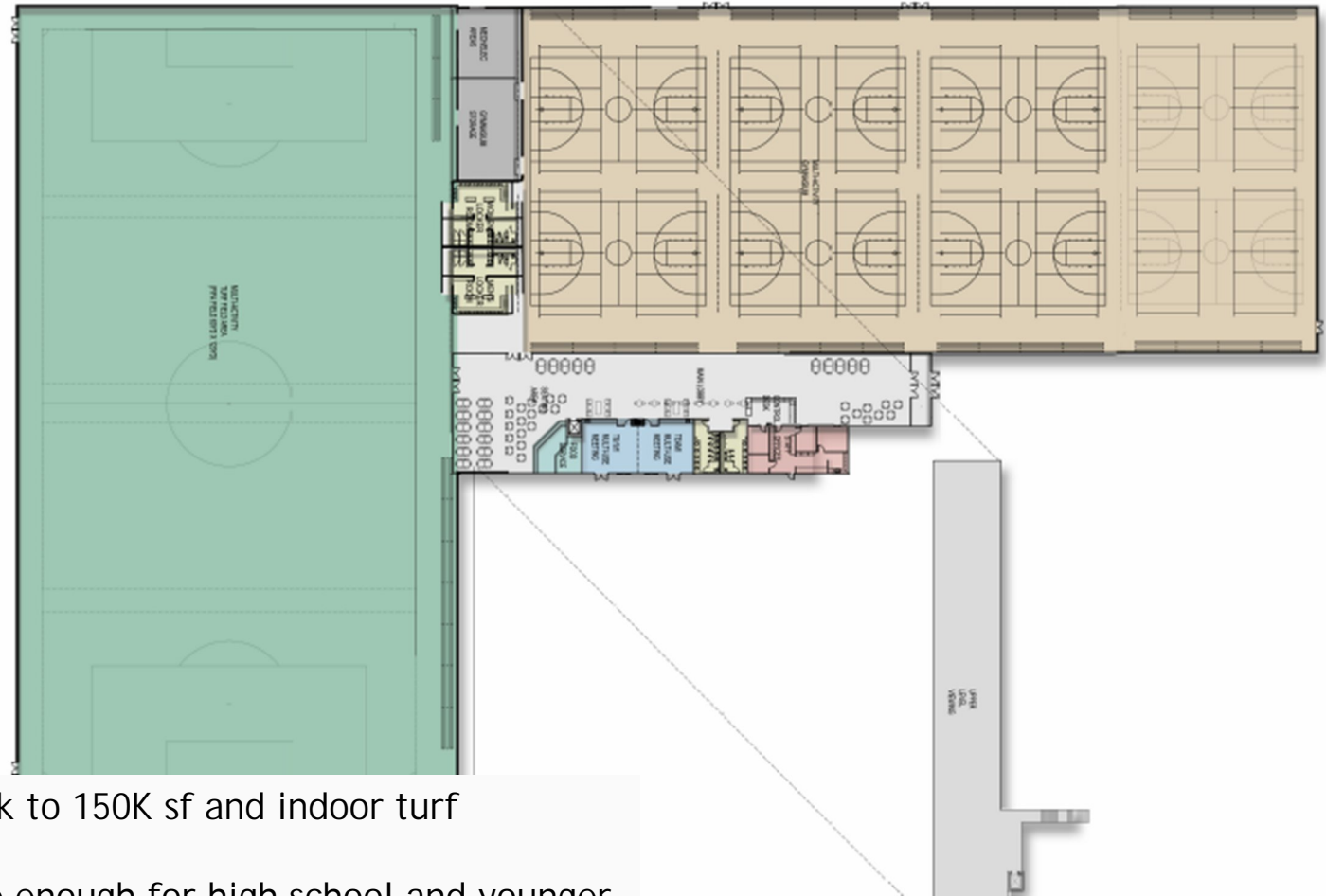
# River Asset: Sparking Revitalization



# Sports Facility



# Facilities



Recommendations: 100k to 150K sf and indoor turf

Basketball: courts large enough for high school and younger

Volleyball: 16 courts; expect 80-100 events per year

# Supporting Uses



## Next Sprint: January to July 2023



- ▶ Develop recommendation (RFP or direct invitation) sports complex
- ▶ Public Works site relocation plan and schedule
- ▶ Develop site plan and other studies
- ▶ Develop desirable deal structure and risk analysis
- ▶ RFP or invitation to mixed use developer for housing and commercial
- ▶ Initiate work with downtown merchants to prepare them for revitalization

Thank you





# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Senior Planner Angela Gemmer, Community Development

**ITEM TYPE:** Discussion Item

**AGENDA SECTION:** **Discussion Items**

**SUBJECT:** 2024 Comprehensive Plan - General Growth Strategy Discussion

**SUGGESTED ACTION:** Recommended Motion: I move to approve the 2024 Comprehensive Plan update.

**SUMMARY:** With the 2024 Comprehensive Plan update, the City of Marysville needs to accommodate a total population of 99,822 people over the 20-year planning period ending in 2044. The Downtown Master Plan update adopted in 2021 resulted in additional capacity which means that the City needs to plan for approximately 6,815 more people and 1,024 more jobs, over the next 20 years, than current zoning and land use assumptions contemplate.

Under the State's Growth Management Act (GMA) and Snohomish County's Countywide Planning Policies (CPP), Reasonable Measures are required to be considered prior to Urban Growth Area (UGA) expansions occurring. The City has adopted and implemented numerous reasonable measures strategies over the years. With the current update, City staff have analyzed several strategies to accommodate growth. Staff anticipates that the City's share of growth can be accommodated via any of the three primary growth strategies outlined below. Two supportive strategies (4 and 5) are also being considered.

- **Strategy 1.** Allow for higher density (multi-family apartments, mixed use buildings, townhouses, etc.) and some rezoning within a 1/2 mile radius of certain State Avenue SWIFT stations;
- **Strategy 2.** Provide low to moderate density increases in

- residential zones throughout the City; and
- **Strategy 3.** A hybrid (combination) of the two approaches above.
  - **Strategy 4.** Modify assumptions for density. Have higher densities been observed recently than what was assumed with the Buildable Lands Report?
  - **Strategy 5.** Enact minimum densities in certain zones to ensure that land is being developed at appropriate densities, and that opportunities to accommodate housing within the existing UGA are not wasted.

The above strategies have been discussed with the Planning Commission at the October 25th and November 29th work sessions, and with the Economic Development Committee at the November 7th meeting. A public survey on growth, which asked about Strategies 1 through 3, was also conducted from September 16th through November 30th. A summary of the feedback received is outlined in Exhibit 1 which is affixed to the attached memo.

Staff respectfully requests that City Council review the attached materials, and after review, advise if there is support for a general approach to accommodating growth that consists of: Strategy 1 (more growth along State Avenue) as the primary approach, with Strategies 4 (requiring minimum densities in multi-family zones) and 5 (modifying residential density assumptions in existing residential zones to more accurately reflect what is being constructed) as supportive strategies. Some limited zoning changes in existing single and multi-family zones (Strategy 3) may also be considered. After receiving general direction from City Council, staff will begin working with Planning Commission in early 2023 on zoning and code amendments, as well as other technical changes, that are needed to implement the general growth direction and will brief City Council and seek additional feedback, as needed.

---

**ATTACHMENTS:**

[Memo re. General Growth Strategies & Exhibits 1 - 4](#)  
[General Growth Strategies PowerPoint - Exhibit 5](#)



## MEMORANDUM

**DATE:** November 30, 2022  
**TO:** City Council  
**FROM:** Angela Gemmer, Principal Planner  
**SUBJECT:** 2024 Comprehensive Plan Update  
General Residential Growth Scenarios Discussion  
**ECC:** Haylie Miller, Community Development Director  
Chris Holland, Planning Manager

- Exhibit 1** – Table: Summary of Feedback on Growth Strategies
- Exhibit 2** – Table: Potential Additional Unit Yield Achieved with General Growth Strategies
- Exhibit 3** – Public Survey on Growth – Preliminary Results
- Exhibit 4** – What does density look like in Marysville?
- Exhibit 5** – PowerPoint presentation on Growth Strategies

The City of Marysville has experienced rapid growth over the past decade and, similar to the rest of Western Washington, is expected to continue growing at a steady pace. Between 2011 and 2021, the City’s population increased from 60,672 to 71,250 people – a nearly 10,600 population increase (source: State Office of Financial Management).

Snohomish County’s [2021 Buildable Lands Report](#) indicates that the City currently has capacity for 91,084 people. With the [2024 Comprehensive Plan update](#), the City needs to plan to accommodate a total population of 99,822 over the next 20 years. Changes in Downtown zoning with the adoption of the [Downtown Master Plan](#) update in 2021 resulted in capacity for 1,923 additional citizens and 468 additional jobs beyond the 2021 Buildable Lands Report figures. This means that the City needs to plan for 6,815 more people and 1,024 more jobs over the next 20 years than current zoning and land use assumptions contemplate. Approaches to accommodate residential growth are outlined further below; approaches to accommodate job growth will be discussed at future Planning Commission and City Council work sessions, as necessary.

Under the State’s Growth Management Act (GMA) and Snohomish County’s Countywide Planning Policies (CPP), Reasonable Measures are required to be considered prior to Urban Growth Area (UGA) expansions occurring. Pursuant to RCW [36.70A.215](#), “reasonable measures are those actions necessary to reduce the differences between growth and development assumptions and targets contained in the countywide planning policies and the county and city comprehensive plans with actual development patterns.” The Snohomish County Council adopted a list of reasonable measures which cities should consider implementing; they are outlined in [Appendix D](#) of the CPP (see page 76).

The City of Marysville has adopted numerous strategies from this list. Below is a short list of just some of the reasonable measures that the City has adopted to-date:

- Multi-family housing tax exemptions within the Downtown;
- Allow accessory dwelling units, duplexes, townhouses and condominiums;
- Residential density bonuses;
- Modified road standards for Planned Residential Developments (PRDs); and
- Small residential lots.

Marysville Community Development staff have conducted a preliminary analysis of potential strategies to accommodate residential growth over the next 20 years. The primary growth strategies analyzed to-date include:

- **Strategy 1.** Allow for higher density (multi-family apartments, mixed use buildings, townhouses, etc.) and some rezoning within a ½ mile radius of certain State Avenue SWIFT stations;<sup>1</sup>
- **Strategy 2.** Provide low to moderate density increases in residential zones throughout the City; and
- **Strategy 3.** A hybrid (combination) of the two approaches above.

Based on this review, staff anticipates that the City’s share of Snohomish County’s growth can potentially be accommodated via any of the primary growth strategies outlined above.

Staff has also conducted some preliminary analysis on the following supportive strategies to accommodate growth.<sup>2</sup>

- **Strategy 4.** Modify assumptions for density. Have higher densities been observed recently than what was assumed with the Buildable Lands Report? If so, our assumptions on the density assigned to different zones can be modified resulting in additional capacity (i.e. capacity more reflective of market conditions/what development is actually occurring).
- **Strategy 5.** Enact minimum densities in certain zones to ensure that land is being developed at appropriate densities, and that opportunities to accommodate housing within the existing UGA are not wasted.

At the October 25<sup>th</sup> Planning Commission meeting, the general growth strategies outlined above were discussed. Planning Commissioners appeared to express the greatest support for higher density within ½ mile of the future SWIFT Stations along State Avenue (Strategy 1). Planning Commissioners expressed support for aiming for a balance of multi-family, single family, and townhouse development which appeared consistent with the hybrid approach outlined in Strategy 3. Some support was also expressed for allowing low to moderate density increases in select areas such as the townhouse development that is occurring along 100<sup>th</sup> Street and near the middle and junior high schools.

---

<sup>1</sup> Specific locations for Community Transit’s SWIFT bus rapid transit stations are still being determined. If changes to the growth strategy need to be made, staff will revisit the general growth strategy with Planning Commission and City Council.

<sup>2</sup> An additional strategy of reassessing what land is redevelopable in the Downtown Master Plan was initially proposed and resulted in some support from the Planning Commission and Economic Development Committee; however, upon further analysis, this strategy does not result in many additional units, so is no longer proposed.

On November 7<sup>th</sup>, staff presented the general growth strategies to the Economic Development Committee along with the preliminary feedback received from both the Planning Commission and the public [survey](#) on growth strategies (navigate to bottom of webpage). The public survey is open through the end of November 2022; the final results will be shared at the December 5<sup>th</sup> City Council meeting. The Economic Development Committee expressed the greatest support for Strategies 1 (more growth along State Avenue) and 3 (hybrid growth approach). Similar to the Planning Commission, some support was expressed for low to moderate density increases in select areas (Strategy 2) and requiring minimum densities in multi-family zones (Strategy 4).

The public survey results received to-date, indicate that there is the greatest support for a hybrid approach to growth (Strategy 3), moderate support for low to moderate density increases in residential zones throughout the City (Strategy 2), and the least support for density concentrated on State Avenue (Strategy 1). As noted above, the final survey results will be shared at the City Council meeting, so there may be adjustments to these results.

At the November 29<sup>th</sup> Planning Commission meeting, staff presented additional information on the general growth strategies outlined above, the potential unit yield that is possible from implementing the different strategies, and summarized the feedback received to-date from the public, Economic Development Committee, and Planning Commission along with staff's recommended strategies. After review and discussion of this information, the Planning Commission recommended Strategy 1 (more growth along State Avenue) as the primary growth strategy which should be pursued with Strategies 4 (requiring minimum densities in multi-family zones) and 5 (modifying residential density assumptions in existing residential zones to more accurately reflect what is being constructed) garnering support as supportive strategies. Planning Commission also recommended that considerations still be made for single family which ties in to Strategy 6 and to a certain extent with Strategy 3 ("light" hybrid approach). Staff is supportive of this general approach.

**Exhibit 1** summarizes the feedback received to-date from the public, Planning Commission, the Economic Development Committee, and staff is attached. The approximate number of units achieved in each of the general growth strategies is also included as **Exhibit 2**. A table of the densities that were assumed, where relevant, in estimating the units that could result from implementing these growth assumptions will be shared at the City Council meeting.

Staff respectfully requests that City Council review the attached materials, and the feedback received to-date from citizens/public, Planning Commission, and Economic Development Committee. After review of this information, staff requests that City Council advise if there is support for a general approach to accommodating growth that consists of Strategy 1 (more growth along State Avenue) as the primary approach, with Strategies 4 (requiring minimum densities in multi-family zones) and 5 (modifying residential density assumptions in existing residential zones to more accurately reflect what is being constructed) as supportive strategies. Some limited zoning changes in existing single and multi-family zones (Strategy 3) may also be considered. After receiving general direction from City Council, staff will begin working with Planning Commission in early 2023 on zoning and code amendments, as well as other technical changes, that are needed to implement the general growth direction.

## EXHIBIT 1

SUMMARY OF FEEDBACK FROM CITIZENS, ECONOMIC DEVELOPMENT COMMITTEE, PLANNING COMMISSION AND STAFF ON GROWTH STRATEGIES					
GROWTH STRATEGY <sup>1</sup>	CITIZENS	ECONOMIC DEVELOPMENT COMMITTEE	PLANNING COMMISSION	STAFF	
<b>Strategy 1</b>	Higher density within ½ mile radius of State Avenue SWIFT Stations	Some support	Greatest support	Greatest support	Greatest support
<b>Strategy 2</b>	Low to moderate density increases in existing residential zones	Moderate support	Some support in select areas <sup>2</sup>	-	-
<b>Strategy 3</b>	A hybrid of Options 1 and 2	Greatest support	Greatest support	Some support <sup>3</sup>	Some support <sup>4</sup>
<b>Strategy 4</b>	Require minimum densities in multi-family zones	Not asked	Some support	Moderate support	Greatest support
<b>Strategy 5</b>	Modify residential density assumptions. Did more density occur?	Not asked	Some support	Moderate support	Moderate support <sup>4</sup>
<p><sup>1</sup> An additional strategy of reassessing what land is redevelopable in the Downtown Master Plan area was initially proposed; however, does not appear to result in much of a density change, so is no longer being proposed. <sup>2</sup> Between 51<sup>st</sup> and State Avenues or where there is access to transit and State Avenue. <sup>3</sup> Keeping a balance amongst multi-family, single family, and townhouse dwellings expressed. <sup>4</sup> Strategies 4 and 5 could be used to further the low to moderate density increases in residential zones called for in Strategy 3.</p>					

## EXHIBIT 2

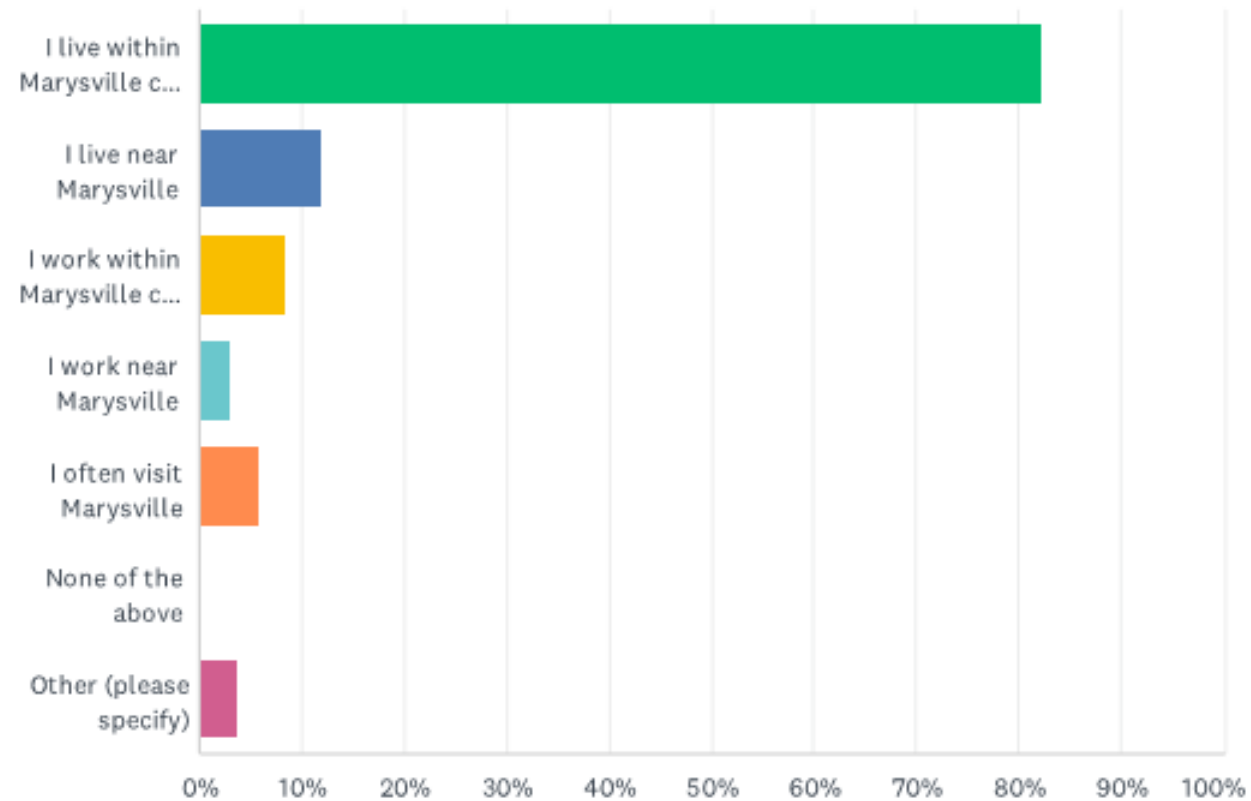
POTENTIAL ADDITIONAL UNIT YIELD ACHIEVED WITH THE GENERAL GROWTH STRATEGIES		
GROWTH STRATEGY		ESTIMATED ADDITIONAL UNITS POSSIBLE
<b>Strategy 1</b>	Higher density within ½ mile radius of State Avenue SWIFT Stations	3,658 – 6,720 <sup>1</sup>
<b>Strategy 2</b>	Low to moderate density increases in existing residential zones	5,960 <sup>2</sup>
<b>Strategy 3</b>	A combination of Strategies 1 and 2	4,809 <sup>3</sup>
<b>Strategy 4</b>	Require minimum densities in multi-family zones	885 <sup>4</sup>
<b>Strategy 5</b>	Modify residential density assumptions. Have higher densities been observed?	Additional research needed.
<p><sup>1</sup> Given the constraints at 88<sup>th</sup> Street NE and 116<sup>th</sup> Street NE, this range of units is anticipated to be reduced. <sup>2</sup> If each residential zone in the city assumed the density of the next highest zone, 5,960 additional units appear to be possible. Note: no additional density was assigned to either the Downtown or Lakewood neighborhoods in this estimate. <sup>3</sup> This figure is a placeholder, and assumes that half of the density would be achieved by implementing the low end of the density range assumed along State Avenue, and that other half of the density would be achieved through low to moderate density increases in existing residential zones. Note: this figure is very much an approximation and more accurate yields would be determined based on specific zoning changes. <sup>4</sup> The additional units noted above can be achieved by requiring the base density in the multi-family zones to be a minimum density. Note: the Lakewood area was excluded from this estimate as nearly all of the multi-family zoning has entitlements, and the Downtown was excluded but should be part of this strategy, if pursued.</p>		

# Growth Scenarios Survey

What we've heard so far...

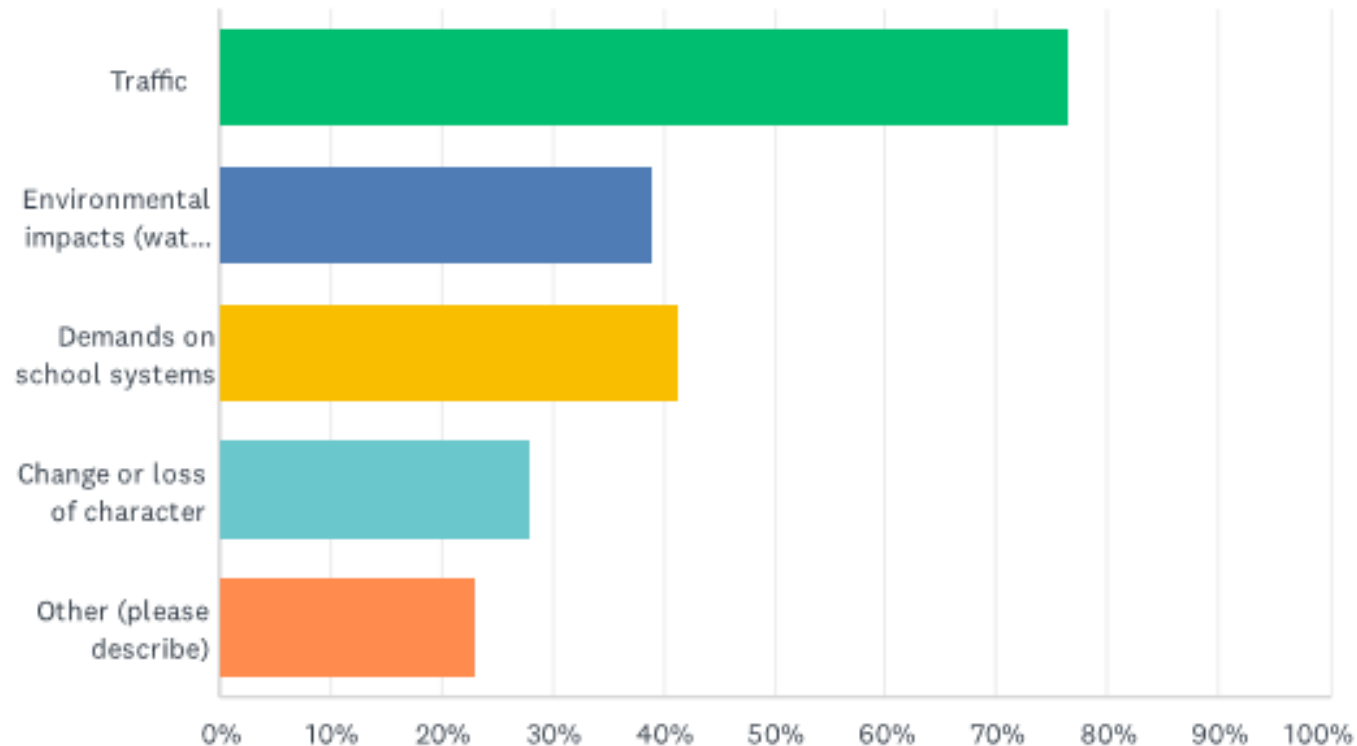
# Which best describes your interest in this topic?

Answered: 309 Skipped: 0



# What are your biggest concerns regarding greater density in the City?

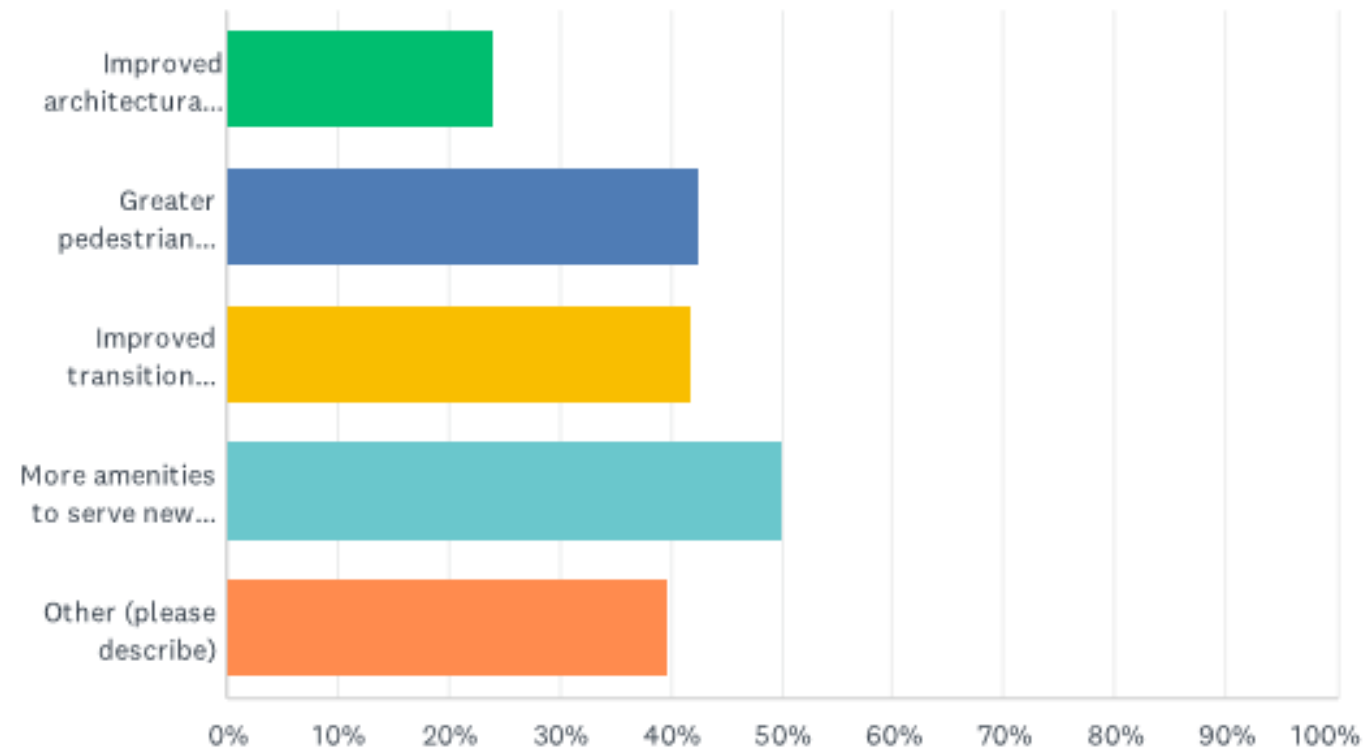
Answered: 307 Skipped: 2





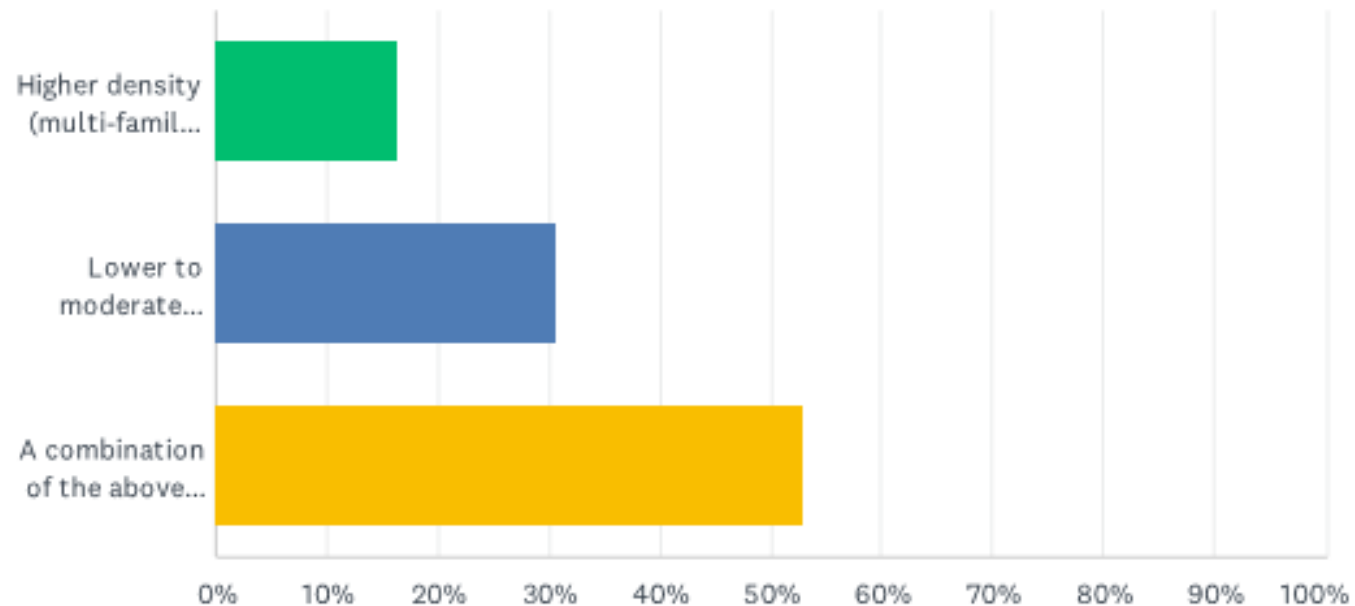
# What measures can the City take to make growth more welcome by our citizens?

Answered: 307 Skipped: 2



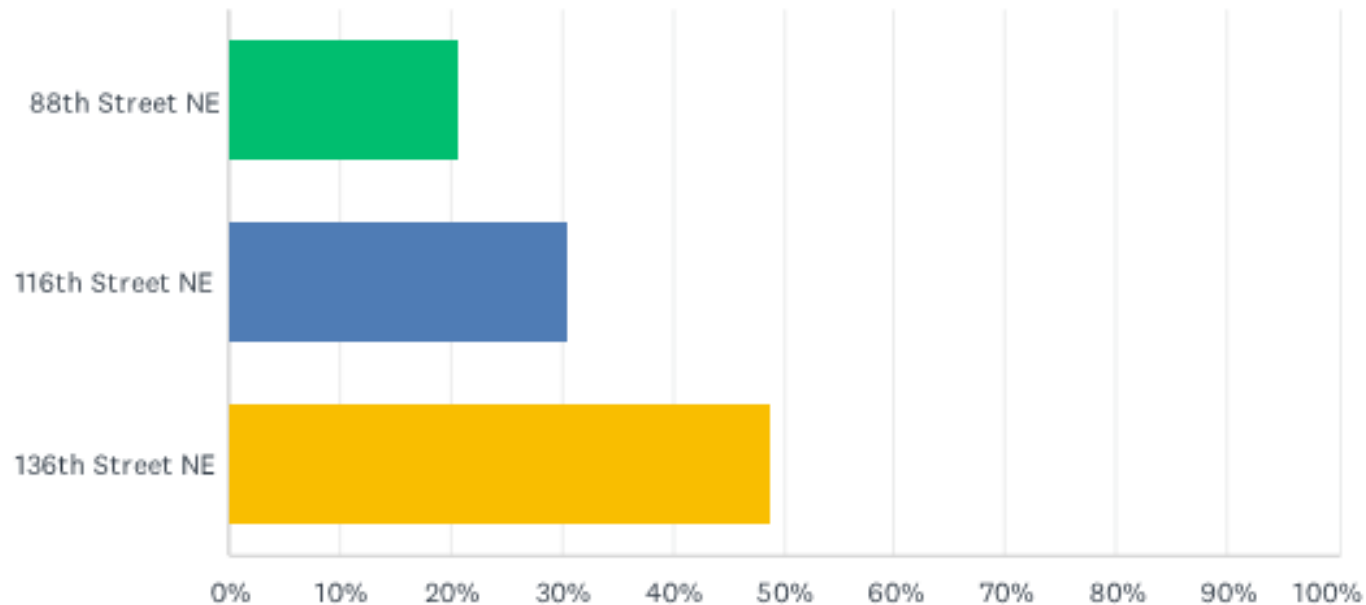
# High density, low density, or a combination?

Answered: 306 Skipped: 3



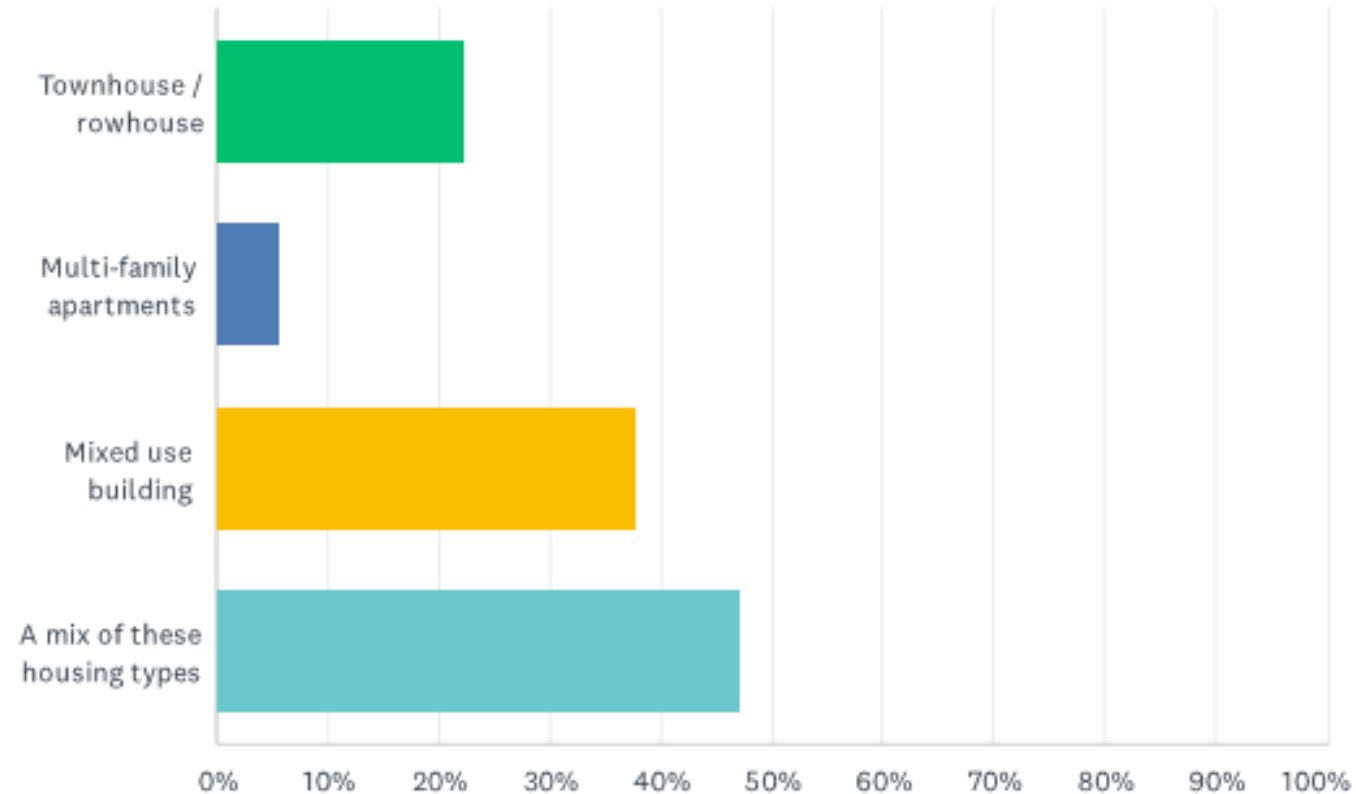
# If additional density is contemplated along State Avenue, how far north should it go?

Answered: 299 Skipped: 10



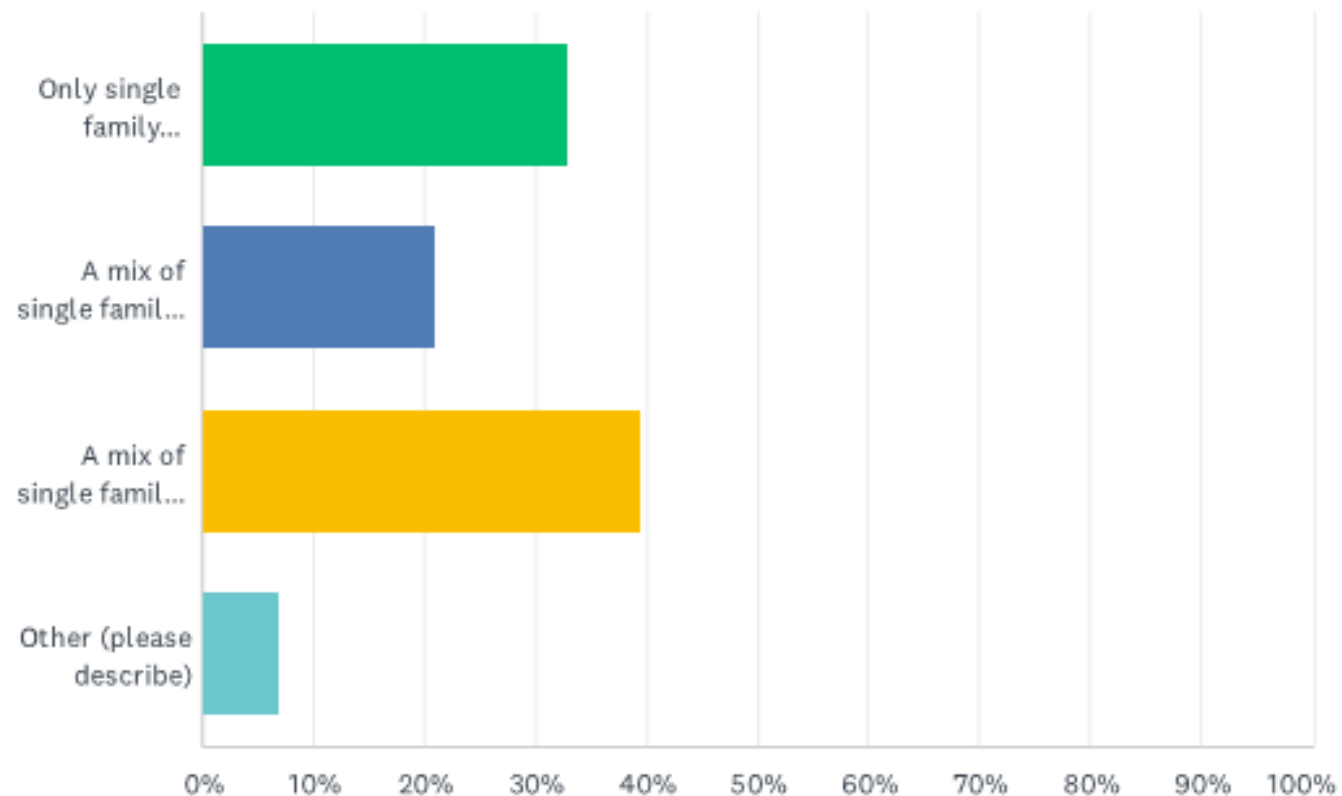
# If additional density is provided on State Avenue, what scale of buildings would you prefer to see?

Answered: 289 Skipped: 20



# If density were spread out throughout single family zones within the City, what type of buildings would you prefer to see?

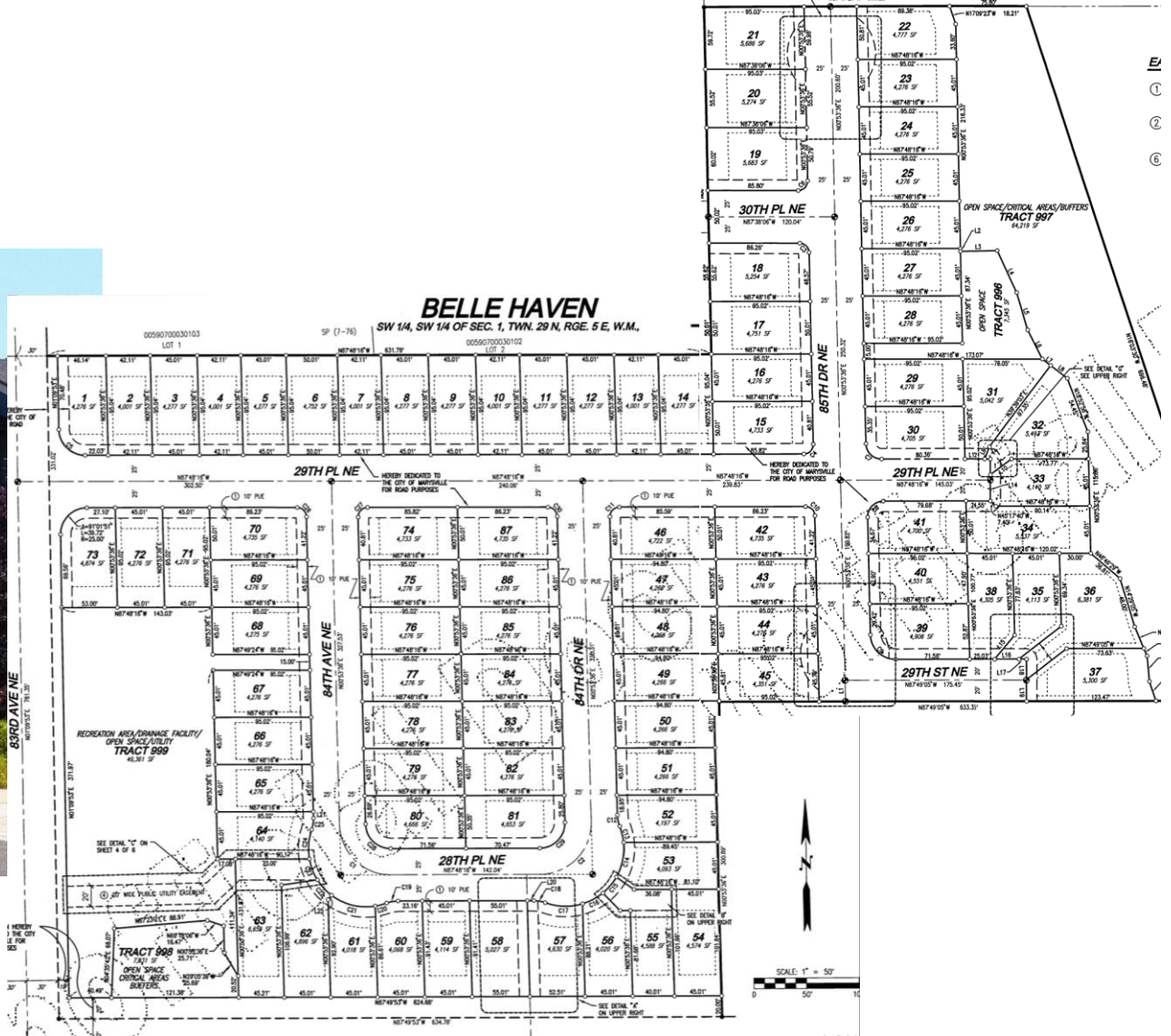
Answered: 307 Skipped: 2



# What Density Looks Like in Marysville\*

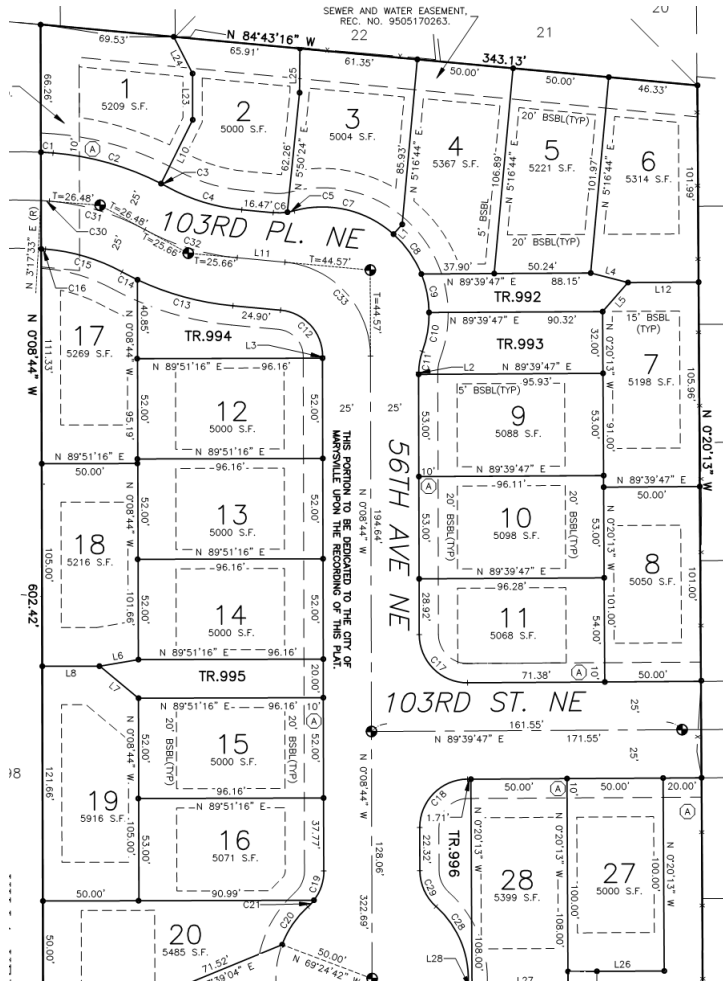
\*With a couple examples from other cities.

# Belle Haven



- 8300 29<sup>th</sup> Place NE
- Zoning – WR-6-18 (Whiskey Ridge 6-18)
- Density 6 units per net acre
- 87 units on 14.19 acres

# Davis Meadows



- 5503 100<sup>th</sup> Street NE
- Zoning – R-6.5 (Single Family, High Density)
- **6.3 units per net acre**
- 45 units on 9.32 acres



# The Ridge



- 4907 – 5014 83<sup>rd</sup> Avenue NE
- Zoning WR-R-4-8 (Whiskey Ridge R-4-8)
- Density **6.4 units per net acre** (RDI used)
- 59 units on 11.78 acres

# Hudson Place

- 4525 67<sup>th</sup> Avenue
- Zoning – R-6.5
- Constructed at **6 ½ units per net acre**
- 23 lots on – acre site
- On-site density transfer used due to critical areas
- Density transfer allowed R-8 lot sizes (i.e. 4,000 SF)
- Lot sizes range from 4,029 to 5,377 SF with one large lot for the existing house.

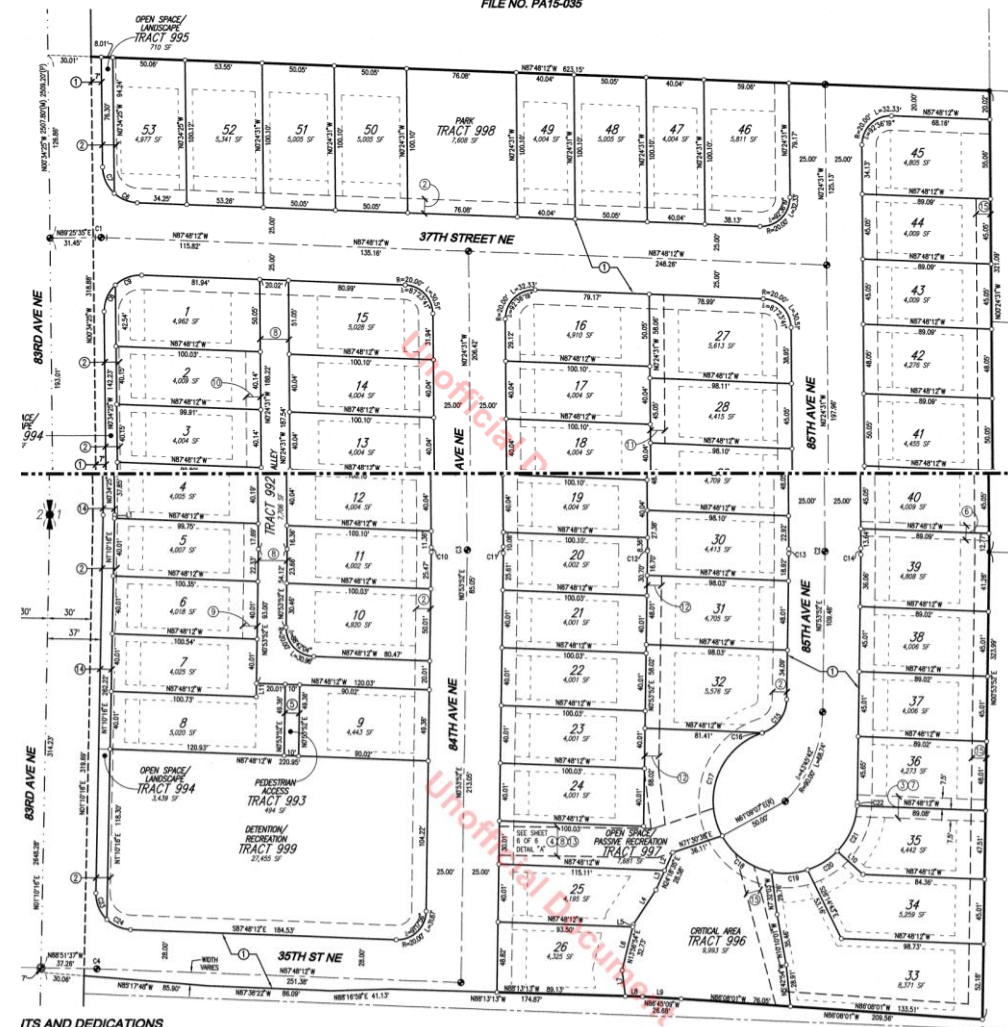


# Crest View Commons

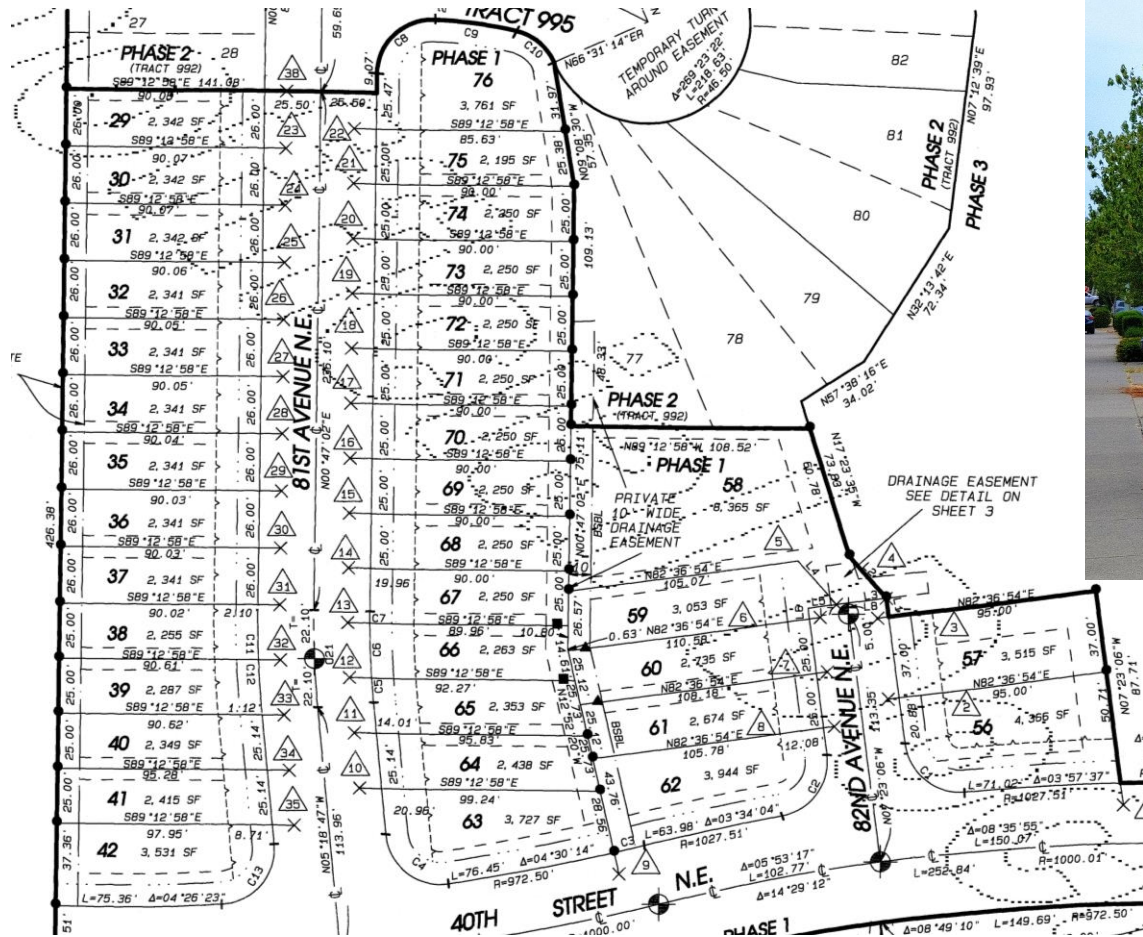


- 3617 83<sup>rd</sup> Avenue NE
- Zoning WR-R-6-18 (Whiskey Ridge R6-18)
- Density 7.6 units per net acre
- 53 lots on 9.16 acres

**CREST VIEW COMMONS**  
 A PORTION OF THE SW 1/4 OF THE NW 1/4 & A PORTION OF THE NW 1/4 OF THE SW 1/4 OF SEC 1, T29N 20N, R5E 5E, W.M.,  
 CITY OF MARYSVILLE, SNOHOMISH COUNTY, WASHINGTON  
 FILE NO. PA15-035

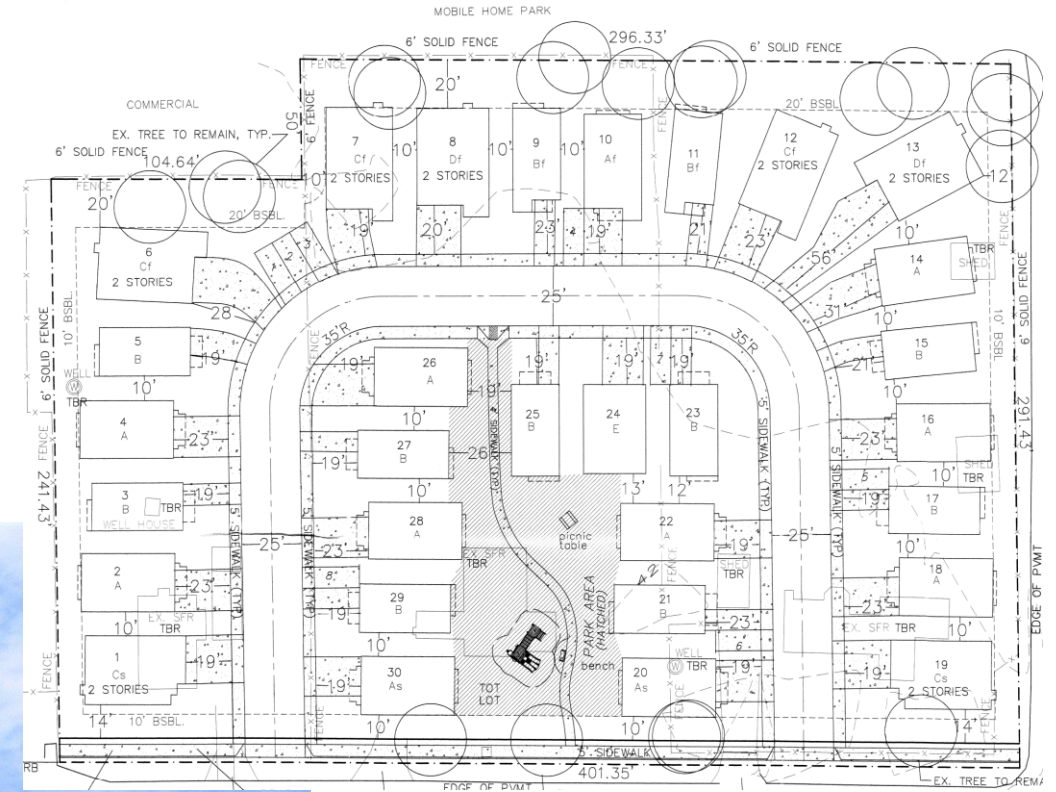


# Shasta Ridge



- 4212 83<sup>rd</sup> Avenue NE
- Zoning – R-6.5 (Single Family, High Density)
- Density 7.8 units per net acre (estimate)
- 110 units on 17.6 acres (92 SF attached and 18 SF detached)
- Note project transferred from Sno. Co.

# Robinson Lane



- 4131 – 4225 84th Street NE
- Zoning – R-18 (Multi-family medium density)
- **Density 11.2 units per net acre**
- 30 detached SF units on 2.59 acres

# Sonrise Apartments

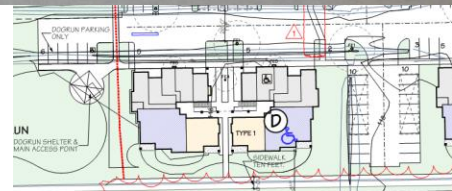


- 7801 47<sup>th</sup> Avenue NE
- Zoning – R-12 Multi-family, Low Density
- **Density 12.23 units per net acre**
- 36 units on 3 acres (2.93 net)



# The Lodge Ph. 3

- 17409 19<sup>th</sup> Avenue NE
- Zoning – Mixed Use
- **Density 13.4 units per acre**
- 200 units on 14.92 acres



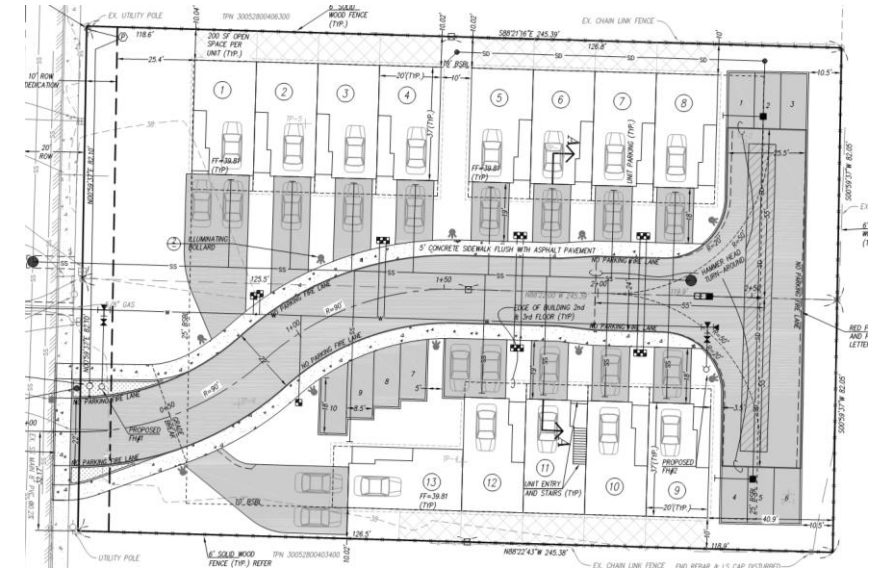
# Ray 100<sup>th</sup> Street Townhomes



- 4903 100<sup>th</sup> Street NE
- Zoning – R-18 Multi-family, Medium Density
- **Density 14 units per net acre**
- 10 units on 0.71 acres



# 47<sup>th</sup> Avenue Townhomes



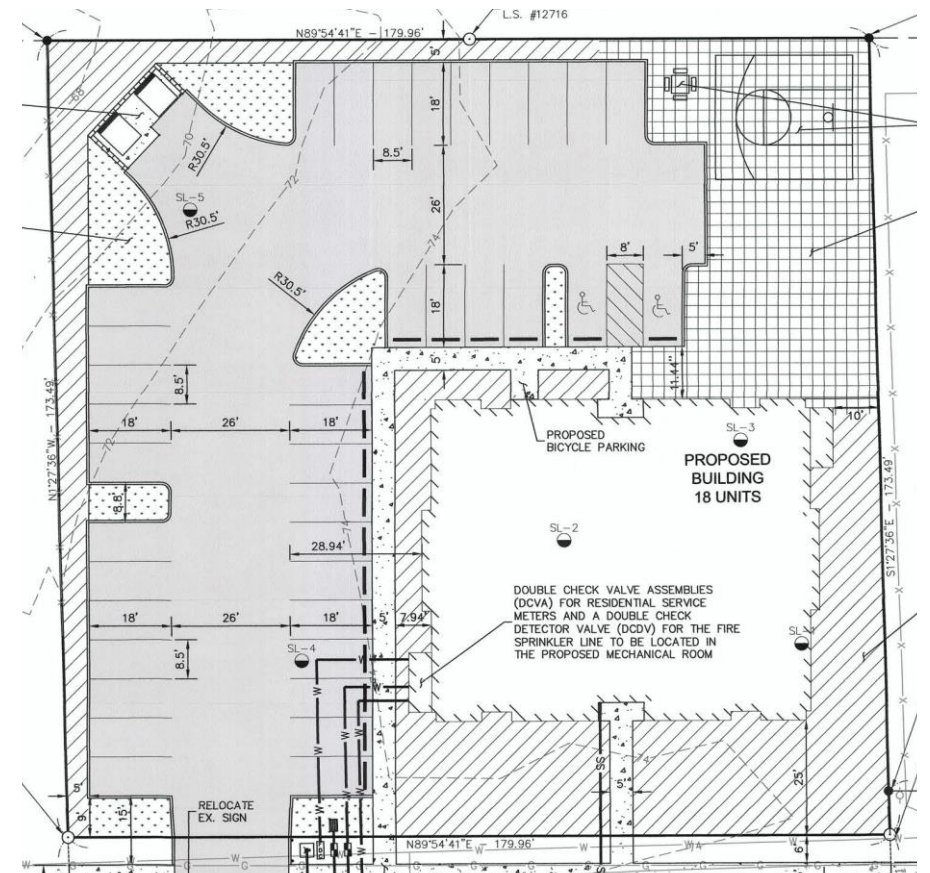
- 6513 47<sup>th</sup> Avenue NE
- Zoning – R-18 (Multi-family, Medium Density)
- **Density 14.7 units per net acre**
- 13 units on 0.88 acres

# Remington Place

- 14400 – 14600 51<sup>st</sup> Avenue
- Zoning – R-18 Multi-family, Medium Density
- 24 units per net acre
- 116 units on 4.78 acres



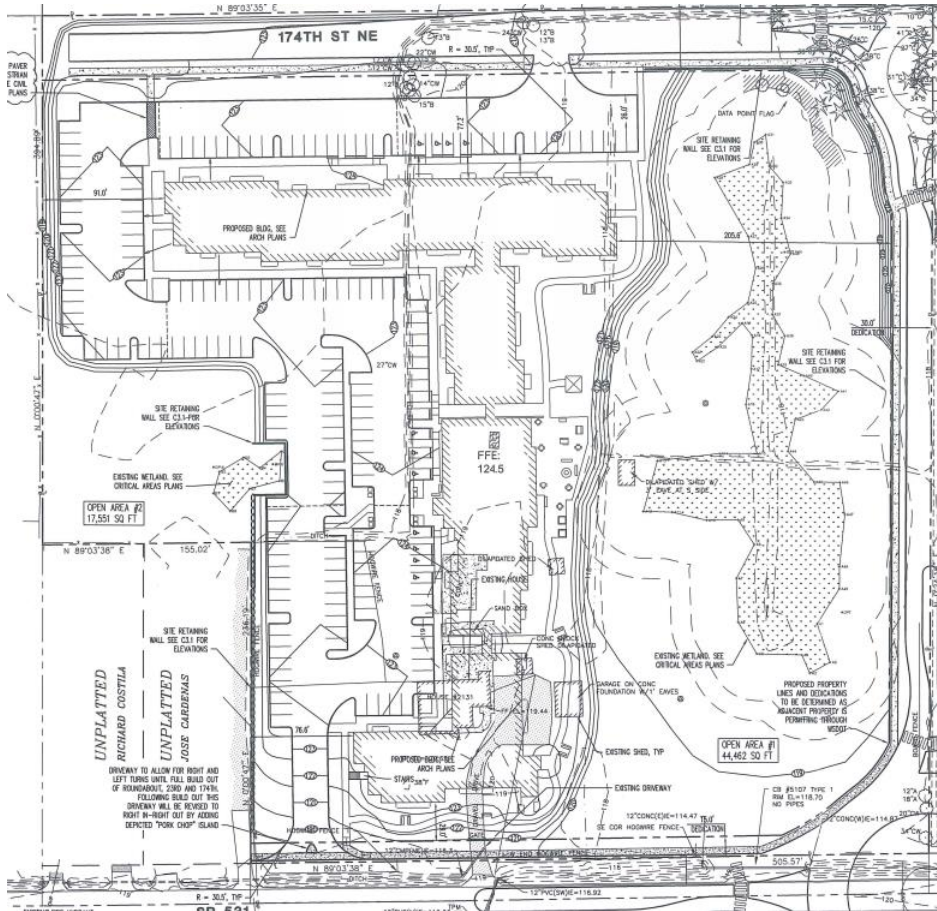
# Lexington Place



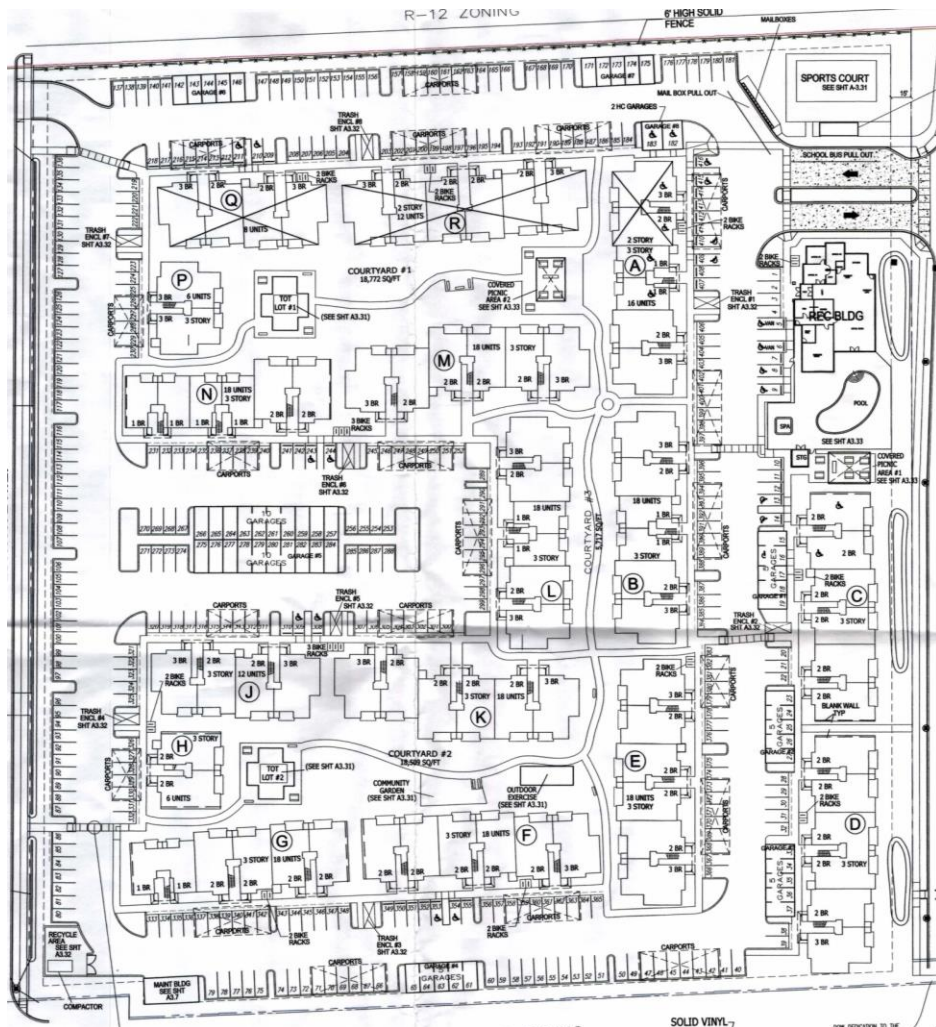
- 5015 100<sup>th</sup> Street NE
- Zoning – R-18 Multi-family, Medium Density
- Density 25 units per net acre
- 18 units on 0.72 acres

# Vintage at Lakewood

- 2131 172<sup>nd</sup> Street NE
- Zoning – Mixed Use
- Density 26 units per net acre
- 197 units on 8.86 acres



# Villas at Lakewood

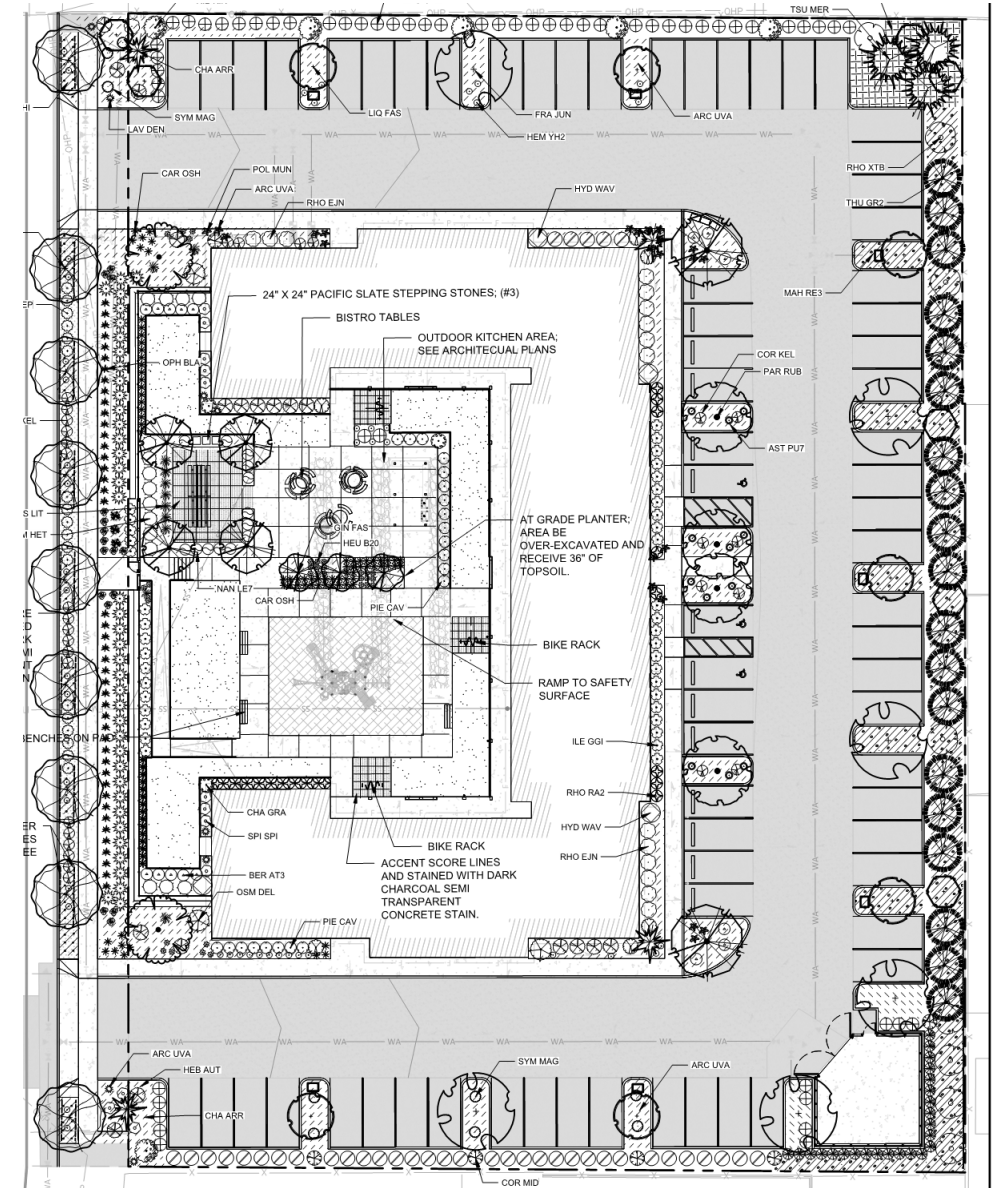


- 16800 27<sup>th</sup> Avenue NE
- Zoning – R-18 Multi-family, Medium Density
- Density 26 units per net acre
- 240 units on 9.3 acres

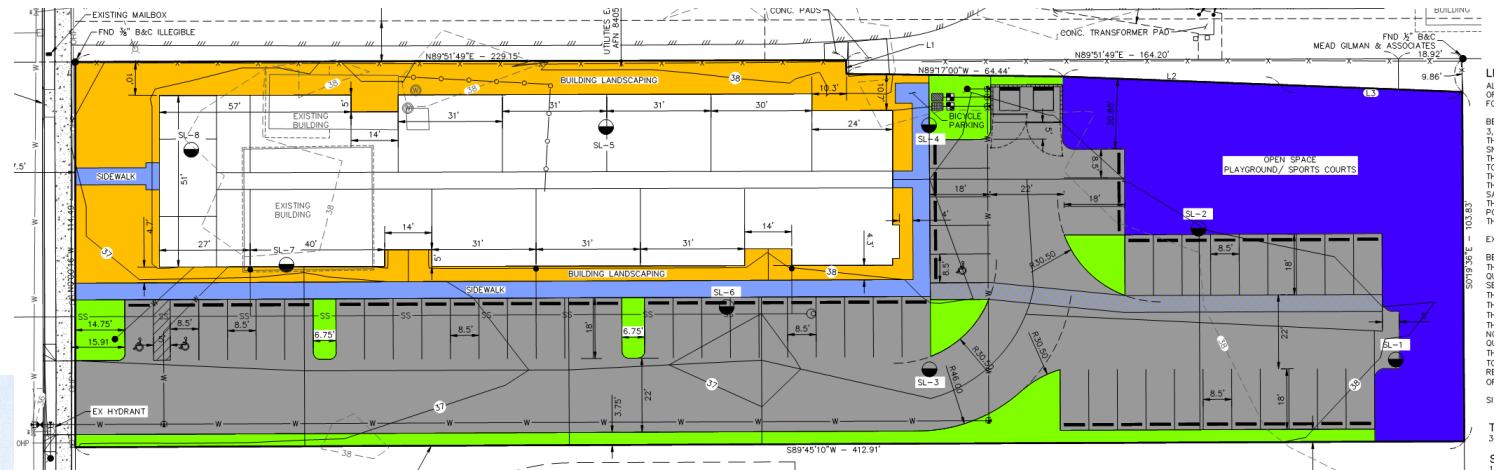
# Strawberry Court



- 1060 Columbia Avenue
- Zoning – Mixed Use
- Constructed at **28 units per acre**
- 42 dwelling units on a 1.49 acre site



# Clover Station



- 1310 Cedar Avenue
- Zoning – R-28 Multi-family, High Density
- Density 30 ½ units per acre
- 32 units on 1.05 acres

# Harvard Suites – Bellingham



- 705 and 709 32<sup>nd</sup> Street – Bellingham
- 60 units on 1.34 acre site
- 45 units per acre



# General Growth Scenarios

2024 Comprehensive Plan Update



# Current Population, Capacity and Additional Population to Accommodate

Population, Housing and Employment to Accommodate through 2044								
	2015 Population, Housing or Employment	2035 Additional Capacity	2035 Total Capacity	2020 Population, Housing or Employment	2021 Buildable Lands Report Capacity	2021 DMP Additional Capacity	Additional Population, Housing, or Employment to Accommodate <sup>2</sup>	2044 Population, Housing or Employment Target
Population	62,809 (2014 figure)	25,819	88,628	70,714	91,084	1,923	<b>6,815</b>	99,822
Housing <sup>1</sup>		15,441	38,027 (32,936 target)	25,723	34,043	694	<b>4,340</b>	39,077 (estimate – housing targets expected adoption 1 <sup>st</sup> quarter 2023)
Employment	12,316 (2011 figure)	15,797	28,113		31,434	468	<b>1,024</b>	32,926

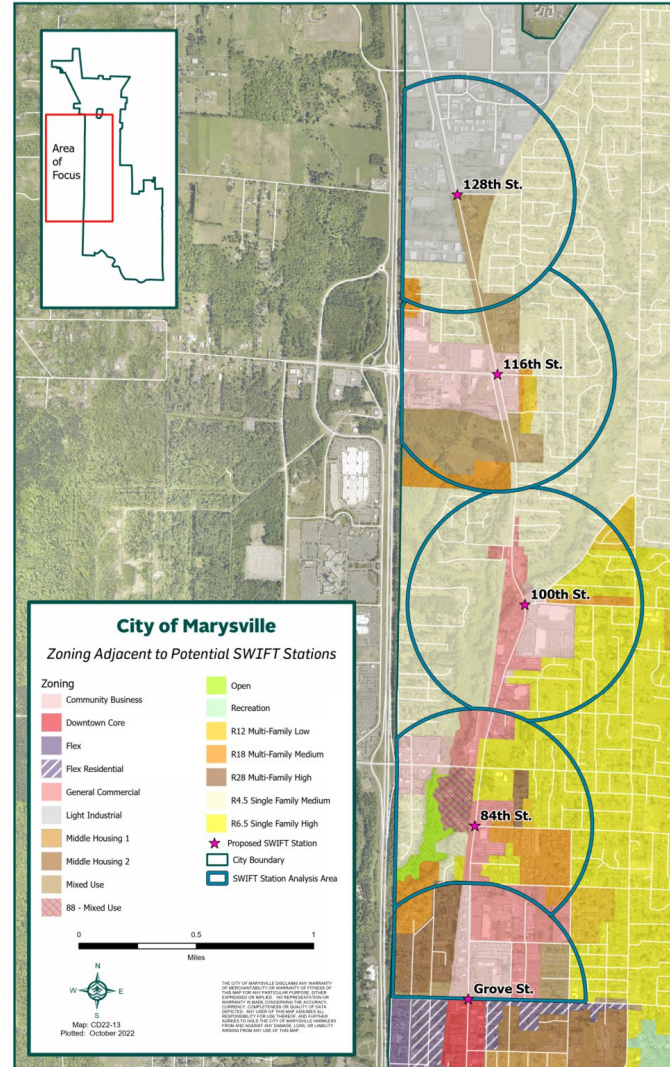
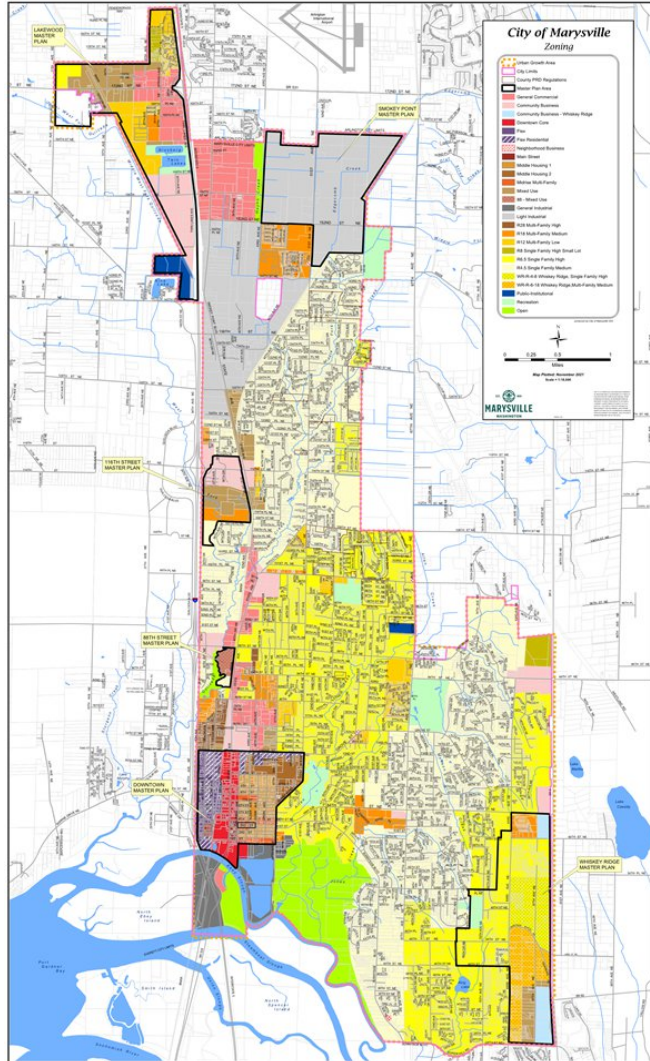
<sup>1</sup> Note: the additional housing and 2044 housing targets are estimates only; these targets are not anticipated to be adopted until the first quarter of 2023. <sup>2</sup> These figures have been adjusted from those provided by Snohomish County to reflect the additional capacity provided with the adoption of the 2021 Downtown Master Plan update.

# Potential General Strategies to Accommodate Growth

1. Higher density (multi-family apartments, mixed use buildings, etc.) and some rezoning within ½ mile radius of certain State Avenue SWIFT stations.
2. Lower to moderate density (single family, duplexes, townhouses, etc.) in existing single and multi-family residential zones. Modest density increases throughout City.
3. A combination of higher density along State SWIFT stations and modest density increases.
4. Require minimum densities in multi-family zones (e.g. R-12, R-18, R-28 and WR-R-6-18).
5. Modify assumptions for density. Are higher densities recently observed than buildable lands?

# Additional Unit Yield with General Growth Strategies

GROWTH STRATEGY		ESTIMATED ADDITIONAL UNITS POSSIBLE
Strategy 1	Higher density within ½ mile radius of State Avenue SWIFT Stations	3,658 – 6,720
Strategy 2	Low to moderate density increases in existing residential zones	5,960
Strategy 3	A combination of Strategies 1 and 2	4,809
Strategy 4	Require minimum densities in multi-family zones	885
Strategy 5	Modify residential density assumptions. Higher densities observed?	Additional research needed.



# Feedback from Citizens, Economic Development Committee & Planning Commission

GROWTH STRATEGY		CITIZENS	ECONOMIC DEVELOPMENT COMMITTEE	PLANNING COMMISSION	STAFF
Strategy 1	Higher density within ½ mile radius of State Avenue SWIFT Stations	Some support	Greatest support	Greatest support	Greatest support
Strategy 2	Low to moderate density increases in existing residential zones	Moderate support	Some support in select areas	-	-
Strategy 3	A hybrid of Options 1 and 2	Greatest support	Greatest support	Some support	Some support
Strategy 4	Require minimum densities in multi-family zones	Not asked	Some support	Moderate support	Greatest support
Strategy 5	Modify residential density assumptions. Did more density occur?	Not asked	Some support	Moderate support	Moderate support



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Senior Accounting Technician Karen Kussy, Finance

**ITEM TYPE:** Payroll

**AGENDA SECTION:** **Consent**

**SUBJECT:** November 23, 2022 Payroll in the amount of \$1,620,809.43  
Paid by EFT Transactions and Check Numbers 34209 through 34221.

**SUGGESTED ACTION:**

**SUMMARY:**

---

**ATTACHMENTS:**



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Accounting Technician Shauna Crane, Finance

**ITEM TYPE:** Claims

**AGENDA SECTION:** **Consent**

**SUBJECT:** November 23, 2022 Claims in the Amount of \$1,181,733.19 Paid by EFT Transactions and Check Numbers 159205 through 159284.

**SUGGESTED ACTION:**

**SUMMARY:**

---

**ATTACHMENTS:**  
[112322.rtf](#)



**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/23/2022 TO 11/23/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159205	LICENSING, DEPT OF	DRIVING ABSTRACT	PERSONNEL ADMINISTRATION	15.00
159206	LICENSING, DEPT OF		PERSONNEL ADMINISTRATION	15.00
159207	911 SUPPLY INC.	UNIFORMS - CARLILE	POLICE PATROL	148.59
	911 SUPPLY INC.	UNIFORMS - TOLBERT	POLICE PATROL	218.78
	911 SUPPLY INC.	UNIFORMS - ELTON	POLICE ADMINISTRATION	819.31
159208	A & A LANGUAGE SERV	INTERPRETER SERVICES	COURTS	170.00
159209	ACOSTA, JESSE		COURTS	132.50
159210	ALEXANDER PRINTING	BUSINESS CARDS	POLICE PATROL	87.85
	ALEXANDER PRINTING		COMMUNITY SERVICES UNIT	100.00
	ALEXANDER PRINTING	PAMPHLETS	PLANNING & COMMUNITY DEV	126.61
	ALEXANDER PRINTING	EMERGENCY ALERT FLYERS	EXECUTIVE ADMIN	210.47
	ALEXANDER PRINTING	ENVELOPES FOR EXEC	EXECUTIVE ADMIN	229.42
159211	ALL BATTERY SALES & ALL BATTERY SALES &	HEADLAMPS AND DELIVERY MOTORVAC INJECTION ADDITIVE	ER&R ER&R	76.49 118.02
159212	AMAZON CAPITAL	CREDIT PHONE HOLDER	POLICE INVESTIGATION	-71.76
	AMAZON CAPITAL	SPARE CAT KEYS FOR CIVIC GENERATOR	CITY HALL	9.84
	AMAZON CAPITAL	SUPPLIES	DETENTION & CORRECTION	10.93
	AMAZON CAPITAL		POLICE TRAINING-FIREARMS	25.13
	AMAZON CAPITAL	SUPPLIES, PRIVACY FILM	POLICE INVESTIGATION	26.20
	AMAZON CAPITAL	SUPPLIES	POLICE PATROL	26.24
	AMAZON CAPITAL	PHONE STAND	WATER DIST MAINS	29.51
	AMAZON CAPITAL	SUPPLIES	POLICE INVESTIGATION	30.62
	AMAZON CAPITAL	SUPPLIES, LABELS	POLICE INVESTIGATION	32.80
	AMAZON CAPITAL	SUPPLIES	POLICE PATROL	56.60
	AMAZON CAPITAL	LOBBY CAMERA/DISPLAY KEYBOARDS	CAPITAL EXPENDITURES	59.06
	AMAZON CAPITAL	SUPPLIES	POLICE INVESTIGATION	71.76
	AMAZON CAPITAL	SUPPLIES, HEADPHONES	POLICE INVESTIGATION	80.76
	AMAZON CAPITAL	PLOTTER PAPER	POLICE INVESTIGATION	84.02
	AMAZON CAPITAL	SUPPLIES, HEADPHONES	POLICE ADMINISTRATION	87.47
	AMAZON CAPITAL	SUPPLIES	POLICE PATROL	91.04
	AMAZON CAPITAL		POLICE INVESTIGATION	95.23
	AMAZON CAPITAL	SUPPLIES, PHONE HOLDER	POLICE INVESTIGATION	98.28
	AMAZON CAPITAL	KEURIG	UTILITY BILLING	98.45
	AMAZON CAPITAL	YAMAHA OIL FILTER	ER&R	112.30
	AMAZON CAPITAL	SPLICE CONNECTOR	METER READING	185.90
	AMAZON CAPITAL	SUPPLIES, GARRETT ARMREST/CUFF	POLICE INVESTIGATION	200.79
	AMAZON CAPITAL	LOBBY TV INTEL STICK & ACCESSORIES	CAPITAL EXPENDITURES	205.54
	AMAZON CAPITAL	OFFICE SUPPLIES	LEGAL - PROSECUTION	226.86
	AMAZON CAPITAL	MICROPHONE STAND & GRAPHICS CARD	CAPITAL EXPENDITURES	359.80
	AMAZON CAPITAL	SUPPLIES	COMMUNITY SERVICES UNIT	362.14
	AMAZON CAPITAL	WHITEBOARDS	COMPUTER SERVICES	1,017.63
159213	ANDERSON, KRISTEN	PROTEM SERVICES	MUNICIPAL COURTS	370.00
159214	ARAMARK UNIFORM	UNIFORM CLEANING	SMALL ENGINE SHOP	5.21
	ARAMARK UNIFORM		SMALL ENGINE SHOP	6.56
	ARAMARK UNIFORM		SMALL ENGINE SHOP	6.56
	ARAMARK UNIFORM		EQUIPMENT RENTAL	62.46
	ARAMARK UNIFORM		EQUIPMENT RENTAL	62.46
	ARAMARK UNIFORM		EQUIPMENT RENTAL	69.23
159215	ARLINGTON HARDWARE	18" CHAINSAW CHAINS	SOURCE OF SUPPLY	98.34
	ARLINGTON HARDWARE	MISC. BRASS FITTING	SOURCE OF SUPPLY	594.72
159216	ARLINGTON, CITY OF	AIRPORT RENTAL	POLICE TRAINING-FIREARMS	158.05

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/23/2022 TO 11/23/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159217	AS YOU WISH ELECTRIC	REFUND ELECTRICAL PERMIT FEE	COMMUNITY DEVELOPMENT	35.00
159218	BICKFORD FORD	RETURN COIL ASSEMBLY	EQUIPMENT RENTAL	-92.55
	BICKFORD FORD	STEERING COLUMN ASSEMBLY	EQUIPMENT RENTAL	104.32
	BICKFORD FORD	SCORPION ATR TIRE	EQUIPMENT RENTAL	211.52
	BICKFORD FORD	SPARK PLUG, COIL ASSEMBLY, GASKET	EQUIPMENT RENTAL	408.65
	BICKFORD FORD	REAR BRAKE PADS & ROTORS, BRACKET	ER&R	532.24
159219	BILLING DOCUMENT SPE	BILL PRINTING SERVICE 11/3 TO 11/8	UTILITY BILLING	2,130.09
159220	BOB BARKER COMPANY	SUPPLIES & DEODORANT	DETENTION & CORRECTION	378.35
159221	BRAKE AND CLUTCH	KIT-BK REP-MAJ J034	EQUIPMENT RENTAL	32.03
	BRAKE AND CLUTCH	CAMSHAFT-LH, CAMSHAFT-RH, CAM KIT	EQUIPMENT RENTAL	256.46
	BRAKE AND CLUTCH	AD-9 J026	EQUIPMENT RENTAL	276.32
	BRAKE AND CLUTCH	AUTOMATIC BRAKE ADJUSTER KIT	ER&R	615.17
	BRAKE AND CLUTCH	AUTOMATIC BRAKE ADJUSTER KITS	ER&R	628.39
	BRAKE AND CLUTCH	KIT-BK O/H-MAJ, BRAKE DRUM J031	EQUIPMENT RENTAL	1,600.52
	BRAKE AND CLUTCH	STEER AXLE BRAKE PARTS FOR J034	EQUIPMENT RENTAL	1,624.81
159222	CENTRAL SQUARE TECH	ANNUAL MAINTENANCE - TRAKIT	COMMUNITY SERVICES UNIT	1,498.10
	CENTRAL SQUARE TECH		COMPUTER SERVICES	1,498.10
	CENTRAL SQUARE TECH		UTIL ADMIN	4,494.31
	CENTRAL SQUARE TECH		COMMUNITY	13,482.92
159223	COOP SUPPLY	SUPPLIES	POLICE PATROL	83.09
159224	COPIERS NORTHWEST	PRINTER RELOCATION TO MCC	CAPITAL EXPENDITURES	370.76
159225	COSTLESS SENIOR SRVC	INMATE MEDICAL COSTLESS	DETENTION & CORRECTION	62.60
	COSTLESS SENIOR SRVC	INMATE MEDS	DETENTION & CORRECTION	516.61
	COSTLESS SENIOR SRVC	INMATE MEDICAL COSTLESS	DETENTION & CORRECTION	629.63
159226	CRYSTAL SPRINGS	WATER COOLER RENTAL	COMMUNITY	23.54
159227	DALE E WILHELMI	SETTLEMENT	GMA - STREET	750.00
159228	FELDMAN & LEE P.S.	PUBLIC DEFENDER CONTRACT	PUBLIC DEFENSE	52,000.00
159229	GOVCONNECTION INC	HP PRINTER	OFFICE OPERATIONS	463.74
159230	GRIFFLE, ELISABETH	PERDIEM	LEGAL - PROSECUTION	135.70
159231	GRIFFEN, CHRIS	PROFESSIONAL SERVICES	PUBLIC DEFENSE	75.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	150.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	225.00
	GRIFFEN, CHRIS		PUBLIC DEFENSE	262.50
	GRIFFEN, CHRIS		PUBLIC DEFENSE	262.50
	GRIFFEN, CHRIS		PUBLIC DEFENSE	262.50
	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
	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
159232	HDR ENGINEERING	PROFESSIONAL SERVICES	GMA - STREET	828.82
159233	HEWLETT PACKARD	INFORMATION SERVICES	LEGAL - PROSECUTION	0.60
	HEWLETT PACKARD		WATER QUAL TREATMENT	0.77

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/23/2022 TO 11/23/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159233	HEWLETT PACKARD	INFORMATION SERVICES	COMMUNITY SERVICES UNIT	1.77
	HEWLETT PACKARD		UTIL ADMIN	4.69
	HEWLETT PACKARD		SEWER MAIN COLLECTION	9.44
	HEWLETT PACKARD		STORM DRAINAGE	9.44
	HEWLETT PACKARD		PARK & RECREATION FAC	12.71
	HEWLETT PACKARD		WASTE WATER TREATMENT	13.79
	HEWLETT PACKARD		CITY CLERK	34.52
	HEWLETT PACKARD		FINANCE-GENL	34.52
	HEWLETT PACKARD		MUNICIPAL COURTS	38.85
	HEWLETT PACKARD		COMPUTER SERVICES	70.21
	HEWLETT PACKARD		UTILITY BILLING	79.78
159234	HURRICANE BUTTERFLY	VESTS	POLICE PATROL	-2,379.70
	HURRICANE BUTTERFLY		POLICE PATROL	3,351.78
159235	HYLARIDES, LETTIE	INTERPRETER SERVICES	COURTS	146.25
159236	ICMA MEMBER SERVICES	ANNUAL DUES	NON-DEPARTMENTAL	1,200.00
159237	J2 CLOUD SERVICES	FAX	LEGAL - PROSECUTION	21.92
	J2 CLOUD SERVICES		LEGAL-GENL	21.92
	J2 CLOUD SERVICES		COMPUTER SERVICES	43.77
	J2 CLOUD SERVICES		WATER DIST MAINS	43.85
	J2 CLOUD SERVICES		UTILITY BILLING	43.85
	J2 CLOUD SERVICES		CITY CLERK	43.85
	J2 CLOUD SERVICES		COMMUNITY	43.85
	J2 CLOUD SERVICES		WASTE WATER TREATMENT	43.85
	J2 CLOUD SERVICES		WASTE WATER TREATMENT	43.85
	J2 CLOUD SERVICES		EXECUTIVE ADMIN	43.85
	J2 CLOUD SERVICES		POLICE ADMINISTRATION	43.85
	J2 CLOUD SERVICES		RECREATION SERVICES	43.85
	J2 CLOUD SERVICES		POLICE INVESTIGATION	43.85
	J2 CLOUD SERVICES		MUNICIPAL COURTS	43.85
	J2 CLOUD SERVICES		DETENTION & CORRECTION	43.85
	J2 CLOUD SERVICES		PROBATION	43.85
	J2 CLOUD SERVICES		FINANCE-GENL	43.85
	J2 CLOUD SERVICES		UTIL ADMIN	43.85
	J2 CLOUD SERVICES		ENGR-GENL	43.85
	J2 CLOUD SERVICES		PERSONNEL ADMINISTRATION	43.85
	J2 CLOUD SERVICES		OFFICE OPERATIONS	87.69
	J2 CLOUD SERVICES		MUNICIPAL COURTS	131.54
159238	KUPRIYANOVA, SVETLAN	INTERPRETER SERVICES	COURTS	130.00
159239	LASTING IMPRESSIONS	POLO FOR CONNIE MENNIE	EXECUTIVE ADMIN	31.00
	LASTING IMPRESSIONS	LANYARDS	POLICE ADMINISTRATION	350.08
	LASTING IMPRESSIONS	PATCHES	POLICE PATROL	951.78
159240	LEIRA	TRAINING REGISTRATION	POLICE TRAINING-FIREARMS	135.00
159241	MARYSVILLE DEVELOPME	UB REFUND	WATER/SEWER OPERATION	56.28
159242	MARYSVILLE FIRE	INMATE EMERGENCY MEDICAL TRANSPORT	DETENTION & CORRECTION	515.98
159243	MARYSVILLE, CITY OF	UTILITY SERVICES	GOLF ADMINISTRATION	222.44
	MARYSVILLE, CITY OF		AFFORDABLE HOUSING	357.20
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	359.00
	MARYSVILLE, CITY OF		PARK & RECREATION FAC	420.31
159244	MILLET, JENNIFER	PERDIEM	LEGAL - PROSECUTION	88.50
159245	NORTH SOUND HOSE	GREEN SPRAY TANK PLUMBING	SMALL ENGINE SHOP	43.23
	NORTH SOUND HOSE	BALL VALVES & PIPE FITTINGS	EQUIPMENT RENTAL	99.51

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/23/2022 TO 11/23/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159245	NORTH SOUND HOSE	GREEN TANK PLUMBING	SMALL ENGINE SHOP	101.09
	NORTH SOUND HOSE	AIR HOSE REST GREEN SPRAY TANK	SMALL ENGINE SHOP	101.21
159246	ODP BUSINESS Solutio	SUPPLIES, PAPER	OFFICE OPERATIONS	23.67
	ODP BUSINESS Solutio	SUPPLIES	POLICE ADMINISTRATION	55.15
	ODP BUSINESS Solutio		POLICE PATROL	56.38
	ODP BUSINESS Solutio		POLICE PATROL	72.25
	ODP BUSINESS Solutio	SUPPLIES, PAPER	POLICE PATROL	87.78
	ODP BUSINESS Solutio	SUPPLIES, LABELS	OFFICE OPERATIONS	138.04
	ODP BUSINESS Solutio	SUPPLIES	OFFICE OPERATIONS	140.07
	ODP BUSINESS Solutio	SUPPLIES, BATTERIES	POLICE PATROL	147.29
	ODP BUSINESS Solutio	SUPPLIES	POLICE PATROL	505.12
159247	OMIGA SOLUTIONS LLC	COURT SUPPORT/MAINTENANCE	MUNICIPAL COURTS	6,300.00
159248	PALAMERICAN SECURITY	SECURITY SERVICES	PROBATION	1,013.25
	PALAMERICAN SECURITY		MUNICIPAL COURTS	3,039.75
159249	PEREZ, JEFF	UB REFUND	GARBAGE	280.62
159250	POLCO	NATIONAL CITIZEN SURVEY	EXECUTIVE ADMIN	19,800.00
159251	PROFORCE LAW ENFORC	TAC GUNS	POLICE TRAINING-FIREARMS	1,395.40
159252	PUBLIC SAFETY PSYCHO	PRE-EMPLOYMENT	POLICE ADMINISTRATION	820.00
	PUBLIC SAFETY PSYCHO		POLICE ADMINISTRATION	2,700.00
159253	PUD	ACCT #205195373	PARK & RECREATION FAC	22.05
	PUD	ACCT #202011813	PUMPING PLANT	22.20
	PUD	ACCT #200973956	SEWER LIFT STATION	23.44
	PUD	ACCT #200448801	TRANSPORTATION	48.47
	PUD	ACCT #202303301	SEWER LIFT STATION	62.29
	PUD	ACCT #221115934	MAINT OF GENL PLANT	63.33
	PUD	ACCT #222664310	TRANSPORTATION	67.14
	PUD	ACCT #220681340	STORM DRAINAGE	78.95
	PUD	ACCT #222664740	TRANSPORTATION	85.99
	PUD	ACCT #201628880	WASTE WATER TREATMENT	114.46
	PUD	ACCT #222663973	TRANSPORTATION	116.76
	PUD	ACCT #201675634	WASTE WATER TREATMENT	364.38
	PUD	ACCT #202177333	MAINT OF GENL PLANT	616.52
	PUD	ACCT #201587284	WASTE WATER TREATMENT	695.54
	PUD	ACCT #201639689	MAINT OF GENL PLANT	978.59
	PUD	ACCT #200824548	MAINT OF GENL PLANT	1,014.56
	PUD	ACCT #201420635	WASTE WATER TREATMENT	9,784.17
	PUD	ACCT #201721180	WASTE WATER TREATMENT	21,447.93
159254	QUADIENT LEASING USA	POSTAGE LEASE	MUNICIPAL COURTS	497.85
159255	REDFINNOW BORROWER L	UB REFUND	WATER/SEWER OPERATION	255.39
159256	REECE TRUCKING	SALES TAX EXEMPT RULE 171/RETAINAGE	MARYSVILLE TBD	-48,373.51
	REECE TRUCKING		GENL GVRNMNT SERVICES	967,470.08
159257	ROBERT DROLL LANDSCA	DESIGN FOR STRAWBERRY FIELDS	GMA-PARKS	28,578.50
159258	ROSEMOUNT ANALYTICAL	CHLORINE, CABLE	SUNNYSIDE FILTRATION	1,018.00
159259	SAFETY, HEALTH AND E	CONFINED SPACE TRAINING	UTIL ADMIN	110.71
	SAFETY, HEALTH AND E		UTIL ADMIN	110.71
	SAFETY, HEALTH AND E		TRANSPORTATION	130.43
	SAFETY, HEALTH AND E		UTIL ADMIN	130.43
	SAFETY, HEALTH AND E		UTIL ADMIN	130.45
	SAFETY, HEALTH AND E		UTIL ADMIN	221.43
	SAFETY, HEALTH AND E		UTIL ADMIN	221.43
	SAFETY, HEALTH AND E		CUSTODIAL SERVICES	391.30

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/23/2022 TO 11/23/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159259	SAFETY, HEALTH AND E	CONFINED SPACE TRAINING	UTIL ADMIN	391.30
	SAFETY, HEALTH AND E		TRAINING	664.29
	SAFETY, HEALTH AND E		UTIL ADMIN	782.61
	SAFETY, HEALTH AND E		SOLID WASTE OPERATIONS	996.43
	SAFETY, HEALTH AND E		UTIL ADMIN	1,043.48
159260	SCHELLER, BILL & ARD	UTILITY BILLING REFUND	WATER/SEWER OPERATION	166.80
159261	SCORE	SCORE HOUSING	DETENTION & CORRECTION	13,056.12
159262	SHI INTERNATIONAL	ADOBE PRO LICENSE	UTIL ADMIN	71.56
	SHI INTERNATIONAL		UTIL ADMIN	71.56
	SHI INTERNATIONAL		COMMUNITY	71.56
	SHI INTERNATIONAL	ADOBE FRAME MAKER	FINANCE-GENL	384.83
159263	SKAGIT SHOOTING RANG	RANGE RENTAL	POLICE PATROL	35.84
159264	SLENKER, ROBERT	COMMERCIAL DRIVER'S LICENSE	UTIL ADMIN	136.00
159265	SNO CO FINANCE	VEHICLE REPAIRS	EQUIPMENT RENTAL	149.12
	SNO CO FINANCE		EQUIPMENT RENTAL	271.64
	SNO CO FINANCE		EQUIPMENT RENTAL	2,986.38
	SNO CO FINANCE		EQUIPMENT RENTAL	3,043.07
	SNO CO FINANCE		EQUIPMENT RENTAL	3,061.18
159266	SOUND PUBLISHING	RIGHT OF WAY ACQUISITION SERVICES	GMA - STREET	175.68
159267	STERICYCLE, INC.	SHREDDING	POLICE PATROL	72.43
159268	STEVENS, LEAH & JONA	UTILITY BILLING REFUND	WATER/SEWER OPERATION	31.94
159269	STONE, WILLIAM III		WATER/SEWER OPERATION	21.27
159270	SUN BADGE CO	REPAIR COMMANDER BADGE	GENERAL FUND	-5.26
	SUN BADGE CO		POLICE ADMINISTRATION	61.26
159271	SYNAPTEC SOFTWARE	LAW BASE MAINTENANCE SUPPORT	MUNICIPAL COURTS	940.00
159272	TERRA RESOURCE GROUP	STAFFING FEE - RACHEL MONTGOMERY	PERSONNEL ADMINISTRATION	841.44
	TERRA RESOURCE GROUP		PERSONNEL ADMINISTRATION	1,402.40
159273	TULALIP CHAMBER	TOURISM GRANT REIMBURSEMENT	HOTEL/MOTEL TAX	10,000.00
159274	UNITED PARCEL SERVIC	SHIPPING	POLICE PATROL	35.07
159275	WANG, MING	UTILITY BILLING REFUND	WATER/SEWER OPERATION	26.92
159276	WELSH COMMISSIONING	CIVIC CENTER	CAPITAL EXPENDITURES	1,680.75
	WELSH COMMISSIONING	CIVIC CENTER TI	CAPITAL EXPENDITURES	5,752.50
159277	WEST PAYMENT CENTER	WA PRACTICE COURTROOM HANDBOOK	LEGAL - PROSECUTION	780.02
159278	WET RABBIT EXPRESS	CAR WASHES	POLICE PATROL	295.20
159279	ZIPLY FIBER	ACCT #3606589493	RECREATION SERVICES	36.38
	ZIPLY FIBER		POLICE INVESTIGATION	36.39
159280	ZIPLY FIBER	ACCT #3606585292	PERSONNEL ADMINISTRATION	25.90
	ZIPLY FIBER		MUNICIPAL COURTS	110.41
159281	ZIPLY FIBER	ACCT #3606575532	OPERA HOUSE	207.33
159282	ZIPLY FIBER	ACCT #4253357893	SUNNYSIDE FILTRATION	111.47
	ZIPLY FIBER		SUNNYSIDE FILTRATION	125.71
159283	ZIPLY FIBER	LOCAL AND LD LINES	COMMUNITY INFO SERV	9.00
	ZIPLY FIBER		CRIME PREVENTION	9.00
	ZIPLY FIBER		PROPERTY TASK FORCE	9.00
	ZIPLY FIBER		WATER QUAL TREATMENT	9.00
	ZIPLY FIBER		PURCHASING/CENTRAL	9.00
	ZIPLY FIBER		FACILITY MAINTENANCE	9.00
	ZIPLY FIBER		CITY CLERK	18.00
	ZIPLY FIBER		YOUTH SERVICES	18.00
	ZIPLY FIBER		SOLID WASTE CUSTOMER	18.00
	ZIPLY FIBER		LEGAL-GENL	27.01

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/23/2022 TO 11/23/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159283	ZIPLY FIBER	LOCAL AND LD LINES	STORM DRAINAGE	27.01
	ZIPLY FIBER		GIS SERVICES IS	27.01
	ZIPLY FIBER		PARK & RECREATION FAC	36.01
	ZIPLY FIBER		GENERAL	36.01
	ZIPLY FIBER		LEGAL - PROSECUTION	45.01
	ZIPLY FIBER		COMMUNITY SERVICES UNIT	45.01
	ZIPLY FIBER		RECREATION SERVICES	54.01
	ZIPLY FIBER		PERSONNEL ADMINISTRATION	54.01
	ZIPLY FIBER		EQUIPMENT RENTAL	63.01
	ZIPLY FIBER		UTILITY BILLING	81.02
	ZIPLY FIBER		COMPUTER SERVICES	90.00
	ZIPLY FIBER		FINANCE-GENL	90.02
	ZIPLY FIBER		POLICE INVESTIGATION	90.02
	ZIPLY FIBER		POLICE ADMINISTRATION	99.02
	ZIPLY FIBER		WASTE WATER TREATMENT	99.02
	ZIPLY FIBER		EXECUTIVE ADMIN	108.02
	ZIPLY FIBER		OFFICE OPERATIONS	108.02
	ZIPLY FIBER		MUNICIPAL COURTS	117.02
	ZIPLY FIBER		UTIL ADMIN	117.02
	ZIPLY FIBER		COMMUNITY	162.03
	ZIPLY FIBER		ENGR-GENL	180.03
	ZIPLY FIBER		DETENTION & CORRECTION	198.04
	ZIPLY FIBER		POLICE PATROL	459.09
159284	ZIPLY FIBER	ACCT #3606594037	CITY HALL	102.28

**WARRANT TOTAL: 1,181,722.30**

BANK OF AMERICA REQUISITION WAS VOIDED BEFORE PRINTING CHECKS      INITIATOR ERROR      10.89

**REASON FOR VOIDS:**

**INITIATOR ERROR**

**CHECK LOST/DAMAGED**

**UNCLAIMED PROPERTY**

**WARRANT TOTAL: \$1,181,733.19**



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Accounting Technician Shauna Crane, Finance

**ITEM TYPE:** Claims

**AGENDA SECTION:** **Consent**

**SUBJECT:** November 30, 2022 Claims in the Amount of \$1,291,736.68 Paid by EFT Transactions and Check Numbers 159285 through 159384.

**SUGGESTED ACTION:**

**SUMMARY:**

---

**ATTACHMENTS:**  
[113022.rtf](#)

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/30/2022 TO 11/30/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159285	US BANK	P-CARD PAYMENT	GMA-PARKS	-53.75
	US BANK		ENGR-GENL	-50.00
	US BANK		GENERAL FUND	-31.06
	US BANK		GENERAL FUND	-23.41
	US BANK		COMPUTER SERVICES	1.14
	US BANK		WATER QUAL TREATMENT	1.49
	US BANK		EXECUTIVE ADMIN	3.82
	US BANK		EXECUTIVE ADMIN	10.00
	US BANK		WATER QUAL TREATMENT	10.45
	US BANK		EXECUTIVE ADMIN	21.88
	US BANK		PARK & RECREATION FAC	25.00
	US BANK		CITY COUNCIL	25.00
	US BANK		EXECUTIVE ADMIN	25.00
	US BANK		EXECUTIVE ADMIN	25.38
	US BANK		POLICE ADMINISTRATION	26.12
	US BANK		CITY COUNCIL	28.40
	US BANK		CITY HALL	28.42
	US BANK		CITY CLERK	31.98
	US BANK		POLICE INVESTIGATION	38.25
	US BANK		EXECUTIVE ADMIN	44.60
	US BANK		FINANCE-GENL	49.62
	US BANK		UTILITY BILLING	49.62
	US BANK		CITY COUNCIL	49.69
	US BANK		EXECUTIVE ADMIN	49.69
	US BANK		EXECUTIVE ADMIN	62.72
	US BANK		EXECUTIVE ADMIN	64.28
	US BANK		EXECUTIVE ADMIN	67.13
	US BANK		TRANSPORTATION	70.00
	US BANK		EXECUTIVE ADMIN	75.00
	US BANK		RECREATION SERVICES	77.89
	US BANK		POLICE ADMINISTRATION	86.25
	US BANK		CITY COUNCIL	99.38
	US BANK		POLICE ADMINISTRATION	101.01
	US BANK		POLICE ADMINISTRATION	105.00
	US BANK		COMMUNITY	120.34
	US BANK		EXECUTIVE ADMIN	139.48
	US BANK		FINANCE-GENL	158.12
	US BANK		PARK & RECREATION FAC	159.02
	US BANK		DETENTION & CORRECTION	163.84
	US BANK		POLICE ADMINISTRATION	169.00
	US BANK		PARK & RECREATION FAC	195.85
	US BANK		EXECUTIVE ADMIN	200.00
	US BANK		POLICE ADMINISTRATION	205.43
	US BANK		UTIL ADMIN	210.00
	US BANK		EXECUTIVE ADMIN	228.00
	US BANK		EXECUTIVE ADMIN	272.49
	US BANK		COMPUTER SERVICES	275.00
	US BANK		UTIL ADMIN	356.35
	US BANK		TRANSPORTATION	361.46
	US BANK		RECREATION SERVICES	459.33
	US BANK		FINANCE-GENL	614.52



**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/30/2022 TO 11/30/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159285	US BANK	P-CARD PAYMENT	GMA-PARKS	625.53
	US BANK		FINANCE-GENL	677.40
	US BANK		FINANCE-GENL	677.40
	US BANK		EMBEDDED SOCIAL WORKER	804.74
	US BANK		FINANCE-GENL	890.00
	US BANK		COMPUTER SERVICES	983.10
	US BANK		CAPITAL EXPENDITURES	1,208.10
	US BANK		POLICE ADMINISTRATION	1,225.28
	US BANK		POLICE ADMINISTRATION	1,308.32
	US BANK		POLICE ADMINISTRATION	1,308.32
	US BANK		CAPITAL EXPENDITURES	1,310.51
	US BANK		SOLID WASTE OPERATIONS	1,360.53
	US BANK		PLANNING & COMMUNITY DEV	1,671.20
	US BANK		EQUIPMENT RENTAL	1,868.78
	US BANK		DETENTION & CORRECTION	2,082.98
	US BANK		GMA-PARKS	4,708.73
159286	JPMORGAN CHASE BANK	COURTHOUSE REFUNDING	INTEREST & OTHER	42,250.00
	JPMORGAN CHASE BANK		REDEMPTION L/T	305,000.00
159287	DEPT OF ENT SRVCS	EXCISE TAXES OCT 2022	MEDICAL INSURANCE	-1.72
	DEPT OF ENT SRVCS		ER&R	0.33
	DEPT OF ENT SRVCS		CITY CLERK	0.90
	DEPT OF ENT SRVCS		POLICE ADMINISTRATION	28.80
	DEPT OF ENT SRVCS		INFORMATION SERVICES	29.52
	DEPT OF ENT SRVCS		GOLF ADMINISTRATION	572.87
	DEPT OF ENT SRVCS		GENERAL FUND	1,518.03
	DEPT OF ENT SRVCS		STORM DRAINAGE	8,735.76
	DEPT OF ENT SRVCS		GOLF COURSE	10,566.04
	DEPT OF ENT SRVCS		SOLID WASTE OPERATIONS	37,386.04
	DEPT OF ENT SRVCS		UTIL ADMIN	90,453.42
159288	FIRST AMERICAN TITLE	OFFER DEPOSIT INTO ESCROW	GMA - STREET	31,388.00
159289	PREMERA BLUE CROSS	CLAIMS PAID 11/6 TO 11/12/22	MEDICAL CLAIMS	5,407.59
159290	PREMERA BLUE CROSS	CLAIMS PAID 11/1 TO 11/5/22	MEDICAL CLAIMS	42,639.33
159291	ACLARA TECHNOLOGIES	MTU MIGRT ENCDR	WATER SERVICES	14,227.45
	ACLARA TECHNOLOGIES	MTU PALLET ORDER	WATER SERVICES	27,568.80
	ACLARA TECHNOLOGIES		WATER SERVICE INSTALL	27,568.80
159292	AFFORDABLE ENVIRO	APPLEBEE'S HOMELESS CLEAN-UP	ROADSIDE VEGETATION	3,282.00
	AFFORDABLE ENVIRO	HAGGEN'S HOMELESS CLEAN-UP	ROADSIDE VEGETATION	3,282.00
159293	AG SPRAY EQUIPMENT	FLANGED VALVE, HARNESS ASSEMBLY	SMALL ENGINE SHOP	407.10
159294	ALEXANDER PRINTING	BUSINESS CARDS	EXECUTIVE ADMIN	270.66
159295	ALLSTAR HYDOSEEDING	HYDROSEEDING	GMA-PARKS	1,668.35
159296	AM TEST INC	QUARTERLY TOC	WASTE WATER TREATMENT	35.00
159297	AMAZON CAPITAL	SUPPLIES FOR MCC & DESK RISER	EXECUTIVE ADMIN	33.90
	AMAZON CAPITAL		CAPITAL EXPENDITURES	395.98
	AMAZON CAPITAL	PRIVACY SCREENS	PERSONNEL ADMINISTRATION	727.86
159298	APS, INC.	POSTAGE MACHINE RENTAL	CITY CLERK	23.71
	APS, INC.		EXECUTIVE ADMIN	23.71
	APS, INC.		FINANCE-GENL	23.71
	APS, INC.		PERSONNEL ADMINISTRATION	23.71
	APS, INC.		UTILITY BILLING	23.71
	APS, INC.		LEGAL - PROSECUTION	23.71
	APS, INC.		POLICE INVESTIGATION	39.11

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/30/2022 TO 11/30/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159298	APS, INC.	POSTAGE MACHINE RENTAL	POLICE PATROL	39.11
	APS, INC.		OFFICE OPERATIONS	39.11
	APS, INC.		DETENTION & CORRECTION	39.11
	APS, INC.		POLICE ADMINISTRATION	39.12
	APS, INC.		COMMUNITY	48.21
	APS, INC.		ENGR-GENL	48.21
	APS, INC.		UTIL ADMIN	48.21
159299	ARLINGTON, CITY OF	OCT 2022 BILLING CYCLE	WATER FILTRATION PLANT	36.70
159300	BANK OF AMERICA	PARKING	EXECUTIVE ADMIN	7.00
159301	BANK OF AMERICA	REFRESHMENTS	PROBATION	10.49
159302	BANK OF AMERICA	SUPPLIES/POSTAGE	GMA - STREET	12.52
	BANK OF AMERICA		LEGAL-GENL	14.20
159303	BANK OF AMERICA	FUEL	POLICE INVESTIGATION	67.35
159304	BANK OF AMERICA	EMPLOYEE APPRECIATION	OFFICE OPERATIONS	74.75
159305	BANK OF AMERICA	RENEWAL	EXECUTIVE ADMIN	240.00
159306	BANK OF AMERICA	ADVERTISING	PERSONNEL ADMINISTRATION	350.00
159307	BANK OF AMERICA	EMBEDDED SOCIAL WORKER	EMBEDDED SOCIAL WORKER	369.37
159308	BANK OF AMERICA	SUPPLIES	COMMUNITY	94.79
	BANK OF AMERICA		COMMUNITY	280.64
159309	BANK OF AMERICA	TRAVEL	POLICE ADMINISTRATION	981.24
159310	BANK OF AMERICA	TRAVEL/ROOM RENTAL	POLICE ADMINISTRATION	-324.76
	BANK OF AMERICA		POLICE ADMINISTRATION	1,411.43
159311	BANK OF AMERICA	SUPPLIES	CAPITAL EXPENDITURES	1,141.66
159312	BANK OF AMERICA	RENEWALS	RECREATION SERVICES	287.10
	BANK OF AMERICA		COMPUTER SERVICES	856.96
159313	BANK OF AMERICA	TRAVEL/UNIFORMS/SUPPLIES	POLICE PATROL	10.20
	BANK OF AMERICA		POLICE PATROL	180.04
	BANK OF AMERICA		POLICE PATROL	249.92
	BANK OF AMERICA		DETENTION & CORRECTION	407.61
	BANK OF AMERICA		POLICE TRAINING-FIREARMS	894.00
159314	BICKFORD FORD	BRAKE PADS, ROTORS, MOTOR MOUND	ER&R	927.74
159315	BNSF RAILWAY COMPANY	REIMBURSEMENT DOI 05012022	TRAFFIC CONTROL DEVICES	567.99
159316	BRANOM INSTRUMENT CO	MONITOR	PUMPING PLANT	644.74
159317	BRAVO, FRANCISCO	UB REFUND	WATER/SEWER OPERATION	315.45
159318	BROTHEN, JUDITH		WATER/SEWER OPERATION	492.91
159319	BUD BARTON'S GLASS	DOOR REPLACEMENT AT GOLF COURSE	MAINTENANCE	16,300.60
159320	CASCADE COLUMBIA	PAX XL8/SURCHARGE	WASTE WATER TREATMENT	15,159.65
	CASCADE COLUMBIA	POLY ALUMINUM CHLORIDE	WASTE WATER TREATMENT	16,364.97
159321	CASCADE SEPTIC, LLC	PORTABLE CLEANING	WATER RESERVOIRS	436.00
159322	CENTRAL WELDING SUPP	LIME YELLOW VESTS - INVENTORY	ER&R	22.15
	CENTRAL WELDING SUPP		ER&R	24.62
	CENTRAL WELDING SUPP	LIME YELLOW VEST - INVENTORY	ER&R	88.61
	CENTRAL WELDING SUPP	LIME YELLOW VESTS - INVENTORY	ER&R	110.77
	CENTRAL WELDING SUPP	DIAMOND GRIP GLOVES	SEWER PRETREATMENT	433.22
	CENTRAL WELDING SUPP		SEWER PRETREATMENT	551.38
	CENTRAL WELDING SUPP	GLOVES - INVENTORY	ER&R	756.58
	CENTRAL WELDING SUPP	DIAMOND GRIP GLOVES - INVENTORY	ER&R	1,181.52
159323	CHAMPION BOLT	BOLTS, HEX NUTS	EQUIPMENT RENTAL	192.52
159324	COASTAL FARM & HOME	UNIFORM - WENTZ	EQUIPMENT RENTAL	130.52
	COASTAL FARM & HOME	UNIFORM - GUN	UTIL ADMIN	175.03
	COASTAL FARM & HOME	CHAINSAW, SUPPLIES, CHAIN OIL	PUMPING PLANT	766.22

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/30/2022 TO 11/30/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159325	CODE PUBLISHING	MUNICIPAL CODE WEB UPDATE	CITY CLERK	1,814.69
159326	COMCAST	ACCT #8498310020341322	COMPUTER SERVICES	450.76
159327	COMMERCIAL FIRE	FIRE EXTINGUISHER	ER&R	733.92
159328	COOP SUPPLY	GRASS	WATER SERVICE INSTALL	131.27
159329	COPIERS NORTHWEST	CANON PRINTER/COPIER	PROPERTY TASK FORCE	44.15
	COPIERS NORTHWEST		PROBATION	99.89
	COPIERS NORTHWEST		GENERAL	109.63
	COPIERS NORTHWEST		UTILITY BILLING	126.63
	COPIERS NORTHWEST		CITY CLERK	141.24
	COPIERS NORTHWEST		FINANCE-GENL	141.24
	COPIERS NORTHWEST		LEGAL - PROSECUTION	145.59
	COPIERS NORTHWEST		WASTE WATER TREATMENT	152.76
	COPIERS NORTHWEST		ENGR-GENL	159.66
	COPIERS NORTHWEST		EXECUTIVE ADMIN	184.55
	COPIERS NORTHWEST		DETENTION & CORRECTION	244.89
	COPIERS NORTHWEST		POLICE INVESTIGATION	266.02
	COPIERS NORTHWEST		MUNICIPAL COURTS	273.41
	COPIERS NORTHWEST		POLICE PATROL	286.34
	COPIERS NORTHWEST		PERSONNEL ADMINISTRATION	313.64
	COPIERS NORTHWEST		PARK & RECREATION FAC	344.49
	COPIERS NORTHWEST		UTIL ADMIN	387.41
	COPIERS NORTHWEST		COMMUNITY	472.52
	COPIERS NORTHWEST		OFFICE OPERATIONS	752.35
159330	CORE & MAIN LP	HYDRANT, STROZ	HYDRANTS	3,154.50
	CORE & MAIN LP	1" METER R900	WATER SERVICE INSTALL	50,980.40
159331	DELL	DELL SERVER SUPPORT	IS REPLACEMENT ACCOUNTS	1,371.29
159332	DMH INDUSTRIAL	TORNADO AERATOR	WASTE WATER TREATMENT	659.40
159333	DOBBS PETERBILT	FAN ASSY	EQUIPMENT RENTAL	233.72
	DOBBS PETERBILT	FUEL FILTERS/SENSOR/SERPENTINE BELTS	ER&R	808.06
159334	DOBBS PETERBILT	SWITCH FOR MIRROR CONTROL	EQUIPMENT RENTAL	226.57
159335	DUNLAP INDUSTRIAL	SWIVEL HOIST RING, HEX NUT, WASHERS	WATER RESERVOIRS	549.12
159336	E&E LUMBER	REFUND/ PVC PIPE, COUPLING, SLIP CAP	GMA-PARKS	-15.40
	E&E LUMBER	FASTENERS	FACILITY REPLACEMENT	3.94
	E&E LUMBER	FLUE STICKS	PARK & RECREATION FAC	11.54
	E&E LUMBER	PAINT BRUSHES, PAINT	GMA-PARKS	13.63
	E&E LUMBER	REPAIR PARTS FOR RESTROOM	PARK & RECREATION FAC	16.63
	E&E LUMBER	SPACKLE, PUTTY, BULBS	FACILITY REPLACEMENT	19.35
	E&E LUMBER	FASTENERS, KEYS	CAPITAL EXPENDITURES	19.55
	E&E LUMBER	FASTENERS, WALL PLATES	FACILITY REPLACEMENT	25.54
	E&E LUMBER	CONNECTORS, FITTINGS	SMALL ENGINE SHOP	26.18
	E&E LUMBER	REFUND/ PVC PIPE, COUPLING, SLIP CAP	GMA-PARKS	26.82
	E&E LUMBER	PAINT	PARK & RECREATION FAC	34.55
	E&E LUMBER	PAINT BRUSHES, PAINT, RAGS	GMA-PARKS	43.10
	E&E LUMBER	PAINT	PARK & RECREATION FAC	46.20
	E&E LUMBER	BOX COVERS, CONNECTORS	FACILITY REPLACEMENT	46.82
	E&E LUMBER	UNDER CABINET LIGHT, EXTENSION CORD	WASTE WATER TREATMENT	51.97
	E&E LUMBER	CORNER BRACE, ADHESIVE	WASTE WATER TREATMENT	64.67
	E&E LUMBER	WET/DRY VAC	SUNNYSIDE FILTRATION	105.01
	E&E LUMBER	HEMLOCK FOR MCC	GMA-PARKS	124.45
	E&E LUMBER	BALBOA ENTRY COMBO	FACILITY REPLACEMENT	154.22
	E&E LUMBER	TORCH	ROADWAY MAINTENANCE	189.02

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/30/2022 TO 11/30/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159337	EAGLE FENCE	BARBED WIRE ARMS	SOURCE OF SUPPLY	82.05
	EAGLE FENCE	CHAIN LINK, TOP RAIL	SOURCE OF SUPPLY	369.77
159338	ENVIRONMENTAL RES	FREIGHT, LAB ACCREDITATION QC TEST	WASTE WATER TREATMENT	521.95
159339	EVERETT BAYSIDE	OIL	ER&R	80.01
159340	EVERETT HYDRAULICS	REPAIR HOLES IN SUCTION TUBE #J067	EQUIPMENT RENTAL	252.77
159341	EVERETT, CITY OF	LAB ANALYSIS	WASTE WATER TREATMENT	957.40
159342	EWING IRRIGATION	BAGS OF ICE MELT	PARK & RECREATION FAC	443.73
	EWING IRRIGATION	BARRIER	ROADSIDE VEGETATION	2,998.14
159343	FRANCOTYP-POSTALIA	POSTAGE METER PAYMENT	CITY CLERK	26.80
	FRANCOTYP-POSTALIA		EXECUTIVE ADMIN	26.80
	FRANCOTYP-POSTALIA		PERSONNEL ADMINISTRATION	26.80
	FRANCOTYP-POSTALIA		LEGAL - PROSECUTION	26.80
	FRANCOTYP-POSTALIA		FINANCE-GENL	26.81
	FRANCOTYP-POSTALIA		UTILITY BILLING	26.81
159344	GALLIMORE, CAROLE	REFUND LINE DANCING	PARKS-RECREATION	10.00
	GALLIMORE, CAROLE	REFUND YOGA	PARKS-RECREATION	40.00
159345	GOVCONNECTION INC	SWITCH MOUNTS	CAPITAL EXPENDITURES	227.34
159346	HIBBARD, RALPH D & A	UB REFUND	WATER/SEWER OPERATION	198.19
159347	HUMAN SERVICES	LIQUOR BOARD PROFITS & EXCISE TAXES	NON-DEPARTMENTAL	2,701.43
	HUMAN SERVICES		NON-DEPARTMENTAL	2,762.91
159348	INTERSTATE BATTERY	BATTERIES	ER&R	639.03
159349	JOHNSTON, CHRISTOPHE	UB REFUND	WATER/SEWER OPERATION	297.20
159350	KUSSY, KAREN	RETIREMENT SUPPLIES	COMPUTER SERVICES	26.06
	KUSSY, KAREN		FINANCE-GENL	26.07
	KUSSY, KAREN		CAPITAL EXPENDITURES	85.82
159351	LAKEY, JIM	UB REFUND	WATER/SEWER OPERATION	223.43
159352	MARYSVILLE PRINTING		WATER/SEWER OPERATION	129.75
159353	MOTOR TRUCKS	KIT SEAT MOUNTING HARDWARE	EQUIPMENT RENTAL	112.86
	MOTOR TRUCKS	CUSHION, VISOR CLIP #J020	EQUIPMENT RENTAL	513.06
	MOTOR TRUCKS	FILTERS	ER&R	1,287.38
	MOTOR TRUCKS	LEAKING CAB/CHASSIS RADIATOR H003	EQUIPMENT RENTAL	2,652.09
159354	NATIONAL BARRICADE	ARROW SIGN	TRANSPORTATION	593.50
	NATIONAL BARRICADE	DEAD END SIGN	TRANSPORTATION	962.26
	NATIONAL BARRICADE	NO PARKING SIGN/CAPS	TRANSPORTATION	2,438.93
159355	NORTON, KAMILLE	BAGGAGE FEE	CITY COUNCIL	60.00
159356	OREILLY AUTO PARTS	CREDIT ON INV 2843-436272	EQUIPMENT RENTAL	-107.41
	OREILLY AUTO PARTS	SEAT HANDLE KIT	EQUIPMENT RENTAL	45.91
	OREILLY AUTO PARTS	HEATER CORE	EQUIPMENT RENTAL	85.35
	OREILLY AUTO PARTS	AIR FILTERS	ER&R	104.81
159357	PEACE OF MIND	COUNCIL MEETING MINUTES	CITY CLERK	129.20
	PEACE OF MIND	COUNCIL SPECIAL/REGULAR MEETING	CITY CLERK	221.00
	PEACE OF MIND	COUNCIL WORK SESSION MINUTES	CITY CLERK	241.40
159358	PUD	ACCT #205136245	SEWER LIFT STATION	16.96
	PUD	ACCT #202461026	MAINT OF GENL PLANT	20.58
	PUD	ACCT #202461034	UTIL ADMIN	21.00
	PUD	ACCT #202499489	COMMUNITY EVENTS	22.79
	PUD	ACCT #222871949	PARK & RECREATION FAC	22.79
	PUD	ACCT #202031134	PUMPING PLANT	23.00
	PUD	ACCT #221100092	GMA - STREET	24.26
	PUD	ACCT #202012589	PARK & RECREATION FAC	27.52
	PUD	ACCT #201065281	PARK & RECREATION FAC	28.75

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/30/2022 TO 11/30/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159358	PUD	ACCT #201672136	SEWER LIFT STATION	30.68
	PUD	ACCT #202476438	SEWER LIFT STATION	31.53
	PUD	ACCT #201668043	PARK & RECREATION FAC	32.60
	PUD	ACCT #201610185	TRANSPORTATION	33.63
	PUD	ACCT #223521238	SURFACE WATER CAPITAL	35.28
	PUD	ACCT #202178158	SEWER LIFT STATION	36.04
	PUD	ACCT #202368551	PARK & RECREATION FAC	39.81
	PUD	ACCT #202794657	TRANSPORTATION	42.01
	PUD	ACCT #202140489	TRANSPORTATION	46.58
	PUD	ACCT #202524690	PUMPING PLANT	50.25
	PUD	ACCT #203005160	STREET LIGHTING	50.62
	PUD	ACCT #203199732	TRANSPORTATION	52.17
	PUD	ACCT #203430897	STREET LIGHTING	60.26
	PUD	ACCT #202694337	TRANSPORTATION	61.02
	PUD	ACCT #223514563	TRANSPORTATION	61.81
	PUD	ACCT #202368544	TRANSPORTATION	62.24
	PUD	ACCT #200571842	TRANSPORTATION	63.79
	PUD	ACCT #220792733	STREET LIGHTING	64.50
	PUD	ACCT #200827277	TRANSPORTATION	65.29
	PUD	ACCT #202175956	TRAFFIC CONTROL DEVICES	67.93
	PUD	ACCT #202288585	TRANSPORTATION	70.23
	PUD	ACCT #202557450	STREET LIGHTING	73.40
	PUD	ACCT #220761803	OPERA HOUSE	78.89
	PUD	ACCT #202143111	TRANSPORTATION	83.45
	PUD	ACCT #203231006	TRANSPORTATION	96.06
	PUD	ACCT # 222772634	TRANSPORTATION	96.16
	PUD	ACCT #200084036	TRANSPORTATION	97.23
	PUD	ACCT #223505728	PUBLIC SAFETY BLDG	100.12
	PUD	ACCT #205237738	TRAFFIC CONTROL DEVICES	119.45
	PUD	ACCT #202463543	SEWER LIFT STATION	122.92
	PUD	ACCT #205239270	TRAFFIC CONTROL DEVICES	137.13
	PUD	ACCT #222025900	PUMPING PLANT	154.68
	PUD	ACCT #220838882	TRAFFIC CONTROL DEVICES	170.72
	PUD	ACCT #203223458	PARK & RECREATION FAC	175.60
	PUD	ACCT #202426482	PUBLIC SAFETY BLDG	179.91
	PUD	ACCT #205419765	PUBLIC SAFETY BLDG	182.75
	PUD	ACCT #223013277	AFFORDABLE HOUSING	198.15
	PUD	ACCT #202000329	PARK & RECREATION FAC	200.77
	PUD	ACCT #220761175	OPERA HOUSE	251.09
	PUD	ACCT #201021698	PARK & RECREATION FAC	255.07
	PUD	ACCT #221192545	PUBLIC SAFETY BLDG	273.90
	PUD	ACCT #204821227	TRAFFIC CONTROL DEVICES	280.88
	PUD	ACCT #202309720	TRAFFIC CONTROL DEVICES	290.19
	PUD	ACCT #201021607	PARK & RECREATION FAC	310.38
	PUD	ACCT #201247699	STREET LIGHTING	312.45
	PUD	ACCT #200070449	TRANSPORTATION	342.12
	PUD	ACCT #220824148	WASTE WATER TREATMENT	409.40
	PUD	ACCT #200625382	SEWER LIFT STATION	420.67
	PUD	ACCT #202689287	WASTE WATER TREATMENT	635.46
	PUD	ACCT #200586485	SEWER LIFT STATION	887.09
	PUD	ACCT #200303477	WATER FILTRATION PLANT	930.97

**CITY OF MARYSVILLE  
 INVOICE LIST**

**FOR INVOICES FROM 11/30/2022 TO 11/30/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159358	PUD	ACCT #200223857	PARK & RECREATION FAC	1,670.52
	PUD	ACCT #221320088	SUNNYSIDE FILTRATION	3,832.21
	PUD	ACCT #202075008	WASTE WATER TREATMENT	8,909.28
159359	PUGET SOUND ENERGY	INVOICE UTILITY SERVICE	CAPITAL EXPENDITURES	81.23
	PUGET SOUND ENERGY	INVOICE UTILITY SERVICE	CAPITAL EXPENDITURES	81.76
	PUGET SOUND ENERGY	ACCT #200007781657	GOLF ADMINISTRATION	82.98
	PUGET SOUND ENERGY	INVOICE UTILITY SERVICE	CAPITAL EXPENDITURES	94.86
	PUGET SOUND ENERGY	INVOICE UTILITY SERVICE	CAPITAL EXPENDITURES	106.05
	PUGET SOUND ENERGY	SEPTEMBER 2 INVOICE UTILITY SERVICE	CAPITAL EXPENDITURES	119.48
159360	SAFeway INC.	WELLNESS EVENT	OPERA HOUSE	42.69
	SAFeway INC.		MEDICAL CLAIMS	57.10
	SAFeway INC.		MEDICAL CLAIMS	58.24
159361	SISKUN POWER EQUIPME	CHAIN LOOP, BAR	SMALL ENGINE SHOP	204.37
	SISKUN POWER EQUIPME	HEDGE TRIMMER & PRESSURE WASHER	WASTE WATER TREATMENT	406.19
	SISKUN POWER EQUIPME		WASTE WATER TREATMENT	636.32
	SISKUN POWER EQUIPME	CUT OFF SAW	WATER DIST MAINS	1,160.54
159362	SNO CO PUBLIC WORKS	OCTOBER 2022 SOLID WASTE CHARGES	ROADSIDE VEGETATION	35.00
	SNO CO PUBLIC WORKS		STORM DRAINAGE	21,135.00
	SNO CO PUBLIC WORKS		SOLID WASTE OPERATIONS	222,497.00
159363	SNOHOMISH COUNTY E	HYDRANT METER - DEPOSIT	WATER/SEWER OPERATION	1,150.00
159364	SOUND PUBLISHING	ORDINANCE 3236	CITY CLERK	32.80
159365	SOUND PUBLISHING	ORDINANCE 3238	CITY CLERK	37.96
159366	SOUND PUBLISHING	ORDINANCE 3237	CITY CLERK	37.96
159367	SOUND PUBLISHING	ORDINANCE 3235	CITY CLERK	39.68
159368	SOUND PUBLISHING	PROPERTY TAX/PRELIM & FINAL BUDGET	CITY CLERK	60.32
159369	SOUND PUBLISHING	PUBLIC HEARING - BUDGET	CITY CLERK	124.08
159370	SPRINGBROOK NURSERY	WOOD DEBRIS DUMP FEE	STORM DRAINAGE	60.00
159371	STERICYCLE, INC.	ON-SITE REGULAR SERVICE	CITY CLERK	24.50
159372	STETNER ELECTRIC	PAY ESTIMATE/RETAINAGE #4	CITY FACILITIES	-630.00
	STETNER ELECTRIC		CAPITAL EXPENDITURES	6,892.20
159373	SUMMIT LAW GROUP	LABOR RELATIONS	PERSONNEL ADMINISTRATION	96.00
	SUMMIT LAW GROUP		PERSONNEL ADMINISTRATION	341.00
159374	TULALIP CHAMBER	TULALIP CHAMBER DUES/DISCOUNT	NON-DEPARTMENTAL	-25.00
	TULALIP CHAMBER	NOVEMBER BBH - MENNIE	EXECUTIVE ADMIN	25.00
	TULALIP CHAMBER	CHAMBER HOME FOR HOLIDAY EVENT	PARK & RECREATION FAC	70.00
	TULALIP CHAMBER		CITY COUNCIL	280.00
	TULALIP CHAMBER		EXECUTIVE ADMIN	350.00
	TULALIP CHAMBER	TULALIP CHAMBER DUES/DISCOUNT	NON-DEPARTMENTAL	2,500.00
159375	USA BLUEBOOK	PH PROBE, STELE TOOL	WASTE WATER TREATMENT	933.97
159376	WASHINGTON FEDERAL	RETAINAGE FOR STRIDER CONSTRUCTION	GMA-STREET	11,311.25
159377	WEST PAYMENT CENTER	INFORMATION CHARGES 10/01-10/31	LEGAL-GENL	447.31
	WEST PAYMENT CENTER		LEGAL - PROSECUTION	447.31
159378	WILDER CUSTOM CONS	FINAL PAYMENT/RETAINAGE	GMA-PARKS	-2,107.40
	WILDER CUSTOM CONS		GMA-PARKS	23,054.92
159379	WORK WORLD	UNIFORM - KEEFE	UTIL ADMIN	168.14
159380	WSB EXCAVATION	PAY ESTIMATE 3	GMA - STREET	137,783.06
159381	ZIONS BANK	CUSTODIAN/SAFEKEEPING	FINANCE-GENL	465.00
	ZIONS BANK		ENTERPRISE D/S	465.00
159382	ZIPLY FIBER	ACCT #3606577495	STREET LIGHTING	57.31
159383	ZIPLY FIBER	ACCT #3606583635	COMMUNITY	35.11
	ZIPLY FIBER		UTIL ADMIN	35.12

DATE: 12/1/2022  
TIME: 2:33:23PM

**CITY OF MARYSVILLE  
INVOICE LIST**

PAGE: 8

**FOR INVOICES FROM 11/30/2022 TO 11/30/2022**

<u>CHK #</u>	<u>VENDOR</u>	<u>ITEM DESCRIPTION</u>	<u>ACCOUNT DESCRIPTION</u>	<u>ITEM AMOUNT</u>
159384	ZIPLY FIBER	ACCT #3606588575	STORM DRAINAGE	71.37
<b>WARRANT TOTAL:</b>				<b><u><u>1,291,736.68</u></u></b>

REASON FOR VOIDS:

INITIATOR ERROR

CHECK LOST/DAMAGED

UNCLAIMED PROPERTY

**WARRANT TOTAL:**

**\$1,291,736.68**



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Court Administrator Suzanne Elsner, Court

**ITEM TYPE:** Agreement

**AGENDA SECTION:** **New Business**

**SUBJECT:** Memorandum of Understanding between the City of Marysville and the City of Everett regarding overhead costs to administer the Therapeutic Court Grant

**SUGGESTED ACTION:**

Recommended Motion: I move to authorize the Mayor to sign and execute the Memorandum of Understanding between the City of Marysville and the City of Everett regarding overhead costs to administer the Therapeutic Court Grant.

**SUMMARY:**

---

**ATTACHMENTS:**

[Overhead Expenses for Therapeutic Court Grant 11-28-22.docx](#)



MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MARYSVILLE AND THE CITY OF EVERETT  
REGARDING OVERHEAD COSTS TO ADMINISTER THE THERAPEUTIC COURT GRANT

The City of Marysville and the City of Everett are recipients of a grant from the Office of the Administrator of Courts to provide therapeutic court services. The City of Everett is the grant administrator. To carry out the grant, the cities have executed a professional services agreement with Bridgeways to provide professional personnel to provide therapeutic services. A copy of the professional services agreement is attached as Exhibit A.

The grant funds may not be used to pay overhead expenses. However, to carry out the grant overhead expenses in the amount of \$13,800.00 are required to carry out the services the grant is funding. The cities agree that this amount should be split evenly with each city responsible to pay \$6,900.00 for overhead expenses.

The City of Everett is the grant administrator and has disbursed funds for the overhead expenses. The City of Marysville will remit \$6,900.00 to the City of Everett within 30 days of the date of the last signature below.

CITY OF MARYSVILLE

CITY OF EVERETT

\_\_\_\_\_  
Jon Nehring, Mayor

\_\_\_\_\_  
Cassie Franklin, Mayor

Date: December \_\_\_\_\_, 2022

Date: December \_\_\_\_\_, 2022

ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
David Hall, City Attorney



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Administrative Services Supervisor Shelli Edwards, Engineering

**ITEM TYPE:** Agreement

**AGENDA SECTION:** **New Business**

**SUBJECT:** Supplemental Agreement No. 1 to the Professional Services Agreement with PH Consulting, LLC for Engineering Design Services Associated with the Quiet Zone Project

**SUGGESTED ACTION:** Recommended Motion: I move to authorize the Mayor to sign and execute Supplemental Agreement No. 1 to the Professional Services Agreement with PH Consulting, LLC for Engineering Design Services associated with the Quiet Zone Project.

## **SUMMARY:**

On November 8th, 2021, Council authorized the Mayor to execute a Professional Services Agreement (PSA) with PH Consulting to provide analysis and engineering services for an initial phase (Phase 1) that covered 24 existing public and private railroad grade crossings including 5 crossings on the Spur Line. The Phase 1 work included starting 30% design documents at 8 crossings in the downtown core from 1st Street to 88th St. NE, developed conceptual layouts for the remaining 16 at grade crossings, and provided estimated costs for 4 Alternatives.

Preliminary cost estimates for the 4 Alternatives: Mainline Corridor, Phase 1A (1st to 104th St NE), Phase 2A (116th St NE to 172nd St NE), and Spur Line are \$9.6M, \$6.0M, \$4.0M and \$5.5M, respectively. Other considerations in selecting an alternative to move forward included the largest buffer area for the quiet zone calculations, impacts to driveway access, and future maintenance costs for the crossings. The Mainline Corridor Alternative was deemed most favorable due to its costs and provided the most benefit to the City.

Therefore, this supplement, as shown in the attached scope of work, will complete the 30% design documents for the Mainline Corridor Alternative by finalizing the 8 crossings from Phase 1 and completing the additional 11 crossings to cover all mainline crossings. Additionally, Phase 2 will include the Quiet Zone Notice of Intent and FRA Public Authority Application filings. Phase 2 will provide the City with essential information including 30% design to submit to BNSF for review, right-of-way needs, required permits, and cost estimates.

The total estimated cost for this additional work, as negotiated, is \$128,963.82 yielding a new contract total of \$364,465.17. In addition to scope revisions, the supplement provides for a time extension through December 31, 2023.

---

## **ATTACHMENTS:**

[PSA\\_SuppSF.docx](#)

[PH QZ Additional Scope & Fee.updated.pdf](#)

**SUPPLEMENTAL AGREEMENT NO. 1 TO  
PROFESSIONAL SERVICES AGREEMENT BETWEEN  
CITY OF MARYSVILLE  
AND PH CONSULTING, LLC**

**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 PH CONSULTING, LLC, a limited liability corporation and licensed in Washington (“Consultant”).

WHEREAS, the parties hereto have previously entered into an agreement for the Quiet Zone Project (the “Original Agreement”), said Original Agreement being dated November 16th, 2021; and

WHEREAS, both parties desire to supplement the Original Agreement, by expanding the Scope of Services to provide for Phase 2 and to provide compensation therefore;

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

1. Exhibit A, as referenced and incorporated in Section 1 of the Original Agreement, “SCOPE OF SERVICES”, shall be replaced by Exhibit A-1, attached hereto and by this references made part of this Supplemental Agreement No. 1, and a part of the Original Agreement.

2. Section 2 of the Original Agreement, “TERM”, is amended to add that the parties agree to extend the term of the Original Agreement to terminate at midnight December December 31, 2023.

3. Section 3 of the Original Agreement, “COMPENSATION”, is amended to include the additional Consultant fee of \$128,963.82 and shall read as follows: “In no event shall the compensation paid to Consultant under this Agreement exceed \$364,465.17 within the term of the Agreement, including extensions, without the written agreement of the Consultant and the City.”

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

Original Agreement	\$235,501.35
Supplemental Agreement No.1	\$128,963.82
Grand Total	\$364,465.17

4. Each and every provision of the Original Agreement for Professional Services dated November 16, 2021, 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

PH CONSULTING, LLC

By \_\_\_\_\_  
Pablo Para  
Its: Principal

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
\_\_\_\_\_, Deputy City Clerk

Approved as to form:

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

**Project Name:** Marysville Quiet Zone Project  
**Supplement:** Additional Services for Phase 2  
**Job #:** 21-008  
**Date:** November 17, 2022

## Project Description

PH Consulting (“PH”) provided management, analysis, and engineering services for an initial phase of the City of Marysville’s Quiet Zone Improvement Project (“Project”) that covered 24 existing public and private railroad grade crossings. The first phase (“Phase 1”) consisted of looking thoroughly at 8 crossings in the downtown core (6 public, 2 private; including survey of the 6 public ones) and looking big picture at all 24 of the City’s crossings. Phase 1 provided an Alternatives Analysis and after discussion with the City, the City’s chosen alternative is for a City-wide Quiet Zone covering all mainline crossings. The spur track will not be included in the quiet zone. The resulting Quiet Zone would cover the 8 crossings explored in detail in Phase 1 plus the additional 11 crossings (6 public, 5 private) as part of Phase 2.

This Phase 2 proposal in survey of the 6 additional public crossings plus preliminary 30% design documents (plans and estimates) for these 6 public crossings and 5 private crossings. Additionally, this proposal includes Quiet Zone Notice of Intent and FRA Public Authority Application filings.

Future services include final design, assisting in BNSF Railway negotiations, Quiet Zone Crossing Inspections and Notice of Establishment filings, UTC Petition processing, Right-of-Way acquisition services, environmental permitting services, bidding services and construction management. Additional sub-consultants may be added to Team as needed to support future phases and specialties.

## Task Summary

- Task 1.1 Additional Project Management
- Task 2.1 Additional Survey Services
- Task 6.1 Additional 30% Preliminary Design
- Task 8.1 Agency Permitting (Phase 2 Only)

## Project Schedule

Our Team shall begin work immediately upon receipt of Notice to Proceed and proceed according to the attached Project Schedule. Key early dates include:

Phase 2 Notice to Proceed.....December 2022  
 Topo Survey .....December 2022/January 2023  
 30% Preliminary Design Start .....January 2023

## Scope of Work

PH’s scope of additional work for the project is outlined on the following pages.



## Task 1.1 Project Management

### Fee: Hourly Rate/NTE

This task is to supplement Task 1 from Phase 1, with additional general coordination and meetings on the project, in-house quality assurance, coordination with subconsultants, and invoicing for Phase 2.

## Task 2.1 Additional Survey Services

### Fee: Hourly Rate/NTE

Axis will provide Topographic survey for the Phase 2 project areas to include the rail crossings, adjacent properties, parallel and adjacent street surface improvements at the following six public crossing locations:

1. 104<sup>th</sup> Street NE Crossing (DOT 084653H)
2. 116<sup>th</sup> Street NE Crossing (DOT 084654P)
3. 122<sup>nd</sup> Street NE Crossing (DOT 084657K)
4. 128<sup>th</sup> Street NE Crossing (DOT 084660T)
5. 136<sup>th</sup> Street NE Crossing (DOT 084664V)
6. 172<sup>nd</sup> Street NE Crossing (DOT 084669E)

AutoCad drawings will be prepared at a scale of 1"=20'. Services will include the following:

- Control survey in NAD 83/11 Horizontal Datum, with all elevations derived from and checked to NAVD 88 Vertical Datum.
- Delineated parcel lines within above-described area as available from title reports, recorded plats and public records further compared to City of Marysville and Snohomish County Parcel GIS lines.
- Set additional elevation benchmarks at each end of each crossing.
- Contract with and coordinate services of private utility locate company to ascertain conductible underground non-City owned utility locations and available as-built records.
- Depict hard and soft surfaces on individual layers per accepted APWA standards.
- Show and dimension located topographic features and contours at 2' intervals.
- Show known utilities as provided by City of Marysville GIS, research of available utility as-built records and as located by utility locators.

This task also includes delineating parcel lines, and street and railroad right of ways within the Phase 1 and Phase 2 public crossings (12 crossings total) based on current title reports for adjacent properties as available from recorded plats and public records.

### ASSUMPTIONS & EXCLUSIONS

- The Assumptions and Exclusions from Task 2 of the Phase 1 proposal still apply.
- The City will obtain title reports for the properties PH requests.

### DELIVERABLES

- AutoCad drawing file with point database and dtm files.



## Task 6.1 Additional 30% Design

### Fee: Hourly Rate/NTE

Our Team will develop preliminary design plans and estimates for the City's 6 public crossings and 5 private crossings. North of 88<sup>th</sup> Street NE (not including the spur line).

Similar to Phase 1, the plans and estimates will include anticipated ROW acquisition/easement areas. Team will coordinate with property owners to understand business operations, access needs, solicit input for crossing design alternatives, and incorporate feedback into crossing layout design. Layouts will include all required elements necessary to facilitate City, FRA, BNSF, and WSDOT review. Team will prepare base maps from aerial tiles and Snohomish County/City of Marysville GIS data for the project areas specified below in addition to the base maps prepared under Task 2.1. The project areas generally include the rail crossings, adjacent properties, and adjacent street surface improvements at the following locations:

#### BNSF Mainline Crossings

1. Private Crossing, north of 88<sup>th</sup> Street NE (DOT 084651U)
2. Private Crossing, north of 88<sup>th</sup> Street NE (DOT 084652B)
3. 104<sup>th</sup> Street NE Crossing (DOT 084653H)
4. 116<sup>th</sup> Street NE Crossing (DOT 084654P)
5. 122<sup>nd</sup> Street NE Crossing (DOT 084657K)
6. Private Crossing at 124<sup>th</sup> Street NE (DOT 084658S)
7. 128<sup>th</sup> Street NE Crossing (DOT 084660T)
8. Private Crossing, north of 1128<sup>th</sup> Street NE (DOT 084661A)
9. 136<sup>th</sup> Street NE Crossing (DOT 084664V)
10. Private Crossing, south of 172<sup>nd</sup> Street NE (DOT 084668X)
11. 172<sup>nd</sup> Street NE Crossing (DOT 084669E)

Services under this task will include:

- Coordinating with Directly Affected Property Owners.
- Coordinating with WSDOT Rail and Traffic groups.
- Coordinating Grade Crossing Status with UTC.
- Coordinating design review with BNSF Railway.
- Developing Conceptual layouts showing recommended crossing improvements for 11 public and private grade crossings.
- Developing Detailed 30% Level Preliminary Design Plans for 6 public and 5 private grade crossings.
- Developing Preliminary Cost Estimates for each crossing/intersection improvement.
- Evaluating Right-of-Way impacts and costs.

### ASSUMPTIONS & EXCLUSIONS

- The Assumptions and Exclusions from Task 6 of the Phase 1 proposal still apply.

### DELIVERABLES

- The Deliverables from Task 6 of the Phase 1 proposal still apply.





## Task 8.1 Agency Permitting

### Fee: Hourly Rate/NTE

This task will include preparation and submittal of applications for the following project permits and approvals. We will also provide the appropriate coordination with WSDOT, BNSF Railway, UTC, and FRA during these processes until the approvals are obtained.

- Quiet Zone Notice of Intent Filing
- FRA Public Authority Applications

### ASSUMPTIONS & EXCLUSIONS

- Any fees associated with the permits are not included and are to be paid by the City.
- This proposal does not include the following permits and approvals for the project – a separate scope and fee proposal can be provided at a later date.
  - WSDOT Channelization Plans
  - BNSF Railway Construction & Maintenance Agreements
  - Snohomish PUD Electrical Service Application

## General Assumptions and Notes

- This Phase 2 scope and fee proposal is intended to supplement Phase 1. Not all fees were used in Phase 1, and this proposal assumes the following:
  - Phase 1 Task 3.0 Review Quiet Zones Documents is complete; \$6,430.53 remaining in the budget
  - Phase 1 Task 4.0 Alternatives Evaluation is complete; \$15,866.78 remaining in the budget
  - Phase 1 Task 5.0 Council Review Support is not needed; \$4,900.00 was budgeted.
  - The HAWK Signal previously scoped in Phase 1 has been removed; \$6,560.00 was budgeted.
 These dollar amounts will be reallocated to Phase 2, reducing the Phase 2 fee proposal by that exact amount.
- Scope and fees outlined above are based on the Project Understanding included with this proposal as well as the following information (any changes to these documents may result in changes to the fees):
  - Meetings and emails with the City in July & August 2022.
- PH will not pay any Agency fees on behalf of the City.
- Obtaining any offsite easements (if required) is not included in this proposal.
- The fees stated above do not include reimbursable expenses such as large format copies (larger than legal size), mileage, and plots. These will be billed under a separate task called **EXPENSES**.
- Time and expense items are based on our Team’s current hourly rates.
- Electrical plans, structural engineering plans, geotechnical services, new signal timings, WSDOT Channelization plan approval/checklist, and temporary signal design are not included in this scope of work.
- City to prepare SEPA internally if necessary.
- The City will provide all available project traffic data, signal as-built information, traffic signal timing/phasing plans, and Crash records.



- PH reserves the right to move funds between approved Tasks as necessary based on approved scope of work provided the overall budget of Tasks is not exceeded. The City's Project Manager will be notified if funds are shifted.
- If Client requests Team's assistance in complying with any public records request, including without limitation providing copies of documents and communications, Client will pay Team's hourly fees and costs incurred in providing such assistance at then-current rates. Such fees and costs will be billed as a separate task.



PH Consulting Staff Category	Hours	Rate	Cost
Principal	76	\$ 210.00	\$ 15,960.00
Senior Project Manager	100	\$ 205.00	\$ 20,500.00
Senior Traffic Engineer	40	\$ 185.00	\$ 7,400.00
Project Engineer	36	\$ 175.00	\$ 6,300.00
CAD Designer II	132	\$ 135.00	\$ 17,820.00
Associate Engineer	36	\$ 125.00	\$ 4,500.00
Office Administrator	20	\$ 110.00	\$ 2,200.00
<b>Total Hours</b>	<b>440</b>		<b>\$ 74,680.00</b>
<b>Direct Salary Cost</b>			<b>\$ 74,680.00</b>
<b>Subconsultants</b>			
AXIS Survey		\$ 70,675.00	
Benesch		\$ 11,000.00	
<b>Sub-Total Subconsultants</b>			<b>\$ 81,675.00</b>
		<b>SUBTOTAL</b>	<b>\$ 156,355.00</b>
Minus Unused Funds from Phase 1, Task 3.0			\$ (6,430.53)
Minus Unused Funds from Phase 1, Task 4.0			\$ (15,866.78)
Minus Unused Funds from Phase 1, Task 5.0			\$ (4,900.00)
Minus Funds for HAWK Signal from Phase 1, Task 6.0 (Removed)			\$ (6,560.00)
<b>FEES FOR PHASE 2, WITH UNUSED PHASE 1 REDISTRIBUTED</b>			<b>\$ 122,597.69</b>
Direct Expenses	Unit	Cost	Total
Traffic Counts		\$ -	\$ -
Reproduction Costs			
Full Sized Copies (Bond)	1	\$ -	\$ -
Reprographics	1	\$ -	\$ -
Travel (Airfare, Hotel)	1	\$ -	\$ -
2021 Mileage Rates	1	\$0.625/Mi	\$ 225.00
<b>Sub-Total Direct Expenses</b>			<b>\$ 225.00</b>
		<b>SUBTOTAL PROJECT FEE ESTIMATE</b>	<b>\$ 122,822.69</b>
<b>Management Reserve (~5%)</b>			<b>\$ 6,141.13</b>
<b>Total Fee</b>			<b>\$ 128,963.82</b>

Task No.	Task Description	Principal	Senior Project Manager	Senior Traffic Engineer	Project Engineer	CAD Designer II	Associate Engineer	Office Administrator	Sub-consultants	Total
	Hourly Rate	\$ 210.00	\$ 205.00	\$ 185.00	\$ 175.00	\$ 135.00	\$ 125.00	\$ 110.00		
<b>1.1</b>	<b>ADDITIONAL PROJECT MANAGEMENT</b>									
	Project Coordination	2	12							14
	Project Monitoring, Progress Reporting, & Invoicing		12					12		24
	Project Team Meetings	4	12	8	4	8	4			40
	Subconsultant Management		8							8
	Task 1.1 Total Hours	6	44	8	4	8	4	12		86
	Subtotal Task 1.1	\$ 1,260.00	\$ 9,020.00	\$ 1,480.00	\$ 700.00	\$ 1,080.00	\$ 500.00	\$ 1,320.00	\$ -	\$ 15,360.00
<b>2.1</b>	<b>ADDITIONAL SURVEY SERVICES</b>									
	Base Mapping for 6 Locations								\$ 50,000.00	
	Delineate Parcel Lines plus Street & Railroad ROW (12 crossings)								\$ 14,250.00	
	10% Markup								\$ 6,425.00	
	Task 2.1 Total Hours	0	0	0	0	0	0	0		0
	Subtotal Task 2.1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,675.00	\$ 70,675.00
<b>6.1</b>	<b>ADDITIONAL 30% PRELIMINARY DESIGN</b>									
	Agency/Property Owner Coordination	4	12							16
	30% Crossing Layouts (6)	2	8	16		72				98
	30% Preliminary Estimates (6)	4	24	16	24	12	8			88
	Benesch								\$ 5,000.00	
									\$ 500.00	
	Task 6.1 Total Hours	10	44	32	24	84	8	0		202
	Subtotal Task 6.1	\$ 2,100.00	\$ 9,020.00	\$ 5,920.00	\$ 4,200.00	\$ 11,340.00	\$ 1,000.00	\$ -	\$ 5,500.00	\$ 39,080.00
<b>8.1</b>	<b>AGENCY PERMITTING</b>									
	Quiet Zone Notice of Intent Filing									0
	BNSF Exhibits	16			8	40				
	Agency Coordination	16	4							
	NOI Preparation	12	4				12	4		
	FRA Public Authority Application	16	4				12	4		36
										0
	Benesch								\$ 5,000.00	
									\$ 500.00	
	Task 8.1 Total Hours	60	12	0	8	40	24	8		36
	Subtotal Task 8.1	\$ 12,600.00	\$ 2,460.00	\$ -	\$ 1,400.00	\$ 5,400.00	\$ 3,000.00	\$ 880.00	\$ 5,500.00	\$ 31,240.00
	<b>PH TOTAL HOURS</b>	<b>76</b>	<b>100</b>	<b>40</b>	<b>36</b>	<b>132</b>	<b>36</b>	<b>20</b>		<b>324</b>
	<b>TOTAL ALL TASKS</b>	<b>\$ 15,960.00</b>	<b>\$ 20,500.00</b>	<b>\$ 7,400.00</b>	<b>\$ 6,300.00</b>	<b>\$ 17,820.00</b>	<b>\$ 4,500.00</b>	<b>\$ 2,200.00</b>	<b>\$ 81,675.00</b>	<b>\$ 156,355.00</b>

Minus Unused Funds from Phase 1, Task 3.0 \$ (6,430.53)

Minus Unused Funds from Phase 1, Task 4.0 \$ (15,866.78)

Minus Unused Funds from Phase 1, Task 5.0 \$ (4,900.00)

Minus Funds for HAWK Signal from Phase 1, Task 6.0 (Removed) \$ (6,560.00)

<b>FEES FOR PHASE 2, WITH UNUSED PHASE 1 REDISTRIBUTED</b>	<b>\$ 122,597.69</b>
--	----------------------



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Court Administrator Suzanne Elsner, Court

**ITEM TYPE:** Agreement

**AGENDA SECTION:** **New Business**

**SUBJECT:** Interagency Agreement between Washington State Administrative Office of the Court and Marysville for continued participation in the Interpreter Reimbursement program

**SUGGESTED ACTION:** Recommended Motion: I move to authorize the Mayor to sign and execute the Interagency Agreement between Washington State Administrative Office of the Court and Marysville to continue participation in the Interpreter Reimbursement program

### SUMMARY:

### ATTACHMENTS:

- [Interpreter Reimbursement.pdf](#)
- [Exhibit A - FY23 Language Access Interpreter Reimbursement.docx](#)
- [Exhibit B-Annotated Language Access Plan Template for Approval.pdf](#)

**INTERAGENCY AGREEMENT IAA23165**  
**BETWEEN**  
**WASHINGTON STATE ADMINISTRATIVE OFFICE OF THE COURTS**  
**AND**  
**Marysville Municipal Court**

THIS AGREEMENT (Agreement) is entered into by and between the Administrative Office of the Courts (AOC) and Marysville Municipal Court for the purpose of distributing funds for court interpreter and language access service expenses to the Marysville Municipal Court .

**1. DEFINITIONS**

For purposes of this contract, the following definitions shall apply:

- a) "Certified Interpreter" means an interpreter who is certified by the Administrative Office of the Courts, as defined in RCW 2.43.020 (4) or an interpreter certified by the Office of the Deaf and Hard of Hearing (ODHH) pursuant to WAC 388-818-500, *et. seq.* The names and contact information of AOC-certified interpreters are found, and incorporated herein by reference, at [http://www.courts.wa.gov/programs\\_orgs/pos\\_interpret/](http://www.courts.wa.gov/programs_orgs/pos_interpret/) The names and contact information of ODHH-certified interpreters are found, and incorporated herein by reference, at: <https://fortress.wa.gov/dshs/odhhapps/Interpreters/CourtInterpreter.aspx>
- b) "Registered Interpreter" means an interpreter who is registered by the Administrative Office of the Courts, as defined in RCW 2.43.020 (6). The names and contact information of registered interpreters are found, and incorporated herein by reference, at [http://www.courts.wa.gov/programs\\_orgs/pos\\_interpret/](http://www.courts.wa.gov/programs_orgs/pos_interpret/).
- c) "Qualified Interpreter" means a spoken language interpreter as defined in RCW 2.43.020 (2), or sign language interpreter as defined in RCW 2.42.110 (2).
- d) "Qualifying Event" means a proceeding or event for which an interpreter is appointed by an appointing officer pursuant to RCW 2.42 and/or RCW 2.43.

**2. PURPOSE**

The purpose of this Agreement is to partner with individual local courts in improving access to the Court for Limited English Proficient (LEP), deaf, and hard of hearing persons in accordance with RCW Chapters 2.42 and 2.43.

- a) These funds are intended to address each court's following needs:
  - Financial Need – i.e., the gap between the court's available financial resources and the costs to meet its need for certified, registered, and qualified interpreters, and the implementation of the Court's language access plan; and
  - Need for Court Interpreters – i.e., the public's right to access the court, and the court's responsibility to provide court certified, registered, and qualified interpreters as required by RCW Chapters 2.42 and 2.43.
  - Need for Language Access in General – i.e., translations for websites, translated forms, interpreting equipment, technology enabling remote interpreting, and other

things that are necessary for courts to provide fair and equitable access for people who are LEP, deaf, and hard of hearing.

### 3. DESCRIPTION OF SERVICES TO BE PROVIDED

- a) The Court will ensure that the interpreter funding is used only for language access purposes and for reimbursement of costs paid to certified, registered, and qualified interpreters for Qualifying Events pursuant to **Exhibit A**, which is incorporated herein by reference.
- b) The Court agrees to track and provide interpreter cost and usage data using a form provided by the AOC Interpreter Reimbursement Program, reflecting information about the Court's interpreter and language access costs and services.
- c) The Court agrees to provide the AOC Project Manager with a list of all users who require access to submit data to the Language Access and Interpreter Reimbursement Program web application.
- d) The Court agrees to work with the AOC Interpreter Program, the Interpreter Commission, and neighboring courts to identify and implement best and promising practices for providing language access and interpreter services.
- e) The Court agrees to encourage its staff overseeing interpreter services at the court to attend trainings (in person and/or online) provided by the AOC Interpreter Commission and Interpreter Program.
- f) The Court may elect to pay for interpreter services that are not in accordance with the provisions of **Exhibit A** as set forth; however, such payments will not be reimbursed.
- g) The Court is required to have a Language Assistance Plan (LAP) to be a part of the reimbursement program.
  - 1) Courts that submitted their LAP for review in FY22 are not required to resubmit their LAP for FY23. Courts certify that they will exercise reasonable due diligence in maintaining and updating their LAP as required by law.
  - 2) Courts that did not submit their LAP for review in FY22 must submit it in accordance with content guidelines provided in Exhibit B, Annotated Language Access Plan Template with Criteria for Approval. Courts certify that they will exercise reasonable due diligence in maintaining and updating their LAP as required by law.

### 4. PERIOD OF PERFORMANCE

The beginning date of performance under this Agreement is **July 1, 2022**, regardless of the date of execution and which shall end on **June 30, 2023**.

### 5. COMPENSATION

- a) The Court shall be reimbursed a maximum of \$15,430.99 for interpreter and language access services costs incurred during the period of July 1, 2022 to June 30, 2023. No reimbursement shall be made under this Agreement for interpreting services provided after June 30, 2023.
- b) The Court shall receive payment for its costs for interpreter and language access services as set forth in **Exhibit A**, and incorporated herein.

- c) The Court shall not be reimbursed for interpreter services costs for Qualifying Events or other goods and services set forth in **Exhibit A** until properly-completed A-19 invoices, and corresponding data (*See subsection 3b*), are received and approved by AOC, pursuant to the following schedule:
  - 1) Reflecting Qualifying and non-qualifying Events, and any goods or services purchased, occurring between July 1, 2022 and September 30, 2022, must be received by the AOC no later than December 31, 2022.
  - 2) Reflecting Qualifying and non-qualifying Events, and any goods or services, purchased occurring between October 1, 2022 and December 31, 2022, must be received by the AOC no later than January 31, 2023.
  - 3) Reflecting Qualifying and non-qualifying Events, and any goods or services, occurring between January 1, 2023 and March 31, 2023, must be received by the AOC no later than April 30, 2023.
  - 4) Reflecting Qualifying and non-qualifying Events, and any goods or services, occurring between April 1, 2023 and June 30, 2023, must be received by the AOC no later than July 15, 2023.
- d) If this agreement is terminated, the Court shall only receive payment for performance rendered or costs incurred in accordance with the terms of this agreement prior to the effective date of termination.
- e) The Court shall submit its A-19 invoices quarterly through the web application. The Data shall be submitted electronically to the AOC as described in Section 3b, above, and in conjunction with the quarterly invoice.
- f) Payment to the Court for approved and completed work will be made by warrant or account transfer by AOC within 30 days of receipt of a properly-completed invoice and the completed data report.
- g) The Court shall maintain sufficient backup documentation of expenses under this Agreement.
- h) The AOC, in its sole discretion and upon notice, may initiate revenue sharing and reallocate funding among courts. If it appears the Court may not expend the maximum Agreement amount, the AOC may reduce the maximum Agreement amount. AOC may increase the maximum Agreement amount if additional funds become available through these revenue sharing provisions.

## **6. TREATMENT OF ASSETS AND PROPERTY**

The AOC shall be the owner of any and all fixed assets or personal property jointly or cooperatively, acquired, held, used, or disposed of pursuant to this Agreement.

## **7. RIGHTS IN DATA**

Unless otherwise provided, data which originates from this Agreement shall be "works for hire" as defined by the U.S. Copyright Act of 1976 and shall be owned by the AOC. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and video and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights. In the event that any of the deliverables under this Agreement



include material not included within the definition of "works for hire," the Court hereby assigns such rights to the AOC as consideration for this Agreement.

Data which is delivered under this Agreement, but which does not originate therefrom, shall be transferred to the AOC with a nonexclusive, royalty-free, irrevocable license to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others to do so; provided, that such license shall be limited to the extent which the Court has a right to grant such a license. The Court shall advise the AOC, at the time of delivery of data furnished under this Agreement, 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 Agreement. The AOC shall receive prompt written notice of each notice or claim of copyright infringement received by the Court with respect to any data delivered under this Agreement. The AOC shall have the right to modify or remove any restrictive markings placed upon the data by the Court.

#### **8. INDEPENDENT CAPACITY**

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

#### **9. AGREEMENT ALTERATIONS AND AMENDMENTS**

This Agreement 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.

#### **10. RECORDS, DOCUMENTS, AND REPORTS**

The Court shall maintain books, records, documents and other evidence of accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. These records shall be subject at all reasonable times to inspection, review, or audit by personnel duly authorized by the AOC, the Office of the State Auditor, and federal officials so authorized by law, rule, regulation, or Agreement. The Court will retain all books, records, documents, and other material relevant to this Agreement for six years after settlement, and make them available for inspection by persons authorized under this provision.

#### **11. RIGHT OF INSPECTION**

The Court shall provide right of access to its facilities to the AOC, or any of its officers, or to any other authorized agent or official of the state of Washington or the federal government at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance under this Agreement.

#### **12. DISPUTES**

Disputes arising under this Agreement shall be resolved by a panel consisting of one representative from the AOC, one representative from the Court, and a mutually agreed upon third party. The dispute panel shall thereafter decide the dispute with the majority prevailing. Neither party shall have recourse to the courts unless there is a showing of

noncompliance or waiver of this section.

### **13. TERMINATION**

Either party may terminate this Agreement upon thirty (30) days written notice to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

### **14. GOVERNANCE**

This Agreement is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- a. Applicable state and federal statutes and rules;
- b. This Agreement; and
- c. Any other provisions of the agreement, including materials incorporated by reference.

### **15. ASSIGNMENT**

The work to be provided under this Agreement, and any claim arising hereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

### **16. WAIVER**

A failure by either party to exercise its rights under this Agreement shall not preclude that party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement unless stated to be such in a writing signed by an authorized representative of the party and attached to the original Agreement.

### **17. SEVERABILITY**

If any provision of this Agreement, or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision and to this end the provisions of this Agreement are declared to be severable.

**18. AGREEMENT MANAGEMENT**

The program managers noted below shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Agreement:

AOC Program Manager	Court Program Manager
<b>Tae Yoon</b> PO Box 41170 Olympia, WA 98504-1170 <a href="mailto:Interpreterreimbursement@courts.wa.gov">Interpreterreimbursement@courts.wa.gov</a> 360-704-5590	<b>Suzanne Elsner</b> Court Administrator 1015 State Ave Marysville, WA 98270 <a href="mailto:selsner@marysvillewa.gov">selsner@marysvillewa.gov</a> (360) 363-8050

**19. ENTIRE AGREEMENT**

This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be considered to exist or to bind any of the parties to this agreement unless otherwise stated in this Agreement.

**AGREED:**

**Administrative Office of the Courts**

**Marysville Municipal Court**

\_\_\_\_\_  
*Signature*                                  *Date*

\_\_\_\_\_  
*Signature*                                  *Date*

**Dawn Marie Rubio**  
 \_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Name*

**Administrator, AOC**  
 \_\_\_\_\_  
*Title*

\_\_\_\_\_  
*Title*

## EXHIBIT A

### WASHINGTON STATE LANGUAGE ACCESS INTERPRETER REIMBURSEMENT PROGRAM FUNDING

#### FUNDING CONDITIONS AND PAYMENT STRUCTURE

The Language Access Reimbursement Program funding conditions and payment structure shall be as follows:

##### 1. GENERAL FUNDING CONDITIONS

The Administrative Office of the Courts (AOC), will reimburse courts under this Agreement for the cost of spoken language interpretation and sign language interpretation and other goods and services that improve language access in the courts for Limited English Proficient (LEP), deaf, and hard of hearing persons. This includes interpreters credentialed by AOC (certified or registered), or otherwise court-qualified interpreters appointed pursuant to RCW 2.42 and RCW 2.43 under the following conditions listed under Section 2 “Qualifying Interpreter Events.”

It also includes goods and services that improve language access, listed under Section 3 “Language Access Items,” and services listed under Section 4 “Language Access Services”.

Courts shall work with AOC staff in determining whether an expense that is not explicitly mentioned below, qualifies as a reimbursable expense under the Agreement.

##### 2. QUALIFYING INTERPRETING EVENTS

###### A. Spoken Language Interpreters Qualifying Events

AOC will reimburse courts under this Agreement for the cost of appointing AOC-credentialed or otherwise court-qualified interpreters pursuant to RCW 2.43 that meet one of the following conditions:

- a) If there is at least one AOC credentialed interpreter in the language being used then reimbursement will only be provided for using an AOC credentialed interpreter who is credentialed in that language.
- b) Compensation for interpreters for languages for which neither a certified interpreter nor registered interpreter is offered will be reimbursed where the interpreter has been qualified on the record pursuant to RCW 2.43.
- c) Courts will not be reimbursed for events using non-AOC credentialed interpreters if there is one or more AOC credentialed interpreter listed for the language being used.

###### B. Sign Language Interpreters Qualifying Events

AOC will reimburse courts for 50% of the actual expenses for services of American Sign Language (ASL) interpreters and Certified Deaf Interpreters (CDI) pursuant to RCW 2.42 when the interpreter is listed with the Department of Social and Health Services, Office of Deaf and Hard of Hearing (DSHS, ODHH) as a court-certified interpreter.

The Office of Deaf and Hard of Hearing (ODHH) at the Department of Social and Health Services (DSHS) maintains a list of Certified Court Sign Language Interpreters. This list includes American Sign Language (ASL) interpreters and Certified Deaf Interpreters (CDI). To qualify for reimbursement, and event using an ASL and/or CDI interpreter from this list must be used.

Certified interpreters are listed under three categories:

- Specialist Certificate: Legal – SC: L
- RID Certification with SC: L written test
- Intermediary Interpreters (Deaf Interpreter)

The most up to date list can be found here:

<https://fortress.wa.gov/dshs/odhhapps/Interpreters/CourtInterpreter.aspx>

### **C. Staff Interpreters (Salaried Staff)**

Reimbursement will be provided for salaried staff meeting the Qualifying Event conditions for the payment of credentialed spoken and sign language interpreters, as referenced in subsections 2.A and 2.B above.

### **D. Telephonic and Video Remote Interpreting and Services Outside of the Courtroom**

AOC will reimburse local jurisdictions for using certified, registered, or otherwise qualified interpreters operating by telephone or video for court proceedings and other services provided to the public by the Court. The services must meet the Qualifying Event conditions for the payment of credentialed spoken and sign language interpreters, as referenced in subsections 2.A and 2.B above.

## **3. LANGUAGE ACCESS GOODS AND SERVICES**

Courts can request reimbursement for the cost of goods and services that will help increase language access in the Court.

The items listed below are common goods and services that courts have used to increase language access and will be improved for reimbursement.

- Interpreter scheduling software or services
- Document translation
- Portable video device(s) for video remote interpreting
- Equipment used for simultaneous interpretation
- Printed signage for language assistance purposes
- Staff training on language access, interpreting, or bilingual skills improvement, for example:
  - Interpreters skills training for bilingual staff who want to become certified
  - Training for staff who are partly bilingual to improve their skills
  - General training on addressing language access issues.

Other examples can be found here:

<https://www.nmcenterforlanguageaccess.org/cms/en/courts-agencies/about-language-access-basic-training>

Items or services not listed above must be pre-approved (via email) by Language Access Interpreter Reimbursement Program staff prior to purchase or they may not qualify for reimbursement under the Program.

#### **4. SCOPE OF REIMBURSEMENT FUNDING**

Reimbursement payment under this Agreement will only be made to the Court when the cost is paid out of the budget or budgets, in the case of multi-court collaborative applicants of the Court responsible for full payment.

#### **5. PAYMENT STRUCTURE**

##### **A. Reimbursement Rate**

a) **Spoken Language Interpreters**

AOC will reimburse the Court for 50% of the cost of AOC certified, registered, or otherwise court-qualified interpreters providing services under this Agreement.

b) **Sign Language Interpreters**

AOC will reimburse the Court for 50% of the cost of certified and court-qualified interpreters providing services under this Agreement.

c) **Staff Interpreters (Salaried Staff)**

AOC will reimburse the Court for 50% of the cost of staff interpreters.

d) **Contracted Interpreters**

The cost of contract interpreters who are paid other than on an hourly basis, for example, on a half-day of flat rate basis, will be reimbursed at 50%.

e) **Remote Interpreting**

AOC will reimburse the Court for 50% of the cost of using certified, registered, or otherwise qualified interpreters providing interpretation by telephone or video.

f) **Cancellation Fees**

AOC will reimburse the Court for 50% of cancellation fees paid to interpreter.

##### **B. Travel Time and Mileage**

AOC will reimburse the Court at 50% of the cost of interpreter travel time and mileage.

Interpreter travel time is reimbursable if a required party fails to appear. "Failure to appear" means a non-appearance by the LEP or deaf or hard of hearing client, attorneys, witnesses, or any necessary party to a hearing, thereby necessitating a cancellation or continuance of the hearing. The Court can be reimbursed for 50% of the cancellation fees paid to the interpreter.

## Exhibit B

# Annotated Language Access Plan Template with Criteria for Approval

This document provides information about the criteria that the AOC will use to review and approve Language Access Plans (LAP) for courts in the reimbursement program. This document includes the LAP template with annotations related to the approval criteria. The criteria have been established by the Washington State Supreme Court Interpreter Commission and are primarily based on provisions laid out in [RCW 2.43.090](#).

The criteria are located throughout the template in red text. The criteria are framed as a series of questions and are placed in the locations most likely to answer those questions. For example, the question *“Does the LAP identify a process for requiring and providing training to judges, court clerks, and other court staff?”* is located in **Section VI Training**, which directly relates to this question.

A few of the provisions have a broader scope and contain elements that could be addressed in multiple sections. For these provisions, the criteria are placed near the sections that most closely related to the topics.

### **Additional Resources**

A non-annotated version of this document. Courts can use this template to create their individual LAPs. Also found as Appendix B in the [Deskbook](#).

#### [Deskbook on Language Access in Washington Courts](#)

Comprehensive guide on providing language access and includes additional information and resources related to the [LAP template](#).

#### [RCW 2.43.090](#)

State statues related to LAPs and provisions required by state law.

#### [Language Access Plan Development Session](#)

A video walk-through of the [LAP template](#) with guidance on each section.

## Language Access Plan of *[name of your court]*

### I. PURPOSE

This LAP sets forth the ***[name of court]*** policy and procedures for the provision of timely language access services that ensure access for all limited English proficient (LEP), deaf, hard of hearing, and deaf-blind (D/HH/DB) individuals who come in contact with *[name of your court]* services and programs. Language access services include both interpretation and translation services for LEP and D/HH/DB individuals.

### II. COURT POLICY REGARDING LANGUAGE ACCESS SERVICES

Under Washington state law (chapters 2.42 and 2.43 RCW), Title VI of the Civil Rights Act of 1964 (Title VI), the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act), the Americans with Disabilities Act (ADA), and the regulations implementing these federal laws, Washington courts are required to provide language access services to all LEP and D/HH/DB individuals in civil and criminal court proceedings and in all court-managed services and programs and to develop a written language access plan pursuant to RCW 2.43.090.

It is the policy of ***[name of court]*** to provide foreign language interpreter services at no cost to LEP parties, witnesses, victims, and others with an interest (e.g., parents, legal guardians, custodians) in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law. It is also the policy of this court to provide sign language interpreting services at no cost to persons who are D/HH/DB as required under applicable state and federal statutes and regulations.

*[Name of court]* will provide accessible information to LEP and D/HH/DB persons on how to request these language assistance services and vital documents as part of its notice to the public about its language access services.

Although D/HH/DB individuals are covered under the ADA and chapter 2.42 RCW rather than Title VI and the Safe Streets Act, this plan covers language access services for both D/HH/DB and LEP individuals.

### III. DATA COLLECTION AND NEEDS ASSESSMENT

#### Considerations for Approval

*RCW 2.43.090 (1)(a)*

Does the LAP:

- Identify how often language data is collected and reviewed.
- Identify the most commonly spoken languages in the service area.
- Identify the source of data. (optional)



The **[designated language access office or person]** for **[name of court]** will, on an annual basis, compile demographic data regarding the language needs of its community. The court will initially review data from sources such as the following **[check all that apply and delete those that are not relevant to your court jurisdiction]**:

- Most recent and relevant U.S. Census and American Community Survey (ACS)
- Local school district (list names of district(s))
- County health department
- Public Defender's Office/Office of Assigned Counsel
- Prosecuting Attorney's Office
- County or City Attorney's Office
- Local legal aid service providers and community-based organizations which focus their service provision on immigrant and refugee populations in order to identify possible immigration and new language trends **[list relevant community agencies, if any]**

This data will be analyzed annually to determine whether the court's allocation of language access resources is appropriate.

The **[name of your court]** will make every effort to track requests for language access services by **[check all that apply or delete those that are not relevant to your court]**:

- Language preference (both spoken, written, and signed)
- Case type (e.g. family law, criminal, housing, etc.)
- Proceeding (e.g. trial, arraignment, initial appearance, etc.)
- Location of service request (e.g. court hearing, ADR, clerk's office, etc.)
- Whether the language access service requested was granted or denied
- Reason for denial
- Other **[describe]**

In addition to mechanisms discussed under the identification of language needs section below, the **[name of court]** will track this internal data in a case management system where available, and/or case files if case management is not automated. On a yearly basis, the court will analyze the data collected to identify whether services requested are in fact provided, assist in the allocation of language access resources, and identify gaps in the provision of services to address future needs.

The **[name of your court]** will send the final data compilation and analyses in the form of a biennial report to the Washington State Court Interpreter Commission to assist the Commission in monitoring of the court's Language Access Plan, identification of interpreter training and certification strategies, and other tools to assist the AOC and local courts in the provision of language access services.

#### **A. Identified Current Needs**

The most current language need identification efforts undertaken by **[name of court]** shows the following **[insert top five languages below]** non-English languages, whether spoken or signed, that are most frequently used in our

**geographic area:**

- [language xx]
- [language xx]
- [language xx]
- [language xx]
- [language xx]

The most current language need identification efforts undertaken by **[name of court]** shows the following **[insert top five languages below]** foreign or sign languages that are most frequently used in our **court community**:

- [language xx]
- [language xx]
- [language xx]
- [language xx]
- [language xx]

**B. Identified Future Needs (if any)**

**[Name of court]** has identified the following emerging and/or additional languages among court users in the area for which resources will be needed in the future:

- [language xx or resource needed]
- [language xx or resource needed]
- [language xx or resource needed]

**IV. LANGUAGE ASSISTANCE IDENTIFICATION AND RESOURCES**

**Considerations for Approval**

*RCW 2.43.090 (1)(a) and RCW 2.43.090 (1)(b)*

Does the LAP:

- Establish procedures court staff will use to identify LEP persons and the languages needed. [Template, Section IV B]
- Establish a court process and mechanism for tracking requests for language services. (Specifically how the court tracks language needs).
- Refer to I-speak cards or other resources that are available for staff to identify the language needed. (optional)
- Identify an individual or department responsible for coordinating language access services and procedures for providing in-person, video remote, and telephonic interpreter services. (optional)

**A. Designated Language Access Office [or other name given by your court]**

The **[name of court]** has designated **[include name of designated local Language Access Coordinator or Interpreter Coordinator]** as the person

responsible for coordinating language access services and to whom requests for interpreters and other language access services may be addressed. This designated person is available to:

- Develop lists of interpreters and secure interpreter services
- Receive and track language assistance requests;
- Address gaps in interpreter services by conducting outreach as needed;
- Provide information to assist LEP and D/HH/DB individuals to secure language access services;
- Assist or provide referrals to attorneys, justice partners, and other relevant persons to secure language access services for their clients and constituents;
- Assist court staff with securing language access services; and
- Answer questions from LEP and D/HH/DB individuals, and the public at large, regarding the court's available language access services, including the court's language access resources such as translated materials, interpreter roster, language identification cards, and other resources identified in this Plan.

LEP and D/HH/DB individuals, attorneys, justice partners, government agencies, and any other entities in need of language access services for court programs or activities or to acquire such services or information for themselves or their clients, may contact:

*[Name of person/office designated]*

*[Address]*

*[Phone number]*

*[Fax/Email]*

## **B. Identification of Language Access Needs and Notice of Availability**

LEP and D/HH/DB, individuals may come in contact with court personnel via the phone, TTY / TDD, in-person, or through other means. In addition, there are various points of contact within **[name court here]** where LEP individuals or persons who are D/HH/DB will be in contact with court staff. Sometimes people who need language access services, including translated documents, will not request these services because they do not realize that such services are available at no charge, or because they do not recognize the level of English-language proficiency or communication ability needed to effectively participate in the court program, court proceeding, or court services. The first step in providing language access services is to enable LEP individuals or persons who are D/HH/DB to properly identify their language needs.

As a first step towards ensuring that LEP and D/HH/DB individuals are able to properly identify their language needs and to request language access and assistance services, **[name of court]** has a legal obligation to provide accessible notice to the public of an individual's right to spoken and sign language interpreter services and to be provided vital documents in translated form

whenever necessary to access court proceedings and court-managed programs.

### Considerations for Approval

*RCW 2.43.090 (1)(c)*

Does the LAP:

- Provide a description of how the court notifies court users of the right to and availability of interpreter services and how to request those services.
- Identify specific locations where the notice will be placed or acknowledge that the court will prominently display the translated notice in the languages identified in RCW 2.43.090 (1)(a).

### 1. Identifying Language Needs at Points of Access

**[Name of court]** will identify language access needs at all points of contact with the court, such as the following *[Check all that apply or delete those that are not relevant to your court]:*

- Telephone calls to court staff.
  - *[insert court phone numbers]*
- Security screening at court house entrances at the following courthouses:
  - *[insert court locations where screening exists]*
- Clerks' Offices at the following locations:
  - *[insert court locations]*
- Jury Offices at:
  - *[insert court locations]*
- Court Records Office at:
  - *[insert court locations]*
- Cashier Offices at:
  - *[insert court locations]*
- Small Claims or Alternative Dispute Resolution Services at:
  - *[insert court locations]*
- Courtroom(s) at the following court houses:
  - *[insert court locations where courtrooms are situated]*
- Court Facilitator or pro se services provided by the court at:
  - *[insert court locations]*
- Court-managed programs and services at:
  - *[insert locations and services provided]*
- Other *[Describe other points of access and the locations]*

To ensure the earliest possible identification of the need for language access services, the **[name of court]** has established internal protocols with the various justice partners which routinely interact with this court in order for these partners to communicate to the appropriate court staff the needs of LEP or D/HH/DB participants who will be coming into contact with the court. While justice partners themselves may be under a separate legal obligation to provide language access services to their clients, the court will be notified of any services that fall under the responsibility of the court as early as possible so

services may be provided in a timely and efficient manner. Examples of justice partners to be notified include *[check all that apply or delete those that are not relevant to your court]*:

- Jail staff
- Domestic violence victim’s advocate
- Attorney/public defender
- Court facilitator
- Law enforcement
- Other *[add any other justice partners]*

## 2. Notice of the Availability of Language Access Services

In order to facilitate the ability of LEP and D/HH/DB individuals to request their need for language access services, the **[name of court]** shall provide notice of the availability of language access services translated into Washington State’s most frequently used languages that states:

*“You have the right to language access services at no cost to you. To request these services, please contact *[insert designated language access office or appropriate contact here]*”.*

The **[name of court]** displays this notice on its website and at the following locations:

- *[location xx]*
- *[location xx]*
- *[location xx]*

Additionally, **[name of court]** has the following resources available at its points of contact, including those listed above when appropriate, to help LEP and D/HH/DB and court staff communicate with each other *[Check all that apply or delete those that are not relevant to your court]*:

- Language identification cards at all points of contact
- Multi-lingual notices at all appropriate points of contact notifying members of the public of their right to request an interpreter or other language assistance at any point during their contact with the court.
- Other *[Add any additional mechanism for self-identification for LEP and D/HH/DB persons]*: \_\_\_\_\_

When it appears that an individual has difficulty communicating due to a language barrier, **[name of court]** staff must inform the LEP or D/HH/DB person of his or her right to have language access services provided by the courts at no cost to them, even if the LEP or D/HH/DB person has not made a request for the language access services.

## V. LANGUAGE ACCESS SERVICES

### Considerations for Approval

*RCW 2.43.090 (1)(b) and RCW 2.43.090 (1)(d).*

Elements that address the criteria below may be found in multiple sections including Section III, Section IV, Section V and section VII.

Does the LAP:

- Establish a process the court will use to appoint and provide interpreter services in legal proceedings consistent with RCW 2.43.030.
- Establish procedures for providing timely language services outside of the courtroom.
- Identify a mechanism to identify and address delays in access to courts due to language barriers.
- Acknowledge the commitment to provide timely services. (optional)

Once the **[name of court]** staff has determined interpreter services are required for an LEP or D/HH/DB individual, court staff have access to the following procedures for securing an interpreter.

### A. Language Access Services Inside the Court Room

#### 1. Appointment of a Certified, Registered, or Qualified Interpreter for In Court Proceedings

The person responsible for appointing or securing the assistance of an interpreter at the **[name your court]** will comply with the following order of preference in appointing an interpreter as set forth in RCW 2.43.030(1)(b) and (2).

RCW 2.43.030(1) (b) states:

An in-person Certified or Registered interpreter who has been credentialed by the Administrative Office of the Courts shall be appointed, whenever possible, unless good cause is found and noted by the appointing authority. "Good cause" includes, but is not limited to, a determination that:

- (i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of an in-person credentialed interpreter are not reasonably available to the appointing authority; or
- (ii) The current list of credentialed interpreters maintained by the Administrative Office of the Courts does not include an interpreter in the language spoken by the LEP.

RCW 2.43.030(2) states:

If good cause is found for using an interpreter who is not credentialed by

the Administrative Office of the Court, the appointing authority shall make a preliminary determination that the proposed interpreter is able to interpret accurately all communications to and from such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

- (a) Is capable of communicating effectively with the court or agency and the person for who the interpreter would interpret; and
- (b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

In the event no in-person interpreter is available locally, the court or designated authority will weigh the need for moving forward with the proceeding against any possible negative consequences to the LEP or D/HH/DB person's ability to effectively participate in the proceedings through the use of a remote interpreter, as may be allowed by Washington court rule or law. When evidentiary matters are before the court, the court shall reschedule the hearing until an in-person interpreter is available, whether located in-state or out-of-state, and be made present at the hearing.

[*Name of your court*] will NOT appoint as interpreters anyone with a potential conflict of interest in the case, including the following: minors; friends and family of the LEP or D/HH/DB person; advocates and attorneys; justice partner bilingual staff; or anyone deemed unqualified after voir dire by the court.

## 2. Practices in the Appointment and Use of Interpreters

In appointing interpreters, staff at [*name of court*], will ensure that the interpreter and the LEP or D/HH/DB participant can effectively communicate. It is also the practice of [*name of court*] to:

- Make a determination of the appropriate number of interpreters that may be required for the proceeding. When the proper administration of justice so requires the court will appoint multiple or separate interpreters.
- For long hearing sessions or trials, appoint a team of two interpreters or if no second interpreter is available, allow the interpreter to have frequent breaks to avoid interpreting fatigue, ensure accuracy, and avoid subsequent errors.
- Only allow an LEP or D/HH/DB person to waive his or her right to the assistance of an interpreter if the waiver is knowing, voluntary, and on the record. The waiver of an interpreter may be rejected by the court or later revoked by the person.
- Require interpreters to provide sight translations for documents related to the court proceedings.
- Prohibit interpreters from assisting LEP or D/HH/DB with entering information on

court forms without the involvement of court staff in the completion of such forms.

- Provide sign language interpreters for jurors who are D/HH/DB when such persons are called and selected for jury service

### **3. Calendaring and Scheduling of Interpreters for In-court and Out-of-court Contacts**

**[Name of court]** will provide interpreter services in a timely manner. In order to provide high quality language access services in an efficient manner, **[Name of court]** employs the following practices: *[check all that apply or delete those that are not relevant to your court]*

- Batching of matters for which an interpreter for a specific language is needed so long as this does not cause unnecessary delays in access and loss of remedies available to litigants, such as:
  - [list any matters for which batching would be appropriate]*
- Coordinating calendars so an interpreter may be available for several matters in the same court location on the same day.
- Establishing systems so that an interpreter coordinator can easily dispatch an interpreter from one court location to another, or one courtroom to another, efficiently, such as:
  - [list any systems]*
- Coordinating the use of interpreters so that when an interpreter is not busy in a courtroom proceeding he or she may be available in person or telephonically to assist in other court-managed services, such as clerk's offices, pro se clinics, etc.
- Creating a pool of interpreters who may be available by telephone or video to assist in non-evidentiary proceedings or other court programs.
- Other: *[Describe additional practices]*

### **4. Remote Interpreting**

For short non-evidentiary hearings the **[name of court]** uses the following remote interpreting technologies: *[check all that apply or delete those that are not relevant to your court]*

- Video-remote interpreting (VRI)
- Telephonic interpreting provided by credentialed interpreters
- Telephonic interpreting agencies
- Other: *[Describe remote interpreting technologies]*

The policy or practice of the court with regard to the use of remote interpreting services is as follows: *[insert/attach your court's policy here, or if your court does not have policy, use the following points as a guide as it relates to remote interpreting]*



- Video remote and telephonic interpreting use will be consistent with GR 11.3 and will be used with caution. Generally, in-person interpreters are preferred.
- Telephonic interpreting will be a last resort for courtroom proceedings, and reserved for brief non-evidentiary proceedings such as continuances, given that non-verbal cues – not visible when on the telephone – are critical for communication. Telephonic interpreting can be particularly problematic in some circumstances such as for individuals who are deaf or hard of hearing, the elderly, those struggling with mental illness, quiet or nonverbally communicative individuals, and others.
- Video remote interpreting (VRI) will be used appropriately and will meet the requirements for providing effective communication, including,
  - Real-time, full-motion video and audio;
  - A clear, large image;
  - A clear transmission of voices;
  - Adequate training of staff in utilizing the equipment; and
  - Use of Certified interpreters with legal training

in order to be an efficient and effective mechanism for providing language access services when an in-person interpreter is not available, or when only a non-credentialed interpreter is available in person (but a credentialed one is available via video).

The court requires training for staff and appointing authorities on VRI and telephonic interpreting, how to use the technologies, how to best utilize the remote interpreter, and what are appropriate events for such types of remote interpreting service. VRI shall not be the only option available to the court and should be used when in-person interpretation services are not available.

## **B. Language Services Outside the Courtroom**

The **[name of court]** is responsible for taking reasonable steps to ensure that LEP, deaf and hearing impaired individuals have meaningful access to services outside the courtroom. It is the practice of the court to provide interpreters for court-managed services, programs and operations consistent with state and federal language access mandates. In compliance with such mandates, the court shall provide language access services at: *[check all that apply or delete those that are not relevant to your court]*

- Alternative dispute resolution programs
- Anger management class
- CASA Programs
- Cashiers
- Court-ordered visitation

- Court facilitator services
- Criminal diversion programs
- Family Team Decision Making
- Guardians Ad Litem
- Electronic home monitoring
- Information counters
- Intake or filing offices
- Juvenile detention
- Juvenile diversion programs
- Mandatory mediation
- Prostitute patron (“John”) class
- Parenting classes
- Pro se clinics
- Probation offices
- Records rooms
- Other [*Describe additional locations*]

The court, in compliance with federal and state civil rights laws and regulations, shall provide the most appropriate language access service for these programs and services, including qualified interpreters, bilingual staff, and translated materials and information. When the most appropriate language access service is the appointment of a qualified interpreter, the court shall follow the guidelines described for the appointment of interpreters.

As noted in the policy interpretation section earlier, chapter 2.42 RCW requires that courts provide interpreters for persons who are D/HH/DB when they are required to attend court ordered-programs or services. In addition to the provision of qualified interpreters in all proceedings where required, court’s bilingual staff may assist with language needs outside of court proceedings. Bilingual staff shall be trained to understand their role, how it differs from the role of an interpreter, and that staff are only used for basic communications.

**C. Translated Forms and Documents**

### Considerations for Approval

RCW 2.43.090 (1)(e)

Does the LAP:

- Include procedures to evaluate the need for translation of written materials.
- Identify the languages for which translations will be prioritized.
- Identify a process for translation requests, maintenance, and quality.
- Identify how the public is provided access to printed materials where no translation is provided.
- Identify existing translated materials and a process for adding future translations as needed. (optional)
- Identify the qualification of translators and include a prohibition of machine translation. (optional)

The **[name of court]** understands the importance of translating forms, documents, and electronic materials into non-English languages, so that LEP individuals have greater access to the courts' services. Judicial and court staff shall not use web-based applications or software to process or provide translations for LEP individuals.

State forms which have been translated are available at [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms). Additional informational resources translated into Spanish include:

- [A Guide to Washington State Courts / Guía de los Tribunales del Estado de Washington](#)
- [Self-Represented Persons in District Court / Personas que se representan a sí mismas en el Tribunal de Distrito](#)
- [Self-Represented Persons in Municipal Court / Personas que se auto representan en los Tribunales Municipales](#)
- [Self-Represented Persons in Superior Court Civil Proceedings / Personas que se auto representan en procedimientos civiles en el Tribunal Superior](#)
- [An Introduction to Small Claims Court / Una Introducción Al Juzgado De Demandas De Cuantía Menor](#)

*[If your court has translated forms, use this section below to identify the forms]:*

The **[name of your court]** currently has the following forms translated into commonly used languages *[list any forms/pamphlets your court has translated or include a link to the webpage containing those forms]:*

- [X, Y and Z Criminal Court Forms have been translated into . . .]
- [X, Y and Z Domestic Abuse forms have been translated into. . .]
- [XX]
- [YY]

The court shall make available such forms at appropriate locations in its court system and on the court's website. Information posted on the court's website for such forms shall be made accessible in the language the form is translated into.

***[If your court has not translated any local forms, use this section]***

**[Name of court]** has not translated any local forms and relies solely on translated general pattern forms provided by the AOC. When translated forms are not available, this court may: *[check all that apply or delete those that are not relevant to your court]*

- Provide sight translation of the form using bilingual staff
- Provide information regarding the content of the form using bilingual staff.
- Have an in-person interpreter sight translate the form
- Refer LEP party to a community resource
- Use telephonic interpreting
- Other *[describe other practices]*

**D. Providing Emergency Information to LEP Court Customers**

The **[name of court]** is responsible for taking reasonable steps to ensure that LEP and D/HH/DB individuals have meaningful access to emergency information should an emergency situation arise. The court provides such information in the following ways:

- There are universally understood emergency signs located in the strategic places throughout the courthouse building;
- Emergency exits are clearly marked [possibly also in the most common non-English language(s) used in the area];
- Evacuation map(s) are located in visible public area points with an indication using the most common non-English language (in addition to English) spoken in the area to designate the evacuation map(s).
- Bilingual staff is informed and trained to provide emergency information.

**VI. TRAINING**

**Considerations for Approval**

*RCW 2.43.090 (1)(f)*

Does the LAP:

- Identify a process for requiring and providing training to judges, court clerks, and other court staff.
- Identify the topics of the training to include requirements of the language access plan and how to effectively access and work with interpreters.
- Identify procedures to ensure existing staff and new staff are trained in an ongoing manner. (optional)

The **[name of court]** is committed to providing training for all judicial and court staff members who come in contact with LEP and D/HH/DB individuals in order to ensure the successful delivery of language access services. The court will provide staff training on all requirements in this Language Access Plan. Additional training opportunities will include *[check all that apply or delete those that are not relevant to your court]*:

- Proper appointment and scheduling of interpreters for all court proceedings and court-managed programs and services
- How to voir dire a non-credentialed court interpreter
- Role of an interpreter, modes of interpreting, and interpreter ethics and professional standards
- Courtroom management when interpreters are used
- Use of remote technologies for interpreting
- Cultural competence
- Other *[describe other trainings]*

Training efforts will include an initial training for new staff on the requirements of the current Language Access Plan and an annual training for existing court personnel that addresses any revisions made to the Plan.

Resources and information regarding language access services, policies and procedures and tools for providing language assistance (such as bench cards, language identification guides, brochures, etc.) are available to all court staff and decision makers at: *[check all that apply or delete those that are not relevant to your court]*

- The court's intranet
- The court's Language Access Coordinator/Interpreter Coordinator *[or your name for designated office/person.]*
- Other *[list other resources]*

## **VII. COMPLAINT PROCESS FOR NON-COMPLIANCE**

### **1. Complaints Against Local Court**

This specific complaint process is designed to bring to the attention of the local court, and if necessary, the Commission, allegations filed by LEP or D/HH/DB parties that the local court is out of compliance with the its own Language Access Plan, any applicable federal statutes or regulations, state statutory provisions, such as chapters 2.42 or 2.43 RCW and/or any applicable state or local court rules. This is an informal process whereby the Commission may be involved in providing consultation and guidance to LEP parties and local courts in resolving and removing barriers to language access services and resources.

LEP and D/HH/DB individuals are encouraged to first file a complaint with the local court using local court customer complaint filing procedures. The local court complaint rules are as follows:

#### **A. Local Court Complaint Process**

**(Court insert its local court complaint process here)**

## **B. Complaint Filed with the Court Interpreter Commission (Optional)**

1. Except in extraordinary circumstances, the complaint must be filed with the Commission by an aggrieved party within 60 days from the date of the events on which the complaint is based.

Within 3 business days of the receipt of the complaint against a local court, Commission staff will inform complainant, using the contact information provided by complainant, of their option to file their complaint with the Department of Justice and of the need to file such complaint within 180 days from the date of the alleged discrimination.

2. Complaints filed with the Court or the AOC must be in writing and must be signed. The complaint must include the following information:

- a. A clear and brief description of the complaint and any evidence upon which the allegation is based, with relevant supporting documentation. The description and supporting evidence should include relevant facts that support the complaint that the court did not provide language access services;
- b. If possible, the complaint should identify the section(s) of the court's plan, statutes or regulations alleged to have been violated and the time frame in which the lack of compliance is alleged to have occurred;
- c. Disclosure of any other channels the complainant is pursuing, including legal action (optional); and
- d. A statement authorizing the Commission to send a copy of the complaint to the court that is the subject of the complaint.

### **Complaints filed with the Interpreter Commission should be sent to:**

Washington State Interpreter Commission  
c/o Interpreter Commission Staff  
Administrative Office of the Courts  
PO Box 41170  
Olympia, WA 98504-1170.

Or by contacting Robert W. Lichtenberg at 360-350-5373 by telephone or via email to [Robert.Lichtenberg@courts.wa.gov](mailto:Robert.Lichtenberg@courts.wa.gov)

### **3. Interpreter Commission Complaint Review**

- a. The Commission shall determine whether the complaint alleges facts that raise issues relating to the court's compliance with its LAP,

federal civil rights laws, chapters 2.42 and/or 2.43 RCW or court rules. This determination shall be made within 10 business days of receiving the complaint. The Commission may request additional information from the complainant if appropriate. If the Commission concludes that the complaint does not raise issues relating compliance with the LAP, Title VI of the Civil Rights Act, chapters 2.42 and/or 2.43 RCW, the matter will be closed and the complainant will be notified of the decision.

- b. If the Commission determines that the complaint may raise possible compliance issues, the complaint shall be sent to the court and a response requested. The Commission ordinarily will request the presiding judge of the court or their designee to respond within 30 days.
- c. If the response from the court establishes that the court is not out of compliance with respect to the matters raised in the complaint, the Commission will close the matter.

If the court's response does not clearly establish that it is operating in compliance with the matters raised by the complaint, the Commission may appoint a fact-finder to investigate the issues raised by the complaint and to report on the court's response, if necessary. The complaint, the court's response, and fact-finder's report, if any, shall be referred to the Commission for any further action deemed necessary by the Commission.

- d. The person making the complaint will be notified promptly regarding the conclusion of the Commission's review.

## VIII. PUBLIC NOTIFICATION AND EVALUATION OF LAP

### A. LAP Approval & Notification

**[Name of court]** LAP has been approved by the [*Presiding Judge, Court Administrator, Court Manager, and/or County Clerk*], and a copy has been forwarded to Washington State Administrative Office of the Courts' Interpreter Program Coordinator. Any revisions to the Plan are to be submitted to the [*Presiding Judge, Court Administrator, Court Manager, and/or County Clerk*] for approval, and then forwarded to the Interpreter Program Coordinator. Copies of **[name of court]** LAP shall be provided upon request. In addition, the court shall post its LAP on its own website at: **[Insert court's URL]**

### B. Outreach and Communication of Plan

The **[name of court]** shall inform the public of the existence of the LAP and to

this end, the court will: *[check all that apply or delete those that are not relevant to your court]*:

- Collaborate with local bar associations, justice partners and other relevant organizations to ensure distribution of information.
- Translate vital outreach materials into the following languages:
  - *[Insert languages with high diffusion in the court's area to which vital documents and materials will be translated]*.
- Use ethnic media outlets (print, audio, TV, and digital media) to communicate regarding their language access policies and administrative policies. The court has identified the following ethnic media outlets with whom it will collaborate:
  - *[Insert local, regional and or statewide media outlets]*.
- Establish mechanisms for obtaining feedback from the public, attorneys and justice partners regarding the implementation and effectiveness of the administrative protocol and take this feedback into account at the yearly evaluation of the protocol.
- Other:

### C. Annual Evaluation of the LAP

#### Considerations for Approval

*RCW 2.43.090 (1)(g)*

Does the LAP:

- Identify a process for ongoing plan evaluation and updating.
- Identify a process for monitoring implementation.
- Include the frequency of review, who is responsible for the review, and how the evaluation will incorporate stakeholder feedback. (optional)
- Include a process to assess utilization of interpreter services, including reports. (optional)

***[Name of court]*** will conduct an annual needs assessment to determine whether changes to the LAP are needed. To this end, the court will continue to communicate on an ongoing basis with stakeholders, including LEP and D/HH/DB persons, attorneys, and the public in the following manner(s):

- *[Fill in the method for notifying stakeholders of protocol for needs assessment]*.

This assessment will be done by reviewing various areas in which the court provides language access services, taking into consideration, at a minimum, the number of interpreters requested by language in the courts and the identification of emerging changes in the languages spoken or signed within the court's local population as identified by any informational means or by other methods. Elements of the assessment evaluation shall include *[check all that apply or*



*delete those that are not relevant to your court]:*

- Number of LEP or D/HH/DB persons requesting court interpreters;
- Assessment of current language needs to determine if additional services or translated materials should be provided;
- Assessing whether staff members adequately understand LAP policies and procedures and how to carry them out; and
- Gathering feedback from LEP, deaf and hearing impaired communities around the state.
- Identification of challenges or trends your court is experiencing with providing language access services.
- Other [*describe other assessments*]

Any revisions made to the Plan will be communicated to all court personnel, and an updated version of the plan will be posted on the court's web site. In addition, the **[Name of court]** will submit to the AOC a copy of any updated information contained in this LAP within 60 days of its approval by **[Name of court or designated authority here]**.

#### **D. Ideas for Future Improvements in Language Access [Optional]**

**[Name of court]** will review the results of its annual needs assessment and conduct the following activities [*Check all that apply*]:

- Identify any challenges or trends your court is experiencing with providing language access services, sourcing of interpreters, document translation tasks, and website information that is accessible to LEP and D/HH/DB individuals.
- Engage in collaborative efforts with other courts to improve and coordinate interpreter scheduling where interpreter resources are shared.
- Identify and implement changes or improvements identified by your court to improve language access services that are within the scope of this LAP
- Other:

#### LAP Contact Person

##### **State Contact:**

Robert Lichtenberg  
AOC Interpreter Program  
1206 Quince Street SE  
PO Box 41170  
Olympia, WA 98504-1170

##### **Local Contact:**

*[Insert Local Contact Information]*

Robert.Lichtenberg@courts.wa.gov  
(360) 350-5373

The effective date of this LAP plan is \_\_\_\_\_.



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Parks Director Tara Mizell, Parks, Recreation & Culture

**ITEM TYPE:** Resolution

**AGENDA SECTION:** **New Business**

**SUBJECT:** A **Resolution** for Proposed Rate Increase at Cedarcrest Golf Course

**SUGGESTED ACTION:** Recommended Motion: I move to adopt Resolution No. \_\_\_\_.

### SUMMARY:

---

### ATTACHMENTS:

- [Cedarcrest proposed 6 year plan for rates increase 20-25 - MF \(002\).pdf](#)
- [Golf Fees Resolution 11-29-22.docx](#)

# RATES--Cedarcrest 6 year look--RATES

## Proposing increase of \$2 2023 then \$1 through 2025

### Adult-PRE TAX

RATE	2020	2021	2022	2023	2024	2025
18 holes WD	30.0	32.0	32.0	34.0	35.0	36.0
18 Holes WE	35.0	37.0	37.0	39.0	40.0	41.0
9 Holes WD	22.0	23.0	23.0	25.0	26.0	27.0
Twilight WD	22.0	23.0	23.0	25.0	26.0	27.0
Twilight WE	22.0	23.0	23.0	25.0	26.0	27.0
Tw-Late WD/WE	14.0	15.0	15.0	NA	NA	NA
Early Bird	22.0	23.0	23.0	25.0	26.0	27.0
9 Holes WE (after Noon)	23.0	24.0	24.0	26.0	27.0	28.0
18 Hole playcard	283.0	302.1	301.8	300.0	305.0	310.0
Playcard WE Surcharge	4.0	4.0	4.0	4.0	4.5	5.0
Adult Annual (valid anyday)	1620.0	1689.5	1688.0	1800.0	1850	1900.0

### Senior/Military (weekday)-PRE TAX

RATE	2020	2021	2022	2023	2024	2025
18 holes WD	24.0	26.0	26.0	28.0	29.0	30.0
9 Holes WD	17.0	18.0	18.0	20.0	21.0	22.0
Twilight WD	22.0	23.0	23.0	25.0	26.0	27.0
18 Hole playcard-post tax	211.0	230.1	229.9	240.0	245.0	250.0
Senior Annual (Mon-Fri only)-post tax	1079.9	1156.5	1155.5	1200.00	1250.00	1300.0
Senior Qtr. Pass (Mon-Fri only)-pots tax	257.2	279.1	243.9	400.0	412.5	425.0

### Junior -PRE TAX

RATE	2020	2021	2022	2023	2024	2025
18 Holes WD	14.0	14.0	14.0	14.0	15.0	15.0
9 Holes WD	14.0	14.0	14.0	14.0	15.0	15.0
Twilight WD	14.0	14.0	14.0	14.0	15.0	15.0

### Rentals-POST TAX

	2020	2021	2022	2023	2024	2025
18 Hole	\$ 15.00	\$ 16.00	\$ 16.00	18	18	19
9 Hole	\$ 10.00	\$ 11.00	\$ 11.00	12	12	13
18 Twilight	\$ 10.00	\$ 11.00	\$ 11.00	12	12	13
9 Twilight	\$ 10.00	\$ 11.00	\$ 11.00	12	12	13
Trail Fee	\$ 8.00	\$ 8.00	\$ 8.00	9	9	10
Pull Cart	\$ 6.00	\$ 7.00	\$ 7.00	9	9	10
Rental Clubs	\$ 15.00	\$ 30.00	\$ 30.00	30	30	30

GREY=rate increased that year

CITY OF MARYSVILLE  
Marysville, Washington

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,  
WASHINGTON, ADOPTING REVISED GREENS FEES AND RENTAL FEES  
FOR CEDARCREST GOLF COURSE.**

WHEREAS, staff and course operator Premier Golf have evaluated greens fees and rental fees at Cedarcrest Golf Course and at comparable golf courses; and

WHEREAS, the Park Board has reviewed and approved the proposed fee schedule; and

WHEREAS, setting fees as set forth in Exhibit A would maintain consistency with industry standards, offer competitive rates and are expected to meet revenue goals for the course.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE that Resolution No. 2494 is repealed and the schedule of greens fees and rental fees in Exhibit A is adopted effective January 1, 2023

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

CITY OF MARYSVILLE

By \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By \_\_\_\_\_  
GENEVIEVE GEDDIS, DEPUTY CITY CLERK

Approved as to form:

By \_\_\_\_\_  
JON WALKER, CITY ATTORNEY



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Senior Planner Angela Gemmer, Community Development

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** **New Business**

**SUBJECT:** An **Ordinance** approving Josephine Master Planned Senior 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 25<sup>th</sup> 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

Email from Josephine Caring Community re Age & Residency Agreement

**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 25<sup>TH</sup> 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 25<sup>th</sup> 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)

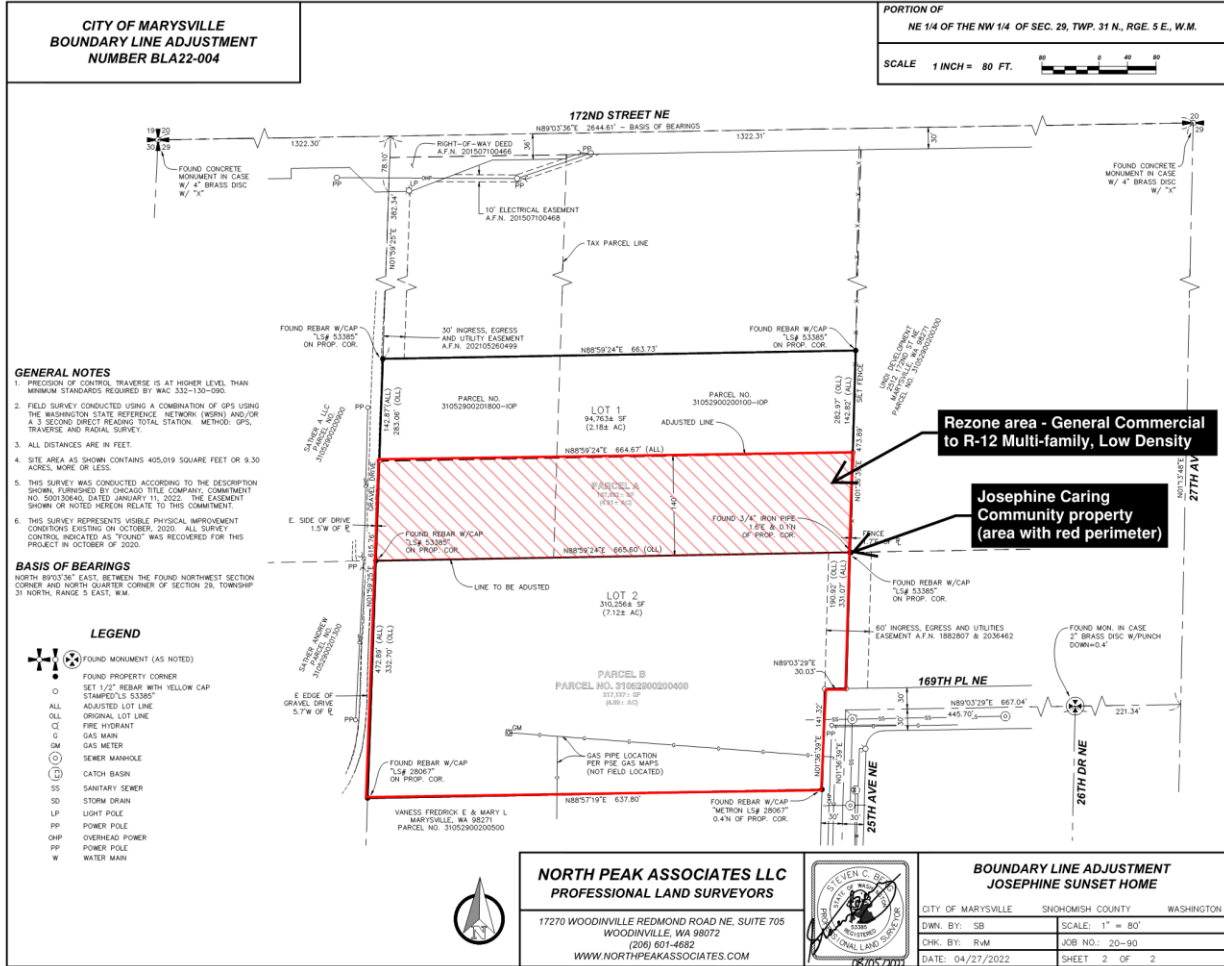
## **EXHIBIT A**

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



# EXHIBIT C

## 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.

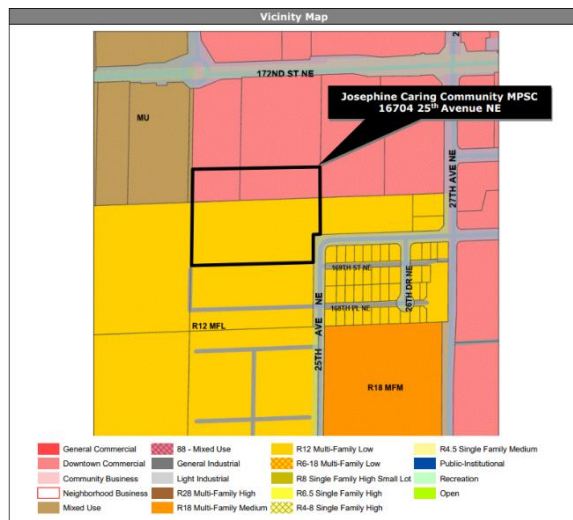
### SUMMARY OF RECOMMENDATION:

**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 25<sup>th</sup> 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 <sup>nd</sup> 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 <sup>nd</sup> 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.



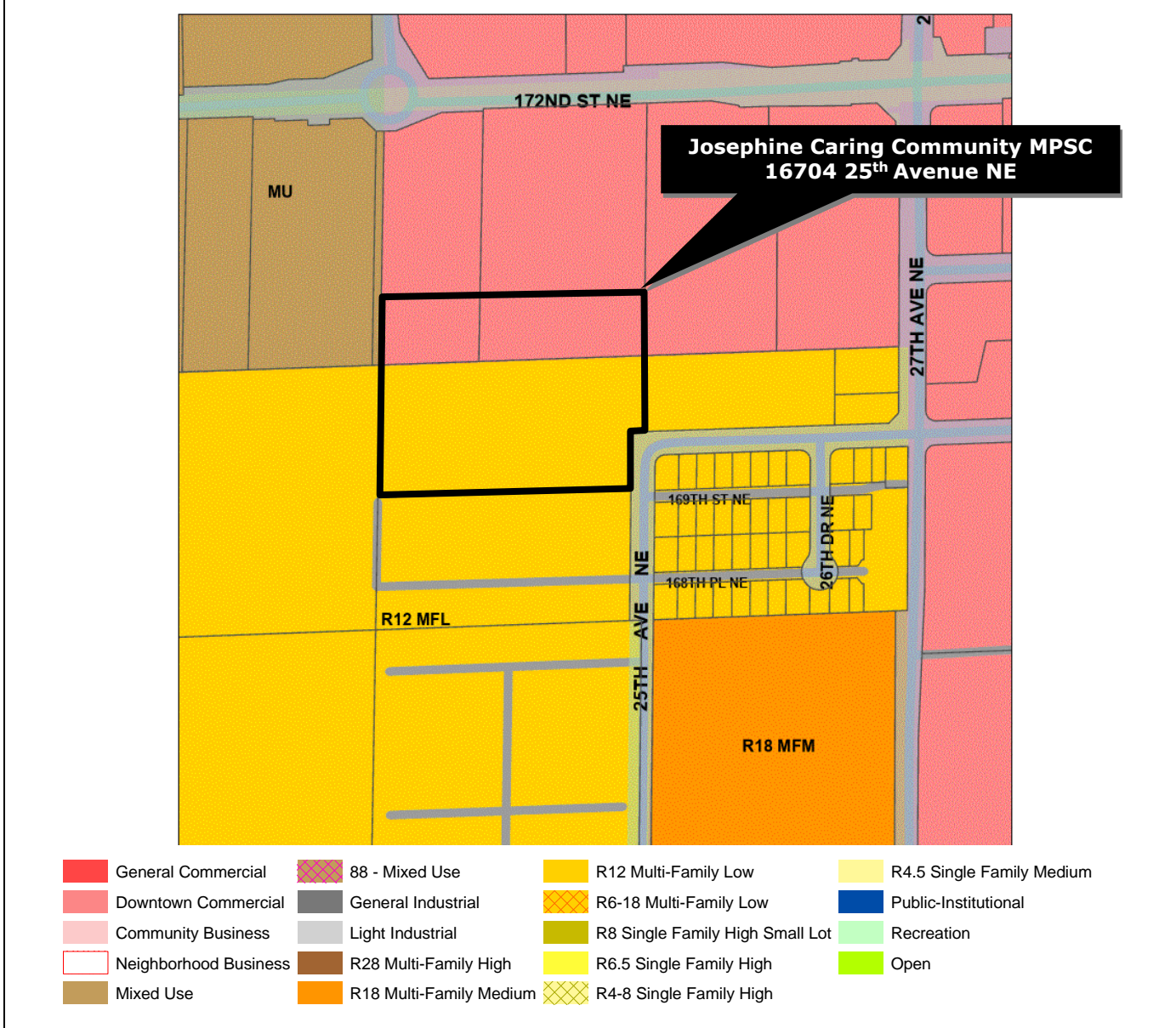
## STAFF RECOMMENDATION - Josephine Caring Community

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						
<b>Project Title</b>	Josephine Caring Community Master Planned Senior Community			<b>Date of Report</b>	September 2, 2022	
<b>File Number</b>	PA21-054			<b>Attachments</b>	<a href="#">Hearing Exhibits</a>	
<b>Administrative Recommendation</b>	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						
<b>Owner/Applicant</b>	Josephine Caring Community					
<b>Request</b>	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.					
<b>SEPA Status</b>	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.					
<b>Site Address</b>	16704 25 <sup>th</sup> Avenue NE			<b>APN(s)</b>	30052900200400; 31052900201800 (portion of)	
<b>Legal Description (abbreviated)</b>	See site plan – Exhibit 41			<b>Section</b>	29	<b>Township</b> 31 <b>Range</b> 05
<b>Comprehensive Plan</b>	GC & MFL	<b>Zoning</b>	GC & R-12	<b>Shoreline Environment</b>		N/A
<b>Water Supply</b>	<b>Current</b>	<b>Proposed</b>		<b>Sewer Supply</b>	<b>Current</b>	<b>Proposed</b>
	Well	City			Septic	City
<b>Present Use of Property</b>	Single family residence on acreage.					
REVIEWING AGENCIES						
<b>Marysville</b>	<b>Local Agencies &amp; Districts</b>		<b>State &amp; Federal</b>		<b>County</b>	<b>Other</b>
<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		
<b>Date of Hearing</b>	September 13, 2022	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Continued		
STAFF						
<b>Name</b>	Angela Gemmer	<b>Title</b>	Principal Planner	<b>Phone</b>	360.363.8240	<b>E-mail</b> <a href="mailto:agemmer@marysvillewa.gov">agemmer@marysvillewa.gov</a>

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 169<sup>th</sup> Place NE and 25<sup>th</sup> Avenue NE at a site address of 16704 25<sup>th</sup> 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 169<sup>th</sup> Place NE. Second private drive aisle accesses will be at the northwest corner of the site via 23<sup>rd</sup> Avenue NE and the northeast corner of the site via 25<sup>th</sup> 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 23<sup>rd</sup> Avenue between 172<sup>nd</sup> Street NE to 169<sup>th</sup> 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 23<sup>rd</sup> 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). 23<sup>rd</sup> Avenue NE and 169<sup>th</sup> Place NE are eligible for traffic impact fee (TIF) credits.
- b. The applicant shall be required to construct frontage improvements along the property’s 23<sup>rd</sup> Avenue NE and 169<sup>th</sup> 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 25<sup>th</sup> 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 25<sup>th</sup> 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 23<sup>rd</sup> Avenue NE and 169<sup>th</sup> 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 23<sup>rd</sup> Avenue NE, 25<sup>th</sup> Avenue NE, 169<sup>th</sup> Place NE, and the 23<sup>rd</sup> Avenue NE/169<sup>th</sup> Place NE roundabout to enable build-out of 23<sup>rd</sup> Avenue NE, 25<sup>th</sup> Avenue NE, 169<sup>th</sup> Place NE, and the 23<sup>rd</sup> Avenue NE/169<sup>th</sup> 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 169<sup>th</sup> 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 25<sup>th</sup> Avenue NE and 169<sup>th</sup> 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 23<sup>rd</sup> Avenue NE, 25<sup>th</sup> Avenue NE, and 169<sup>th</sup> Place NE.

Water: Six-inch cast iron (CI) water mains are located in both 25<sup>th</sup> Avenue NE and 169<sup>th</sup> 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 23<sup>rd</sup> Avenue NE, 25<sup>th</sup> Avenue NE, and 169<sup>th</sup> 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 169<sup>th</sup> Place NE and 25<sup>th</sup> Avenue NE. PUD installed fiberglass street lighting will be required on 23<sup>rd</sup> 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](#)**

**From:** Paul Aigner <PAigner@transformingage.org>  
**Sent:** Wednesday, November 30, 2022 2:34 PM  
**To:** Angela Gemmer  
**Cc:** Terry Robertson; Natalie M. Ruiz; Merle Ash; Haylie Miller  
**Subject:** [External!] RE: [External!] Last Night's City Council Meeting

**External Email Warning! Use caution before clicking links or opening attachments.**

Angela – please review the following two sections from our Residency Agreement that every resident who moves in the community must sign. It discusses age requirements and other occupants: No one, other than the resident can live here beyond a 30 day stay and every resident must be at least 62 years old.

**11.2 Occupants of Residence.** Except as hereinafter provided, no person other than you (or both of you if there are two of you) may occupy the Residence except with our express prior written approval. In the event that a second person who is not a party to this Agreement (including a spouse) wishes to be accepted for residency under this Agreement, after the date we execute this Agreement, said second person's acceptance will be based upon our then-current Residency Policy. If accepted, payment of the then-current additional Monthly Charges for Second Persons shall be due. Additionally, Provider reserves the right to charge a Second Person Entrance Fee. If such second person does not meet the requirements for residency, such second person will not be permitted to occupy the Residence for more than thirty (30) consecutive days (except with our express written approval).

**13.2 Resident Representations.** By executing this Agreement, you represent and warrant that you will be at least sixty-two (62) years of age or older at the time of residency or you will share your Residence with another person who will be sixty-two (62) years of age or older at the time of residency; that you are capable of living in your Residence in accordance with the Community Residency Policy; that you have assets and income which are sufficient under foreseeable circumstances and after provision for payment of your obligations under this Agreement to meet your ordinary and customary living expenses after assuming occupancy; and that all written representations made to us with respect to such matters by you or on your behalf during the residency process are true.

---

I hope this clarifies the age issue that was brought up at the Council meeting this week. Please pass this information on to the Council prior to their workshop on the 5<sup>th</sup>.

Thank you.

**From:** Angela Gemmer <[agemmer@marysvillewa.gov](mailto:agemmer@marysvillewa.gov)>  
**Sent:** Tuesday, November 29, 2022 5:22 PM  
**To:** Paul Aigner <[PAigner@transformingage.org](mailto:PAigner@transformingage.org)>  
**Cc:** Terry Robertson <[terryr@josephinecc.com](mailto:terryr@josephinecc.com)>; Natalie M. Ruiz <[Natalie.Ruiz@crtkl.com](mailto:Natalie.Ruiz@crtkl.com)>; Merle Ash <[Merle@landtechway.com](mailto:Merle@landtechway.com)>; Haylie Miller <[hmilller@marysvillewa.gov](mailto:hmilller@marysvillewa.gov)>  
**Subject:** RE: [External!] Last Night's City Council Meeting

**CAUTION:** This EXTERNAL email originated from OUTSIDE of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe. Independently verify critical information through other channels.



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** City Attorney Jon Walker, Legal

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** **New Business**

**SUBJECT:** An **Ordinance** of the City of Marysville Amending Chapter 6.27 of the Municipal Code in Regard to the Use of Controlled Substances in Public Places

**SUGGESTED ACTION:** Recommended Motion: I move to adopt Ordinance No. \_\_\_\_.

**SUMMARY:** Using alcohol and marijuana in public is prohibited by law. State law does not address the use of controlled substances in public. Using controlled substances in public without a prescription increases public disorder and the negative effects of using controlled substances without a prescription. It also negatively affects children and youth and normalizes the use of controlled substances without a prescription.

This ordinance would make the use of controlled substances in public without a prescription a misdemeanor. This is consistent with the state law penalty for the possession of a controlled substance. This is not a crime that requires two referrals to treatment before a person can be arrested. Consequently, persons choosing to use controlled substances in public without a prescription would be subject to arrest.

---

**ATTACHMENTS:**  
[Use of a Controlled Substance in Public Ordinance.docx](#)



CITY OF MARYSVILLE  
Marysville, Washington

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARYSVILLE AMENDING CHAPTER 6.27 OF THE MUNICIPAL CODE IN REGARD TO THE USE OF CONTROLLED SUBSTANCES IN PUBLIC PLACES.**

WHEREAS, the use of controlled substances without a prescription and the supervision of a medical professional can result in physical injury or death; and

WHEREAS, the use of controlled substances without a prescription and the supervision of a medical professional often exacerbates mental health conditions; and

WHEREAS, using controlled substances can alter a person's brain or brain chemistry with negative health consequences; and

WHEREAS, persons using controlled substances can become addicted to such substances resulting in negative physical and mental health consequences and damage to family and personal relationships; and

WHEREAS, the use of controlled substances without a prescription or medical supervision is more likely to result in addiction; and

WHEREAS, the use of controlled substances without a prescription is positively correlated with criminal behavior; and

WHEREAS, the City has taken steps to address these problems through teaming police officers with social workers and mental health professionals and the municipal court's Mental Health Alternatives Program; and

WHEREAS, state law now requires that persons subject to arrest for possession of a controlled substance be referred to assessment and services in lieu of arrest at least twice before he or she may be arrested; and

WHEREAS, this state requirement has resulted in increased use of controlled substances in public; and

WHEREAS, the use of controlled substances in public increases public disorder and the negative effects of using controlled substances without a prescription; and

WHEREAS, the use of controlled substances in public negatively affects children and youth and normalizes the use of controlled substances without a prescription; and

WHEREAS, the use of alcohol and marijuana by persons of legal age is prohibited in public; and

WHEREAS, prohibiting the use of controlled substances in public will enhance public health and safety; and

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

SECTION 1. A new section 6.27.022 is added to the municipal code as set forth in Exhibit A.

SECTION 2. Section 6.27.025 of the municipal code is amended as set forth in Exhibit B.

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

SECTION 4. 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 5. 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

## **6.27.022 Use of a Controlled Substance in a Public Place.**

1. It is unlawful for any person to knowingly use a controlled substance in a public place unless the controlled substance has been lawfully prescribed to the person using it.
2. “Use” means any effort taken in furtherance of an attempt to inject, ingest, inhale or otherwise introduce a controlled substance into the human body.
3. “Public place” means an area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the public, and doorways, windows, drive-up windows, and entrances to buildings or dwellings that are visible to public view.
4. Use of a controlled substance in a public place is a misdemeanor.

# EXHIBIT B

## **6.27.025 Offer of referral.**

When a police officer has probable cause that a person has committed the crime of possession of a counterfeit substance, possession of a controlled substance, possession of 40 grams or less of marijuana, possession of a legend drug, or possession of drug paraphernalia, the officer will offer a referral to assessment and services in the manner provided by RCW 10.31.115. When a police officer has probable cause that a person has committed the crime of use of a controlled substance in a public place, the officer may, but is not required to offer a referral and is authorized to book the person into jail regardless of whether that person has previously been offered a referral.



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** City Attorney Jon Walker, Legal

**ITEM TYPE:** Ordinance

**AGENDA SECTION:** **New Business**

**SUBJECT:** An **Ordinance** of the City of Marysville Amending Section 6.54.010 of the Municipal Code and Adopting the State Crime of Unlawful Transit Conduct in RCW 9.91.025

**SUGGESTED ACTION:** Recommended Motion: I move to adopt Ordinance No. \_\_\_\_.

**SUMMARY:** RCW 9.91.025 prohibits a variety of disruptive and inappropriate conduct on transit vehicles and at transit stations and facilities. Unlawful transit conduct is a misdemeanor.

---

**ATTACHMENTS:**  
[Unlawful Transit Conduct Ordinance 11-30-22.docx](#)

CITY OF MARYSVILLE  
Marysville, Washington

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARYSVILLE AMENDING SECTION 6.54.010 OF THE MUNICIPAL CODE AND ADOPTING THE STATE CRIME OF UNLAWFUL TRANSIT CONDUCT IN RCW 9.91.025.**

WHEREAS, public transportation serves the city and its residents and provides mobility to residents who cannot use or do not have access to passenger vehicles; and

WHEREAS, residents should be safe while using public transportation; and

WHEREAS, maintaining a safe and clean environment for the use of public transportation encourages its use; and

WHEREAS, the public benefits from increased public transit use through reduced traffic congestion and reduced pollution; and

WHEREAS, adopting RCW 9.91.025, Unlawful Transit Conduct, will increase public safety and the efficacy of public transportation in the city.

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

SECTION 1. RCW 9.91.025, Unlawful Transit Conduct is adopted by reference and section 6.54.010 of the municipal code is amended as set forth in Exhibit A. A copy of the current version of the statute is attached as Exhibit B.

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 4. 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 5. 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

## **6.54.010 Statutes incorporated by reference.**

The following statutes regarding public disturbance are incorporated by reference:

RCW

9A.84.010(1) Riot.

9A.84.020 Failure to disperse.

9A.84.040(1) False reporting.

9.91.025 Unlawful Transit Conduct

# EXHIBIT B

## RCW 9.91.025

### Unlawful transit conduct.

(1) A person is guilty of unlawful transit conduct if, while on or in a transit vehicle or in or at a transit station, he or she knowingly:

(a) Smokes or carries a lighted or smoldering pipe, cigar, or cigarette, unless he or she is smoking in an area designated and authorized by the transit authority;

(b) Discards litter other than in designated receptacles;

(c) Dumps or discards, or both, any materials on or at a transit facility including, but not limited to, hazardous substances and automotive fluids;

(d) Plays any radio, recorder, or other sound-producing equipment, except that nothing herein prohibits the use of the equipment when connected to earphones or an ear receiver that limits the sound to an individual listener. The use of public address systems or music systems that are authorized by a transit agency is permitted. The use of communications devices by transit employees and designated contractors or public safety officers in the line of duty is permitted, as is the use of private communications devices used to summon, notify, or communicate with other individuals, such as pagers and cellular phones;

(e) Spits, expectorates, urinates, or defecates, except in appropriate plumbing fixtures in restroom facilities;

(f) Carries any flammable liquid, explosive, acid, or other article or material likely to cause harm to others, except that nothing herein prevents a person from carrying a cigarette, cigar, or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law;

(g) Consumes an alcoholic beverage or is in possession of an open alcoholic beverage container, unless authorized by the transit authority and required permits have been obtained;

(h) Obstructs or impedes the flow of transit vehicles or passenger traffic, hinders or prevents access to transit vehicles or stations, or otherwise unlawfully interferes with the provision or use of public transportation services;

(i) Unreasonably disturbs others by engaging in loud, raucous, unruly, harmful, or harassing behavior;

(j) Destroys, defaces, or otherwise damages property in a transit vehicle or at a transit facility;

(k) Throws an object in a transit vehicle, at a transit facility, or at any person at a transit facility with intent to do harm;

(l) Possesses an unissued transfer or fare media or tenders an unissued transfer or fare media as proof of fare payment;

(m) Falsely claims to be a transit operator or other transit employee or through words, actions, or the use of clothes, insignia, or equipment resembling department-issued uniforms and equipment, creates a false impression that he or she is a transit operator or other transit employee;

(n) Engages in gambling or any game of chance for the winning of money or anything of value;

(o) Skates on roller skates or in-line skates, or rides in or upon or by any means a coaster, skateboard, toy vehicle, or any similar device. However, a person may walk while wearing skates or carry a skateboard while on or in a transit vehicle or in or at a transit station if that conduct is not otherwise prohibited by law; or

(p) Engages in other conduct that is inconsistent with the intended use and purpose of the transit facility, transit station, or transit vehicle and refuses to obey the lawful commands of an agent of the transit authority or a peace officer to cease such conduct.

(2) For the purposes of this section:

(a) "Transit station" or "transit facility" means all passenger facilities, structures, stops, shelters, bus zones, properties, and rights-of-way of all kinds that are owned, leased, held, or used by a transit authority for the purpose of providing public transportation services.

(b) "Transit vehicle" means any motor vehicle, streetcar, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers on a regular schedule.

(c) "Transit authority" means a city transit system under RCW [35.58.2721](#) or chapter [35.95A](#) RCW, a county transportation authority under chapter [36.57](#) RCW, a metropolitan municipal corporation transit system under chapter [36.56](#) RCW, a public transportation benefit area under chapter [36.57A](#) RCW, an unincorporated transportation benefit area under RCW [36.57.100](#), a regional transportation authority under chapter [81.112](#) RCW, or any special purpose district formed to operate a public transportation system.

(3) Any person who violates this section is guilty of a misdemeanor.

[ [2009 c 279 § 3](#); [2004 c 118 § 1](#); [1994 c 45 § 4](#); [1992 c 77 § 1](#); [1984 c 167 § 1](#).]

NOTES:

Findings—Declaration—Severability—1994 c 45: See notes following RCW [7.48.140](#).

*Drinking in public conveyance: RCW [66.44.250](#).*



# Agenda Bill

## CITY COUNCIL AGENDA ITEM REPORT

**DATE:** December 5, 2022

**SUBMITTED BY:** Teri Lester, Human Resources

**ITEM TYPE:** Agreement

**AGENDA SECTION:** **New Business**

**SUBJECT:** 2023 LifeWise Assurance Company Stop Loss Insurance  
**(Action Requested)**

**SUGGESTED ACTION:**

Recommended Motion: I move to approve the LifeWise Assurance Company services renewal.

**SUMMARY:** With Marysville being self-insured for health benefits, the City needs to execute agreements with insurers and service providers with annual updates. LifeWise Assurance Company continued as the City's self-insured stop-loss insurance administrator effective January 1, 2023.

WHEREAS, the City of Marysville has established an employee benefit plan which provides for payment of certain welfare benefits to and for certain eligible individuals as defined in writing by the City, and,

WHEREAS, the City of Marysville has chosen to self-insure the benefit program(s) provided under the Plan; and

WHEREAS, the City of Marysville desires to engage the services of Life Wise Assurance Company as the insurance provider to provide stop-loss insurance services for the Plan.

---

**ATTACHMENTS:**  
[LifeWise Assurance Company Agreement.pdf](#)

**Effective Date:** 1/1/2023  
**Group Name:** City of Marysville  
**Group Number:** 4018895  
**Agency Name:** Alliant Insurance Services Inc

**Current Enrollment**  
 Employees 284  
 Members 722

Stoploss	2022 Current	2023 Renewal	2023 Option 1
	PEPM	PEPM	PEPM
<b>Enrollment</b>	<b>284</b>	<b>284</b>	<b>284</b>
<b>Specific Stoploss</b>			
Products Covered	Medical/Rx	Medical/Rx	Medical/Rx
Contract Basis	12 Month Paid Contract (Renewal Year)	12 Month Paid Contract (Renewal Year)	12 Month Paid Contract (Renewal Year)
Specific Stoploss Deductible	\$100,000	\$100,000	\$100,000
Aggregate Specific Deductible	N/A	N/A	N/A
ISL Maximum	Unlimited Annual/Lifetime	Unlimited Annual/Lifetime	Unlimited Annual/Lifetime
Specific Advancement	Included	Included	Included
Surplus Refunding	N/A	N/A	N/A
<b>SSL Premium (PEPM)</b>	<b>\$237.10</b>	<b>\$270.29</b>	<b>\$270.29</b>
Terminal Liability Protection	3 months Resetting*	3 months Resetting*	3 months Resetting*
<b>Aggregate Stoploss</b>			
Products Covered	Medical/Rx	Medical/Rx	Medical/Rx
Contract Basis	12 Month Paid Contract (Renewal Year)	12 Month Paid Contract (Renewal Year)	12 Month Paid Contract (Renewal Year)
Aggregate Attachment	125%	125%	125%
Annual Maximum	\$1,000,000	\$1,000,000	\$1,000,000
<b>ASL Premium (PEPM)</b>	<b>\$9.84</b>	<b>\$10.63</b>	<b>\$10.63</b>
<b>Estimated Attachment Point</b>	<b>\$4,815,197</b>	<b>\$5,470,794</b>	<b>\$5,470,794</b>
<b>Claims Liability</b>			
Expected Claim (PEPM)	\$1130.33	\$1,284.22	\$1,284.22
<b>Maximum Claim Liability (PEPM)</b>	<b>\$1,412.91</b>	<b>\$1,605.28</b>	<b>\$1,605.28</b>
Commissions:			
Specific Stoploss Level (SSL)	0.0%	0.0%	0.0%
Aggregate Stoploss Level (ASL)	0.0%	0.0%	0.0%
<b>Check Selected Option</b>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

\*3 months Resetting Terminal Liability Protection fee is 1.25 months of the Total Specific & Aggregate Stop Loss Monthly Premium. The Terminal Aggregate Attachment Point will be approximately 2 months of monthly maximum claims. Does not include additional liability for purchase of Terminal Liability Protection coverage

Stoploss	2023 Option 2		
	PEPM		
<b>Enrollment</b>	<b>284</b>		
<b>Specific Stoploss</b>			
Products Covered	Medical/Rx		
Contract Basis	12 Month Paid Contract (Renewal Year)		
Specific Stoploss Deductible	\$125,000		
Aggregate Specific Deductible	N/A		
ISL Maximum	Unlimited Annual/Lifetime		
Specific Advancement	Included		
Surplus Refunding	N/A		
<b>SSL Premium (PEPM)</b>	<b>\$229.67</b>		
Terminal Liability Protection	3 months Resetting*		
<b>Aggregate Stoploss</b>			
Products Covered	Medical/Rx		
Contract Basis	12 Month Paid Contract (Renewal Year)		
Aggregate Attachment	125%		
Annual Maximum	\$1,000,000		
<b>ASL Premium (PEPM)</b>	<b>\$10.63</b>		
<b>Estimated Attachment Point</b>	<b>\$5,564,548</b>		
<b>Claims Liability</b>			
Expected Claim (PEPM)	\$1,306.23		
<b>Maximum Claim Liability (PEPM)</b>	<b>\$1,632.79</b>		
Commissions:			
Specific Stoploss Level (SSL)	0.0%		
Aggregate Stoploss Level (ASL)	0.0%		
<b>Check Selected Option</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*3 months Resetting Terminal Liability Protection fee is 1.25 months of the Total Specific & Aggregate Stop Loss Monthly Premium. The Terminal Aggregate Attachment Point will be approximately 2 months of monthly maximum claims. Does not include additional liability for purchase of Terminal Liability Protection coverage

*\*The amounts provided herein are the amounts calculated for your contract with LifeWise, and are not designed by LifeWise to be used for any other purpose.*

Authorized Signer: \_\_\_\_\_ Date: \_\_\_\_\_