



PLANNING COMMISSION AGENDA

Regular Meeting Date: 12.07.2016

Planning Commission Meeting:

First Wednesday of every Month @ 7:00pm

Planning & Community Development Department

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

www.lakestevenswa.gov

Municipal Code

Available online:

www.codepublishing.com/WA/LakeStevens/

- A. **CALL TO ORDER: 7:00pm**
Pledge of Allegiance
 - B. **ROLL CALL**
 - C. **GUEST BUSINESS**
 - D. **ACTION ITEMS**
 - 1. Election of Officers
 - 2. Design Review Board Liaison (Primary and Alternate)
 - 3. Approval of November 16, 2016 Meeting Minutes
 - E. **PUBLIC HEARING—**
 - 1. Recreational Vehicle (RV) Code Amendment
 - 2. Temporary Downtown Height Restriction
- Public hearing presentation will follow the public hearing format listed below:**
- PUBLIC HEARING FORMAT**
- 1. PC Chair Opens Public Hearing
 - 2. Staff Presentation
 - 3. Commission's questions for staff
 - 4. Proponent's comments
 - 5. Comments from the audience
 - 6. Proponent rebuttal comments
 - 7. Close public comments portion of hearing by motion
 - 8. Re-open public comment portion of hearing for additional comments (optional)
 - 9. Close Hearing by motion
 - 10. **COMMISSION ACTION BY MOTION—Recommendation to Council**
 - A. Approve
 - B. Deny
 - C. Continue
- F. **DISCUSSION ITEMS**
 - 1. Stormwater Regulation Code Amendment
 - 2. Critical Areas Code Amendment
 - G. **COMMISSIONER REPORTS**
 - H. **PLANNING DIRECTOR'S REPORT**
 - I. **FUTURE AGENDA ITEMS**
 - 1. December 13—Joint Planning Commission and City Council meeting— 5:00pm School Administration Building
 - 2. Public Hearing on January 4, 2017 for Stormwater, Land Disturbance and Critical Areas Code Amendments.
 - G. **ADJOURN**

*Items attached

**Items previously distributed

Items to be distributed

SPECIAL NEEDS

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

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, November 16, 2016

CALL TO ORDER: 7:05 pm by Commissioner Davis

MEMBERS PRESENT: Tracy Trout, Jennifer Davis, Linda Hoult and Janice Huxford

MEMBERS ABSENT: Vicki Olsund and Gary Petershagen

STAFF PRESENT: Planning and Community Development Director Russ Wright, Senior Planner Stacie Pratschner and Clerk Jennie Fenrich

OTHERS PRESENT: Sally Jo Sebring

Excused Absence: Commissioner Huxford made a motion to excuse Commissioner Oslund and Commissioner Petershagen, Commissioner Hoult 2nd the motion. Motion carried 4-0-0-2

Action Items: NONE

Discussion Items: Senior Planner Pratschner gave a briefing on a Land Disturbance Code Update. Ms. Pratschner reported a new chapter on fences will be created to combine several codes into one group. At this time there is language in 3 different places. There was a discussion on if was being rushed through the approval process, but it is mandated that it be complete by the end of 2016 and it will meet noticing requirements. Ms .Pratschner gave in Introduction on the upcoming Stormwater Update.

Commissioner Reports: Commission Trout has received several comment from the public that they are pleased Grade Road is open. Commissioner Huxford reported there are openings on the Aquafest board and encourage the group to consider joining. She thanked the Commission for their support during her run for election. Commissioner Davis that there is going to be a vacancy on the Design Review Board as she is stepping down after her term is completed.

Planning Director Report: Planning and Community Development Director Russ Wright, reported the final design of the new skate board park has been decided and he is looking forward to breaking ground on this.

Adjourn: Commissioner Hoult made a motion to adjourn, Commissioner Huxford 2nd. Motion carried 4-0-0-2. Meeting adjourned at 7:35 p.m.

Russ Wright, Planning and Community Development Director, announced that Tom Matlack resigned his position with the Planning Commission and he thanked him for years of service for the City.

Jennifer Davis, Chair

Jennie Fenrich, Clerk, Planning &
Community Development

DRAFT



Staff Report City of Lake Stevens Planning Commission

Public Hearing

Date: **December 7, 2016**

Subject: LUA2016-0158 Recreational Park Trailers and Recreational Vehicles (RV) Regulations

Contact Person/Department: Melissa Place, *Senior Planner* / Russ Wright, *Community Development Director*

SUMMARY: Amendments to the municipal code to allow recreational park trailers and recreational vehicles as a primary residence in manufactured/mobile home communities.

ACTION REQUESTED OF PLANNING COMMISSION:

Forward a recommendation to City Council.

BACKGROUND / HISTORY:

The proposed code amendments (**Exhibit 1**) respond to a WCIA land use audit in 2015 of the Lake Stevens municipal code whereby the city's current land use regulations must comply with the latest WA State legislative enactments governing manufactured housing/recreational vehicles. Per RCW 35.21.684, cities and counties may not adopt an ordinance that has the effect, directly or indirectly, of preventing the entry or requiring the removal of a recreational vehicle used as a primary residence in manufactured/mobile home communities.

The city proposes a new chapter, Chapter 14.44.070 LSMC, named "Recreational Park Trailers and Recreational Vehicles (RV) Regulations" to provide for the placement of such vehicles within manufactured/mobile home communities. Staff also proposes amendments to Chapters 14.08 and 14.40 of the LSMC.

Since the last briefing with the Planning Commission, staff revised the draft code amendments to more directly respond to the language of RCW 35.21.684 and to comments from the Building Department regarding inspections and occupancy. Thus, the draft code amendments attached to this report are reduced in scope from the previous proposed language.

Since the last briefing with the Planning Commission, staff has issued a SEPA DNS (**Exhibit 2b**), and sent the proposed amendments out for agency review. No comments have been received. The city requested expedited review from the Department of Commerce on November 4, 2016 (**Exhibit 3a**) and Commerce granted approval of the expedited review on November 29, 2016.

FINDINGS AND CONCLUSIONS:

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

- HOUSING GOAL 3.1 – Provide fair and equal access to a range of housing types and choices to meet the existing and projected housing needs of all Lake Stevens residents regardless of income level or demographic status.
- HOUSING GOAL 3.2 – Increase the opportunity for all residents and special needs populations to have access to affordable, safe, and sanitary housing.
- ECONOMIC DEVELOPMENT GOAL 6.7 – Provide a predictable development atmosphere.

Conclusions – The proposed code amendments are consistent with several Comprehensive Plan goals as they relate to housing and the permitting process.

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

- Staff prepared an environmental checklist for the proposed code revisions, dated November 4, 2016 **(Exhibit 2a)**.
- The SEPA official issued a Determination of Non-significance on November 7, 2016 **(Exhibit 2b)**.
- The city did not receive any comments or appeals related to the SEPA determination.

Conclusions – The proposed code amendments have met local and state SEPA requirements.

3. *Compliance with the Growth Management Act (RCW 36.70A.106)*

- The city requested expedited review from the Department of Commerce on November 4, 2016 **(Exhibit 3a)**.
- The Department of Commerce sent granted approval on November 29, 2016 **(Exhibit 3b)**.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendments have met Growth Management Act requirements.

4. *Public Notice and Comments (Exhibit 4)*

- The city published a notice of SEPA determination in the Everett Herald on November 7, 2016.
- The city published a notice of Public Hearing in the Everett Herald on November 25 and December 3, 2016 per LSMC 14.16B.

Conclusions – The City has met public notice requirements per Chapter 14.16B LSMC.

RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed amendments adding LSMC 14.44.070 Recreational Park Trailers and Recreational Vehicles (RV) Regulations and amending Chapters 14.08 Definitions and 14.40.040 Permissible and Prohibited Uses.

EXHIBITS:

1. Draft Code Amendments
- 2a Environmental Checklist
- 2b SEPA Determination
- 3a Notification of Amendment to Department of Commerce
- 3b Letter of Acknowledgement
- 3c Notice of Expedited Review
- 4a. Notice of SEPA Publication
- 4b. Notice of Public Hearing Publication

EXHIBIT 1

14.08 Definitions

Mobile Home Park. A residential use in which more than one mobile ~~or~~ home, manufactured home, recreational park trailer, or recreational vehicle is located on a single lot.

Recreational Park Trailer. "Recreational park trailer" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use that meets the following criteria:

- a) Built on a single chassis, mounted on wheels;
- b) Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and
- c) Certified by the manufacturer as complying with ANSI A119.5.

14.16C.110 Temporary Use.

(d) Recreational Vehicles as Temporary Dwelling Units. No recreational vehicle shall be occupied for residential or commercial purposes anywhere in the City of Lake Stevens except:

- (1) In the case of temporary uses per subsection (c) of this section; or,
- (2) Recreational vehicles may be occupied by visitors within residential zones for a period not to exceed 30 days where a Planning Director approval has been granted for such use, provided:
 - (i) Temporary occupancy shall not exceed 30 days in a calendar year per visitor;
 - (ii) Under no circumstances shall a recreational vehicle be occupied while parked overnight on a public street;
 - (iii) No recreational vehicle shall be serviced by a temporary or permanent sewer hook-up emptying into the City's system or a private septic system; and
 - (iv) Space shall not be provided for an occupied recreational vehicle for monetary or other compensation.
- (3) Recreational vehicles and recreational park trailers may be occupied inside manufactured/mobile home parks pursuant to LSMC 14.44.070 as a temporary use.

14.40.040 Permissible and Prohibited Uses.

(a) The presumption established by this title is that all legitimate uses of land are addressed within the Table of Permissible Uses, and are either allowed or not allowed thereby. But because the list of permissible uses set forth at the end of this chapter cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the City's fire prevention code.
- (2) Stockyards, slaughterhouses, rendering plants.

(3) Use of a travel trailer, motor home, or other recreational vehicle as a permanent residence except those permitted in a manufactured/mobile home park as per 14.44.070. Recreational vehicles may be used as a temporary guest residence for up to two weeks without a permit, or up to three months within any one consecutive year upon approval by the Planning Director. Situations that do not comply with this subsection on the effective date of the ordinance codified in this title are required to conform within one year.

(4) Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted. This prohibition does not apply to temporary public services, such as bookmobiles, blood donation centers, public service information, etc., or temporary food vendors allowed pursuant to Sections [14.44.400](#) and [14.44.410](#) (situations that do not comply with this subsection on the effective date of the ordinance codified in this title are required to conform within 30 days).

(5) Repealed by Ord. 958.

(6) Sewage/septic sludge recycling except when approved as an essential public facility pursuant to Section [14.16C.060](#). (Ord. 958, Sec. 2, 2016; Ord. 903, Sec. 30, 2013; Ord. 894, Sec. 2, 2013; Ord. 811, Sec. 34, 2010; Ord. 676, Sec. 26, 2003; Ord. 468, 1995)

14.44.070 Recreational Park Trailers and Recreational Vehicles (RV) Regulations

Recreational park trailers and recreational vehicles as defined in WAC 296-150P-0020, WAC 296-150R-0020 and LSMC 14.08 shall be permitted in manufactured/mobile home parks. As allowed by state law the following additional standards shall apply when housing governed by this chapter is sited:

- (a) Recreational park trailers and recreational vehicles may be installed within a manufactured home park pursuant to RCW 35A.21.312 and the requirements listed below:
- (1) Utility hookups shall meet local, state, and federal building code standards;
 - (2) Recreational park trailers and recreational vehicles shall be equipped with an internal toilet and an internal shower; or the manufactured/mobile home park shall provide a common toilet and shower facility for the residents of the park;
 - (3) Recreational park trailers or recreational vehicles shall be connected to the sanitary sewer system provided within the park if used as permanent residence; otherwise waste from the unit must be disposed of at an appropriate receiving location;
 - (4) The unit shall be placed on an impervious pad made of cement concrete or asphalt concrete; and
 - (5) Any steps, landings, stairways, decks, and balconies (not originally attached) shall meet the requirements of the International Residential Code, shall be independently supported, and require a building permit.
- (b) Approvals
- (1) If a recreational park trailer or recreational vehicle is to be used as a temporary residence, it must comply with the standards of LSMC 14.16C.110.

- (2) If a recreational park trailer or recreational vehicle is to be used as a permanent residence, it must comply with the standards of LSMC 14.16C.105 for a site plan review, but will be considered a Type I review. Recreational park trailers or recreational vehicles used as permanent residences are considered dwelling units subject to all applicable impact fees that apply per LSMC 14.110, 14.112 and 14.120.
- (c) Inspections. The city and/or affected agency shall inspect the installation of each recreational park trailer or recreational vehicle to determine that its installation complies with this section before residency begins.
- (d) Insignia required. All recreational park trailers or recreational vehicles, installed within the city, shall contain the insignia of approval of the state of Washington or be exempt from said insignia, pursuant to the standards of the state of Washington for the manufacture of such homes.

EXHIBIT 2a



CITY OF LAKE STEVENS
PLANNING AND COMMUNITY DEVELOPMENT
PO BOX 257, LAKE STEVENS, WA 98258
PHONE: (425) 377-3235 / FAX: (425) 212-3327

SEPA ENVIRONMENTAL CHECKLIST *UPDATED 2014*

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND

1. Name of proposed project, if applicable:

LUA2016-0158 Amendments to the city of Lake Stevens Municipal Code – adding a new chapter, Chapter 14.44.070 LSMC, named “Recreational Park Trailers and Recreational Vehicles (RV) Regulations” to provide a clear pathway for the placement of such vehicles within manufactured/mobile home communities. Staff also proposes amendments to Chapters 14.08 and 14.40 of the LSMC.

The proposed code amendments respond to a WCIA land use audit in 2015 of the Lake Stevens municipal code whereby the city’s current land use regulations must comply with the latest WA State legislative enactments governing manufactured housing/recreational vehicles. Per RCW 35.21.684, cities and counties may not adopt an ordinance that has the effect, directly or indirectly, of preventing the entry or requiring the removal of a recreational vehicle used as a primary residence in manufactured/mobile home communities.

2. Name of applicant:

City of Lake Stevens

3. Address and phone number of applicant and contact person:

Melissa Place, Senior Planner
City of Lake Stevens
1812 Main Street / PO Box 257
Lake Stevens, WA 98258
(425) 377 - 3229

4. Date checklist prepared:

October 13, 2016

5. Agency requesting checklist: **City of Lake Stevens**

6. Proposed timing or schedule (including phasing, if applicable):

SEPA Determination:	November 7, 2016
Planning Commission Public Hearing:	December 7, 2016
City Council Public Hearing (1 st Reading) / Adoption:	January 10, 2017

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No this is a Non-project action adding a new chapter, Chapter 14.44.070 to the Lake Stevens Municipal Code and amending Chapters 14.08 and 14.40 to allow recreational vehicles in manufactured/mobile home communities.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

No this is a Non-project action adding a new chapter, Chapter 14.44.070 to the Lake Stevens Municipal Code and amending Chapters 14.08 and 14.40 to allow recreational vehicles in manufactured/mobile home communities.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No this is a Non-project action adding a new chapter, Chapter 14.44.070 to the Lake Stevens Municipal Code and amending Chapters 14.08 and 14.40 to allow recreational vehicles in manufactured/mobile home communities.

10. List any government approvals or permits that will be needed for your proposal, if known.

City Council approval and Department of Commerce review

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Amendments to the city of Lake Stevens Municipal Code – adding a new chapter, Chapter 14.44.070 LSMC, named “Recreational Park Trailers and Recreational Vehicles (RV) Regulations” to provide a clear pathway for the placement of such vehicles within manufactured/mobile home communities. Staff also proposes amendments to Chapters 14.08 and 14.40 of the LSMC.

The proposed code amendments respond to a WCIA land use audit in 2015 of the Lake Stevens municipal code whereby the city’s current land use regulations must comply with the latest WA State legislative enactments governing manufactured housing/recreational vehicles. Per RCW 35.21.684, cities and counties may not adopt an ordinance that has the effect, directly or indirectly, of preventing the entry or requiring the removal of a recreational vehicle used as a primary residence in manufactured/mobile home communities.

The city researched other jurisdictions and state law regarding the proposed amendments and sought input on the proposed language from the Building Official, Fire Marshal, and Public Works Department. The city is still determining what permitting would be required (if any) for the installation of such trailer or vehicle being used for residential purposes in order for the city to evaluate sanitary water, sewer, and other applicable services/building code requirements. The language in the draft code amendments reflects the comments on the proposal received by various departments/agencies. The amendments and language are subject to change based on additional input and coordination with Building Official, Fire Marshal, and Public Works Department.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed amendment will apply to existing and new manufactured/mobile home parks within the city boundaries of Lake Stevens, WA.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- b. What is the steepest slope on the site (approximate percent slope)?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

N/A

- d. Are there surface indications or history of unstable soils in the immediate vicinity?

yes no

If so, describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names.

yes no

If appropriate, state what stream or river it flows into.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

yes no

If so, note location on the site plan.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

4. Plants

- a. Check the types of vegetation found on the site:

The following vegetation types are found within the boundaries of the City of Lake Stevens:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- c. List threatened and endangered species known to be on or near the site.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

Birds: hawk, heron, eagle, songbirds, other: various picidae species, various corvidae species, various waterfowl species

Mammals: deer, bear, elk, beaver, other: raccoons, opossums, rodents

Fish: bass, salmon, trout, herring, shellfish, other: sculpin and stickleback

- b. List any threatened and endangered species known to be on or near the site.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- c. Is the site part of a migration route? If so, explain.

yes no

If so, explain.

- d. Proposed measures to preserve or enhance wildlife, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- e. List any invasive animal species known to be on or near the site.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 1) Describe any known or possible contamination at the site from present or past uses.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 4) Describe special emergency services that might be required.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 3) Proposed measures to reduce or control noise impacts, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

The city of Lake Stevens includes a variety of urban land uses including residential, commercial, office, industrial and public.

- b. Has the project site been used as working farmlands or working forest lands?

yes no

If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- c. Describe any structures on the site.

There are a mix of residential, public, and commercial buildings within the City of Lake Stevens.

- d. Will any structures be demolished? If so, what?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

e. What is the current zoning classification of the site?

The city of Lake Stevens contains a mix of residential, commercial, industrial, mixed use and public zones.

f. What is the current comprehensive plan designation of the site?

The city of Lake Stevens contains a mix of residential, commercial, industrial, mixed use and public Comprehensive Plan land uses.

g. If applicable, what is the current shoreline master program designation of the site?

The city's Shoreline Master Program has the following Environment Designations: Aquatic, Natural, High Intensity, Urban Conservancy, and Shoreline Residential.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

yes no

The city of Lake Stevens includes a variety of critical areas including streams, wetlands, fish and wildlife habitat conservation areas, flood hazard areas and geologically hazardous areas.

i. Approximately how many people would reside or work in the completed project?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

j. Approximately how many people would the completed project displace?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposed code amendments respond to a WCIA land use audit in 2015 of the Lake Stevens municipal code whereby the city's current land use regulations must comply with the latest WA State legislative enactments governing manufactured housing/recreational vehicles. Per RCW 35.21.684, cities and counties may not adopt an ordinance that has the effect, directly or indirectly, of preventing the entry or requiring the removal of a recreational vehicle used as a primary residence in

manufactured/mobile home communities. The proposal brings the city's municipal code into compliance with state law, RCW 35.21.284. The proposals are consistent with the City of Lake Stevens Comprehensive Plan.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

There are no agricultural or forest lands of long-term commercial significance located within the city boundaries of Lake Stevens.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

It is undetermined how many units might be utilized for the purpose of the code amendment. The housing would be low-income housing.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

It is undetermined how many units might be eliminated based on the code amendment. The housing would be low-income housing.

- c. Proposed measures to reduce or control housing impacts, if any:

The proposed code amendment increases the number of options for housing within the city. Individual RV's may be required to obtain a permit or inspection from the city in order for the city to evaluate sanitary sewer, water, and other applicable public services, as is the required process with any other new dwelling unit/manufactured home permitted within the city. If the recreational vehicle constitutes a new dwelling unit, all applicable impact fees may apply.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- b. What views in the immediate vicinity would be altered or obstructed?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

The city of Lake Stevens includes a variety of recreational facilities including the lake, city and county parks, schools, athletic fields, and the Centennial Trail.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

If the recreational vehicle constitutes a new dwelling unit, all applicable impact fees may apply.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material

evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The city of Lake Stevens includes several major roads including highways SR-9, SR-92, and SR-204. Major roads through the city include Vernon, Lundeen Parkways, 20th Street NE and 20th Street SE.

- b. Is the site or affected geographic area currently served by public transit?

yes no

If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Community Transit of Snohomish County provides transit service to select areas of Lake Stevens.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

- h. Proposed measures to reduce or control transportation impacts, if any:

If the recreational vehicle constitutes a new dwelling unit, all applicable impact fees may apply.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

The proposal may increase the demands on transportation or public services and utilities similar to other new dwelling units added in the city.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

If the recreational vehicle constitutes a new dwelling unit, all applicable impact fees may apply.

16. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

Electricity

Refuse service

Natural gas

Telephone

Water

Sanitary sewer

Septic system

Other (list)

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable, this is a Non-project action adding Section 14.44.070 and amending Chapters 14.08 and 14.40 to the Lake Stevens Municipal Code.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee: Melissa Place

Position and Agency/Organization: Senior Planner, City of Lake Stevens

Date Submitted: November 4, 2016

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal is not likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances, or production of noise – as the RV's would be located on existing pads in existing manufactured/mobile home parks or in proposed manufactured/mobile home parks where environmental impacts would be evaluated as project-specific actions occur.

Proposed measures to avoid or reduce such increases are:

Any proposed development will be required to mitigate any impacts to water; emissions to air; production, storage or release of toxic or hazardous substances as part of a project specific review.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal is not likely to affect plants, animals and fish - all of these topics will be evaluated as project-specific actions occur.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Any proposed development will be required to protect or conserve conserve plants, animals, fish, or marine life as part of a project specific review.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is not likely to deplete energy or natural resources - all of these topics will be evaluated as project-specific actions occur.

Proposed measures to protect or conserve energy and natural resources are:

Any proposed development will be required to protect or conserve energy and natural resources as part of a project specific review.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal is not likely to affect critical areas or culturally important sites - all of these topics will be evaluated as project-specific actions occur.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Any proposed development will be required to avoid or reduce impacts to critical areas or culturally important sites as part of a project specific review.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal may increase the number of recreational vehicles used as dwelling units within city limits. The proposal brings the city's municipal code into compliance with state law, RCW 35.21.284. The proposal does not allow or encourage land or shoreline uses incompatible with existing plans – the City has policies regarding the provision of alternative and affordable housing within the City's Comprehensive Plan.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The amendments are being proposed to comply with with the latest WA State legislative enactments governing manufactured housing/recreational vehicles. The proposal incorporates language to ensure that a recreational vehicle used as permanent housing will not endanger the health, safety, and welfare of other residents. Any future development proposals for new manufactured/mobile home parks will be required to comply with the Lake Stevens Shoreline Master Program, Comprehensive Plan and zoning and development regulations as part of a project specific review.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal may increase the demands on transportation or public services and utilities similar to other new dwelling units added in the city.

Proposed measures to reduce or respond to such demand(s) are:

Individual RV's may be required to obtain a permit or inspection from the city in order for the city to evaluate sanitary sewer, water, and other applicable public services, as is the required process with any other new dwelling unit/manufactured home permitted within the city. If the recreational vehicle constitutes a new dwelling unit, all applicable impact fees may apply. Any future development proposals for new manufactured/mobile home parks will be required to submit a traffic impact analysis report and comply with applicable transportation, public service and utility requirements as part of a project specific review .

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal does not create any known conflicts with local, state or federal laws or requirements. The proposal brings the city's municipal code into compliance with state law, RCW 35.21.284. The proposals are consistent with the City of Lake Stevens Comprehensive Plan.



**CITY OF LAKE STEVENS
SEPA DETERMINATION
OF NON-SIGNIFICANCE**

Issuance Date: November 7, 2016

Project Name (No.): LUA2016-0158 (Recreational Park Trailers and Recreational Vehicles (RV) Regulations)

Proponent: City of Lake Stevens

Applicants: City of Lake Stevens

Description of Proposal: The city of Lake Stevens is proposing code amendments to the City's regulations to allow recreational vehicles as a housing option in manufactured/mobile home communities. The proposed code amendments respond to a WCIA land use audit in 2015 of the Lake Stevens municipal code whereby the city's current land use regulations must comply with the latest WA State legislative enactments governing manufactured housing/recreational vehicles. Per RCW 35.21.684, cities and counties may not adopt an ordinance that has the effect, directly or indirectly, of preventing the entry or requiring the removal of a recreational vehicle used as a primary residence in manufactured/mobile home communities. The city proposes a new chapter, Chapter 14.44.070 LSMC, named "Recreational Park Trailers and Recreational Vehicles (RV) Regulations" to provide a clear pathway for the placement of such vehicles within manufactured/mobile home communities. Staff also proposes amendments to Chapters 14.08 and 14.40 of the LSMC. The proposal is a non-project action. No significant impacts are anticipated with the adoption of this code amendment. All future project actions using these code provisions will be valued for consistency with local, state and federal regulations.

Project Location: Lake Stevens, WA 98258

Contact Person: Melissa Place, Senior Planner

Phone: (425) 377-3229

Threshold Determination: The city of Lake Stevens, acting as lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance.

SEPA Responsible Official:

Russell Wright, Community Development Director

Comments on the Threshold Determination: Written comments should be sent to the address below by **November 22, 2016** (14 days from issuance). The Responsible Official may incorporate any substantial comments into the DNS. If the DNS is substantially modified, it will be reissued for further public review.

Appeals: You may appeal this determination of non-significance by submitting an appeal to the address below no later than **5:00 PM, November 22, 2016** (14 days from issuance). The appeal must be in written form, contain a

concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code. All comments or appeals are to be directed to City Hall, P.O. Box 257, Lake Stevens WA, 98258, Attn: Russ Wright.



Department of Commerce

Innovation is in our nature.

Notice of Proposed Amendment Request for Expedited Review

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

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

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

Jurisdiction:	City of Lake Stevens
Mailing Address:	1812 Main Street (PO BOX 257) Lake Stevens, WA 98258
Date:	November 4, 2016
Contact Name:	Melissa Place
Title/Position:	Senior Planner
Phone Number:	425-377-3229
E-mail Address:	mplace@lakestevenswa.gov
Brief Description of the Proposed/Draft Development Regulations Amendment: <i>(40 words or less)</i>	Amendments to the city of Lake Stevens Municipal Code – establishing a new Chapter 14.44.070 named “Recreational Park Trailers and Recreational Vehicles (RV) Regulations” to provide a clear pathway for the placement of such vehicles within manufactured/mobile home communities. Staff also proposes amendments to Chapters 14.08 and 14.40 of the LSMC.
Public Hearing Date:	Planning Board/Commission: December 7, 2016 Council/County Commission: January 10, 2017
Proposed Adoption Date:	January 10, 2017

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

EXHIBIT 3b



STATE OF WASHINGTON

DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000
www.commerce.wa.gov

November 7, 2016

Melissa Place
Associate Planner
City of Lake Stevens
1812 Main Street
Post Office 257
Lake Stevens, Washington 98258-0257

Dear Ms. Place:

Thank you for sending the Washington State Department of Commerce (Commerce) the following materials as required under RCW 36.70A.106. Please keep this letter as documentation that you have met this procedural requirement.

City of Lake Stevens - Proposed amendments to the city of Lake Stevens Municipal Code – establishing a new Chapter 14.44.070 named "Recreational Park Trailers and Recreational Vehicles (RV) Regulations" to provide a clear pathway for the placement of such vehicles within manufactured/mobile home communities. Staff also proposes amendments to Chapters 14.08 and 14.40 of the LSMC. These materials were received on November 04, 2016 and processed with the material ID # 23058. Expedited Review is requested under RCW 36.70A.106(3)(b).

If this submitted material is an adopted amendment, then please keep this letter as documentation that you have met the procedural requirement under RCW 36.70A.106.

If you have submitted this material as a draft amendment requesting expedited review, then we have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce may deny expedited review and the standard 60-day review period will end on January 03, 2017. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than November 18, 2016. Please remember to submit the final adopted amendment to Commerce within ten (10) days of adoption.

If you have any questions, please contact Growth Management Services at reviewteam@commerce.wa.gov, or call Dave Andersen (509) 434-4491.

Sincerely,

Review Team
Growth Management Services

EXHIBIT 3c

From: [COM GMU Review Team](#)
To: [Melissa Place](#)
Cc: [Andersen, Dave \(COM\)](#)
Subject: 23058, City of Lake Stevens, Expedited Review Granted, DevRegs
Date: Tuesday, November 29, 2016 7:32:23 PM

Dear Ms. Place:

The City of Lake Stevens has been granted expedited review for the: Proposed amendments to the city of Lake Stevens Municipal Code - establishing a new Chapter 14.44.070 named "Recreational Park Trailers and Recreational Vehicles (RV) Regulations" to provide a clear pathway for the placement of such vehicles within manufactured/mobile home communities. Staff also proposes amendments to Chapters 14.08 and 14.40 of the LSMC. This proposal was submitted for the required state agency review under RCW 36.70A.106.

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

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

Thank you.

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

EXHIBIT 4a



AFFIDAVIT OF NOTICE

Project Name: SEPA Determination of Non-Significance
Project Number: LUA 2016-0158 (RV)

Place Posted

Date Posted

Signature

1. Property

Ø

-

2. City Hall

11/7/16

[Signature]

3. Planning

11/7/16

[Signature]

4. Everett Herald

11/7/16

[Signature]

5. Mailings

Ø

[Signature]

6. Website

11/7/16

[Signature]



NOTICE OF PUBLIC HEARING Lake Stevens Planning Commission

Public Hearing Related to Recreational Park Trailers and Recreational Vehicles

The Lake Stevens Planning Commission is scheduled to conduct a public hearing on a proposed code amendment regarding the placement of recreational park trailers and recreational vehicles within manufactured/mobile home communities on December 7, 2016 at 7:00pm at the Lake Stevens Community Center (1808 Main St., Lake Stevens, WA 98258). ADA Information may be found at www.lakestevenswa.gov.

The Planning Commission will accept public testimony on the proposed amendments at the hearing. Interested parties may submit comments regarding the Recreational Park Trailers and Recreational Vehicles Code Amendment in writing, prior to the hearing, by sending them to Community Development Department, Attn: Melissa Place, PO Box 257, Lake Stevens, WA 98258 or by calling 425.377.3229.



AFFIDAVIT OF NOTICE

Project Name: Notice of PC Public Hearing RV Amendment

Project Number: _____

Place Posted

Date Posted

Signature

1. Property

Ø

[Signature]

2. City Hall

11/22/16

[Signature]

3. Planning

11/22/16

[Signature]

4. Everett Herald

11/25/16

[Signature]

5. Mailings

Ø

[Signature]

6. Website

11/22/16

[Signature]



Staff Report City of Lake Stevens Planning Commission

Public Hearing
Date: **December 7, 2016**

SUBJECTS: LUA2016-0157; Temporary Downtown Height Limitations

CONTACT PERSON/DEPARTMENT: Dillon Roth, *Associate Planner* / Russ Wright, *Community Development Director*

SUMMARY: Temporarily limit the heights of buildings in specific zones and locations in the downtown core until the Downtown Subarea Plan is complete. See Exhibit 1 for Code Amendment.

ACTION REQUESTED OF PLANNING COMMISSION: Forward a recommendation to City Council.

BACKGROUND/HISTORY:

The city of Lake Stevens has initiated a planning effort for Downtown Lake Stevens, which will include a subarea plan and planned action environmental impact statement (EIS). The subarea plan will include revised development regulations and design standards for commercial, mixed-use and multifamily construction. The Planned Action EIS will evaluate necessary infrastructure improvements for sewer, stormwater and streets to facilitate development in the downtown area.

Staff has proposed that building heights be limited to:

- 45-feet in the downtown Central Business District on properties located east of Main Street between 16th St NE and 20th St NE and west of 125th Ave NE;
- 35-feet on Central Business District zoned properties west of Main Street between 20th St NE and 16th St NE; and
- 35-feet in the Mixed Use zones on properties located west of Main Street between 20th St NE and 16th St NE.

See Exhibit 2 for map of applicable locations. These limitations are only temporary until the Downtown Lake Stevens Subarea Plan is completed. This restriction strikes a balance between allowing potential development and waiting for final regulations. The height limits are based on a review of regional cities with town centers, including those located near lakes.

Since the briefing with the Planning Commission, the SEPA DNS comment/appeal period has ended. There were no comments or appeals received from the public or applicable agencies. Additionally, the city requested expedited review from the Department of Commerce on October 21, 2016 (**Exhibit 4a**) and Commerce granted approval on November 8, 2016 (**Exhibit 4b**). There have been no changes to the code amendment since the last briefing with the Planning Commission.

FINDINGS AND CONCLUSIONS:

1. Compliance with selected Goals of the Comprehensive Plan

- INTRODUCTION GOAL 1.3 – Ensure that the city’s development review process provides certainty and clarity in timelines and standards that results in a timely and predictable decision making process for all development applications.

- LAND USE GOAL 2.5 – Develop a Subarea Plan for downtown Lake Stevens that encourages a compact commercial district that facilitates easy pedestrian access between shops and buildings, allows mixed-use development, promotes economic development compatible with the character of Lake Stevens and stimulates a diverse array of business types to attract visitors and meet the needs of residents.

Conclusions – The proposed code amendments are consistent with Introduction and Land Use goals.

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

- The SEPA official issued a Determination of Non-significance on October 21, 2016 (**Exhibit 3a**).
- Staff prepared an environmental checklist for the proposed code revisions, dated October 14, 2016 (**Exhibit 3b**).
- The city did not receive any comments or appeals related to the SEPA determination.

Conclusions – The proposed code amendments have met local and state SEPA requirements.

3. Compliance with the Growth Management Act (RCW 36.70A.106)

- The city requested expedited review from the Department of Commerce on October 21, 2016 (**Exhibit 4a**).
- The Department of Commerce sent granted approval on November 8, 2016 (**Exhibit 4b**).
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendments have met Growth Management Act requirements.

4. Public Notice and Comments (Exhibit 5)

- The city published a notice of SEPA determination in the Everett Herald on October 21, 2016.
- The city published a notice of Public Hearing in the Everett Herald twice per LSMC 1416B LSMC.

Conclusions – The City has met public notice requirements per Chapter 14.16B LSMC.

RECOMMENDATION:

Forward a recommendation to the City Council to APPROVE the proposed amendments to Table 14.48-I.

Exhibits:

1. Draft Code Amendments
2. Map of Applicable Locations
3. SEPA Compliance
 - a. SEPA DNS
 - b. SEPA Checklist
4. GMA Compliance
 - a. Request for Expedited Review
 - b. Department of Commerce approval
5. Noticing
 - a. Affidavit of Notice for SEPA determination and Notice of Application
 - b. Notice of Public Hearing

Table 14.48-I: Density and Dimensional Standards

Zone	Minimum Lot Size		Minimum Residential Densities (Minimum Square Feet per Dwelling Unit)	Minimum Lot Width (ft.)	Building Setback Requirements Minimum Distance, in feet, from: ⁴							Height Limitation (ft.)
	Standard Subdivision	Cluster Subdivision			Nonarterial Street Right-of-Way Line		Nonarterial Street Centerline ¹		Ultimate Arterial Street Right-of-Way Line		Lot Line, Tract or Easement ³	
					Building	Freestanding Sign	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign	
Waterfront Residential	9,600 ft ²	7,500 ft ²	9,600 ft ²	50	25	12.5	55	42.5	25	12.5	5	35
Suburban Residential ²	5 acres/ 9,600 ft ²	5 acres/ 7,500 ft ²	5 acres/ 9,600 ft ²	80	25	12.5	55	42.5	25	12.5	5	35
Urban Residential ²	5 acres/ 7,500 ft ²	6,000 ft ²	7,500 ft ²	60	20	10	50	40	20	10	5	35
High Urban Residential	3,600 ft ²	N/A	3,600 ft ²	40	15	5	45	35	20	5	5	35
Multi-Family Residential	3,000 ft ²	N/A	0 ft ²	50	0	0	30	30	10	0	0	60

Neighborhood Commercial	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	35
Mixed Use	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30 ft ²	0	0	0	60 ⁵
Local Business	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	60
Central Business District	3,000 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	60 ⁶
Planned Business District	0 ft ²	N/A	0 ft ²	0	0	0	30	30	0	0	0	40
Sub-Regional Commercial	0 ft ²	N/A	0 ft ²	10	0	0	30	30	0	0	0	85
Light Industrial	0 ft ²	N/A	N/A	10	0	0	30	30	0	0	0	85
General Industrial	0 ft ²	N/A	N/A	10	0	0	30	30	0	0	0	85
Public/Semi-Public	0 ft ²	N/A	N/A	0	0	0	0	0	0	0	0	60

¹ See Section [14.48.040\(a\)\(1\)](#) for use of centerline.

² See Section [14.48.100](#) for use of five acres or square feet requirements.

³ Eaves and other minor architectural features may project into the required setback up to 18 inches.

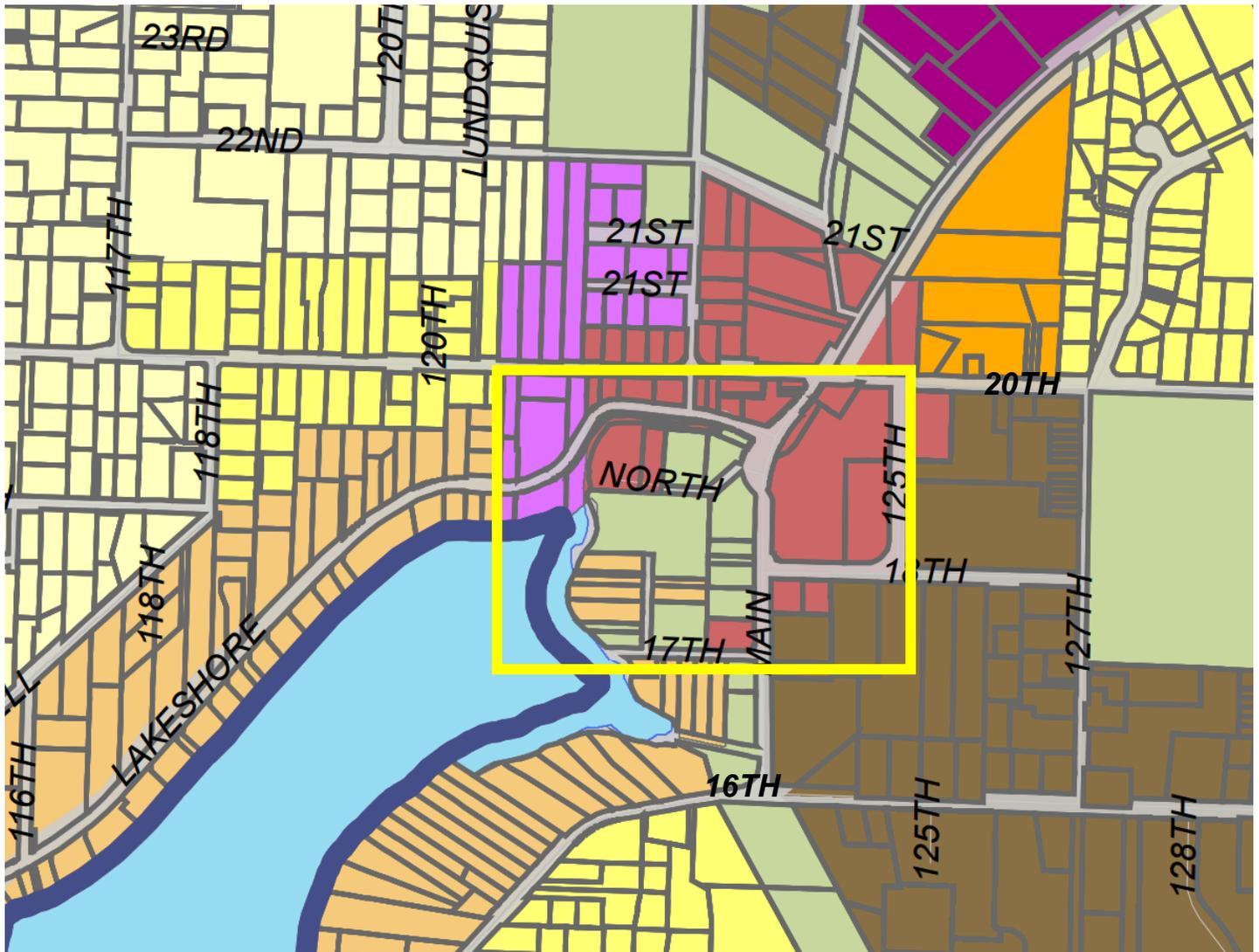
⁴ If property is located on Lake Stevens or Catherine Creek or has wetlands, please refer to the required setbacks in the Shoreline Master Program and Chapter [14.88](#), Critical Areas.

⁵ Properties located in the downtown core west of Main Street between 20th St NE and 16th St NE are limited to a maximum height of 35 feet. These regulations will be in effect for one year from the effective date of ordinance XX or until the city adopts new regulations as part of the downtown subarea plan.

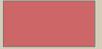
⁶ Properties located in the downtown core west of Main Street between 20th St NE and 16th St NE are limited to a maximum height of 35 feet. Properties located east of Main Street between 16th St NE and 20th St NE and west of 125th Ave NE are limited to a maximum height of 45 feet. These regulations will be in effect for one year from the effective date of ordinance XX or until the city adopts new regulation as part of the downtown subarea plan.

(Ord. 903, Sec. 38, 2013; Ord. 855, Sec. 22, 2011; Ord. 811, Sec. 55, 2010; Ord. 796, Sec. 9 (Exh. 1), 2009; Ord. 773, Sec. 3, 2008; Ord. 744, Sec. 3, 2007; Ord. 676, Sec. 47, 2003; Ord. 468, 1995)

Location of Proposed Height Limitations



 Applicable Location: Central Business District zone and the Mixed Use zone in downtown south of 20th St NE and north of 16th St NE and west of 125th Ave NE

 Central Business District (CBD)
 Mixed Use (MU)



SEPA DETERMINATION OF NONSIGNIFICANCE

Issuance Date: October 21, 2016

Project Name (No.): Temporary Height Limitations Downtown (LUA2016-0157)

Proponent: City of Lake Stevens

Applicants: City of Lake Stevens

Description of Proposal:

The city is proposing to temporarily limit the heights of buildings until the Downtown Subarea Plan is complete. Staff has proposed that building heights be limited to 45 feet in the downtown core east of Main Street and limited to 35 feet west of Main Street. These limitations are only applicable to the Central Business District zone and the Mixed Use zone in downtown south of 20th St NE and north of 16th St NE and west of 125th Ave NE.

SEPA review is required because the project does not meet the exemption requirements pursuant to WAC 197-11-800. The city has issued a Determination of Non-Significance concurrently with the Notice of Application. As proposed, there will be no adverse environmental impacts.

Project Location: Lake Stevens, WA 98258

Contact Person: Dillon Roth, Associate Planner **Phone:** (425) 377-3223

Threshold Determination: The city of Lake Stevens, acting as lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date of issuance.

SEPA Responsible Official:

A blue ink signature of Russ Wright, written over a horizontal line.

Russ Wright, Community Development Director

Comments on the Threshold Determination: Written comments should be sent to the address below by **November 4, 2016** (*14 days from issuance*). The Responsible Official may incorporate any substantial comments into the DNS. If the DNS is substantially modified, it will be reissued for further public review.

Appeals: You may appeal this determination of non-significance by submitting an appeal to the address below no later than 5:00 PM, **November 4, 2016** (*14 days from issuance*). The appeal must be in written form, contain a concise statement of the matter being appealed and the basic rationale for the appeal. A fee is required per the City's Fee Resolution. Please note that failure to file a timely and complete appeal shall constitute a waiver of all rights to an administrative appeal under City code. All comments or appeals are to be directed to City Hall, P.O. Box 257, Lake Stevens WA, 98258, Attn: Dillon Roth.



CITY OF LAKE STEVENS
 PLANNING AND COMMUNITY DEVELOPMENT
 PO BOX 257, LAKE STEVENS, WA 98258
 PHONE: (425) 377-3235 / FAX: (425) 212-3327

SEPA ENVIRONMENTAL CHECKLIST

UPDATED 2014

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements - that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND

1. Name of proposed project, if applicable:
LUA2016-0157 Code Amendment for temporary downtown height limitations to the City of Lake Stevens Municipal Code – adding footnotes to Table 14.48-I: Density and Dimensional Standards.
2. Name of applicant:
City of Lake Stevens
3. Address and phone number of applicant and contact person:
Dillon Roth, Associate Planner
City of Lake Stevens
1812 Main Street / PO Box 257
Lake Stevens, WA 98258
(425) 377-3223
4. Date checklist prepared:
October 14, 2016
5. Agency requesting checklist: **City of Lake Stevens**
6. Proposed timing or schedule (including phasing, if applicable):

SEPA Determination:	October 21, 2016
Planning Commission Public Hearing:	November 16, 2016
City Council Public Hearing (1 st Reading) / Adoption:	December 13, 2016
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

No this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.
10. List any government approvals or permits that will be needed for your proposal, if known.

City Council approval, Planning Commission review, and Department of Commerce review
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those

answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The city is proposing to temporarily limit the heights of buildings until the Downtown Subarea Plan is complete. Staff has proposed that building heights be limited to 45 feet in the downtown core east of Main Street and limited to 35 feet west of Main Street.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposed amendment will apply to building heights in the downtown core. These limitations are only applicable to the Central Business District zone and the Mixed Use zone in downtown, south of 20th St NE and north of 16th St NE and west of 125th Ave NE.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other:

The City of Lake Stevens' downtown topography is mostly flat.

- b. What is the steepest slope on the site (approximate percent slope)?

Negligible.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- d. Are there surface indications or history of unstable soils in the immediate vicinity?

yes no

If so, describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

3. Water

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names.

yes no

If appropriate, state what stream or river it flows into.

The downtown subarea abuts Lake Stevens' North Cove and includes Stevens Creek and associated wetlands.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

yes no

If so, note location on the site plan.

Downtown Lake Stevens has lands within Special Flood Hazard Area Zone A, depicted on the FIRMs for Lake Stevens, WA.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

4. Plants

- a. Check the types of vegetation found on the site:

The following vegetation types are found within the boundaries of the City of Lake Stevens:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- c. List threatened and endangered species known to be on or near the site.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

- e. List all noxious weeds and invasive species known to be on or near the site.

Himalayan Blackberry, Holly and English Ivy are known to be present in downtown Lake Stevens. Other noxious weeds or invasive species may be present on a case-by-case basis. This is a Non-project action.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

Birds: hawk, heron, eagle, songbirds, other: various picidae species, various corvidae species, various waterfowl species

Mammals: deer, bear, elk, beaver, other: raccoons, opossums, rodents

Fish: bass, salmon, trout, herring, shellfish, other: sculpin and stickleback

- b. List any threatened and endangered species known to be on or near the site.

Lake Stevens - Puget Sound Coho salmon (*O. kisutch*) – Federal Species of Concern, and State Priority Species

Streams - Puget Sound Steelhead (*O. mykiss*) – Federal Threatened Species

Streams - Bull Trout (*S. confluentus*) – Federal Threatened Species

- c. Is the site part of a migration route? If so, explain.

yes no

If so, explain.

The City of Lake Stevens is located within the Pacific flyway and salmonid migratory routes.

- d. Proposed measures to preserve or enhance wildlife, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

- e. List any invasive animal species known to be on or near the site.

Grey squirrels are the only known invasive animal species within the boundaries of the city of Lake Stevens. This is a non-project action.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 1) Describe any known or possible contamination at the site from present or past uses.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 4) Describe special emergency services that might be required.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 5) Proposed measures to reduce or control environmental health hazards, if any:
Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- 3) Proposed measures to reduce or control noise impacts, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

Downtown Lake Stevens includes a variety of urban land uses including residential, commercial, office, and public. This proposed height restriction strikes a balance between allowing potential development and protecting views in the area.

- b. Has the project site been used as working farmlands or working forest lands?

yes no

If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

Some parcels within downtown Lake Stevens were likely used for agriculture and forestry in the past. This is a non-project action and no farmland or forest land of long-term commercial significance exist within downtown Lake Stevens.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

c. Describe any structures on the site.

There are a mix of residential, public, and commercial buildings in downtown.

d. Will any structures be demolished? If so, what?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

e. What is the current zoning classification of the site?

Central Business District and Mixed Use within the downtown subarea.

f. What is the current comprehensive plan designation of the site?

Downtown / Local Commerce and Mixed Use are the comp plan designations for the zones.

g. If applicable, what is the current shoreline master program designation of the site?

The city's Shoreline Master Program has the following Environment Designations in the downtown area: Natural, Urban Conservancy and Shoreline Residential.

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

yes no

Downtown Lake Stevens includes a variety of critical areas including streams, wetlands, fish and wildlife habitat conservation areas and flood hazard areas.

i. Approximately how many people would reside or work in the completed project?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

j. Approximately how many people would the completed project displace?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

There are no agricultural or forest lands of long-term commercial significance located in downtown.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- c. Proposed measures to reduce or control housing impacts, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

This proposal limits building heights to 35 feet west of Main Street in downtown and 45 feet east of Main Street in downtown. This is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- b. What views in the immediate vicinity would be altered or obstructed?

This proposed height restriction strikes a balance between allowing potential development and protecting views in the area.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards, until a complete analysis can be completed with the Downtown Subarea Plan.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

- c. What existing off-site sources of light or glare may affect your proposal?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

- d. Proposed measures to reduce or control light and glare impacts, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Downtown Lake Stevens includes a variety of recreational facilities including the lake, the boat launch, city parks, and schools.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

Yes, the Grimm House per WISAARD.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

Yes, the Grimm House per WISAARD.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

20th St SE and S. Lake Stevens Rd are the primary streets serving downtown.

- b. Is the site or affected geographic area currently served by public transit?

yes no

If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Community Transit of Snohomish County provides transit service to downtown.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

Not applicable, this is a Non-project action adding footnotes to the LSMC Table 14.48-I: Density and Dimensional Standards.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

h. Proposed measures to reduce or control transportation impacts, if any:

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

15. **Public services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

16. **Utilities**

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

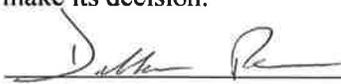
- | | |
|--|--|
| <input checked="" type="checkbox"/> Electricity | <input checked="" type="checkbox"/> Telephone |
| <input checked="" type="checkbox"/> Natural gas | <input checked="" type="checkbox"/> Sanitary sewer |
| <input checked="" type="checkbox"/> Water | <input checked="" type="checkbox"/> Septic system |
| <input checked="" type="checkbox"/> Refuse service | <input type="checkbox"/> Other (list) |

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable, this is a Non-project action adding footnotes to the LSMC Table
14.48-I: Density and Dimensional Standards.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  _____

Name of signee: Dillon Roth

Position and Agency/Organization: Associate Planner, City of Lake Stevens

Date Submitted: October 14, 2016

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal is not likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances, or production of noise - all of these topics will be evaluated as project-specific actions occur.

Proposed measures to avoid or reduce such increases are:

The proposed height limitations are temporary until the Downtown Subarea Plan is complete. The limitations are designed to strike a balance between allowing potential development and protecting views in the area. Any proposed development will be required to mitigate any impacts to water; emissions to air; production, storage or release of toxic or hazardous substances as part of a project specific review.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal is not likely to affect plants, animals and fish - all of these topics will be evaluated as project-specific actions occur.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

The proposed height limitations are temporary until the Downtown Subarea Plan is complete. The limitations are designed to strike a balance between allowing potential development and protecting views in the area. Any proposed development will be required to protect or conserve conserve plants, animals, fish, or marine life as part of a project specific review.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is not likely to deplete energy or natural resources - all of these topics will be evaluated as project-specific actions occur.

Proposed measures to protect or conserve energy and natural resources are:

The proposed height limitations are temporary until the Downtown Subarea Plan is complete. The limitations are designed to strike a balance between allowing potential development and protecting views in the area. Any proposed development will be required to protect or conserve energy and natural resources as part of a project specific review.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal is not likely to affect critical areas or culturally important sites - all of these topics will be evaluated as project-specific actions occur.

Proposed measures to protect such resources or to avoid or reduce impacts are:

The proposed height limitations are temporary until the Downtown Subarea Plan is complete. The limitations are designed to strike a balance between allowing potential development and protecting views in the area. Any proposed development will be required avoid or reduce impacts to critical areas or culturally important sites as part of a project specific review.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal will temporarily limit heights of buildings in the downtown core south of 20th St SE and north of 16th St SE and west of 125th Ave NE. West of Main Street heights would be limited to 35 feet and east of Main Street heights would be limited to 45 feet. This action will be consistent with the current shoreline regulations. The proposal is not incompatible with existing plans - these topics will be evaluated as project-specific actions occur.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The proposed height limitations are temporary until the Downtown Subarea Plan is complete. The limitations are designed to strike a balance between allowing potential development and protecting views in the area. Any future development proposals will be required to comply with the Lake Stevens Shoreline Master Program, Comprehensive Plan and zoning and development regulations as part of a project specific review.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is not likely to increase demands on transportation or public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

The proposed height limitations are temporary until the Downtown Subarea Plan is complete. The limitations are designed to strike a balance between allowing potential development and protecting views in the area. Any future development proposals will be required to submit a traffic impact analysis report and comply with applicable transportation, public service and utility requirements as part of a project specific review .

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal does not create any known conflicts with local, state or federal laws or requirements. The proposals are consistent with the City of Lake Stevens Comprehensive Plan.



Department of Commerce

Innovation is in our nature.

Notice of Proposed Amendment Request for Expedited Review

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

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

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

Jurisdiction:	City of Lake Stevens
Mailing Address:	1812 Main Street (PO BOX 257) Lake Stevens, WA 98258
Date:	October 21, 2016

Contact Name:	Dillon Roth
Title/Position:	Associate Planner
Phone Number:	425-377-3223
E-mail Address:	droth@lakestevenswa.gov

Brief Description of the Proposed/Draft Development Regulations Amendment: <i>(40 words or less)</i>	This amendment temporarily reduces the maximum height of buildings in the downtown core in the Mixed Use and Central Business District zones.
Public Hearing Date:	Planning Board/Commission: November 16, 2016 Council/County Commission: December 13, 2016
Proposed Adoption Date:	December 13, 2016

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

From: [COM GMU Review Team](#)
To: [Dillon Roth](#)
Cc: [Andersen, Dave \(COM\)](#)
Subject: 23002, City of Lake Stevens, Expedited Review Granted, DevRegs
Date: Tuesday, November 8, 2016 9:53:06 AM

Dear Mr. Roth:

The City of Lake Stevens has been granted expedited review for the: Proposed amendment temporarily reduces the maximum height of buildings in the downtown core in the Mixed Use and Central Business District zones. This proposal was submitted for the required state agency review under RCW 36.70A.106.

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

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

Thank you.

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



AFFIDAVIT OF NOTICE

Project Name: Lake Stevens Notice of App. & SEPA

Project Number: UMA 2016 - 0157

<u>Place Posted</u>	<u>Date Posted</u>	<u>Signature</u>
1. Property	<u>10/21/16</u>	<u>[Signature]</u>
2. City Hall	<u>10/21/16</u>	<u>[Signature]</u>
3. Planning	<u>10/21/16</u>	<u>[Signature]</u>
4. Everett Herald	<u>10/21/16</u>	<u>[Signature]</u>
5. Mailings	<u>10/21/16</u>	<u>[Signature]</u>
6. Website	<u>10/21/16</u>	<u>[Signature]</u>



NOTICE OF PUBLIC HEARING Lake Stevens Planning Commission

Public Hearing Related to a Temporary Limitation on Building Heights in the Downtown Core

The Lake Stevens Planning Commission is scheduled to conduct a public hearing on a proposed code amendment regarding a temporary limitation on building heights on Mixed Use and Central Business District zones in the downtown core. The limitation is temporary until the subarea planning process is complete. The meeting is on December 7, 2016 at 7:00pm at the Lake Stevens Community Center (1808 Main St., Lake Stevens, WA 98258). ADA Information may be found at www.lakestevenswa.gov.

The Planning Commission will accept public testimony on the proposed amendments at the hearing. Interested parties may submit comments regarding the Temporary Downtown Height Limitation Code Amendment in writing, prior to the hearing, by sending them to Community Development Department, Attn: Dillon Roth, PO Box 257, Lake Stevens, WA 98258 or by calling 425.377.3223.



Staff Report City of Lake Stevens Briefing

Planning Commission Briefing
Date: **December 7, 2016**

Subject: **Amendments to the City of Lake Stevens Municipal Code to Adopt the 2012 Department of Ecology Stormwater Management Manual for Western Washington (LUA2016-0171)**

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

SUMMARY:

Presentation of proposed municipal code amendments to adopt the 2012 DOE Stormwater Manual.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action is requested at this time.

BUDGET IMPACT:

None.

BACKGROUND/DISCUSSION:

The Federal Clean Water Act, 33 U.S.C. 1251 et seq. (the Act), requires certain local governments such as the City of Lake Stevens to implement stormwater management programs and regulations within prescribed time frames, and pursuant to said Act the United States Environmental Protection Agency (EPA) has adopted rules for such stormwater programs and regulations. The EPA has delegated authority to the Washington State Department of Ecology (Ecology) to administer such stormwater programs and regulations. The DOE has issued the Western Washington Phase II Municipal Stormwater Permit (NPDES), effective August 1, 2013 through July 13, 2018, which requires local governments such as the City of Lake Stevens to implement numerous stormwater management requirements, including adopting Ecology's 2012 Stormwater Management Manual for Western Washington and related regulations.

Staff presented a briefing to the Planning Commission on November 16, 2016 to describe how the 2012 Manual controls the adverse impacts from stormwater runoff through the application of Best Management Practices. Staff explained that the largest differences between the currently-adopted 2005 Manual and the 2012 Manual are the revisions to many of the recommended BMP's in order to improve their effectiveness, specifically low impact development techniques (LID) to protect water quality and revised definitions, requirements and performance standards in Volume I.

Staff has completed an initial review of all the applicable municipal codes that will require amendments, and identified Chapter's 11.06 and 14.64 LSMC for updates. Staff proposes to remove Part II: Drainage, Erosion Control, Stormwater Management from Chapter 14.64 LSMC and integrate those requirements into Chapter 11.06 LSMC. A number of the requirements in Part II of 14.64 conflict with the more-recent stormwater management language in Chapter 11.06 and are redundant with the proposed updates in the new Land Disturbance code (Chapter 14.50). A consolidated, updated Chapter 11.06 will also provide better direction for applicants and be a clearer document for the city to administer.

The following amendments are proposed for the restructuring of Title 11:

- A synopsis of Volume I: Chapter 2 of the 2012 DOE Stormwater Manual, with descriptions of development thresholds, required SWPPP elements and Minimum Requirements 1 through 9;
- An expanded discussion of the requirements of Volume V: Chapters 5-7 of the Manual for the application of LID principles in site design;
- The creation of a table classifying which permit types are subject to stormwater management construction;
- Cross-references with the new Land Disturbance chapter (14.50) for the administration of bonds, permit thresholds and administrative policies; and
- Administrative updates including but not limited to updated references to the 2012 Manual, section numbering and revised definitions.

Other needed changes may be revealed per Planning Commission's review. Other tasks included in the scope of the project include SEPA notification and actions, Public Hearings with both Planning Commission and City Council, WA Department of Commerce review, coordination with the Department of Ecology and public notification as applicable.

Exhibit List

1. Initial redlined code sections and proposed additions

Chapter 11.06 STORMWATER MANAGEMENT

Sections:

- [11.06.010](#) Purpose
- [11.06.020](#) Stormwater Management Manual Adopted
- [11.06.030](#) Stormwater Management Review and Approval Required
- [11.06.040](#) Standards, Definitions, and Requirements
- [11.06.050](#) Adjustments and Exceptions
- [11.06.060](#) Activities Requiring Stormwater Management
- [11.06.070](#) Classification of Stormwater Management Construction Activities
- [11.06.07060](#) Low Impact Development ~~--Alternative Standards~~
- [11.06.08070](#) Construction and Maintenance of Stormwater Facilities
- [11.06.09080](#) Bonding and Insurance for Stormwater Facilities
- [11.06.10090](#) ~~-~~Prohibited, Allowable, and Conditional Discharges and Connections
- [11.06.11090](#) Administration, Inspection, and Fees
- [11.06.12040](#) Enforcement
- [11.06.13020](#) Appeals

11.06.010 Purpose.

The City Council finds that this chapter is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface and stormwaters, erosion control, and flooding. The Council also finds that this chapter is necessary in order to minimize water quality degradation; to prevent flood damage, siltation and habitat destruction in the City's creeks, streams and other water bodies; to protect property owners adjacent to developing land from increased runoff rates which could cause stream erosion and damage to public and private property; to promote sound development and redevelopment policies which respect and preserve the City's watercourses and aquatic habitat; to ~~require~~promote low impact development strategies that reduce impervious surface and stormwater runoff; to ensure the safety of City streets and rights-of-way; and to prevent water quality degradation and promote ground water recharge through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance programs in order to promote the effectiveness of the requirements contained in this chapter. (~~Ord. xxx.~~ Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.020 Stormwater Management Manual Adopted.

The 20~~1295~~ State Department of Ecology Storm Water Management Manual for Western Washington, as amended by Sections 1 through ~~76~~ of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit, as now or hereafter amended, is hereby adopted as the City's minimum stormwater regulations and as a technical reference manual and is hereinafter referred to as the "Stormwater Manual." (~~Ord. xxx.~~ Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.030 Stormwater Management Review and Approval Required.

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

11.06.040 Standards, Definitions, and Requirements.

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

11.06.050 Adjustments and Exceptions.

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

[11.06.060 Activities Requiring Stormwater Management](#)

(a) New Development and Redevelopment

(b) Construction SWPPP Elements

(c) Minimum Requirements 1 through 9

(d) Cross references with the permit thresholds, ESC measures and administrative policies.

11.06.070 Classification of Stormwater Management Construction Activities

(a) Building Permits

(b) Land Use Permits (subdivisions, utility installation)

(c) ROW projects

(d) Early clearing and grading projects

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

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

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

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

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

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

11.06.070 Construction and Maintenance of Stormwater Facilities.

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

(b) Maintenance of Private Stormwater Facilities.

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

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

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

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

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

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

(i) The stormwater facilities have been conveyed to and accepted by the City, at the City's sole discretion, by bill of sale and accompanied by: (a) a warranty of the grantor that the utility lines, facilities and appurtenances are free of debt and were constructed in accordance with City standards and specifications; and (b) an agreement by the grantor to indemnify and hold the City harmless from any claims or damages arising from defective materials or workmanship;

(ii) If the lines or facilities are on or cross private property, the grantor shall have conveyed to the City the required easements for constructing, repairing, maintaining, altering, changing, controlling and operating the lines or facilities in perpetuity;

(iii) The bonding and insurance requirements of Section [11.06.080](#) have been fully complied with;

(iv) The facilities have been inspected and approved by the City;

(v) The City Council has adopted an increase in the stormwater user's fee for the single-family residential property being served by the stormwater facilities, which fee increase shall cover the City's cost of maintaining and repairing the facilities; and

(vi) All other requirements of this chapter have been fully complied with.

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

(i) The City and the titleholders or other responsible parties of the property have entered into an agreement in which the titleholders or other responsible parties: (a) indemnify and hold the City harmless from any claims or damages arising from the City's acts or omissions related to maintenance of the facilities; (b) give the City access rights to maintain the facilities; and (c) agree to remain responsible for all maintenance and repair of the facilities;

(ii) The bonding and insurance requirements of Section [11.06.080](#) and [14.50.145](#) have been fully complied with;

(iii) The facilities have been inspected and approved by the City;

(iv) The City Council has adopted an increase in the stormwater user's fee for the single-family residential property being served by the stormwater facilities, which fee increase shall cover the City's cost of maintaining the facilities; and

(v) All other requirements of this chapter have been fully complied with.

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

11.06.080 Bonding and Insurance for Stormwater Facilities.

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

(b) The person constructing the stormwater facility and/or the property owner shall maintain a liability policy during the construction period and the initial two-year maintenance period or until the point in time if and when the City assumes maintenance responsibilities, with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage, and with the City named as an additional insured. A copy of the endorsement naming the City as additional insured shall be attached to the certificate of insurance, which shall be provided to the City prior to commencement of the work. (Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.090 Prohibited, Allowable, and Conditional Discharges and Connections.

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

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

BMP's

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

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

~~(4)~~ "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health,

safety, property or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(54) “Hyperchlorinated” means water that contains more than 10 mg/liter chlorine.

(65) “Illicit discharge” means any direct or indirect nonstormwater discharge to the City’s storm drain system, except as expressly exempted by this chapter.

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

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

- (i) Owned or operated by the City of Lake Stevens;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Not part of a publicly owned treatment works (POTW) (“POTW” means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned); and
- (iv) Not a combined sewer (“combined sewer” means a system that collects sanitary sewage and stormwater in a single sewer system).

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

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

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

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

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

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

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

(b) Prohibited Discharges.

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

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

- (i) Trash or debris.
- (ii) Construction materials.
- (iii) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil.
- (iv) Antifreeze and other automotive products.
- (v) Metals in either particulate or dissolved form.
- (vi) Flammable or explosive materials.

- (vii) Radioactive material.
- (viii) Batteries.
- (ix) Acids, alkalis, or bases.
- (x) Paints, stains, resins, lacquers, or varnishes.
- (xi) Degreasers and/or solvents.
- (xii) Drain cleaners.
- (xiii) Pesticides, herbicides, or fertilizers.
- (xiv) Steam cleaning wastes.
- (xv) Soaps, detergents, or ammonia.
- (xvi) Swimming pool cleaning wastewater or filter backwash.
- (xvii) Chlorine, bromine, or other disinfectants.
- (xviii) Heated water.
- (xix) Domestic animal wastes.
- (xx) Sewage.
- (xxi) Recreational vehicle waste.
- (xxii) Animal carcasses.
- (xxiii) Food wastes, [including solids, fats, oils and grease](#).
- (xxiv) Bark and other fibrous materials.
- (xxv) Lawn clippings, leaves, or branches.
- (xxvi) Silt, sediment, concrete, cement or gravel.
- (xxvii) Dyes. Unless approved by the City.
- (xxviii) Chemicals not normally found in uncontaminated water.

(xix) Any other process-associated discharge except as otherwise allowed in this section.

(xxx) Any hazardous material or waste not listed above.

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

- (1) Diverted stream flows.
- (2) Rising ground waters.
- (3) Uncontaminated ground water infiltration - as defined in 40 CFR 35.2005(20).
- (4) Uncontaminated pumped ground water.
- (5) Foundation drains.
- (6) Air conditioning condensation.
- (7) Irrigation water from agricultural sources that is commingled with urban stormwater.
- (8) Springs.
- (9) Uncontaminated wWater from crawl space pumps.
- (10) Footing drains.
- (11) Flows from riparian habitats and wetlands.
- (12) Discharges from emergency fire-fighting activities.

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

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

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

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

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

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

(e) Prohibited Connections.

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

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

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

11.06.100 Administration, Inspection, and Fees.

(a) Administration.

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

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

(b) Inspections.

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

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

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

(4) Property owners shall provide proper ingress and egress to any stormwater facility to the Director or a designee to inspect, monitor or perform any duty imposed upon the Director by this chapter. The Director shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification, the Director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property and/or imposed against the subject property by filing a lien.

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

11.06.110 Enforcement.^[RW1]

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

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

11.06.120 Appeals.

The decisions of the Director may be appealed by an aggrieved party to the Hearing Examiner by filing written notice of appeal, including an appeal fee as set by resolution of the City Council, with the City Clerk within 10 days of notice of the Director's decision. (Ord. 808, Sec. 1 (Exh. A), 2009)



ADDENDUM

Staff Report

City of Lake Stevens Planning Commission

Planning Commission Briefing

Date: **December 7, 2016**

Subject: **Amendments to the City of Lake Stevens Critical Areas Regulations**

Contact Person/Department: **Russ Wright**, Community Development Director

SUMMARY:

4th briefing to the Planning Commission regarding proposed amendments to the city of Lake Stevens Critical Areas Regulations as mandated and outlined by RCW 36.70A.130 as part of the Comprehensive Plan update process.

ACTION REQUESTED OF PLANNING COMMISSION:

This is an informational briefing and no action is requested at this time.

BACKGROUND / DISCUSSION:

The Growth Management Act of Washington requires cities and counties review their critical area ordinances as part of their mandatory Comprehensive Plan update under RCW 36.70A.130. Planning and Community Development staff have completed a review of the entire Critical Areas regulation Chapter 14.88 LSMC (**Attachment A**). Staff is proposing minor updates to the full chapter in addition to significant changes to the wetlands section based on adoption of the 2014 Wetland Rating System for Western Washington and integration of model code elements published in Wetland Guidance for CAO Updates (Publication No. 16-06-001), June 2016.

The Washington State Department of Ecology (DOE) has recently made significant changes to the Wetland Rating System for Western Washington manual which became effective January 1, 2015. The changes were based on best available science and a better understanding of wetland ecological functions after reviewing results of an analysis of 211 wetland sites in eastern and western Washington. According to DOE, the changes to the rating system offer a more accurate characterization wetland functions based on the wetland characterization and rating.

All changes are shown in edit mode with some side comments. A list of major changes follow:

1. Updated definitions added in Chapter 14.08;
2. Section 14.88.120 Regulated Activities updated for compliance with the model ordinance, including references to assumption of Class IV permits and limitations on subdivisions;
3. Section 14.88.220 Allowed Activities updated for compliance with the model ordinance, adding new sections (a) through (d);
4. Section 14.88.275 Mitigation/Enhancement Plan Requirements updated to include criteria for data collection;

5. Section 14.88.276 Alternative Mitigation added that would allow purchase of credits or payment of in-lieu fees for impacts to streams, wetlands and associated buffers;
6. Section 14.88.287 Fencing and Signage updated for compliance with the model ordinance;
7. Section 14.88.290 Critical Areas Tracts and Easements added to clarify when the city will require the dedication of a tract or easement to establish a Native Growth Protection Area;
8. Section 14.88.297 On-site Density Transfer for Critical Areas updated to clarify the extent and allowed modifications for on-site density transfers; and
9. Section 14.88.440 Mitigation updated to include specific requirements for innovative design;
10. Part VIII Wetlands – the majority of this section was updated for compliance with the model ordinance
 - New purpose statement – Section 14.88.800
 - Wetland rating manual reference and the description of wetland types updated - Section 14.88.805
 - Allowed activities updated – Section 14.88.820
 - A new Exemptions section added – Section 14.88.825
 - Requirements updated – Section 14.88.830
 - Section on Buffers updated including Table 14.88-II Wetland Buffers – all buffers would increase – Table 14.88-III Required Measures, buffer averaging, and buffer conditions
 - Section 14.88.840 adds/modifies subsections related to buffer mitigation ratios, innovative design and credit/debit methodology.

NEXT STEPS:

Staff will bring this amendment back for public hearing on January 4 and to City Council on January 24.

ATTACHMENTS:

A – Proposed Code Changes to Chapter 14.88 LSMC



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