



PLANNING COMMISSION AGENDA

Regular Meeting Date: 01.04.2017

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. **Approval of December 7, 2016 Meeting Minutes**
- E. **PUBLIC HEARING:**
 - 1. **Land Disturbance Code** Pratschner
 - 2. **Adopt 2012 DOE Stormwater Manual** Pratschner
 - 3. **Amendments to the LSMC Critical Areas Regulations** Wright

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. **COMMISSIONER REPORTS**
- G. **PLANNING DIRECTOR’S REPORT**
- H. **ADJOURN**

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,

*Items attached
**Items previously distributed
Items to be distributed

PLANNING COMMISSION REGULAR MEETING MINUTES

Community Center
1808 Main Street, Lake Stevens
Wednesday, December 7, 2016

CALL TO ORDER: 7:05 pm by Commissioner Davis

MEMBERS PRESENT: Vicky Oslund, Tracy Trout, Jennifer Davis, Janice Huxford, Gary Petershagen

MEMBERS ABSENT: Commissioner Hoult

STAFF PRESENT: Senior Planner Stacie Pratschner, Senior Planner Place and Clerk Jennie Fenrich

OTHERS PRESENT: Sally Jo Sebring, Mark Christianson and Aaron Walter

Excused Absence: Commissioner Huxford made a motion to excuse Commissioner Hoult and Commissioner Petershagen 2nd the motion. Motion carried 4-0-0-1.

Action Items: Officers were nominated as follows, Jennifer Davis has been elected as Chair and Vicky Oslund as Vice Chair. Motion carried 5-0-0-1

Design Review Board liaison will be Gary Petershagen and Tracy Trout will be the alternate. Motion carried 5-0-0-1

The minutes of the November 16, 2016 were approved as written. Motion carried 5-0-1-1.

Public Hearing: 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: Commissioner Huxford reported there is an increase in theft along Hartford Rd.

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



Staff Report City of Lake Stevens Planning Commission

Public Hearing

Date: **January 4, 2017**

Subject: **LUA2016-0025**: Amendments to the City of Lake Stevens Land Disturbance Code (LUA2016-0025)

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

SUMMARY: Amendments to the municipal code to update and streamline the clearing and grading regulations and assume regulatory authority of Class IV-Forest Practices permits.

ACTION REQUESTED OF PLANNING COMMISSION:

Forward a recommendation to City Council.

BACKGROUND / HISTORY:

The proposed code amendments (**Exhibit 1**) are a part of the required regulations that cities planning under RCW 36.70A.040 must adopt. The proposed changes to Chapter 14.44.100 - *Clearing and Grading Permits* include the addition of a purpose and intent statement, clarifications on the type of activities that are exempt from a land disturbance permit, specific application requirements and the addition of bonding language and minimum inspection requirements.

The city proposes a new chapter, Chapter 14.50 LSMC, named "Land Disturbance" to regulate land disturbance activities, including the clearing and removal of vegetation, excavation, grading, filling and other earthwork activities. Staff also proposes amendments to Chapter 14.08 of the LSMC.

Since the last briefing with the Planning Commission, staff has revised the draft code amendments to no longer include dimensional standards for fences (these regulations will be moved to Chapter 14.80 - *Building and Construction*) and provided an expanded section on Forest Practices based on comments from the Department of Natural Resources, including the addition of cultural resource management language.

Since the last briefing with the Planning Commission, staff has issued a SEPA DNS on December 13, 2016 (**Exhibit 2b**), and sent the proposed amendments out for agency review. The city received one comment from the Department of Ecology on December 27, 2016 (**Exhibit 2c**). DOE's suggested addition to the code amendment has been incorporated into Chapter 14.50 LSMC. The city requested expedited review from the Department of Commerce on December 15, 2016 (**Exhibit 3**). The city will be required to obtain acknowledgement from the Department of Commerce prior to a public hearing with the City Council.

FINDINGS AND CONCLUSIONS:

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

- ENVIRONMENTAL AND NATURAL RESOURCES POLICY 4.1.7 – Require all phases of conversion of forest lands to comply with the GMA, an issued Forest Practice Permit and be consistent with adopted critical areas regulations.
- ENVIRONMENTAL AND NATURAL RESOURCES POLICY 4.1.12 – Minimize land clearing, soil disturbance and non-point runoff affecting water quality, erosion and sedimentation.
- ENVIRONMENTAL AND NATURAL RESOURCES POLICY 4.1.14 – Minimize adverse stormwater impacts generated by the removal of vegetation and alteration of landforms.

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

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

- Staff prepared an environmental checklist for the proposed code revisions, dated December 13, 2016 (**Exhibit 2a**).
- The SEPA official issued a threshold Determination of Non-Significance (DNS) on December 13, 2016 (**Exhibit 2b**).
- The city received one comment from the Department of Ecology on December 27, 2016, requesting the addition of language concerning the requirement for a critical areas report, when applicable (**Exhibit 2c**). This language has been added to the proposed code amendments.

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 December 15, 2016 (**Exhibit 3**).
- The city will be required to obtain approval from the Department of Commerce prior to a public hearing with City Council.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendments will meet Growth Management Act requirements.

4. Public Notice and Comments

- The city published a notice of SEPA determination in the Everett Herald on December 19, 2016 (**Exhibit 4a**).
- The city published a notice of Public Hearing in the Everett Herald on December 13, 2016 per LSMC 14.16B (**Exhibit 4b**).
- The city received a comment from the public concerning the removal of tree retention standards from the proposed code amendments (**Exhibit 4c**).

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

RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed amendments, replacing LSMC 14.44.100 - *Clearing and Grading Permits* with LSMC 14.50 - *Land Disturbance* and amending Chapter 14.08 - *Definitions*.

EXHIBITS:

1. Draft Code Amendments
- 2a Environmental Checklist
- 2b SEPA Determination
- 2c Department of Ecology Email
- 3 Notification of Amendment to Department of Commerce
- 4a. Notice of SEPA Publication
- 4b. Notice of Public Hearing Publication
- 4c. Public Comments

Draft Land Disturbance Code

Chapter 14.44 Part II Grading, Filling and Excavation is repealed in its entirety.

NEW CHAPTER

Chapter 14.50 LAND DISTURBANCE

Part I. Land Disturbance

14.50.100 Purpose and Intent.

The purpose of this chapter is to regulate land disturbance activities, including the clearing and removal of vegetation, excavation, grading, filling and other earthwork such as cuts and fills within the city of Lake Stevens in order to protect public health, safety and welfare by requiring the following elements:

- (a) Encouraging holistic site planning to reduce negative impacts to the community and the environment;
- (b) Preserving vegetation and where appropriate requiring commensurate replanting;
- (c) Requiring the implementation of best management practices (BMP's) during land disturbing activities;
- (d) Minimizing adverse stormwater impacts related to land disturbance per the requirements of the 2012 Department of Ecology Stormwater Manual for Western Washington or as amended;
- (e) Assuming regulatory authority for Class IV Forest Practices as defined by Chapter 76.09 RCW;
- (f) Establishing administrative procedures to issue permits, approve plans and inspect land disturbance activities; and
- (g) Reducing the amount of time between land disturbance and the beginning of actual site construction.

Land disturbance activities within or near a critical area or within the shoreline jurisdiction must be consistent with the provisions of Chapter 14.88 LSMC and the Lake Stevens Shoreline Master Program, as applicable.

14.50.105 Permit Required, Applicability and Authority.

- (a) The Community Development Director or designee shall review and approve or conditionally approve all applications for land disturbance permits, which meet the requirements of this chapter.
- (b) A land disturbance permit is required for all land disturbance unless exempted in Section 14.50.115.
- (c) The provisions of this chapter apply to all land disturbance activity within the city. No action shall be taken by any person, which results in any alteration to the landscape except as consistent with the purposes, objectives, and goals of this chapter.
- (d) Activities exempt a land disturbance permit, as described in Section 14.50.115, must still comply with the restrictions and requirements contained in Section 14.50.140.
- (e) By submitting an application under this Section, the applicant consents to entry upon the subject site by the city during regular business hours for the purposes of making inspections to verify information provided by the applicant to verify that work is being performed in accordance with the requirements of this chapter.

14.50.110 Definitions.

The definitions related to land disturbance and forest practices are included in Chapter 14.08 LSMC.

CESCL. A Certified Erosion and Sediment Control Lead who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington Department of Ecology.

Clearing. The act of removing or destroying vegetation or other organic plant materials by physical, mechanical or chemical means.

Compaction. Densification of a fill by mechanical means.

DBH. The diameter of a tree as measured from breast height (54 inches above the ground).

Earth material. Any rock, natural soil or any combination thereof.

Excavation. The removal of any earth material.

Existing Site Conditions. The current site features, natural features, cultural features and infrastructure of a specific location.

Fill. A deposit of earth material placed by mechanical means.

Forest Practices. Any activity conducted on or directly pertaining to forest land and related to growing, harvesting, or processing timber or removing forest biomass as defined by the WAC 222-16-010.

Grade. The elevation of the ground surface.

- (a) "Existing grade" is the grade prior to grading.
- (b) "Rough grade" is the stage at which the grade approximately conforms to an approved site plan.
- (c) "Finished grade" is the final grade of the site that conforms to the approved site plan.
- (d) "Grading" is any excavating, filling, removing of the duff layer or combination thereof.

Land Disturbance. Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and / or existing soil topography.

Landscaping area. Any portion of a site not used for building, parking, driveway or accessory storage area. A landscape area may include patios, plazas, walkways, walls and fences, fountains or pools, and planting areas. Ponds, streams, natural areas, or areas for the detention of storm water runoff are not considered part of the landscaped area of a site unless they are integrated with required landscaping as a water feature.

NPDES. National Pollutant Discharge Elimination System.

Pollution-generating pervious and impervious surfaces. Surfaces that are considered a significant source of pollutants in storm water runoff. Pollution generating surfaces include both pervious and impervious surfaces, such as surfaces subject to vehicular use, roofs, lawns and landscaped areas.

Predeveloped condition. The native vegetation and soils that existed at a site prior to the influence of Euro-American settlements.

Retaining wall. A wall designed to resist lateral earth and/or fluid pressures, including any surcharge in accordance with accepted engineering practice.

- (a) "Exposed wall height is the vertical distance measured from the finished grade at the bottom of the wall (lower soil grade) to the finished grade at the top of the wall. This height does not include the wall and depth of footing below grade.
- (b) "Retained Wall Height" is the vertical distance measured from the bottom of the footing to the finished grade at the top of the wall. It includes the wall and depth of footing below grade.
- (c) "Surcharge" is a vertical load imposed on retained soil that may impose a lateral force in addition to the lateral earth pressure of the retained soils. Examples of surcharge include sloping retained soil, structure footings supported by the retained soil or adjacent vehicle loads supported by the retained soil.

Significant Tree. Any deciduous tree eight inches or greater in diameter (25 inches in circumference or greater), and any evergreen tree 12 inches or greater (37 inches in circumference or greater) measured one foot above the root crown.

Stormwater. Surface water runoff that occurs when precipitation from rain or snowmelt flows over the lands surface.

Toe of slope. The lowest part of an embankment slope. It is the point at which the front of a slope intersects with the natural ground line.

14.50.115 Exemptions.

The following activities do not require a land disturbance permit.

- (a) Land disturbance associated with an approved building permit or approved construction plans.
- (b) Land disturbance associated with public improvements and maintenance within the existing right-of-way; provided this does not include activities that expand into a critical area or buffer including, but not limited to:
 - (1) Roadside ditch cleaning, provided the ditch does not contain salmonids;
 - (2) Pavement maintenance;
 - (3) Normal grading of gravel shoulders;
 - (4) Maintenance of culverts;
 - (5) Maintenance of flood control or other approved stormwater facilities; and
 - (6) Routine clearing within road right-of-way.
- (c) Site investigations such as surveys, soil borings, test pits, percolation tests and other related activities, necessary for preparing land use or building permit applications provided the land disturbing activities are not greater than is necessary to accomplish the work and do not create permanent site impacts.
- (d) Landscape installation or site improvements, which do not result in a fill being placed behind a wall greater than four feet in height as, measured from the bottom of the footing to the top of the wall or a cut more than four feet in depth or which does not exceed 15 cubic yards on any lot.(e) Cutting, clearing or removal of vegetation within any fully developed lot, parcel, street or utility right-of-way or park land outside of a critical area or its buffers not requiring any other permits or SEPA review, such as lawn mowing, rototilling, composting, gardening, non-commercial firewood cutting and pruning of vegetation.

- (f) The removal of plants designated as noxious or invasive weeds by governmental agencies.
- (g) Emergency removal of ground cover or hazardous trees by any person, the public works department, parks department, fire department and/or public or private utility necessary to protect public safety or private or public property from imminent danger.

14.50.120 Land Disturbance Permit Thresholds.

(a) Type I Land Disturbance - A Type I Land Disturbance permit shall follow the procedures established in Chapter 14.16B for a Type I permit process and shall be required for each of the following actions or any combination thereof.

- (1) Any land clearing activity that removes vegetation equal to or greater than 1,000 square feet but equal to or less than 5,000 square feet within any 12-month period. Removal of any vegetation from wetlands, streams or their buffers shall comply with Chapter 14.88 LSMC and may not occur without prior approval from the Community Development Director and state agencies with jurisdiction.
- (2) Any excavation, grading or fill activities equal to or greater than 50 cubic yards, but less than 100 cubic yards.
- (3) Land disturbance increases impervious surface area by five percent of the lot area or 2,000 square feet, whichever is less.
- (4) Land disturbance that redirects stormwater from 5,000 square feet or more of drainage area so that it is released onto adjacent properties in a concentrated manner.
- (5) Land disturbance that alters, redirects or impedes natural watercourses or manmade drainage channels.
- (6) Construction of finished slopes that will exceed a ratio of 2:1 (horizontal to vertical).
- (7) A retaining wall of three feet or higher is to be built. Retaining walls that are equal to or greater than four feet in height as measured from the bottom of the footing to the top of the wall and/or walls that support a surcharge shall require a building permit in addition to a land disturbance permit per the requirements of LSMC 14.80.100.
- (8) Land disturbance proposed within the boundaries of any drainage, access or utility easements.

(b) Type II Land Disturbance - A Type II Land Disturbance permit shall follow the procedures established in 14.16B for a Type II process and be required for each of the following actions or any combination thereof.

- (1) Any excavation, grading or fill activities on a lot that equals or exceeds 100 cubic yards within any 12-month period.
- (2) Any tree clearing equal to or greater than 5000 square feet in total canopy.
- (3) Class IV Forest Practices as described in Chapter 14.50 – Part II.

14.50.125 Application Requirements.

A land disturbance application shall include the following items:

- (a) Completed Type I/II permit application form;
- (b) A narrative of the project that describes the existing site conditions and development goals of the proposed work by including (1) Specific work to be accomplished, (2) A time schedule for land clearing

activities, (3) Type of equipment to be used, (4) Measures proposed to protect the site and adjacent properties from potential adverse impacts, and (5) The estimated quantities/area of work involved;

- (c) Public noticing documents per Chapter 14.16B LSMC;
- (d) An environmental checklist if the land disturbance will exceed 100 cubic yards;
- (e) A critical areas report identifying wetlands, streams and their associated buffers, if applicable;
- (f) A drainage and stormwater report, if applicable;
- (g) A geotechnical and soils report, if applicable;
- (h) A cultural resource management report, if applicable;
- (i) The correct intake fees as determined by the currently adopted Fee Schedule;
- (j) Any other materials required by the Community Development Director; and
- (k) A site plan of the subject property that meets the requirements of Section 14.16C.105(d).

14.50.130 Restrictions and Requirements.

All land disturbance, regardless of whether or not a permit is required, is subject to the following requirements.

- (a) No land disturbance is allowed in a critical area and its buffers otherwise prohibited by Chapter 14.88 LSMC.
- (b) For single-family and duplex lots, no activities shall be allowed, which results in the impervious surface area of the lot exceeding the maximum thresholds as defined by section 14.48.055.
- (c) No land disturbing activities are permitted outward from the shores of Lake Stevens except as permitted pursuant to the restrictions of the Lake Stevens Shoreline Master Program.
- (d) Adequate temporary erosion and sedimentation control (TESC) measures shall be approved and installed per Chapter 14.64 (Special Flood Hazard Areas, Drainage, and Erosion) LSMC prior to any disturbance of soils.
- (e) All disturbed areas shall be hydro-seeded and mulched, sodded or otherwise protected within 48 hours of disturbance.
- (f) All potentially impacted critical areas and their buffers shall be delimited with a construction limits fence prior to any disturbance of the soil.
- (g) The project proponent shall present to the city a valid NPDES permit, where required, prior to any disturbance of soil.
- (h) Environmental review of land disturbance associated with site development may be done concurrently with the environmental review of the project (e.g., preliminary plat, land use permit, or building permit), allowing for public improvements to be permitted by approval of the construction drawings. However, the application shall specifically state that such land disturbance is a part of the application, and the permit shall specifically state what land disturbance is permitted or the activities shall not be considered permitted.
- (i) Land disturbing activities that include tree removal on residential lots shall be required to demonstrate retention of the minimum number of shade trees on site as defined in Section 14.76.124 LSMC.

(j) During the below listed dates all land disturbing activities shall be phased as follows:

(1) For land disturbing activity not associated with a plat, between October 1st and March 31st no more than one-fourth acre, or 50 cubic yards of soil, whichever represents the least amount of soil, may be moved or graded at any one time before that portion of the project is closed up per subsection (d) of this section; and

(2) Between October 1st and March 31st, land disturbance of individual building lots in a plat shall be phased, with no more than 10 lots being graded in a plat at any one time. Before additional lots can be graded, the previously graded lots shall be hydro-seeded and mulched, sodded, or otherwise protected.

(k) Clearing activities of 1,000 square feet or more in any 12-month period shall comply with the retention and protection of large tree requirements as contained in Section 14.76.120.

(1) Replacement trees shall be located in such a manner they will not be disturbed when the site develops in the future.

(2) No more than 10 percent of significant trees or 50 percent of all trees on a site may be removed unless and until it is done as part of a plan, which has received the appropriate land use permit(s) from the city.

(3) The applicant shall include a conceptual plan showing how the protected trees will be able to be retained at the time of site development.

(l) Hours of operation shall be between 7:00 AM and 9:00 PM on weekdays and 9:00 AM to 9:00 PM on weekends.

14.50.135 Minimum Performance Standards.

(a) No land disturbing activities may be approved unless the project proponent demonstrates that the requirements of Chapter 14.50 LSMC have been met.

(b) Any land disturbance activity, whether requiring a permit or not, shall provide erosion and sediment (ESC) measures that prevent the transport of sediment from the site to adjacent properties and facilities.

(c) Cuts and fills shall conform to the following provisions:

(1) No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical; and

(2) All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection (b) of this section.

(d) Access roads to grading sites shall be maintained and located to the satisfaction of the city engineer to minimize problems of dust, mud and traffic circulation.

(e) Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes based on the recommendation of a geotechnical engineer.

(f) The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes based on the recommendation of a geotechnical engineer.

14.50.140 Top Soil.

In order to provide a suitable vegetation growth medium for final site stabilization, the following requirements shall be met prior to residential final plat approval or if on an existing lot, prior to issuance of a final inspection/certificate of occupancy:

- (a) A minimum of eight inches of top soil is to be placed in all areas not developed with impervious surface area.
- (b) In order to ensure a proper bond between the topsoil and subsoil, the topsoil shall be worked into the layer below for a minimum of six inches, resulting in a consistent mix of topsoil and subsoil throughout.
- (c) The topsoil shall be friable and loamy (loam, sandy loam, silt loam, sandy clay loam, clay loam).
- (d) When native topsoil is to be stockpiled and reused, the following should apply to ensure that the mycorrhizal bacterial, earthworms, and other beneficial organisms will not be destroyed:
 - (1) Topsoil is to be re-installed within four to six weeks;
 - (2) Topsoil is not to become saturated with water; and
 - (3) Covers placed over the pile must first be approved by Public Works to ensure the material is breathable to allow sufficient passage of oxygen – plastic is not allowed;
- (e) Stockpiling of topsoil shall comply with the following:
 - (1) The slopes of the pile shall not exceed 2:1;
 - (2) An interceptor dike with gravel outlet and silt fence shall surround all topsoil stockpiles;
 - (3) Erosion control seeding or covering with clear plastic or other mulching materials of stockpiles shall be completed within two days from October 1st through April 30th, or within seven day from May 1st through September 30th. Native topsoil stockpiles shall not be covered with plastic; and
 - (4) Topsoil shall not be placed while in a frozen or muddy condition, when the subgrade is excessively wet, or when conditions exist that may otherwise be detrimental to proper grading or proposed sodding or seeding.

14.50.145 Maintenance and Security.

- (a) The Community Development Director or designee may require the applicant to establish a security pursuant to Section 14.16A.180 which may be acceptable to the city at its sole discretion, in an amount deemed by the city to be sufficient to reimburse the city if it should become necessary to enter the property for the purpose of correcting and/or eliminating hazardous conditions relating to land disturbance activities or for other purposes authorized in this chapter.
- (b) In no case shall the security be less than the city's estimate of the cost of correcting or eliminating hazardous conditions that reasonably may occur, and/or of insuring compliance with the stipulations of the permit and the approved plans and specifications.

14.50.150 Inspections.

- (a) The applicant must submit a written determination from a Certified Erosion and Sediment Control Lead (CESCL) that appropriate temporary erosion and sediment control (TESC) measures are in place prior to starting any land disturbance activities.

(b) The applicant must submit as-built drawings to reflect any changes from the original approval made in the field as required by the Community Development Director or designee.

(c) All land disturbance permits are subject to a mandatory final inspection to ensure that all work on a site has been completed pursuant to the approved permit and the requirements of this chapter.

14.50.150 Violations and Penalties.

(a) Violations of the provisions of this chapter shall be subject to the enforcement and review criteria of Title 17 LSMC.

PART II. FOREST PRACTICES

14.50.155 Forest Practices

(a) The purpose of this section is to assume regulatory authority from the Washington Department of Natural Resources over certain forest practices as permitted by Washington state law and pursuant to Chapter 76.09 RCW and WAC 222-20. This section ensures that the forest practices described in the following subsections occur in compliance with the Lake Stevens Comprehensive Plan, the Lake Stevens Shoreline Master Program and the regulations of this Title.

(b) The definitions contained in RCW [76.09.020](#) of the Forest Practices Act and in WAC [222-16-010](#) and [222-16-050](#) of the Forest Practices Act's implementing regulations shall apply to all terms used in this chapter, provided that the definitions contained in Title 14 shall be applicable where not in conflict with the above-referenced Forest Practices Act and the Forest Practices Act's implementing regulations. In the event of any conflict between the definitions, the definitions in chapter [222-16](#) WAC shall prevail. This chapter shall apply to Class-IV general and special forest practices as defined by WAC 222-16-050 for the purpose of conversion to a non-forestry use.

(c) The following activities are exempt from the requirements of this chapter when located outside of critical areas and their buffers:

(1) Forest practices regulated exclusively by the Washington State Department of Natural Resources pursuant to chapter [76.09](#) RCW;

(2) The removal of less than 5,000 board feet of timber (including live, dead, and down material) for personal use in any 12-month period;

(3) The removal of trees which have been grown to be sold as Christmas trees or used in landscaping such as trees sold by commercial nurseries;

(4) The abatement of an emergency, such as the removal of trees necessary to protect the safety of persons or property from clear and imminent danger;

(5) Landscape maintenance or pruning which does not impair the health or survival of trees required to be retained or planted pursuant to this chapter; and

(6) The removal of trees in the public right-of-way as required by the city engineer for the purpose of public safety or for the maintenance of existing public roads and existing facilities, consistent with chapter [76.09](#) RCW.

(d) A Class IV-General Forest Practices permits shall follow the procedures established in Chapter 14.16B for a Type II permit process and be required for those forest practices described in the WAC 222-16-050(1) and (2). A forest practices application shall include the following submittal items:

(1) A completed State Environmental Policy Act checklist.

- (2) Written verification from the Washington State Department of Natural Resources that the subject site is not and has not been subject to a notice of conversion to nonforestry use under RCW 76.09.060 during the six-year period prior to submission of the permit application.
- (3) A title report as proof that the parcel is not currently subject to a six-year development moratorium. If the property is subject to a six-year development moratorium, the application will not be accepted until the end of the moratorium or until the moratorium has been lifted.
- (3) All submittal items as described in 14.50.125.
- (4) An application fee in an amount set by resolution by the city council.
- (e) The department shall notify the Washington State Department of Revenue within 60 days of approving a forest practices permit issued under this chapter. Such notification shall include the following information:
 - (1) Landowner's legal name, address, and telephone number;
 - (2) Decision date of permit; and
 - (3) Parcel number and legal description (section, township, and range) of the subject site.
- (f) To improve the administration of the forest excise tax created by Chapter 84.33 RCW, the city will report permit information to the Department of Revenue for all approved forest practices permits no later than sixty days after the date the permit was approved.
- (g) The hearing examiner may consider the removal of a six-year development moratorium established pursuant to Chapter 76.09 RCW when the applicant strictly meets the following requirements:
 - (1) Any property owner subject to a moratorium may request a release from the six-year moratorium by filing a Type III permit application with the Community Development department.
 - (2) Following such request, the Community Development department shall set a date for an open record public hearing pursuant to the requirements of Chapter 14.16B for Type III permits before the hearing examiner.
 - (3) The hearing examiner shall consider the removal of a development moratorium established pursuant to this chapter when the following criteria are strictly met:
 - i. The proponent submits a Type III application for removal of the moratorium; and
 - ii. The proponent proposes corrective actions to bring the violation into compliance with this chapter and mitigate any existing damage through the submittal of a reforestation plan or mitigation plan, prepared by a qualified professional consistent with Chapter 14.88;
 - (4) Hearing Examiner Authority.
 - i. The hearing examiner shall review requests for removal of a development moratorium, any comments received, and applicable city regulations or policies and may inspect the property before rendering a decision.
 - ii. The hearing examiner may approve the request to remove a development moratorium, approve the request with conditions, require modification of the proposal to strictly comply with specified requirements or local conditions, or deny the request if it fails to comply with requirements of this chapter.
- (5) Required Written Findings and Determinations. The hearing examiner will address the following items as written findings and determinations before issuing a decision:

- i. The removal of the six-year development moratorium will not be detrimental to public health, safety, and general welfare.
- ii. The removal of the six-year development moratorium will not be injurious to the property or improvements adjacent to the proposal.
- iii. The removal of the six-year development moratorium will not result in significant adverse environmental impacts.
- iv. The removal of the six-year development moratorium is consistent and compatible with the goals, objectives, and policies of the comprehensive plan and the provisions of this chapter and other applicable municipal codes.

Part III Cultural Resource Management

14.50.160 Archaeological and Historical Resources

- (a) The destruction of or damage to any site having historic or cultural values as identified by the appropriate agencies, including but not limited to affected tribes and the Washington State Department of Archaeology and Historic Preservation, should be prevented.
- (b) Archaeological sites located both within and outside of shoreline jurisdiction are subject to the provisions of Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53.
 - (1) Whenever historical, cultural or archaeological sites or artifacts of potential significance are discovered in the process of development, work on the development site shall be stopped immediately. The project proponent or responsible party must report and the find to the city immediately.
 - (2) The city will notify the Washington State Department of Archaeology and Historic Preservation, the Tulalip and Stillaguamish Tribes and other appropriate agencies of the discovery. The city will require that the project proponent or responsible party retain a professional archaeologist to conduct an immediate site assessment and determine the significance of the discovery. If a negative determination is received, i.e., the report does not determine that the find is significant, the work may resume after consultation with the State and the affected Tribes
 - (3) On receipt of a positive determination of the site's significance, work shall remain stopped on the project site and the project proponent or responsible party shall not resume development activities without authorization from the State and the affected Tribes.



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:
Amendments to the City of Lake Stevens Municipal Code Chapter 14.44.100:
Clearing and Grading Permits.
2. Name of applicant:
City of Lake Stevens
3. Address and phone number of applicant and contact person:
Stacie Pratschner, Senior Planner
City of Lake Stevens
1812 Main Street / PO Box 257
Lake Stevens, WA 98258

(425) 377-3219 or spratschner@lakestevenswa.gov
4. Date checklist prepared:
November 14, 2016
5. Agency requesting checklist: **City of Lake Stevens**
6. Proposed timing or schedule (including phasing, if applicable):

SEPA Determination:	November 16, 2016
Planning Commission Public Hearing:	December 7, 2016
City Council Public Hearing (1 st Reading):	January 24, 2017
City Council Public Hearing (2 nd Reading) / Adoption: (required)	February 7, 2017 (if required)
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Not applicable, this is a Non-project action.
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Lake Stevens will be adopting the 2012 DOE Stormwater Manual in concurrence with this revised fill and grade code (renamed Chapter 14.50 LSMC: Land Disturbance) in compliance with the city's NPDES permit. All pertinent documents are available to view at the City of Lake Stevens Permit Center.

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. There are concurrent proposals for updates to the city's Critical Areas code, Chapter 14.88 LSMC, and a proposal to adopt the 2012 DOE Stormwater Manual by early February 2017. The city is coordinating with the Department of Natural Resources (DNR) and the Department of Ecology (DOE) to assume regulatory authority of Class IV-Forest Conversion harvests from the DNR. See Number 11 below for a further description of this regulatory assumption.

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.)

The City of Lake Stevens is proposing to amend Chapter 14.44.100 of the Lake Stevens Municipal Code. Under the Planning Goals outlined in the Growth Management Act (RCW 36.70A.020), cities and counties subject to planning under RCW 36.70A.040, are required to adopt regulations that require appropriate approvals for clearing and grading and appropriate approvals for all phases of the conversion of forest lands (RCW 36.70A.570). Cities within Snohomish County are required to consider updates to their development regulations, including regulation of forest practices, as part of their scheduled Comprehensive Plan Update as outlined in RCW 36.70A.130(5)(a), or every eight years.

The city proposes to assume regulatory authority for Class IV-Forest Conversion harvests as part of the updates to the clearing and grading provisions in municipal code. The city shall coordinate with the Department of Natural Resources and the Department of Ecology prior to being granted this authority. The city proposes to adopt the above-described updates subsequent to a Public Hearing with the Lake Stevens City Council on January 24, 2017.

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 regulations will apply to land disturbance activities 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:

The City of Lake Stevens' topography includes steep slopes, ravines, hilly and some flat land areas.

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

Moderate slopes between 15 and 40 percent, and some steep slopes over 40 percent exist within the city boundaries of Lake Stevens

- 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.

The city contains the following soil series:

- Tokul gravelly loam
- Mukilteo Muck
- Everett gravelly sandy loam
- Norma loam
- Urban Land
- Disturbed/Fill
- Winston gravelly loam
- Bellingham silty clay loam
- McKenna gravelly silt loam
- Rober silt loam
- Pastik silt loam
- Terric Medisaprist

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

yes no

If so, describe.

The Land Capability Classification from the USDA Web Soil Survey shows soil types ranging from 2e to 7e. This index rates the suitability of soil for cultivation. This means some soil types in the city are potentially unstable depending on site conditions, such as soil depth, water content and may be susceptible to erosion without proper soil management. The Tokul, Winston, and Paskit series are most susceptible to erosion. The Bellingham, McKenna, and Pilchuck series may be unstable with excessive water.

- 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.

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

Not applicable, this is a Non-project action.

- 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.

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

Not applicable, this is a Non-project action.

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.

- 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.

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

Not applicable, this is a Non-project action.

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 city of Lake Stevens has several bodies of water including Lake Stevens, Catherine Creek, Stevens Creek, Lundeen Creek, Stitch Lake and associated wetland complexes. Catherine Creek flows into Little Pilchuck Creek.

- 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.

- 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.

- 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

- 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.

The city of Lake Stevens has lands with 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

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.

- 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.

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.

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

Not applicable, this is a Non-project action.

- 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.

- 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.

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.

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

Not applicable, this is a Non-project action.

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.

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 within the boundaries of the City of 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.

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.

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.

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.

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.

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

Not applicable, this is a Non-project action.

- 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.

- 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.

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

Not applicable, this is a Non-project action.

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

Not applicable, this is a Non-project action.

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.

- 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.

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

Not applicable, this is a Non-project action.

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?

Some parcels within the city of Lake Stevens were likely used for agriculture in the past. Currently, some larger parcels include fruit trees and may still have farm animals. This is a non-project action and no farmland or forest land of long-term commercial significance exist within the city boundaries of Lake Stevens, therefore no tax status conversion is expected.

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.

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.

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

Land disturbance regulations will apply to a variety of filling, grading and excavation activities in the city. The city supports a variety of residential, commercial, industrial, public and mixed use zoning.

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

Land disturbing activities may take place on parcels that support residential, commercial, industrial, mixed use and public comprehensive plan designations throughout the City.

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. Land disturbing activities within shoreline jurisdiction are subject to the requirements of Lake Stevens Municipal Code and the City of Lake Stevens Shoreline Master Program.

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

yes no

The proposed regulations amend the current fill and grade requirements in order to provide clearer direction to applicants on how to protect critical areas during land disturbing activities. Land disturbance on or near a critical area is subject to the fill and grade regulations of the proposed code and the requirements of Chapter 14.88 LSMC.

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

Not applicable, this is a Non-project action.

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

Not applicable, this is a Non-project action.

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

Not applicable, this is a Non-project action.

- 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.

- 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.

Not applicable, this is a Non-project action.

- 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.

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

Not applicable, this is a Non-project action.

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.

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

Not applicable, this is a Non-project action.

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

Not applicable, this is a Non-project action.

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.

- 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.

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

Not applicable, this is a Non-project action.

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

Not applicable, this is a Non-project action.

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.

- 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.

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.

- 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.

- 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.

- 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.

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

- 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.

- 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.

- 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.

- 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.

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

Not applicable, this is a Non-project action.

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.

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

Not applicable, this is a Non-project action.

16. Utilities

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

Electricity

Telephone

Natural gas

Sanitary sewer

Water

Septic system

Refuse service

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

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: Stacie J. Pratschner

Position and Agency/Organization: Senior Planner / City of Lake Stevens Planning & Community Development

Date Submitted: December 13, 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.

Proposed measures to avoid or reduce such increases are:

The amendments are being proposed to update the fill and grade code to be more consistent with surrounding jurisdictions requirements and resolve three major issues identified in a review of the currently-adopted fill and grade regulations:

1. A re-evaluation of land disturbance permit requirement thresholds;
2. Assumption of regulatory and permitting authority for Type IV-Forest Practices permits; and
3. Provide consistency of language for fence, hedge and retaining walls standards in a single location in code.

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

The proposal aims to more effectively regulation land disturbance activity and is likely to have a positive effect on plants, animals and fish. No marine life is present in Lake Stevens.

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

The proposed amendments to the land disturbance code provides clearer thresholds for when a permit is required, specific references to compliance with critical areas regulations for any work on or near wetlands, steep slopes and/or streams and adoption of regulatory authority for the issuing of Class IV-Forest Practices (conversion) permits. Any proposed development will be required to comply with Title 11 – Storm and Surface Water Management; Chapter 14.88 – Critical Areas; Title 16 – SEPA, of the Lake Stevens Municipal Code. Any future development proposals would be subject to applicable regulations related to plants, animals and fish.

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

The proposal is not likely to deplete energy or natural resources.

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

Any proposed development will be required to comply with applicable regulations to protect or conserve energy and natural resources.

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 aims to more effectively regulate land disturbance activities and will likely better protect environmentally sensitive areas or areas designated for governmental protection.

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

The proposed amendments to the land disturbance code provides clearer thresholds for when a permit is required, specific references to compliance with critical areas regulations for any work on or near wetlands, steep slopes or streams and adoption of regulatory authority for the issuing of Class IV-Forest Practices (conversion) permits. Any proposed development will be required to comply with Title 11 – Storm and Surface Water Management; Chapter 14.88 – Critical Areas,;Title 16 – SEPA, of the Lake Stevens Municipal Code.

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?

Any proposal for land disturbance within the geographic extent of the shoreline jurisdiction shall meet the requirements of Lake Stevens Municipal Code and the City of Lake Stevens Shoreline Master Program.

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

Any future development proposals within the Shoreline jurisdiction of Lake Stevens will be required to comply with the City of Lake Stevens Shoreline Master Program and regulations.

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:

Any future development proposals will be required to submit a traffic impact analysis report and comply with applicable transportation, public service and utility requirements.

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 and the Department of Natural Resources regulations concerning forest conversion activities.



CITY OF LAKE STEVENS DETERMINATION OF NONSIGNIFICANCE (SEPA DNS)

Issuance Date: December 13, 2016

Project Name (No.): City of Lake Stevens Land Disturbance Regulations Update

Proponent: City of Lake Stevens

Applicant: City of Lake Stevens
1812 Main Street / P.O. Box 257
Lake Stevens, WA 98258

Description of Proposal: The City of Lake Stevens is proposing updates to Chapter 14.44.100 – Grading and Clearing Permits, of the Lake Stevens Municipal Code. Under the Planning Goals outlined in the Growth Management Act (RCW 36.70A.020), cities and counties subject to planning under RCW 36.70A.040 are required to adopt regulations that require appropriate approvals for clearing and grading and appropriate approvals for all phases of the conversion of forest lands (RCW 36.70A.570). City staff has completed a draft that includes further clarification of permit thresholds and a proposal to assume regulatory authority of Class IV-Forest Conversion harvests from the Department of Natural Resources.

Project Location (including street address, if any): Within the city limits of Lake Stevens

Contact Person: Stacie Pratschner, Senior Planner

Phone: (425) 377 - 3219

Threshold Determination: The City of Lake Stevens, acting as lead agency for this non-project action 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:



Russ Wright, Community Development Director, City of Lake Stevens

Comments on the Threshold Determination: If you would like to comment on this Threshold Determination, your written comments should be sent to the address below by December 27, 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, December 27, 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.

From: [Bunten, Donna \(ECY\)](#)
To: [Stacie Pratschner](#)
Cc: [Gresham, Doug \(ECY\)](#)
Subject: RE: Request for Review: Land Disturbance code and DOE Manual adoption
Date: Tuesday, December 27, 2016 2:55:16 PM
Attachments: [image001.png](#)

Hi, Stacie,

I received your draft land disturbance code from Commerce as part of your expedited review request. Doug Gresham of our Northwest Regional Office reviewed the code and had one comment for your consideration:

- Under 14.50.125 Application Requirements, add to the list after (d) “A critical areas report identifying wetlands, streams, and their buffers, if applicable.”

If you have any questions, please contact Doug at 425-649-7199 (also cc'd above). I will let Commerce know that we have no objection to expedited review.

Donna J. Bunten

CAO Coordinator

Shorelands and Environmental Assistance Program

Department of Ecology

PO Box 47600

Olympia, WA 98504

360-407-7172

From: spratschner@lakestevenswa.gov [mailto:spratschner@lakestevenswa.gov]
Sent: Thursday, December 15, 2016 4:42 PM
To: COM GMU Review Team <reviewteam@commerce.wa.gov>
Cc: mgoad@lakestevenswa.gov; rwright@lakestevenswa.gov
Subject: Request for Review: Land Disturbance code and DOE Manual adoption

Dear Commerce Review team,

Please see attached for the City of Lake Stevens request for Expedited Review concerning updates to the city's land disturbance regulations. Also attached are the proposed code changes and SEPA DNS determination.

Thank you, and don't hesitate to contact me with any questions or concerns.

Stacie Pratschner, AICP

Senior Planner

City of Lake Stevens | Planning & Community Development

1812 Main Street | PO Box 257

Lake Stevens, WA 98258-0257

425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

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.

The expedited review period is 10 business days (14 calendar days).

Proposed amendments to Comprehensive Plans are not eligible for expedited review.

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, Lake Stevens, WA 98258
Date:	12/15/2016

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

Brief Description of the Proposed/Draft Development Regulations Amendment: <i>(40 words or less)</i>	<i>The City of Lake Stevens is proposing amendments to Chapter 14.44.100 LSMC – Grading and Clearing Permits. The update includes a proposal for the City to assume regulatory authority for Class IV-Forest Practices conversion permits. Other updates to the code include clarifications and criteria additions to improve the permitting decision process and increase efficiency.</i>
Is this action part of the scheduled review and update? <i>GMA requires review every 8 years under RCW 36.70A.130(4)-(6).</i>	Yes: ___ No: <u> x </u>
Public Hearing Date:	Planning Board/Commission: January 4, 2016 Council/County Commission: January 24, 2016
Proposed Adoption Date:	February 7, 2016

REQUIRED: Attach or include a copy the proposed amendment text or document(s).
We do not accept a website hyperlink requiring us to retrieve external documents.
Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please contact reviewteam@commerce.wa.gov.

From: [Daily Herald Legals](#)
To: [Stacie Pratschner](#)
Subject: Re: Request for posting: SEPA DNS
Date: Friday, December 16, 2016 10:17:58 AM
Attachments: [image001.png](#)

Stacie,

I have scheduled the notice for LUA2016-0025, Clearing and Grading Land Use Code Amendments to publish Monday, December 19, 2016.

Thank you.

On Fri, Dec 16, 2016 at 9:18 AM, <spratschner@lakestevenswa.gov> wrote:

Good morning,

Please see attached for the City of Lake Stevens SEPA DNS for a land use code amendment. Can this posting take place on Monday, December 19th? Thank you for your assistance.

Stacie Pratschner, AICP

Senior Planner

City of Lake Stevens | Planning & Community Development

1812 Main Street | PO Box 257

Lake Stevens, WA 98258-0257

[425.377.3219](tel:425.377.3219) | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: [Daily Herald Legals](#)
To: [Stacie Pratschner](#)
Subject: Re: Notice of Public Hearings
Date: Wednesday, December 21, 2016 2:13:31 PM
Attachments: [image001.png](#)

Stacie,
I have scheduled the three public hearing notices to each publish Friday, December 23, 2016.
Thank you

On Wed, Dec 21, 2016 at 12:03 PM, <spratschner@lakestevenswa.gov> wrote:

Hello,

Please see attached for notices for three upcoming Planning Commission Public Hearings here in Lake Stevens. Can these be published on Friday, December 23rd? Thank you for your assistance.

Stacie Pratschner, AICP

Senior Planner

City of Lake Stevens | Planning & Community Development

1812 Main Street | PO Box 257

Lake Stevens, WA 98258-0257

[425.377.3219](tel:425.377.3219) | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: [Sally Jo](#)
To: [Stacie Pratschner](#)
Cc: [Russell Wright](#)
Subject: Re: Land Disturbance Code question
Date: Thursday, November 17, 2016 2:34:33 PM
Attachments: [image001.png](#)

Stacie,

I'm glad to hear that more time will be given that area. There seem to be concerns about the County's shift so I'm glad that it is getting put off to give it more research and discussion before moving ahead. I appreciate that.

Super glad to hear this.

Thank you,
Sally Jo

From: spratschner@lakestevenswa.gov
Sent: Thursday, November 17, 2016 2:24 PM
To: sallyjosebring@frontier.com
Cc: rwright@lakestevenswa.gov
Subject: RE: Land Disturbance Code question

Hi Sally Jo,

Staff is moving forward with the land disturbance code without proposed changes to the tree retention standards. Frankly the topic of tree preservation is deserving of more research and discussion than what we've provided so far, and it will probably end up being its own Long Range work-program task (rather than being bundled in with fill and grade performance standards). Snohomish County provides a very good Assistance Bulletin (available [here](#)) that describes the County's shift in approach from regulating individual trees to the conservation of overall urban forest canopy.

So no you didn't miss any of the discussions; tree retention standards are just a bigger topic to tackle than originally envisioned. Thank you and let me know if additional questions come up.

Stacie Pratschner, AICP

Senior Planner

City of Lake Stevens | Planning & Community Development

1812 Main Street | PO Box 257

Lake Stevens, WA 98258-0257

425.377.3219 | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: Sally Jo [mailto:sallyjosebring@frontier.com]
Sent: Thursday, November 17, 2016 1:27 PM
To: Stacie Pratschner <spratschner@lakestevenswa.gov>
Subject: Land Disturbance Code question

Stacie,

I read through the PC agenda packet that was on-line. On the first page of the staff report for the Land Disturbance Code, it mentions "evaluation of current tree preservation standards". I remember some of the briefings where canopy was mentioned, etc and it sounded like it would be a significant shift. I don't actually see anything in the draft code that was attached addressing tree preservation standards. Did that change get dropped? Maybe I missed a meeting where that was discussed and eliminated.

Thank you
Sally Jo Sebring



Staff Report City of Lake Stevens Planning Commission

Public Hearing

Date: **January 4, 2017**

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

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

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

ACTION REQUESTED OF PLANNING COMMISSION:

Forward a recommendation to City Council.

BACKGROUND / HISTORY:

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

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

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

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

FINDINGS AND CONCLUSIONS:

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

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

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

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

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

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

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

- The city requested expedited review from the Department of Commerce on December 15, 2016 (**Exhibit 3**).
- The city will be required to obtain approval from the Department of Commerce prior to a public hearing with City Council.
- Staff will file the final ordinance with the Department of Commerce within 10 days of City Council action.

Conclusions – The proposed code amendments will meet Growth Management Act requirements.

4. Public Notice and Comments

- The city published a notice of SEPA determination in the Everett Herald on December 23, 2016 (**Exhibit 4a**).
- The city published a notice of Public Hearing in the Everett Herald on December 13, 2016 per LSMC 14.16B (**Exhibit 4b**).
- The city has not yet received any comments from the public or outside agencies concerning the proposed code amendments.

Conclusions - The City has met public noticing requirements per Chapter 14.16B LSMC.

RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed amendments, modifying LSMC 11.06 - *Stormwater Management*, delete LSMC 14.64 Part II - *Drainage, Erosion Control, Stormwater Management* and amending Chapter 14.08 - *Definitions*.

EXHIBITS:

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

**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
- 11.06.070 Low Impact Development
- 11.06.080 Construction and Maintenance of Stormwater Facilities
- 11.06.090 Bonding and Insurance for Stormwater Facilities 11.06.100 Prohibited, Allowable, and Conditional Discharges and Connections
- 11.06.110 Administration, Inspection, and Fees
- 11.06.120 Enforcement
- 11.06.130 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 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 2012 State Department of Ecology Storm Water Management Manual for Western Washington, as amended by Sections 1 through 7 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, 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) Stricter Standard Applies. When any provision of any other ordinance of the City's regulations conflicts with this chapter, that which provides greater environmental protection shall apply unless otherwise provided for in this chapter.
- (g) Determining Construction Site Sediment Damage Potential. Any person submitting a stormwater site plan must also determine the construction site sediment damage potential. Qualified personnel must use the rating system described in Appendix 7 of the NPDES Phase II permit to determine the site's potential to discharge sediment. (Ord xxx, Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.050 Adjustments and Exceptions.

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

11.06.060 Activities Requiring Stormwater Management

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

- (1) Preparation of Stormwater Site Plans;
- (2) Construction Stormwater Pollution Prevention Plan (SWPPP);
- (3) Source Control of Pollution;
- (4) Preservation of Natural Drainage Systems and Outfalls;
- (5) On-site Stormwater Management;
- (6) Runoff Treatment;
- (7) Flow Control;
- (8) Wetlands Protection; and
- (9) Operation and Maintenance.

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

11.06.070 Classification of Stormwater Management Construction Activities

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

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

(c) Stormwater management activities are classified based on type, location and timing of development activity proposed. Table 11.06-I outlines the classifications for stormwater management activities and briefly reviews processing. Other City processes, approvals and permits may also be required for projects. The Director may adjust classifications and permit processing steps for proposed projects which are shown to be in multiple

classifications or are otherwise not appropriately classified under the criteria shown in Table 11.06-I and may adjust processing steps as appropriate.

Table 11.06-I: Project Classification and Processing Table.

Project Classification ¹	Development Activity	Permit Type(s)	Summary of Permit Process	Permit Type(s) per 14.15A-I LSMC
Building Projects	Single-family, duplexes, multi-family, commercial, industrial, tenant improvements and additions.	Commercial or Residential Building Permit.	Land disturbance and stormwater management may be reviewed under the building permit(s).	N/A
Land Use Development Projects	Subdivisions, utility installation outside of the City right-of-way, stand-alone land disturbing activities.	Construction Plans or Land Disturbance Permit.	Construction Plans and Land Disturbance permits are separate permit applications.	Construction Plans: Type I Land Disturbance: Type I or II, depending on the scope of work.
Right-of-Way Projects	Construction activities all or partly within the City right-of-way.	Right-of-Way (ROW) Permit.	Land disturbance and stormwater management are reviewed under the ROW permit.	N/A

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

11.06.080 Low Impact Development

(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, use of on-site natural features integrated with engineered, small-scale hydrologic controls to mimic natural hydrologic functions. LID benefits the natural environment by moderating the impacts of stormwater runoff generated by the built environment. LID techniques, implemented per the Stormwater Manual, are the preferred approach to site development. Traditional, structural stormwater management solutions may be used where LID is infeasible.

(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 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 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 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)

11.06.090 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 entities holding title to the property facility shall remain responsible for any liability as a result of these duties. This requirement shall apply to all facilities not otherwise accepted by the City for maintenance as set forth in subsection (c) of this section.
- (2) The City shall have authority to periodically enter upon the property and inspect the facilities to ensure such compliance and to issue orders requiring maintenance and/or repair. In event that the titleholders or other responsible parties do not effect such maintenance and/or repairs, the City may perform such work and the cost thereof shall be recoverable by the City from said titleholders or other responsible parties and/or by filing a lien against the property.
- (3) When an inspection identifies that a maintenance standard has been exceeded, 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 [11.06.100](#) 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)

11.06.100 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)

11.06.110 Prohibited, Allowable, and Conditional Discharges and Connections.

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

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

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

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

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

- (5) "Hyperchlorinated" means water that contains more than 10 mg/liter chlorine.
- (6) "Illicit discharge" means any direct or indirect nonstormwater discharge to the City's storm drain system, except as expressly exempted by this chapter.
- (7) "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.
- (8) "Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which are:
- (i) Owned or operated by the City of Lake Stevens;
 - (ii) Designed or used for collecting or conveying stormwater;
 - (iii) Not part of a publicly owned treatment works (POTW) ("POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned); and
 - (iv) Not a combined sewer ("combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system).
- (9) "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.
- (10) "Nonstormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.
- (11) "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.
- (12) "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.

(13) "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.

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

(15) "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 water 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)

11.06.120 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)

11.06.130 Enforcement.

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

11.06.140 Appeals.

The decisions of the Director may be appealed by an aggrieved party to the Hearing Examiner pursuant to the appeal procedures defined in Chapter 14.16B for the underlying permit.



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:

Adoption of the 2012 Department of Ecology (DOE) Stormwater Management Manual for Western Washington as amended in December 2014.

2. Name of applicant:

City of Lake Stevens

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

Stacie Pratschner, Senior Planner
City of Lake Stevens
1812 Main Street / PO Box 257
Lake Stevens, WA 98258

(425) 377-3219 or spratschner@lakestevenswa.gov

4. Date checklist prepared:

December 13, 2016

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

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

SEPA Determination: December 13, 2016

Planning Commission Public Hearing: January 4, 2017

City Council Public Hearing (1st Reading): January 24, 2017

City Council Public Hearing (2nd Reading) / Adoption: February 7, 2017 (if required)

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

Not applicable, this is a Non-project action.

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

Lake Stevens will be revising its Fill and Grade code (renamed Chapter 14.50 LSMC: Land Disturbance) in concurrence with this adoption of the 2012 DOE Stormwater Manual in compliance with the city's NPDES permit. The city will also be adopting critical areas updates (Chapter 14.88 LSMC) as required by DOE. All pertinent documents are available to view at the City of Lake Stevens Permit Center.

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. There are concurrent proposals for updates to the city's Critical Areas code, Chapter 14.88 LSMC, and a proposal to adopt the modify the city's clearing and grading regulations (new Chapter 14.50 LSMC). The city is coordinating with the Department of Natural Resources (DNR) and the Department of Ecology (DOE) to assume regulatory authority of Class IV-Forest Conversion harvests from the DNR and amend local critical areas ordinances.

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.)

Non-project action: The proposal is to adopt the Department of Ecology 2012 Stormwater Management Manual for Western Washington as amended in December, 2014 and amend several sections of the Lake Stevens Municipal Code (LSMC) to address the NPDES Phase II Permit requirement to encourage and allow the use of low impact development techniques in the City.

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 regulations will apply to redevelopment and new development activities 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:

The City of Lake Stevens' topography includes steep slopes, ravines, hilly and some flat land areas.

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

Moderate slopes between 15 and 40 percent, and some steep slopes over 40 percent exist within the city boundaries of Lake Stevens

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.

The city contains the following soil series:

- Tokul gravelly loam
- Mukilteo Muck
- Everett gravelly sandy loam
- Norma loam
- Urban Land
- Disturbed/Fill
- Winston gravelly loam
- Bellingham silty clay loam
- McKenna gravelly silt loam
- Rober silt loam
- Pastik silt loam
- Terric Medisaprist

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

yes no

If so, describe.

The Land Capability Classification from the USDA Web Soil Survey shows soil types ranging from 2e to 7e. This index rates the suitability of soil for cultivation. This means some soil types in the city are potentially unstable depending on site conditions, such as soil depth, water content and may be susceptible to erosion without proper soil management. The Tokul, Winston, and Paskit series are most susceptible to erosion. The Bellingham, McKenna, and Pilchuck series may be unstable with excessive water.

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.

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

Not applicable, this is a Non-project action.

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.

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

Not applicable, this is a Non-project action.

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.

- 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.

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

Not applicable, this is a Non-project action.

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 city of Lake Stevens has several bodies of water including Lake Stevens, Catherine Creek, Stevens Creek, Lundeen Creek, Stitch Lake and associated wetland complexes. Catherine Creek flows into Little Pilchuck Creek.

- 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.

- 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.

- 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

- 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.

The city of Lake Stevens has lands with 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

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.

- 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.

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.

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

Not applicable, this is a Non-project action.

- 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.

- 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.

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.

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

Not applicable, this is a Non-project action.

- 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.

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

Himalayan Blackberry, Holly, Japanese knotweed and English Ivy are known to be present within the boundaries of the City of 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.

- 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.

- 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.

- 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.

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.

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

Not applicable, this is a Non-project action.

- 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.

- 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.

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

Not applicable, this is a Non-project action.

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

Not applicable, this is a Non-project action.

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.

- 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.

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

Not applicable, this is a Non-project action.

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?

Some parcels within the city of Lake Stevens were likely used for agriculture in the past. Currently, some larger parcels include fruit trees and may still have farm animals. This is a non-project action and no farmland or forest land of long-term

commercial significance exist within the city boundaries of Lake Stevens, therefore no tax status conversion is expected.

- 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.

- 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.

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

Stormwater regulations will apply to both redevelopment and new developments within the city. The city supports a variety of residential, commercial, industrial, public and mixed use zoning.

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

Land disturbing activities may take place on parcels that support residential, commercial, industrial, mixed use and public comprehensive plan designations throughout the City.

- 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. Land disturbing activities within shoreline jurisdiction are subject to the requirements of Lake Stevens Municipal Code and the City of Lake Stevens Shoreline Master Program.

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

yes no

The proposed regulations amend the current fill and grade requirements in order to provide clearer direction to applicants on how to protect critical areas during land disturbing activities. Land disturbance on or near a critical area is subject to the fill

and grade regulations of the proposed code and the requirements of Chapter 14.88
LSMC.

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

Not applicable, this is a Non-project action.

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

Not applicable, this is a Non-project action.

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

Not applicable, this is a Non-project action.

- 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.

- 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.

Not applicable, this is a Non-project action.

- 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.

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

Not applicable, this is a Non-project action.

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.

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

Not applicable, this is a Non-project action.

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

Not applicable, this is a Non-project action.

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.

- 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.

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

Not applicable, this is a Non-project action.

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

Not applicable, this is a Non-project action.

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.

- 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.

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.

- 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.

- 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.

- 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.

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

- 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.

- 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.

- 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.

- 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.

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

Not applicable, this is a Non-project action.

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.

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

Not applicable, this is a Non-project action.

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

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: Stacie J. Pratschner

Position and Agency/Organization: Senior Planner / City of Lake Stevens Planning & Community Development

Date Submitted: December 13, 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 proposed amendments are not expected to result in increased discharge to water, emissions to air, production, storage, or release of toxic hazardous substances, or production of noise. The non-project action will change development regulations and standards, but those amendments are not expected to generate unmitigated adverse impacts.

Proposed measures to avoid or reduce such increases are:

No measures are proposed, because no adverse impact is expected. Future proposals for development will follow the established permitting process, including a separate environmental review process if applicable, and will be reviewed for compliance with adopted regulations that are intended to facilitate the identification and mitigation of potential adverse impacts.

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

The proposed amendments are not likely to affect plants, animals, fish or marine life. The amendments do not expand the general range of uses currently permitted in the city or relax any existing regulations for the protection of plants, animals, fish, or marine life. LID techniques benefit the environment and wildlife habit by reducing surface water runoff and allowing infiltration. Reduction in surface water runoff will decrease the amount of pollutants washed off the surface into the storm system that discharge into the waterways. No marine life is present in Lake Stevens.

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

No mitigation measures are necessary for the non-project legislative action. If significant adverse impacts related to specific development proposals are identified during the permitting process, appropriate mitigation measures will be required pursuant to the City's SEPA authority and other applicable laws and regulations.

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

The proposal would not change the use of or adversely affect energy use or natural resources. The proposed amendments would not increase the potential for impacts to natural resources, environmentally sensitive areas

and endangered species habitats. Future project-level applications for development must comply with all applicable standards related to energy conservation and efficiency. Proposed measures to protect or conserve energy and natural resources are:

No mitigation measures are proposed, since no adverse impact is expected. Future nonexempt, site-specific development or land use proposals will be subject to compliance with regulations for energy efficiency as well as project-level environmental "analysis and threshold determinations.

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 would not change the use of or adversely affect environmentally sensitive areas or areas designated for governmental protection. Proposed code amendments would not increase the potential for impacts to environmentally sensitive areas, endangered species habitats, historic or cultural sites, or prime farmlands. Critical area impacts and mitigation associated with any development proposal will be evaluated according to best available science and the substantive regulations currently adopted in the LSMC. Proposed measures to protect such resources or to avoid or reduce impacts are:

No mitigation measures are proposed, since no adverse impact is expected. Critical area impacts and mitigation associated with any development proposal are evaluated during project review for consistency with best available science and the substantive regulations currently adopted in the Municipal Code.

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 non-project action is not expected to result in significant adverse land use impacts, or an increased likelihood that incompatible land conflicts will result. The proposals are generally expected and intended to promote land use compatibility, and to correct internal inconsistencies within the LSMC. Shoreline areas are regulated under the City's Shoreline Master Program, which is not affected by the current proposal.

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

Any future development proposals within the Shoreline jurisdiction of Lake Stevens will be required to comply with the City of Lake Stevens Shoreline Master Program and regulations.

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:

None specifically since no adverse impacts are anticipated. Demands on transportation or public services and utilities are evaluated on a project-specific basis for compliance with applicable standards and mitigation requirements.

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

None. The proposal will be implemented in compliance with all local, state, and federal laws or requirements for the protection of the environment.



CITY OF LAKE STEVENS DETERMINATION OF NONSIGNIFICANCE (SEPA DNS)

Issuance Date: December 20, 2016

Project Name (No.): City of Lake Stevens 2012 DOE Stormwater Manual Adoption Update

Proponent: City of Lake Stevens

Applicant: City of Lake Stevens
1812 Main Street / P.O. Box 257
Lake Stevens, WA 98258

Description of Proposal: The City of Lake Stevens is proposing updates to Chapters 11.06 – Stormwater Management and 14.64 Part II – Drainage, Erosion Control, Stormwater Management of the Lake Stevens Municipal Code in order to adopt the 2012 Department of Ecology (DOE) Stormwater Manual for Western Washington. The DOE has issued the Western Washington Phase II Municipal Stormwater Permit (NPDES) which requires local governments to adopt the most recent DOE Manual. City staff has completed draft updates to the code that include the 2012 Manual adoption, consolidation of stormwater regulations into a single chapter and required administrative updates to definitions and chapter headings.

Project Location (including street address, if any): Within the city limits of Lake Stevens

Contact Person: Stacie Pratschner, Senior Planner **Phone:** (425) 377 - 3219

Threshold Determination: The City of Lake Stevens, acting as lead agency for this non-project action 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: Stacie Pratschner for Russ Wright per Admin Policy
Russ Wright, Community Development Director, City of Lake Stevens 2016-02

Comments on the Threshold Determination: If you would like to comment on this Threshold Determination, your written comments should be sent to the address below by January 3, 2017 (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, January 3, 2017 (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.

Exhibit 3

**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.

The expedited review period is 10 business days (14 calendar days).

Proposed amendments to Comprehensive Plans are not eligible for expedited review.

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, Lake Stevens, WA 98258
Date:	12/20/2016

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

Brief Description of the Proposed/Draft Development Regulations Amendment: <i>(40 words or less)</i>	<i>The City of Lake Stevens is adopting the 2012 DOE Stormwater Manual for Western Washington as required by the city's NPDES permit. Staff will amend Chapters 11 and 14 of Municipal Code to adopt the Manual.</i>
Is this action part of the scheduled review and update? <i>GMA requires review every 8 years under RCW 36.70A.130(4)-(6).</i>	Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/>
Public Hearing Date:	Planning Board/Commission: January 4, 2016 Council/County Commission: January 24, 2016
Proposed Adoption Date:	February 7, 2016

REQUIRED: Attach or include a copy the proposed amendment text or document(s).
We do not accept a website hyperlink requiring us to retrieve external documents.
Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please contact reviewteam@commerce.wa.gov.

Exhibit 4a

From: [Daily Herald Legals](#)
To: [Stacie Pratschner](#)
Subject: Re: Request for posting: SEPA DNS
Date: Wednesday, December 21, 2016 8:40:22 AM
Attachments: [image001.png](#)

Stacie,
I have scheduled the notice for LUA2016-0171, Stormwater Land Use Code Amendments to publish Friday, December 23, 2016.
Thank you

On Tue, Dec 20, 2016 at 4:57 PM, <spratschner@lakestevenswa.gov> wrote:

Good afternoon,

Please see attached for the City of Lake Stevens Notice of SEPA DNS for a municipal code update. Can this posting take place on Friday, December 23rd? Thank you for your assistance.

Stacie Pratschner, AICP

Senior Planner

City of Lake Stevens | Planning & Community Development

1812 Main Street | PO Box 257

Lake Stevens, WA 98258-0257

[425.377.3219](tel:425.377.3219) | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.

From: [Daily Herald Legals](#)
To: [Stacie Pratschner](#)
Subject: Re: Notice of Public Hearings
Date: Wednesday, December 21, 2016 2:13:31 PM
Attachments: [image001.png](#)

Stacie,
I have scheduled the three public hearing notices to each publish Friday, December 23, 2016.
Thank you

On Wed, Dec 21, 2016 at 12:03 PM, <spratschner@lakestevenswa.gov> wrote:

Hello,

Please see attached for notices for three upcoming Planning Commission Public Hearings here in Lake Stevens. Can these be published on Friday, December 23rd? Thank you for your assistance.

Stacie Pratschner, AICP

Senior Planner

City of Lake Stevens | Planning & Community Development

1812 Main Street | PO Box 257

Lake Stevens, WA 98258-0257

[425.377.3219](tel:425.377.3219) | spratschner@lakestevenswa.gov



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.070.



Staff Report City of Lake Stevens Planning Commission

Public Hearing

Date: **January 4, 2017**

Subject: **LUA2016-0024**: Amendments to the City of Lake Stevens Municipal Code Critical Areas Regulations

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

SUMMARY: 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

Forward a recommendation to the City Council.

BACKGROUND/HISTORY:

The Growth Management Act of Washington requires cities and counties review their critical area ordinances as part of their mandatory Comprehensive Plan update under RCW 36.70A.130. Planning and Community Development staff have completed a review of the entire Critical Areas regulations in Chapter 14.88 LSMC (**Exhibit 1**). All changes are shown in edit mode with some side comments. Staff is proposing minor updates to the full chapter in addition to significant changes to the wetlands section based on adoption of the 2014 Wetland Rating System for Western Washington and integration of model code elements published in Wetland Guidance for CAO Updates (Publication No. 16-06-001), dated June 2016.

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

The following is a list of major changes:

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

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

FINDINGS AND CONCLUSIONS:

1. Compliance with selected Land Use Goals of the Comprehensive Plan

- Land Use Goal 2.10 - Ensure that land uses optimize economic benefit and the enjoyment and protection of natural resources while minimizing the threat to health, safety and welfare.
- Land Use Goal 2.11 - Where possible, use elements of the natural drainage system to minimize storm water runoff impacts.
- Environmental and Natural Resources Goal 4.1 - Sustain environmental quality through the preservation and conservation of the natural environment and resources, and require development to be sensitive to site characteristics and protect natural and cultural resources.
- Environmental and Natural Resources Goal 4.3 - Protect the natural environment, surface water and ground water and aquifer recharge areas, conserve all critical areas including wetlands, shorelines, creeks/streams, geological hazard areas and wildlife habitats by locating development within geographically suitable and geologically stable areas, and coordinate local development regulations with state and federal policies.

Conclusions – The proposed code amendments are consistent with several Land Use and Environment and Natural Resource goals.

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, February 5, 2016 (**Exhibit 2a**).
- The SEPA official issued a threshold Determination of Non-Significance on February 5, 2016 (**Exhibit 2b**).
- The city received comments from the DOE. Staff has integrated or responded to all DOE comments.

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 review from the Department of Commerce on January 28, 2016 (**Exhibit 3a**).
- The Department of Commerce sent a letter of acknowledgment on February 1, 2016 (**Exhibit 3b**).
- The proposed update will implement the city’s updated comprehensive plan.
- 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

- The city published a notice of SEPA determination in the Everett Herald on February 5, 2016 (**Exhibit 4a**).
- The city published a notice of Public Hearing in the Everett Herald on December 13, 2016 (**Exhibit 4b**).
- The city received a letter from the public concerning the proposed code amendments on May 31, 2016 (**Exhibit 4c**).

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

RECOMMENDATION: Forward a recommendation to the City Council to APPROVE the proposed amendments to the critical areas regulations.

ATTACHMENTS:

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

Exhibit 1

Draft Changes to LSMC 14.88 Critical Areas December 28, 2016

Definitions Chapter 14.08

Qualified Professional. A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, archaeology, cultural resources or related field, and two years of related work experience.

A. A qualified professional for streams, wetlands or other natural habitats must have a degree in biology and professional experience related to the subject critical area.

B. A qualified professional for geologically hazardous areas must be a professional geotechnical engineer or geologist, licensed by the state of Washington.

C. A qualified professional for cultural resources must have a degree in archaeology or cultural resources and professional experience related to their discipline of expertise.

Part I. Purpose and Intent

14.88.010 Purpose and Intent.

The purpose of this chapter is to designate, classify, and protect the critical areas of the Lake Stevens community by establishing regulations and standards for development and use of properties which contain or adjoin critical areas for protection of the public health, safety, and welfare. The purpose and intent of this chapter is also to ensure that there is no net loss of the acreage or functions and values of critical areas regulated by this chapter.

- (a) A project proponent shall make all reasonable efforts to avoid and minimize impacts to critical areas and buffers in the following sequential order of preference:
 - (1) Avoiding impacts altogether by not taking a certain action or parts of an action; or
 - (2) When avoidance is not possible, minimizing impacts by limiting the degree or magnitude of the action and its implementation, using appropriate technology, or by taking affirmative steps, such as project redesign, relocations, or timing, to avoid or reduce impacts and mitigating for the affected functions and values of the critical area; and
 - (3) Reducing or eliminating impacts over time by preservation and maintenance operations during the life of the action.
 - (4) Compensating for unavoidable impacts by replacing, enhancing or providing substitute resources or environments.
- (b) Protect the public from personal injury, loss of life, or property damage due to flooding, erosion, landslides, seismic events, or soil subsidence.
- (c) Protect against publicly financed expenditures due to the misuse of critical areas which cause:
 - (1) Unnecessary maintenance and replacement of public facilities;
 - (2) Publicly funded mitigation of avoidable impacts;
 - (3) Cost for public emergency rescue and relief operations where the causes are avoidable;

- (4) Degradation of the natural environment.
- (d) Protect aquatic resources.
- (e) Protect unique, fragile, and valuable elements of the environment, including wildlife and its habitat.
- (f) Alert appraisers, assessors, owners, potential buyers, or lessees to the development limitations of critical areas.
- (g) Provide City officials with sufficient information to adequately protect critical areas when approving, conditioning, or denying public or private development proposals.
- (h) Give guidance to the development of Comprehensive Plan policies in regard to the natural systems and environment of the Lake Stevens Watershed.
- (i) Provide property owners and developers with succinct information regarding the City's requirements for property development. (Ord. 903, Sec. 51, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part II. Definitions

14.88.100 Definitions.

The definitions related to critical areas are included in Chapter [14.08](#). (Ord. 855, Secs. 3, 23, 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007; Ord. 590, 1998; Ord. 468, 1995)

Part III. General Provisions

14.88.200 Applicability.

The provisions of this chapter apply to all lands, land uses and development activity within the City. No action shall be taken by any person, which results in any alteration of any critical areas except as consistent with the purposes, objectives, and goals of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.210 Regulated Activities.

- (a) [For any regulated activity, a critical areas report is required to support the requested activity.](#) All land use and/or development activities on lands containing critical areas are subject to this chapter and are prohibited unless:
 - (1) The use or activity is found to be exempt by the Planning and Community Development Director [or designee](#) per the "allowed activities" sections of this chapter; or
 - (2) The use or activity meets the performance standards found in the "requirements" sections of this chapter; or
 - (3) It can be demonstrated that the denial of authorization of such an activity would deny all reasonable economic uses, as demonstrated per Section [14.88.310](#). In such a case, approval in writing shall be issued by the Planning and Community Development Director [or designee](#). Approval of a reasonable economic use must be attached to another type of development permit obtained from the City of Lake Stevens prior to undertaking the regulated activity in the critical area or its buffer.
- (b) Land use and development activities include, but are not limited to, the following activities:

Commented [RW1]: THIS SECTION ADDED FOR COMPLIANCE WITH MODEL ORDINANCE

- (1) The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind.
- (2) The dumping, discharging, or filling with any material.
- (3) The draining, flooding, or disturbing of the water level or water table.
- (4) The driving of pilings.
- (5) The placing of obstructions.
- (6) The construction, reconstruction, demolition, or expansion of any structure.
- (7) The destruction or alteration of vegetation in a critical area through clearing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a critical area.
- ~~(8) Class IV – General Forest Practices under the authority of the 1992 Washington State Forest Practices Act Rules and Regulations per WAC 222-12-030, or as thereafter amended, provided, that these activities are not part of a forest practice governed under Chapter 76.09 RCW and its rules~~
- (89) Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of water sources, including quantity, or the introduction of pollutants.
- ~~(10) Land that is located wholly within a critical area or its buffer may not be subdivided, unless specifically allowed elsewhere in this chapter.~~

(Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.220 Allowed Activities.

Unless specifically prohibited elsewhere in this chapter, the following uses are allowed in any critical area or buffer; provided, that a site/resource-specific report is prepared when the activity may result in a loss of functions and values, ~~to that~~ describes the environmental limitations of and proposed mitigation for the site shall be submitted, reviewed, and approved by the City prior to permit issuance or land use approval:

- (a) Existing and ongoing agricultural activities, provided that they implement applicable Best Management Practices (BMPs) contained in the latest editions of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or develop a farm conservation plan in coordination with the local conservation district. BMPs and/or farm plans should address potential impacts from livestock, nutrient and farm chemicals, soil erosion and sediment control and agricultural drainage infrastructure. BMPs and/or farm plans should ensure that ongoing agricultural activities minimize their effects on water quality, riparian ecology, salmonid populations and wildlife habitat.
- (b) Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class IV – General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.
- (c) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of existing topography, water conditions, or water sources.

Commented [RW2]: Updated for consistency with model ordinance

(d) Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

(e) Educational and scientific research activities

~~(a)(f)~~ and Walkways and trails may be construction constructed and use of nature trails; provided, that they are proposed only within the outer 25 percent of the wetland critical area buffers, except that trails may be located within the remainder of the critical area buffer when it is demonstrated through the site/resource-specific report that:

- (1) No other alternative for the trail location exists which would provide the same educational and/or scientific research opportunities; and
- (2) The critical area functions and values will not be diminished as a result of the trail; and
- (3) The materials used to construct the trail are pervious and will not harm the critical area; and
- (4) Raised boardwalks using non-treated pilings may be acceptable.
- (4) Land disturbance is minimized to the greatest extent possible including removal of significant trees; and
- (5) Where possible, the number of trails allowed in critical area buffers shall be limited.

(b)g) Navigation aids and boundary markers.

(e)h) Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities. In every case, impacts shall be minimized and disturbed areas shall be immediately restored.

(e)i) Normal maintenance, repair, or operation of existing structures, facilities, or improved areas.

(e)j) Installation or construction of City road right-of-way; or installation, replacement, operation, repair, alteration, or relocation of all water, natural gas, cable communication, telephone, or other utility lines, pipes, mains, equipment or appurtenances, not including substations or other buildings, only when required by the City and approved by the Planning and Community Development Director or designee and when avoidance of critical areas and impact minimization has been addressed during the siting of roads and other utilities and a detailed report/mitigation plan is submitted, reviewed, and approved by the City prior to permit issuance or land use approval.

(f)k) Minor expansion of uses or structures existing at the time of adoption of this code, and which are in compliance with all other chapters of this title; provided, that the applicant obtains all required local, State, and Federal permits, including but not limited to a Department of Fish and Wildlife Hydraulic Permit and a Clean Water Act 404 Permit and the expansion does not create a loss of wetland critical area and functions nor pose a significant threat to water quality. A site/resource-specific report and mitigation plan shall be prepared to describe the wetland critical area, function, and water quality and submitted to the City for review and approval prior to permit issuance. For the purposes of this

subsection, "minor expansion" refers to an addition to or alteration of a use or structure and shall be limited to a maximum of 1,000 square feet of impervious area.

(e) Stormwater Management Facilities. ~~Where buffers and setbacks are larger than 50 feet and slopes are less than 15 percent, stormwater management facilities, limited to stormwater~~ Dispersion outfalls and bioswales, may be allowed within the outer 25 percent of the buffer, when location of such facilities will not degrade the function or values of the wetland critical area.

(m) Emergency Activities. Those activities that are necessary to prevent an immediate threat to public health, safety, or welfare or pose an immediate risk of damage to private property, and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.230 Compliance.

All land uses or development applications shall be reviewed to determine whether or not a critical area exists on the property for which the application is filed, what the action's impacts to any existing critical area would be, and what actions are required for compliance with this chapter. No construction activity, including land clearing or grading, shall be permitted until the information required by this section is reviewed and a plan is approved by the City. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.235 Best Available Science.

- (a) Criteria for Best Available Science. The best available science is that scientific information applicable to the critical area prepared by local, State or Federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC [365-195-900](#) through [365-195-925](#).
- (b) Protection of Functions and Values and Fish Usage. Critical area studies and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish and their habitat, such as salmon and bull trout.
- (c) Lack of Scientific Information. Where there is an absence of valid scientific information or incomplete scientific information relating to a critical area leading to uncertainty about the risk to critical area function or permitting an alteration of or impact to the critical area, the City shall:
 - (1) Take a precautionary or no-risk approach that strictly limits development and land use activities until the uncertainty is sufficiently resolved; and
 - (2) Require application of an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberative scientific approach to taking action and obtaining information in the face of uncertainty. To effectively implement an adaptive management program, the City hereby commits to:
 - (i) Address funding for the research component of the adaptive management program;
 - (ii) Change course based on the results and interpretation of new information that resolves uncertainties; and

- (iii) Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.240 Classification as a Critical Area.

Criteria for classification as a critical area will be listed under the applicable sections of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.250 Procedures.

Prior to fulfilling the requirements of this chapter, the City of Lake Stevens shall not grant any approval or permission to conduct development or use in a critical area. The Planning and Community Development Director or designee is authorized to adopt administrative procedures for the purpose of carrying out the provisions of this chapter. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.260 Submittal Requirements.

To enable the City to determine compliance with this chapter, at the time of application submittal, the applicant shall file a SEPA Environmental Checklist (if use is subject to SEPA), ~~a critical area checklist, site/resource-specific reports as specified in Section 14.88.270, and any other pertinent information requested by the Department of Planning and Community Development. Any of these submittal requirements may be waived by the Planning and Community Development Director.~~ The Planning and Community Development Director or designee may waive any of these submittal requirements if it is deemed unnecessary to make a compliance determination. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.270 Site/Resource-Specific Reports.

Unless waived per Section 14.88.260, all applications for land use or development permits proposed on properties containing or adjacent to critical areas or their defined setbacks or buffers shall include site/resource-specific reports prepared to describe the environmental limitations of the site. These reports shall conform in format and content to guidelines prepared by the Department of Planning and Community Development, which is hereby authorized to do so. The report shall be prepared by a qualified professional who is a biologist or a geotechnical engineer as applicable with experience preparing reports for the relevant type of critical area. The report and conclusions present in the critical area report shall be based on best available science. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.275 Mitigation/Enhancement Plan Requirements.

In the event that mitigation and/or enhancement is required, the Department of Planning and Community Development shall require the applicant to provide a mitigation plan for approval and a performance and maintenance bond in a form and amount acceptable to the City in accordance with Section 14.88.278. The plan shall provide information on land acquisition, construction, maintenance and monitoring of the replaced critical area that creates a no-net-loss area in function of the original area in terms of acreage, function, habitat, geographic location and setting. ~~The plan shall also include critical areas and buffer impacts and critical areas and proposed buffer areas.~~ All mitigation plans shall include the following items, which shall be submitted by the applicant or a qualified biologist, civil or geotechnical engineer:

- (a) Data collected and synthesized for the critical area and/or the newly restored site:

- (1) Description of existing site conditions, critical areas and proposed buffers;

(2) Description of proposed impacts to critical areas and buffers and proposed plans to mitigate those impacts; and

(3) Documentation of best available science or site criteria supporting the proposed mitigation plan.

- (b) Specific goals and objectives describing site function, target species, selection criteria and measures to avoid and minimize impacts ~~which~~ shall include:
- (1) Reducing or eliminating the impact over time by preservation and maintenance operations;
 - (2) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
 - (3) Enhancing significantly degraded ~~wetlands~~ critical areas and buffers in combination with restoration or creation. Such enhancement should be part of a mitigation package that includes replacing the impacted area by meeting appropriate ratio requirements; ~~and-~~
 - (4) Unless it is demonstrated that a higher level of ecological functioning would result from an alternate approach, compensatory mitigation for ecological functions shall be either in-kind and on site, or in-kind and within the same stream reach, subbasin, or drift cell. Mitigation actions shall be conducted within the same subdrainage basin and on the same site as the alteration except as specifically provided for in Sections [14.88.440](#) and [14.88.840](#);
- (c) Performance standards, which shall include criteria for assessing project specific goals and objectives and whether or not the requirements of this chapter have been met;
- (d) Contingency plans which clearly define the course of action or corrective measures needed if performance standards are not met;
- (e) A legal description and a survey prepared by a licensed surveyor of the proposed development site and location of the critical area(s) on the site;
- (f) A scaled site plan that indicates the proposed timing, duration and location of construction in relation to zoning setback requirements and sequence of construction phases including cross-sectional details, topographic survey data ~~(including~~ showing percent slope, existing and finished grade elevations ~~noted~~ at two-foot intervals or less), mitigation area, and water table elevation with sufficient detail to explain, illustrate and provide for:
- (1) Soil and substrate conditions, topographic elevations, scope of grading and excavation proposal, erosion and sediment treatment and source controls needed for critical area construction and maintenance;
 - (2) Planting plans specifying plant species, types, quantities, location, size, spacing, or density. The planting season or timing, watering schedule, and nutrient requirements for planting, and where appropriate, measures to protect plants from destruction; and
 - (3) Contingency or mid-course corrections plan and a minimum five-year monitoring and replacement plan establishing responsibility for removal of exotic and nuisance vegetation and permanent establishment of the critical area and all component parts. The monitoring plan is subject to the provisions of Sections [14.88.277](#) and [14.88.278](#);

- (g) A clearly defined approach to assess progress of the project, including the measurement of the success of a mitigation project by the presence of native species and an increase in the coverage of native plants over the course of the monitoring period;
- (h) The plan must indicate ownership, size, type, and complete ecological assessment including flora, fauna, hydrology, functions, etc., of the critical area being restored or created; and
- (i) The plan must also provide information on the natural suitability of the proposed site for establishing the replaced critical area, including water source and drainage patterns, topographic position, wildlife habitat opportunities, and value of existing area to be converted. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.276 Alternative Mitigation

The director or designee may approve the establishment and use of a mitigation bank or in-lieu fee mitigation program to provide mitigation required by this chapter. The approval may allow deviations from the requirements of Parts IV and VII with respect to the treatment of wetlands, fish and wildlife habitat conservation areas or buffers.

(a) Credits from a mitigation bank may be approved for use as compensation for unavoidable impacts to fish and wildlife habitat conservation areas or buffers when:

- (1) Criteria in LSMC 14.88.440 and 14.88.840 are met;
- (2) The bank is certified under Chapter 173-700 WAC;
- (3) The department determines that the mitigation bank provides appropriate compensation for the authorized impacts and that at minimum all proposals using a mitigation bank shall have made reasonable efforts to avoid and minimize impacts to wetlands, fish and wildlife habitat conservation areas and buffers through sequencing;
- (4) The proposed use of credits is consistent with the terms and conditions of the bank's certification;
- (5) The compensatory mitigation agreement occurs in advance of authorized impacts;
- (6) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification; and
- (7) The use of the mitigation bank will result in equivalent treatment of the functions and values of the critical area or buffer to offset the impacts on the project site such that the total net impact will be no net loss of critical area functions and values in the watershed in which the impacts will occur.

(b) In-lieu fee mitigation shall be established in accordance with the guidance contained in "Guidance on In-lieu Fee Mitigation" (Washington State Department of Ecology, December 2012, or latest edition, Publication #12-06-012) based upon the following order of preference:

- (1) A City or County approved program that gives priority to sites that will expand or improve habitat for Lake Stevens and associated tributaries;
- (2) A City or County approved program that utilizes receiving mitigation sites within the same sub-basin as the approved impact; and

(3) A City or County approved program that gives priority to sites within the same sub-basin and/or a predefined service area that includes the City of Lake Stevens.

14.88.277 Mitigation Monitoring.

- (a) All compensatory mitigation projects shall be monitored for the period necessary to establish that performance standards have been met, but in no event for a period less than five years following the acceptance of the installation/construction by the Planning and Community Development Director or designee.
- (b) Monitoring reports on the current status of the mitigation project shall be submitted to the Planning Department. The reports shall be prepared by a qualified consultant and shall include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation. Reports shall be submitted in accordance with the following schedule:
 - (1) At the time of construction;
 - (2) Thirty days after planting;
 - (3) Early in the growing season of the first year;
 - (4) End of the growing season of the first year;
 - (5) Twice the second year (at the beginning and end of the growing season); and
 - (6) Annually thereafter, to cover a total monitoring period of at least five growing seasons.
- (c) The Planning and Community Development Director or designee shall have the authority to extend the monitoring and surety period and require additional monitoring reports and maintenance activities beyond the initial five-year monitoring period for any project that involves one or a combination of the following factors:
 - (1) Creation or restoration of forested wetland or buffer communities;
 - (2) Failure to meet the performance standards identified in the mitigation plan;
 - (3) Failure to provide adequate replacement for the functions and values of the impacted critical area; or if
 - (4) otherwise warrants additional monitoring. Additional monitoring is warranted.

-(Ord. 773, Sec. 2, 2008)

14.88.278 Bonding (Security Mechanism).

- (a) If the development proposal is subject to compensatory mitigation, the applicant shall enter into an agreement with the City to complete the mitigation plan approved by the City and shall post a mitigation performance surety to ensure mitigation is fully functional.
- (b) The surety shall be in the amount of 150 percent of the estimated cost of the uncompleted actions or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater. The surety shall be based on a detailed, itemized cost estimate of the mitigation activity including clearing and grading, plant materials, plant installation, irrigation, weed management, monitoring and all other costs.

- (c) The surety shall be in the form of an assignment of funds, bond, security device, or other means acceptable to the City Finance Director in consultation with the City Attorney.
- (d) The performance surety authorized by this section shall remain in effect until the City determines, in writing, that the permit conditions, code requirements and/or standards bonded for have been met. Once the mitigation installation has been accepted by the ~~Planning~~ Director or designee ~~or Public Works Director~~, the bond may be reduced to 20 percent of the original mitigation cost estimate and shall become a maintenance surety. Said maintenance surety shall generally be held by the City for a period of five years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods under Section 14.88.277(c).
- (e) Depletion, failure, or collection of surety funds shall not discharge the obligation of an applicant to complete required mitigation, maintenance, monitoring, or restoration.
- (f) Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- (g) Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default. Upon notice of any default, the City may demand immediate payment of any financial guarantees or require other action authorized by the City code or any other law.
- (h) Any funds paid or recovered pursuant to this section shall be used to complete the required mitigation or other authorized action.
- (i) The Director or designee may authorize a one-time temporary delay, up to ~~120~~ 180 days, in completing mitigation activities when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation. The request for the temporary delay shall include a written justification documenting the environmental constraints that preclude implementation of the mitigation plan and shall include a financial guarantee. The justification shall be verified by the City before approval of any delay.
- (j) The provisions of Section 14.16A.180 (Security Mechanisms) shall also apply if necessary to ensure adequate protection of the public interest. (Ord. 811, Sec. 73, 2010; Ord. 773, Sec. 2, 2008)

14.88.280 Maps and Inventory.

The approximate location and extent of critical areas in the City are displayed on various inventory maps available at the Department of Planning and Community Development. More data will be included as inventories are completed in compliance with the requirements of the Growth Management Act. Maps and inventory lists are guides to the general location and extent of critical areas. Critical areas not shown are presumed to exist in the City and are protected under all the provisions of this chapter. In the event that any of the designations shown on the maps or inventory lists conflict with the criteria set forth in this chapter, the criteria and site-specific conditions shall control. Other mapping sources may include:

- (a) Washington Department of Fish and Wildlife Priority Habitat and Species maps.
- (b) Washington State Department of Natural Resources official water type reference maps, as amended.

- (c) Anadromous and resident salmonid distribution maps contained in the Habitat Limiting Factors reports published by the Washington Conservation Commission.
- (d) Washington State Department of Natural Resources State Natural Area Preserves and Natural Resource Conservation Area maps.
- (e) Washington State Department of Natural Resources Natural Heritage Program mapping data.
- (f) Lake Stevens and/or Snohomish County maps. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.283 Pesticide Management.

Pesticide use is not allowed in critical areas, including critical area buffers, unless it is determined by the Planning and Community Development Director [or designee](#) that there is no alternative to controlling invasive species. If pest control is being proposed as mitigation measures to control invasive species, a pesticide management plan must be submitted to the Planning [and Community Development](#) Department. The pesticide management plan must be part of the critical areas report required in Section [14.88.270](#) for any development proposal, and shall include why there is no other alternative to pesticide use, mitigation of pesticide use, planned application schedules, types of pesticides proposed for use, and a means to prevent or reduce pesticide movement to groundwater and surface water. The report shall be prepared by a qualified specialist. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.285 Building Setbacks.

Unless otherwise provided, buildings and other structures shall be set back a distance of 10 feet from the edges of all critical area buffers or from the edges of all critical areas, if no buffers are required. The following may be allowed in the building setback area:

- (a) Uncovered decks;
- (b) Building overhangs, if such overhangs do not extend more than 18 inches into the setback area; and
- (c) Impervious ground surfaces, such as driveways and patios; provided, ~~that~~ such improvements may be subject to water quality regulations as adopted. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.287 Fencing and Signage.

~~Wetland~~ [Critical Area](#) ~~Permanent~~ fencing and signage adjacent to a regulated wetland or stream corridor shall be required. [Permanent signage may be required for geologically hazardous areas and setback buffers not approved for alteration under Section 14.88.670.](#)

- (a) Fencing ~~shall be smooth wire or an alternative approved by the Planning and Community Development Director.~~
 - (1) [The applicant shall install permanent fencing so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland and associated habitat.](#) ~~must be a permanent structure installed in a manner that allows continuous wildlife habitat corridors along critical fish and wildlife areas with a minimum gap of one and one half feet at the bottom of the fence, and maximum height of three and one half feet at the top;~~
 - (2) The fence shall be designed and constructed to clearly demarcate the buffer from the developed portion of the site and to limit access of landscaping equipment, vehicles, or other human disturbances; and

- (3) No pressure treated posts and rails will be used for signage or fencing.
- (b) Signs designating the presence of a critical area shall be posted along the buffer boundary. The signs shall be posted at a minimum rate of one every 100 lineal feet, or one per lot, whichever provides more coverage. Standard details for signage shall be kept on file at the Planning and Community Development Department. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.290 Critical Areas Tracts and Easements.

(a) Unless otherwise required in this chapter, native growth protection areas shall be used in all development proposals to delineate and protect the following critical areas and buffers:

- (1) All geologically hazardous areas not approved for alteration and associated setback buffers;
- (2) All wetlands and buffers; and
- (3) All fish and wildlife habitat conservation areas and buffers.

(b) Native growth protection areas created pursuant to this Chapter shall be designated on the face of the plat, short plat -or other recorded drawing pursuant to Sections 14.16C.105 and 14.18.040 LSMC and shall be protected by one of the following methods:

- (1) Development proposals for subdivisions, short subdivisions, binding site plans and planned residential developments and similar land use actions shall use separate critical area tracts to delineate and protect native growth protection areas. The critical area tract shall be held by each lot owner in the development in an undivided interest or held by a Homeowner's Association or other legal entity, which assures the ownership, maintenance, and protection of the tract; or
- (2) For development proposals that do not segregate lots, the permit holder shall establish and record a native growth protection area easement with the Snohomish County Auditor stating the location of and the limitations associated with all of the critical areas and associated buffers or mitigation sites on the property. Restrictions and limitations shall be stated on the face of the deed applicable to the property and recorded with the Snohomish County auditor.

(c) Such easements or tracts shall cover the critical area as delineated by its defined boundaries and buffers.

14.88.290 Dedication of Open Space/Native Growth Protection Area.

~~(a) In order to protect critical areas, open space easements or tracts, referred to as a native growth protection area areas, where proposed as mitigation, shall be dedicated to the City.~~

~~(b) Anyone may offer to dedicate a critical area easement or tract and its buffer to the City even if not proposed as mitigation. The Planning and Community Development Director shall make a determination regarding the City's acceptance of such a dedication, based on consistency with the goals and policies of the adopted Comprehensive Plan.~~

~~(c) Such easements or tracts shall cover the critical area as delineated by its defined boundaries and buffers. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)~~

14.88.295 Permanent Protection for Streams, Wetlands and Buffers.

All streams and wetlands under this chapter and their required buffers shall be permanently protected by designating them as native growth protection areas (NGPAs) in accordance with Section 14.88.290. NGPAs

are to be left permanently undisturbed in a substantially or environmentally enhanced natural state. No clearing, grading, filling, building construction or placement, or road construction is allowed except the following:

- (a) On a case by case basis when supported by a critical areas assessment study, crossings for underground utility lines which utilize the shortest alignment possible and for which no alignment that would avoid such a crossing is feasible;
- (b) Removal of hazardous trees by the property owner, when based on a recommendation by a qualified arborist and an assessment of hazardous tree risk study and when approved by the City.
- (c) Existing legally (on-going) established structures, and non-native or ornamental landscaping, including, but not necessarily limited to, gardens, yards, pastures, and orchards, are not required to be designated as NGPAs. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.297 Density Transfers on Sites Less than Five Acres - On-site Density Transfer for Critical Areas.

On-site density transfers on sites less than five acres may be permitted when critical areas are located on the property subject to the following provisions:

- (a) Only the area contained in the following critical area areas and their associated buffers of the following wetlands is are eligible to be used in the density transfer calculation:
 - (1) Category II, and III, and IV wetlands with a habitat score of less than 20; and
 - (2) Category IV wetlands. Fish and Wildlife Conservation areas; and
 - (3) Geologically hazardous areas, not approved for alteration.
- (b) The development must be proposed to connect to sewer service and sewer service must be available.
- (c) The base density shall be consistent with the densities set forth in Chapter [14.36](#) for the zoning districts. The site density shall be calculated using the area of the subject property divided by the minimum lot size of the applicable zone.
- (d) The overall density of the proposed site may be transferred from the undevelopable portion to the developable part of the site.
- (e) The development shall meet applicable policies, setbacks and other standards of the City except:
 - (1) Lot sizes may be modified to not less than 6,000 square feet in the WR and SR zones, not less than 4,500 square feet in the UR zone and not less than 3,000 square feet in the HUR zone; Lot widths of Chapter [14.48](#) Table V may be modified to not less than 40 feet in the SR and UR zones and not less than 30 feet in the HUR zone;
 - (2) Lot widths of Chapter [14.48](#) Table I may be modified to not less than 50 feet in the WR and SR zones, and not less than 40 feet in the UR and HUR zones; Lot sizes may be modified to not less than 4,000 square feet in the SR and UR zones and not less than 3,000 square feet in the HUR zone;
 - (3) The front setbacks, specified in Chapter [14.48](#) LSMC Table I, may be reduced by 5 feet, but in no instance may the garage setback be less than 19 feet;
 - (iii) In no instance may the garage setback be less than 19 feet.

~~Setbacks of the zone as specified in Chapter Table V I may not be modified when using the density transfer provision as follows:~~

~~(i) In WR and SR zones, the front setback requirements of the UR zoning as specified in Chapter 14.48 Table I may be utilized to accommodate the density transfer;~~

~~(ii) In the UR and HUR zones, the front setback may be reduced by 5 feet;~~

~~(iii) In no instance may the garage setback be less than 10 feet.~~

- (4) The proposed development must be compatible with the character of the area and adjacent uses; and
- (5) The area to which density is transferred must not be constrained by other critical areas. (Ord. 773, Sec. 2, 2008)

14.88.298 Innovative Development Design.

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

- (a) An innovative development design will be considered in conjunction with the primary land use project approval or building permit approval, ~~when the project.~~ ~~The Planning and Community Development Director shall develop and adopt administrative procedures as authorized in Section [14.88.250](#) for review and approval of innovative development design that are is consistent with subsection (b) of this section. An applicant may include the innovative development design proposal in the project pre-application review packet for review. The Planning and Community Development Director shall give preliminary findings on the pre-application and shall only issue a final decision for the design with the project or building permit approval, whichever occurs first.~~
- (b) The applicant shall demonstrate in a site/resource-specific report required pursuant to Section [14.88.270](#) how the innovative development design complies with the following requirements:
 - (1) The innovative development design will achieve protection equivalent to or better than the treatment of the functions and values of the critical areas that would be obtained by applying the standard prescriptive measures contained in this chapter;
 - (2) Applicants for innovative development design ~~are encouraged to~~ must consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact stormwater management strategies which address wetlands, fish and wildlife habitat conservation areas or buffer protection consistent with this chapter;
 - (3) The innovative development design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property; and
 - (4) Applicants for innovative development design are encouraged to consider measures prescribed in the Puget Sound Action Team ~~2005~~ 2012 Technical Guidance Manual for Low Impact Development or as amended. (Ord. 773, Sec. 2, 2008)

14.88.300 Dedication of Land and/or Easements in Lieu of Park Mitigation.

The dedication of critical areas and their buffers as open space may not be used for satisfying park mitigation requirements. Park land must be dedicated or fees in lieu of dedication must be paid as set forth in this title. However, if an applicant provides recreation amenities in buffers as allowed under this chapter, the cost of those amenities may be subtracted from the total park mitigation calculated for a given project with prior approval of the Planning and Community Development Director. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.310 Demonstration of Denial of All Reasonable Economic Uses.

In order to conduct a regulated activity in a critical area where the applicant is claiming that denial of authorization of such an activity would deny all reasonable economic uses of the property, the applicant must demonstrate that such is the case. If a regulated activity is allowed within a critical area, it must minimize impacts per the "requirements" sections, below. If the Planning and Community Development Director [or designee](#) determines that alteration of a critical area is necessary and unavoidable, written findings addressing each of the items listed in this section shall be placed in the official project file. Demonstration of denial of all reasonable economic uses shall be accomplished as follows:

- (a) An applicant must demonstrate that denial of the permit would impose an extraordinary hardship on the part of the applicant brought about by circumstances peculiar to the subject property.
- (b) For water-dependent activities, unavoidable and necessary impact can be demonstrated where there are no practicable alternatives which would not involve a [wetland critical area](#) or which would not have less adverse impact on a [wetland critical area](#), and would not have other significant adverse environmental consequences.
- (c) Where non-water-dependent activities are proposed, it shall be presumed that adverse impacts are avoidable. This presumption may be rebutted upon a demonstration that:
 - (1) The basic project purpose cannot reasonably be accomplished utilizing one or more other sites in the general region that would avoid, or result in less, adverse impact on regulated critical areas; ~~and~~
 - (2) A reduction in the size, scope, configuration, or density of the project as proposed and all alternative designs of the project as proposed that would avoid, or result in less, adverse impact on a critical area or its buffer will not accomplish the basic purpose of the project; and
 - (3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints such as zoning, deficiencies of infrastructure, or parcel size, the applicant has made reasonable attempt to remove or accommodate such constraints. (Ord. 903, Sec. 52, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.320 Allowance of Regulated Use in a Critical Area Where Denial of All Economic Use is Demonstrated.

If an applicant for an activity or development proposal demonstrates to the satisfaction of the Planning and Community Development Director [or designee](#) that application of these standards would deny all reasonable economic use of the property as provided by Section [14.88.220](#), development, as may be conditioned, shall be allowed if the applicant also demonstrates all of the following to the satisfaction of the Director:

- (a) If proposed in a wetland, stream, creek, river, lake or other surface water, that the proposed project is water-dependent or requires access to the wetland as a central element of its basic function; or

- (b) If proposed in a critical area not listed in subsection (a) of this section, that it is not water-dependent but has no practicable alternative; and
- (c) That no reasonable use with less impact on the critical area and its buffer is possible (e.g., agriculture, aquaculture, transfer or sale of development rights or credits, sale of open space easements, etc.);
- (d) That there is no feasible on-site alternative to the proposed activities, including reduction in density, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts to the critical area and its buffer;
- (e) That the proposed activities will result in minimum feasible alteration or impairment to the functional characteristics of the critical area and its existing contours, vegetation, fish and wildlife resources, hydrological, and geologic conditions;
- (f) That disturbance of the critical area has been minimized by locating any necessary alteration in buffers to the extent possible;
- (g) That the proposed activities will not jeopardize the continued existence of endangered, threatened, or sensitive species as listed by the Federal Government or the State of Washington. An applicant is required to confirm with the State of Washington that special conditions or recommendations are not required for candidate or monitor species;
- (h) That the proposed activities will not cause significant degradation of groundwater or surface water quality;
- (i) That the proposed activities comply with all State, local and Federal laws, including those related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal;
- (j) That any and all alterations to critical areas and their buffers will be adequately mitigated;
- (k) That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property;
- (l) That the inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this chapter; and
- (m) That deliberate measures have been taken to minimize the impacts. Minimizing impacts shall include but not be limited to:
 - (1) Limiting the degree or magnitude of the prohibited activity;
 - (2) Limiting the implementation of the prohibited activity;
 - (3) Using appropriate and best available technology;
 - (4) Taking affirmative steps to avoid or reduce impacts;
 - (5) Sensitive site design and siting of facilities and construction staging areas away from critical areas and their buffers;
 - (6) Involving resource agencies early in site planning;

- (7) Providing protective measures such as siltation curtains, hay bales and other siltation prevention measures; and
- (8) Scheduling the prohibited activity to avoid interference with wildlife and fisheries rearing, resting, nesting or spawning activities. (Ord. 903, Sec. 53, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.330 Nonconforming Activities.

A regulated activity that was approved prior to the passage of this chapter and to which significant economic resources have been committed pursuant to such approval but which is not in conformity with the provisions of this chapter may be continued subject to the following:

- (a) No such activity shall be expanded, modified, or substituted in any way that increases the extent of its nonconformity without a permit issued pursuant to the provisions of this chapter;
- (b) Except for cases of discontinuance as part of normal agricultural practices, if a nonconforming activity is discontinued for 180 days, any resumption of the activity shall conform to this chapter;
- (c) If a nonconforming use or activity is destroyed by human activities or a natural occurrence, it shall not be resumed except in conformity with the provisions of this chapter;
- (d) Activities or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming activities. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.340 Assessment Relief.

The Snohomish County Assessor's office considers critical area regulations in determining the fair market value of land. Any owner of an undeveloped critical area who has dedicated an easement or entered into a perpetual conservation restriction with the City of Lake Stevens or a nonprofit organization to permanently control some or all regulated activities in that portion of land assessed consistent with these restrictions shall be considered for exemption from special assessments to defray the cost of municipal improvements such as sanitary sewers, storm sewers, and water mains. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part IV. Fish and Wildlife Conservation Areas

14.88.400 Classification.

Fish and wildlife conservation areas include:

- (a) Lands containing priority habitats and species, including plant and/or animal species listed on Federal or State threatened or endangered species lists.
- (b) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat. These do not include ponds deliberately designed and created from dry sites such as canals, detention facilities, waste-water treatment facilities, farm ponds, temporary construction ponds (of less than three years' duration), and landscape amenities. However, naturally occurring ponds may include those artificial ponds intentionally created from dry areas in order to mitigate conversion of ponds, if permitted by a regulatory authority.
- (c) Waters of the State, as defined in WAC Title [222](#), Forest Practices Rules and Regulations. Waters of the State shall be classified using the system in WAC [222-16-030](#). In classifying waters of the State as fish and wildlife habitats the following shall be used:

- (1) Species are present which are endangered, threatened or sensitive;
 - (2) Existing surrounding land uses are incompatible with salmonid and other game fish habitat;
 - (3) Presence and size of riparian ecosystem;
 - (4) Existing water rights.
- (d) Lakes, ponds, and streams planted with game fish (defined at RCW [77.08.020](#)), including those planted under the auspices of Federal, State, local, or tribal programs, or which support priority fish species as identified by the Department of Fish and Wildlife.
- (e) State natural area preserves and natural resource conservation areas.
- (f) Habitats or species of local importance. Such habitats or species may be locally listed per the process elucidated in Section [14.88.415](#).
- (g) Streams shall be classified according to the stream type system as provided in WAC [222-16-030](#), Stream Classification System, as amended.
- (1) Type S Stream. Those streams, within their ordinary high water mark, as inventoried as shorelines of the State under Chapter [90.58](#) RCW and the rules promulgated pursuant thereto.
 - (2) Type F Stream. Those stream segments within the ordinary high water mark that are not Type S streams, and which are demonstrated or provisionally presumed to be used by fish. Stream segments which have a width of two feet or greater at the ordinary high water mark and have a gradient of 16 percent or less for basins less than or equal to 50 acres in size, or have a gradient of 20 percent or less for basins greater than 50 acres in size, are provisionally presumed to be used by fish. A provisional presumption of fish use may be refuted at the discretion of the Planning and Community Development Director where any of the following conditions are met:
 - (i) It is demonstrated to the satisfaction of the City that the stream segment in question is upstream of a complete, permanent, natural fish passage barrier, above which no stream section exhibits perennial flow;
 - (ii) It is demonstrated to the satisfaction of the City that the stream segment in question has confirmed, long-term, naturally occurring water quality parameters incapable of supporting fish;
 - (iii) Sufficient information about a geomorphic region is available to support a departure from the characteristics described above for the presumption of fish use, as determined in consultation with the Washington Department of Fish and Wildlife, the Department of Ecology, affected tribes, or others;
 - (iv) The Washington Department of Fish and Wildlife has issued a hydraulic project approval, pursuant to RCW [77.55.100](#), which includes a determination that the stream segment in question is not used by fish; [and](#)
 - (v) No fish are discovered in the stream segment in question during a stream survey conducted according to the protocol provided in the Washington Forest Practices Board Manual, Section 13, Guidelines for Determining Fish Use for the Purpose of Typing waters under WAC [222-16-031](#); provided, that no unnatural fish passage barriers have been present downstream of said stream segment over a period of at least two years.

- (3) Type Np Stream. Those stream segments within the ordinary high water mark that are perennial and are not Type S or Type F streams. However, for the purpose of classification, Type Np streams include intermittent dry portions of the channel below the uppermost point of perennial flow. If the uppermost point of perennial flow cannot be identified with simple, nontechnical observations (see Washington Forest Practices Board Manual, Section 23), then said point shall be determined by a qualified professional selected or approved by the City.
- (4) Type Ns Stream. Those stream segments within the ordinary high water mark that are not Type S, Type F, or Type Np streams. These include seasonal streams in which surface flow is not present for at least some portion of a year of normal rainfall that are not located downstream from any Type Np stream segment. (Ord. 903, Sec. 54, 2013; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.410 Determination of Boundary.

- (a) The boundaries of fish and wildlife conservation areas shall be determined by the Planning and Community Development Director [or designee](#), who may rely on a Departmental approved biological resources survey prepared by a qualified wildlife biologist per the Department's Biological Resources Survey Guidelines. Such a report would be supplied by the applicant of a permit.
- (b) The boundary of the creek, stream, river, lake, or other surface water shall be determined by the Planning and Community Development Director [or designee](#), relying on a delineation by a licensed surveyor or other comparable expert. Such boundary shall be contiguous with the 100-year floodplain designations as adopted by the City, or where such a designation has not been adopted by the City, the 100-year floodplain designation of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated (shown on Flood Insurance Rate Maps (FIRM)). Where this information does not exist, the boundary determination shall be made by a licensed surveyor and based upon the same criteria used by FEMA. This determination shall be confirmed by the City Engineer. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.415 Species/Habitats of Local Importance.

- (a) Species or habitats may be listed as a species or habitat of local importance by the City Council according to the following process:
 - (1) An individual or organization must:
 - (i) Demonstrate a need for special consideration based on:
 - a. Declining populations;
 - b. Sensitivity to habitat manipulation; or
 - c. Commercial or game value or other special value, such as public appeal.
 - (ii) Propose relevant management strategies considered effective and within the scope of this chapter.
 - (iii) Provide species or habitat location(s) on a map.
 - (2) Submitted proposals will be reviewed by the Planning and Community Development Director [or designee](#) and forwarded to the Departments of Fish and Wildlife and Natural Resources, and/or other local, State, Federal, or tribal agencies or experts for comment and recommendation regarding accuracy of data and effectiveness of proposed management strategies.

(3) The City Council will hold a public hearing for proposals found to be complete, accurate, potentially effective, and within the scope of this chapter. Approved nominations will become designated a species or habitat of local importance and will be subject to the provisions of this chapter.

(b) Species or habitats of local importance include:

(1) [None adopted as of May 1, 1995] (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.420 Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within fish and wildlife conservation areas when the requirements of Section [14.88.430](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities listed in Section [14.88.220](#).
- (b) Activities consistent with the species located there and all applicable State and Federal regulations regarding the species, as determined by the Planning and Community Development Director or designee, who may consult with other resource agencies as to their recommendations.
- (c) Bridges and other crossings over streams for public and private rights-of-way. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.430 Requirements.

- (a) Except as provided in this subsection, a 50-foot buffer shall be required for all regulated activities adjacent to fish and wildlife conservation areas. All buffers shall be measured from the fish and wildlife conservation area boundary as surveyed in the field. The width of the buffer may be increased depending on the habitat value and the proposed land use.
- (b) Buffer widths may be increased based on recommendations by the Department of Fish and Wildlife based on their Management Recommendations for Priority Habitats and Species.
- (c) To retain the natural functions of streams and stream corridors, the following streamside buffers shall be maintained:
 - (1) For ravines with banks greater than 10 feet in depth, maintain the existing or native vegetation within the ravine and a strip 25 feet from the top of the bank;
 - (2) Where there is no ravine or the bank is less than 10 feet in depth, maintain existing or native vegetation on both sides of the stream as measured from the ordinary high water mark (OHWM), in accordance with Table 14.88-I, which sets forth the required buffer widths based on classification of stream types:

Table 14.88-I: Stream Buffer Width

Stream Type	Buffer
S	150 feet
F	100 feet

Np	50 feet
Ns	50 feet

- (d) Widths shall be measured outward in each direction, on the horizontal plane, from the ordinary high water mark, or from the top of the bank if the ordinary high water mark cannot be identified, or from the outer edge of the channel migration zone when present.
- (e) The Planning and Community Development Director may modify the buffer widths in the above table in accordance with the following:
- (1) Buffer widths may be increased as necessary to fully protect riparian functions. For example, the buffer may be extended to the outer edge of the floodplain or windward into an area of high tree blow-down potential as determined by an arborist.
 - (2) Buffer widths may be reduced in exchange for restoration and enhancement of degraded areas in accordance with an approved plan, or for buffer averaging in accordance with Section [14.88.275](#) and subsection (e)(4) of this section.
 - (3) If the stream enters an underground culvert or pipe, and is unlikely to ever be restored aboveground, the Planning and Community Development Director may waive the buffer along the underground stream; provided, that where the stream enters and emerges from the pipe the opposite outer edges of the buffer shall be joined by a radius equal to the buffer width, with said radius projecting over the piped stream.
 - (4) Stream buffer widths may be modified by averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Stream buffer width averaging shall only be allowed when the applicant demonstrates the following:
 - (i) A site-specific evaluation and documentation of buffer adequacy is based on consideration of the best available science as described in Section [14.88.235](#); and
 - (ii) A buffer enhancement plan is proposed that would significantly improve the functions and values of the stream buffer(s); and
 - (iii) The averaging will not impair or reduce the habitat, water quality purification and enhancement, stormwater detention, groundwater recharge, shoreline protection and erosion and other functions and values of the stream and buffer.
 - (5) Buffer widths may be modified if the subject property is separated from the stream channel by pre-existing, intervening, and lawfully created structures, public roads, or other substantial pre-existing intervening improvements. The intervening structures, public roads, or other substantial improvements must separate the subject upland property from the stream channel by height or width, preventing or impairing the delivery of buffer functions to the stream channel. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the stream channel.
- (f) Development in the shorelines of State-wide significance is regulated under Appendix B of the City's State-approved Shoreline Master Program (SMP).

(g) To protect the natural functions and aesthetic qualities of a stream and stream buffer, a detailed temporary erosion control plan which identifies the specific mitigating measures to be implemented during construction to protect the water from erosion, siltation, landslides and hazardous construction materials shall be required. The City shall review the plan with the appropriate State, Federal and tribal agencies and any adjacent jurisdiction. (Ord. 898, Sec. 8, 2013; Ord. 811, Sec. 92, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.440 Mitigation.

In order to avoid significant environmental impacts, the applicant for a land use or development permit may consider performing the following actions, listed in order of preference. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact as determined in accordance with Section [14.88.275](#).

- (a) Dedicate an exclusive open space easement for the protection of wildlife and/or habitat, creeks, streams, rivers, lakes, or other surface water over the creeks, streams, rivers, lakes, or other surface water and a buffer consistent with the standards listed in Section [14.88.430](#). Where such mitigation leads to, or would in the opinion of the Planning and Community Development Director lead to a court finding of a taking, the below listed mitigation may be considered.
- (b) Where on-site protection is not possible, dedicate an exclusive easement for the protection of an equivalent (in type and value) waterway over the waterway and a 50-foot buffer on an off-site waterway at a 2:1 ratio. The location of any off-site waterway shall be located as near to the site as possible, in accordance with the following preferred order:
 - (1) Contiguous to the impacted waterway;
 - (2) Within the same drainage basin;
 - (3) Elsewhere within the City;
 - (4) Within the Lake Stevens UGA;
 - (5) Within the region.

(c) The applicant may propose innovative site design based on the best available science and pursuant to Section 14.88.298 if the innovative development design will achieve protection equivalent to or better than the standard provisions of this chapter. Approval of the innovative site design will be considered in combination with criteria listed in Section 14.88.298 if the design achieves the following:

- (1) The site design avoids all impacts to the critical area and minimizes buffer impacts; or
- (2) The site design increases the functions and/or values of the stream channel and buffer with a combination of the following measures:
 - (i) Increasing canopy-cover shade in the riparian zone to maintain cool stream temperatures and regulate micro-climates in the stream-riparian corridor;
 - (ii) Reducing fine sediment input in the stream system through hydrologic retention, filtration and streambank protection;
 - (iii) Stabilizing stream banks, and minimizing stream bank erosion;

(iv) Filtering and reducing potential of impact pollutants from groundwater and surface water runoff;

(v) Increasing large woody debris and coarse particulate matter into the stream channel for habitat and to moderate stream flow;

(vi) Increasing critical wildlife habitat along stream-associated migration corridors;

(vii) Increasing in-stream habitat for aquatic, amphibian, invertebrate and resident and/or anadromous fish species. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part V. Frequently Flooded Areas

14.88.500 Classification.

Classification for flood zones shall be consistent with the regulatory floodplain designations as adopted by the City per Chapter [14.64](#), Part I, or where such a designation has not been adopted by the City, by the special flood hazard area designations of the Federal Emergency Management Agency and the National Flood Insurance Program. Any such designations adopted by the City shall consider the following criteria if and when designating and classifying these areas:

- (a) Flooding impact to human health, safety, and welfare and to public facilities and services; and
- (b) Documentation including Federal, State and local laws, regulations and programs, local maps and federally subsidized flood insurance programs. (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.510 Determination of Boundary.

The boundary of a flood zone shall be contiguous with the regulatory floodplain as adopted by the City, per Chapter [14.64](#), Part I, or where such a designation has not been adopted by the City, the special flood hazard area designations of the Federal Emergency Management Agency (FEMA) and the National Flood Insurance Program where it has been delineated [shown on Flood Insurance Rate Maps (FIRM)]. Where this information does not exist, the boundary determination shall be made by a licensed engineer and based upon the same criteria used by FEMA. The Planning and Community Development Director or designee shall confirm this determination. (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.520 Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within the regulatory floodplain when the requirements of Section [14.88.530](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities allowed per Section [14.88.220](#).
- (b) Those activities allowed per Section [14.64.025](#). (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.530 Requirements.

All land uses and development proposals shall comply with the applicable provisions of the Lake Stevens Municipal Code for general and specific flood hazard protection (see Chapter [14.64](#), Special Flood Hazard Areas, Drainage, and Erosion).

- (a) Development shall not reduce the effective flood storage volume. Reduction of the floodwater storage capacity due to grading, construction, or other regulated activities shall provide compensatory storage per Section [14.64.055](#)(b).
- (b) The final recorded subdivision plat or site plan shall include a notice that the property contains land within the regulatory floodplain including special flood hazard areas and protected areas, as applicable. (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.540 Mitigation.

If potential flooding impacts from development cannot be avoided by design or if the use is not an allowed or exempt use, the applicant shall provide a habitat impact assessment and/or habitat mitigation plan to mitigate impacts on federal, state or locally protected species and habitat, water quality and aquatic and riparian habitat, per Section [14.64.055](#)(c) and (d). (Ord. 860, Sec. 5 (Exh. 3), 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part VI. Geologically Hazardous Areas

14.88.600 Classification.

- (a) Geologically hazardous areas include areas susceptible to erosion, sliding, earthquakes, liquefaction, or other geological events. Geologically hazardous areas shall be classified based upon the history or existence of landslides, unstable soils, steep slopes, high erosion potential or seismic hazards. In determining the significance of a geologically hazardous area the following criteria shall be used:
 - (1) Potential economic, health, and safety impact related to construction in the area;
 - (2) Soil type, slope, vegetative cover, and climate of the area;
 - (3) Available documentation of history of soil movement, the presence of mass wastage, debris flow, rapid stream incision, stream bank erosion or undercutting by wave action, or the presence of an alluvial fan which may be subject to inundation, debris flows, or deposition of stream-transported sediments.
- (b) The different types of geologically hazardous areas are defined as follows:
 - (1) Erosion hazard areas are as defined by the USDA Soil Conservation Service, United States Geologic Survey, or by the Department of Ecology Coastal Zone Atlas. The following classes are high erosion hazard areas.
 - (i) Class 3, class U (unstable) includes severe erosion hazards and rapid surface runoff areas;
 - (ii) Class 4, class UOS (unstable old slides) includes areas having severe limitations due to slope; and
 - (iii) Class 5, class URS (unstable recent slides).
 - (2) Landslide hazard areas shall include areas subject to severe risk of landslide based on a combination of geologic, topographic and hydrologic factors. Some of these areas may be identified in the Department of Ecology Coastal Zone Atlas, or through site-specific criteria. Landslide hazard areas include the following:
 - (i) Areas characterized by slopes greater than 15 percent; and impermeable soils (typically silt and clay) frequently interbedded with permeable granular soils (predominantly sand and

gravel) or impermeable soils overlain with permeable soils; and springs or groundwater seepage;

- (ii) Any area which has exhibited movement during the Holocene epoch (from 10,000 years ago to present) or which is underlain by mass wastage debris of that epoch;
 - (iii) Any area potentially unstable due to rapid stream incision, stream bank erosion or undercutting by wave action;
 - (iv) Any area located on an alluvial fan presently subject to or potentially subject to inundation by debris flows or deposition of stream-transported sediments;
 - (v) Any area with a slope of 40 percent or greater and with a vertical relief of 10 or more feet except areas composed of consolidated rock;
 - (vi) Any area with slope defined by the United States Department of Agriculture Soil Conservation Service as having a severe limitation for building site development; and
 - (vii) Any shoreline designated or mapped as class U, UOS, or URS by the Department of Ecology Coastal Zone Atlas.
- (3) Slopes.
- (i) Moderate slopes shall include any slope greater than or equal to 15 percent and less than 40 percent.
 - (ii) Steep slopes shall include any slope greater than or equal to 40 percent.
- (4) Seismic hazard areas shall include areas subject to severe risk of earthquake damage as a result of seismic induced settlement, shaking, slope failure or soil liquefaction. These conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow groundwater table. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.610 Determination of Boundary.

Determination of a boundary of a geologically hazardous area shall be made by the Planning and Community Development Director, relying on a geotechnical or similar technical report and other information where available and pertinent. Such reports or information shall be provided by an applicant for an activity or permit at the request of the City. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.620 Allowed Activities.

Except where regulated by other sections of this or any other title or law, the following uses shall be allowed within geologically hazardous areas when the requirements of Section [14.88.630](#) have been met and mitigation adequate to alleviate any other impacts has been proposed:

- (a) Those activities allowed per Section [14.88.220](#).
- (b) Any other use allowed per the zone; provided, that it meets the requirements of Section [14.88.630](#) and will not have a detrimental impact on the health, safety, and welfare of the public, or will not negatively impact neighboring properties. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.630 Geological Assessment Requirements.

Development proposals on or within 200 feet of any areas which are designated as geologically hazardous, or which the City has reason to believe are geologically hazardous based on site-specific field investigation, shall be required to submit a geological assessment.

- (a) The geological assessment shall be submitted with the minimum required content as set forth in subsection (d) of this section and in the format established by the Planning and Community Development Director, and shall be consistent with the following:
 - (1) A geotechnical letter is required when the geologist [or geotechnical engineer](#) finds that no active geological hazard area exists on or within 200 feet of the site.
 - (2) A geotechnical report is required when the geologist [or geotechnical engineer](#) finds that an active geological hazard area exists on or within 200 feet of the proposed project area.
- (b) The Department shall review the geological assessment and either accept or reject the assessment and require revisions or additional information. When the geological assessment has been accepted, the Department shall issue a decision on the land use permit application.
- (c) A geological assessment for a specific site may be valid for a period of up to five years when the proposed land use activity and site conditions affecting the site are unchanged. However, if any surface and subsurface conditions associated with the site change during the five-year period or if there is new information about a geological hazard, the applicant may be required to submit an amendment to the geological assessment.
- (d) A geological assessment shall include the following minimum information and analysis:
 - (1) A field investigation that may include the use of historical air photo analysis, review of public records and documentation, and interviews with adjacent property owners or others knowledgeable about the area, etc.
 - (2) An evaluation of any areas on the site or within 200 feet of the site that are geologically hazardous as set forth in Section [14.88.600](#).
 - (3) An analysis of the potential impacts of the proposed development activity on any potential geological hazard that could result from the proposed development either on site or off site. For landslide hazard areas, the analysis shall consider the run-out hazard of landslide debris to the proposed development that starts upslope whether the slope is part of the subject property or starts off site.
 - (4) Identification of any mitigation measures required to eliminate potentially significant geological hazards both on the proposed development site and any potentially impacted off-site properties. When hazard mitigation is required, the mitigation plan shall specifically address how the proposed activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long term basis. The mitigation plan shall include recommendations regarding any long term maintenance activities that may be required to mitigate potential hazards.
 - (5) The geological assessment shall document the field investigations, published data and references, data and conclusions from past geological assessments, or geotechnical investigations of the site, site-specific measurements, tests, investigations, or studies, as well as the methods of data analysis and calculations that support the results, conclusions, and recommendations.
 - (6) The geological assessment shall contain a summary of any other information the geologist identifies as relevant to the assessment and mitigation of geological hazards.

- (e) Geological assessments shall be prepared under the responsible charge of a geologist or geotechnical engineer, and shall be signed, sealed, and dated by the geologist or geotechnical engineer. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.640 Setback Buffer Requirements.

- (a) The setback buffer width shall be based upon information contained in a geological assessment, and shall be measured on a horizontal plane from a vertical line established at the edge of the geologically hazardous area limits (both from the top and toe of slope). In the event that a specific setback buffer is not included in the recommendation of the geological assessment, the setback buffer shall be based upon the standards contained in Chapter 18 of the International Building Code (IBC), or as the IBC is updated and amended.
- (1) If the geological assessment recommends setback buffers that are less than the standard buffers that would result from application of Chapter 18 of the IBC, the specific rationale and basis for the reduced buffers shall be clearly articulated in the geological assessment.
- (2) The City may require increased setback buffer widths under any of the following circumstances:
- (i) The land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts.
- (ii) The area has a severe risk of slope failure or downslope stormwater drainage impacts.
- (iii) The increased buffer is necessary to protect public health, safety and welfare based upon findings and recommendations of geological assessment.
- (b) Unless otherwise permitted as part of an approved alteration, the setback buffers required by this subsection shall be maintained in native vegetation to provide additional soil stability and erosion control. If the buffer area has been cleared, it shall be replanted with native vegetation in conjunction with any proposed development activity.
- (c) The City may impose seasonal restrictions on clearing and grading within 200 feet of any geologically hazardous areas. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.650 Allowed Alterations.

Unless associated with another critical area, the Planning and Community Development Director or designee may allow alterations of an area identified as a geologically hazardous area or the setback buffers specified in the IBC if an approved geotechnical report demonstrates that:

- (a) The proposed development will not create a hazard to the subject property, surrounding properties or rights-of-way, or erosion or sedimentation to off-site properties or bodies of water;
- (b) The proposal addresses the existing geological constraints of the site, including an assessment of soils and hydrology;
- (c) The proposed method of construction will reduce erosion potential, landslide and seismic hazard potential, and will improve or not adversely affect the stability of slopes;
- (d) The proposal uses construction techniques which minimize disruption of existing topography and natural vegetation;

- (e) The proposal is consistent with the purposes and provisions of this chapter and mitigates any permitted impacts to critical areas in the vicinity of the proposal;
- (f) The proposal mitigates all impacts identified in the geotechnical letter or geotechnical report;
- (g) All utilities and access roads or driveways to and within the site are located so as to require the minimum amount of modification to slopes, vegetation or geologically hazardous areas; and
- (h) The improvements are certified as safe as designed and under anticipated conditions by a geologist [or geotechnical engineer](#). (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.660 Prohibited Alterations.

Modification of geologically hazardous areas shall be prohibited under the following circumstances:

- (a) Where geologically hazardous slopes are located in a stream, wetland, and/or a fish and wildlife habitat conservation area or their required buffers, alterations of the slopes are not permitted, except as allowed in Section [14.88.220](#). The required buffer for such slopes shall be determined through the site-specific geological assessment, but in no case shall be less than 25 feet from the top of slopes of 25 percent and greater.
- (b) Any proposed alteration that would result in the creation of, or which would increase or exacerbate existing geological hazards, or which would result in substantial unmitigated geological hazards either on or off site shall be prohibited. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.670 Mitigation.

- (a) In addition to the other requirements of this chapter, as part of any approval of development on or adjacent to geologically hazardous areas or within the setback buffers required by this section:
 - (1) The City shall require:
 - (i) Geologically hazardous areas not approved for alteration and their [setback](#) buffers shall be placed in a native growth protection area as set forth in Sections [14.88.290](#).
 - (ii) Any geologically hazardous area or required setback buffer that is allowed to be altered subject to the provisions of this chapter shall be subject to a covenant of notification and indemnification/hold harmless agreement in a form acceptable to the City Attorney. Such document shall identify any limitation placed on the approved alterations.
 - (2) The City may require:
 - (i) The presence of a geologist on the site to supervise during clearing, grading, filling, and construction activities which may affect geologically hazardous areas, and provide the City with certification that the construction is in compliance with the geologist's [or geotechnical engineer's](#) recommendations and has met approval of the geologist [or geotechnical engineer](#), and other relevant information concerning the geologically hazardous conditions of the site.
 - (ii) Vegetation and other soil stabilizing structures or materials be retained or provided.
 - (iii) Long term maintenance of slopes and on-site drainage systems.

- (b) If potential geologic impacts cannot be avoided by adhering to the above requirements and the other requirements of this chapter, other forms of mitigation may be considered. Applicants must provide mitigation plans exploring and analyzing any proposed mitigation measures. What is considered adequate mitigation will depend on the nature and magnitude of the potential impact. For example, some potential risk due to construction in geologically hazardous areas may be reduced through structural engineering design. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part VII. Streams, Creeks, Rivers, Lakes and Other Surface Water

14.88.700 Classification.

Repealed by Ord. 741.

14.88.710 Allowed Activities.

Repealed by Ord. 741.

14.88.720 Requirements.

Repealed by Ord. 741.

14.88.730 Determination of Boundary.

Repealed by Ord. 741.

14.88.740 Mitigation.

Repealed by Ord. 741.

Part VIII. Wetlands

14.88.800 Purpose

The purposes of this Chapter are to:

- (a) Recognize and protect the beneficial functions performed by wetlands, which include, but are not limited to, providing food, breeding, nesting and/or rearing habitat for fish and wildlife; recharging and discharging ground water; contributing to stream flow during low flow periods; stabilizing stream banks and shorelines; storing storm and flood waters to reduce flooding and erosion; and improving water quality through biofiltration, adsorption, and retention and transformation of sediments, nutrients, and toxicants.
- (b) Regulate land use to avoid adverse effects on wetlands and maintain the functions and values of wetlands throughout Lake Stevens.
- (c) Establish review procedures for development proposals in and adjacent to wetlands.
- (d) Compliance with the provisions of the Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Shoreline Substantial Development Permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter.

1.88.805 Classification Identification and Rating.

Commented [RW3]: THIS SECTION ADDED FOR COMPLIANCE WITH MODEL ORDINANCE

Wetlands shall be classified as Category I, II, III, or IV using the Washington State Department of Ecology's Wetland Rating System for Western Washington, Publication No. 04-06-025, or as amended hereafter. Wetland delineations shall be determined in accordance with WAC 173-22-035.

(a) Identification and Delineation. Wetlands, buffers and their boundaries shall be identified and delineated in accordance with the approved federal wetland delineation manual and applicable regional supplement. All areas within the City meeting the wetland designation criteria in that procedure are hereby-designated critical areas and are subject to the provisions of this Chapter. Wetland delineations are valid for five years; after such date, the City shall determine whether a revision or additional assessment is necessary. (a) Sources used to identify designated wetlands include, but are not limited to:

- (1) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.
- (2) Areas identified as hydric soils, soils with significant soil inclusions and wet spots with the United States Department of Agriculture/Soil Conservation Service Soil Survey for Snohomish County.
- (3) Washington State Department of Natural Resources, Geographic Information System, Hydrography and Soils Survey Layers.
- (4) City of Lake Stevens Critical Areas Inventory Maps.

~~(b) Category I Criteria.~~

- ~~(1) Wetlands that represent a unique or rare wetland type; or~~
- ~~(2) Are more sensitive to disturbance than most wetlands; or~~
- ~~(3) Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or~~
- ~~(4) Provide a high level of functions.~~
- ~~(5) Category I wetlands include:~~
 - ~~(i) Estuarine wetlands which are larger than one acre in size.~~
 - ~~(ii) Natural heritage wetlands as identified by the Natural Heritage Program of the Washington Department of Natural Resources.~~
 - ~~(iii) Bogs.~~
 - ~~(iv) Mature and old-growth forested wetlands over one acre in area.~~
 - ~~(v) Wetlands that score 70 or more ~~23~~ 27 points out of 100 ~~27~~ using the Western Washington Rating System.~~

~~(c) Category II Criteria.~~

- ~~(1) Category II wetlands are difficult though not impossible to replace and provide high levels of some functions.~~
- ~~(2) Category II wetlands include:~~
 - ~~(i) Estuarine wetlands under one acre in area.~~

~~(ii) Wetlands that score between 51 and 69 points out of 100 on the Western Washington Rating System.~~

~~(d) Category III Criteria. Wetlands with a moderate level of functions and with rating system scores between 30 and 50 points out of 100.~~

~~(e) Category IV Criteria. Wetlands with a low level of functions and with rating system scores less than 30 points out of 100. (Ord. 855, Sec. 24, 2011; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)~~

(b) Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology) and in accordance with WAC 173-22-035, which contains the definitions and methods for determining whether the criteria below are met.

Commented [RW4]: UPDATED PER MODEL ORDINANCE

(1) Category I. Category I wetlands represent unique or rare wetland types; are more sensitive to disturbance than most wetlands; are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or provide a high level of functions. In Lake Stevens Category I wetlands may include:

i Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program/DNR;

ii Bogs;

iii Mature and old-growth forested wetlands larger than 1 acre; and

iv Wetlands that perform many functions well (scoring 23 points or more).

(2) Category II. In Lake Stevens Category II wetlands may include wetlands with a moderately high level of functions (scoring between 20 and 22 points) that are difficult though not impossible to replace and provide high levels of some functions.

(3) Category III. In Lake Stevens Category III wetlands may include:

i Wetlands with a moderate level of functions (scoring between 16 and 19 points);

ii Can often be adequately replaced with a well-planned mitigation project; and

iii Wetlands scoring between 16 and 19 points generally have been disturbed in some ways and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

(4) Category IV. In Lake Stevens Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that we should be able to replace, or in some cases to improve. These wetlands may provide some important functions, and should be protected to some degree.

(c) Illegal modifications. Wetland rating categories shall not change due to illegal modifications made by the applicant or with the applicant's knowledge.

14.88.810 Determination of Boundary.

(a) The Planning and Community Development Director or designee, relying on a field investigation supplied by an applicant and applying the wetland definition provided in this chapter, shall determine the location of the wetland boundary. Qualified professional and technical scientists shall perform

wetland delineations as part of a wetland identification report in accordance with WAC [173-22-035](#). Criteria to be included in a required wetland identification report may be found in Section [14.88.275](#), Mitigation/Enhancement Plan Requirements. The applicant is required to show the location of the wetland boundary on a scaled drawing as a part of the permit application.

- (b) When the applicant has provided a delineation of the wetland boundary, the Planning and Community Development Director [or designee](#) shall verify the accuracy of, and may render adjustments to, the boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the Planning and Community Development Director shall, at the applicant's expense, obtain expert services to render a final delineation.
- (c) The Planning and Community Development Director, when requested by the applicant, may waive the delineation of boundary requirement for the applicant and, in lieu of delineation by the applicant, perform the delineation. The Planning and Community Development Director [or designee](#) shall consult with qualified professional scientists and technical experts or other experts as needed to perform the delineation. The applicant will be charged for the costs incurred. Where the ~~Planning and Community Development Director~~ [city](#) performs a wetland delineation at the request of the applicant, such delineation shall be considered a final determination. (Ord. 855, Sec. 25, 2011; Ord. 797, Sec. 6, 2009; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.820 Allowed Activities.

Except where regulated by other sections of this or any other title or law, and provided they are conducted using best management practices, the following uses and activities shall be allowed and regulated within wetlands and their buffers when the requirements of Sections [14.88.830](#) and [14.88.840](#) have been met and mitigation adequate to alleviate any other impacts has been proposed.:

[\(a\)](#) Those uses listed in Section [14.88.220](#).

~~[\(b\)](#) In Category IV wetlands only, access to developable portions of legal lots where:~~

- ~~(1) There is no other reasonable method of accessing the property;~~
- ~~(2) Altering the terrain would not cause drainage impacts to neighboring properties; and~~
- ~~(3) Not more than 2,500 square feet of wetland is impacted. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)~~

[\(b\)](#) Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.

[\(c\)](#) Stormwater management facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, Runoff Treatment or Flow Control BMP if the following criteria are met:

- [\(1\) The location of the stormwater management facility is restricted to the outer 25 percent of the buffer around the wetland;](#)
- [\(2\) There will be "no net loss" of functions and values of the wetland;](#)
- [\(3\) The wetland does not contain a breeding population of any native amphibian species;](#)
- [\(4\) The hydrologic functions of the wetland can be improved;](#)

Commented [RW5]: THIS SECTION UPDATED FOR CONSISTENCY WITH MODEL ORDINANCE

- (5) The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing, and
- (6) All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and permits;
- (7) Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost would have to be compensated/replaced.
- (8) Stormwater LID BMPs required as part of New and Redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.

14.88.825 Exemptions

The following wetlands may be exempt from the requirement to avoid impacts and they may be filled if the impacts are fully mitigated based on the remaining actions. If available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank.

(a) All isolated Category IV wetlands less than 4,000 square feet:

- (1) Not associated with riparian areas or their buffers;
- (2) Not associated with shorelines of the state or their associated buffers;
- (3) Not part of a wetland mosaic;
- (4) Do not score 5 or more points for habitat function based on the 2014 update to the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication #14-06-029, or as revised and approved by Ecology); and
- (5) Do not contain a Priority Habitat or a Priority Area for a Priority Species identified by the Washington Department of Fish and Wildlife, do not contain federally listed species or their critical habitat, or species of local importance.

(b) Wetlands less than 1,000 square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this Chapter.

14.88.830 Requirements.

- (a) Buffers. Wetland buffers shall be required for all regulated activities adjacent to regulated wetlands as provided in Table 14.88-II, unless modified ~~per subsection (b) or (c) of this section~~ elsewhere in this chapter.
- (1) Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field. The width of the wetland buffer zone shall be determined according to wetland category and the proposed land use. ~~These buffers have been established to reflect the impact of low and high intensity uses on wetland functions and values.~~

- (2) [To facilitate long-range planning using a landscape approach, the Planning and Community Development Director or designee may pre-assess wetlands using the rating system and establish appropriate wetland buffer widths for such wetlands. The Administrator will prepare maps of wetlands that have been pre-assessed in this manner.](#)
- (3) [All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. Buffers must be fully vegetated in order to be included in buffer area calculations. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.](#)

Table 14.88-II

Category	Land Use	HS 29-36	HS 20-28	HS <20
I	High	190	95	65
	Low	125	65	45
II	High	190	95	65
	Low	125	65	45
III	High	N/A	95	50
	Low		65	35
IV	High	N/A	N/A	35
	Low			20

(b) [The buffer widths in Table 14.88-II assume that the standard buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should be planted to create the appropriate plant community or the non-mitigated buffer should be widened to ensure that adequate functions of the buffer are provided.](#)

Table 14.88-II Wetland Buffer Requirements

Wetland Category	Buffer Condition*	Buffer width in feet based on habitat scores			
		3-4	5	6-7	8-9
Category I	Standard	75	105	165	225
	No Mitigation	100	140	220	300
Category I (High Value)	Standard	190			225
	No Mitigation	250			300

Commented [RW6]: UPDATE FOR CONSISTENCY WITH REVISED WETLAND GUIDANCE AND MODEL ORDINANCE

Category II	Standard	75	105	165	225
	No Mitigation	100	140	220	300
Category III	Standard	60	105	165	225
	No Mitigation	80	140	220	300
Category IV	Standard	40			
	No Mitigation	50			

* The buffer condition directly affects the required buffer width. A standard buffer width is to be used when the buffer is vegetated or will be planted to comply with LSMC 14.88.830(b); otherwise, an increased buffer is required when limited vegetation exists or no mitigation is proposed to enhance buffer functions.

Table 14.88-III Required Measures to minimize impacts to wetlands (measures are required if applicable to a specific proposal)

Commented [RW7]: UPDATE FOR CONSISTENCY WITH MODEL ORDINANCE

<u>Disturbance</u>	<u>Required Measures to Minimize Impacts</u>
<u>Lights</u>	<ul style="list-style-type: none"> • <u>Direct lights away from wetland</u>
<u>Noise</u>	<ul style="list-style-type: none"> • <u>Locate activity that generates noise away from wetland</u> • <u>If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source</u> • <u>For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional 10-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer</u>
<u>Toxic runoff</u>	<ul style="list-style-type: none"> • <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u> • <u>Establish covenants limiting use of pesticides within 150-feet of wetland</u> • <u>Apply integrated pest management</u>
<u>Stormwater runoff</u>	<ul style="list-style-type: none"> • <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u> • <u>Prevent channelized flow from lawns that directly enters the buffer</u> • <u>Use Low Intensity Development techniques (for more information refer to the drainage ordinance and manual)</u>
<u>Change in water regime</u>	<ul style="list-style-type: none"> • <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> • <u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion</u> • <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u>
<u>Dust</u>	<ul style="list-style-type: none"> • <u>Use best management practices to control dust</u>

(b) (c) Increased Wetland Buffer Widths. The Planning and Community Development Director shall require increased standard buffer zone widths on a case-by-case basis when a larger buffer is necessary to protect wetland functions and values based on local conditions. This determination shall be supported by appropriate documentation showing that it is reasonably related to protection of the functions and values of the regulated wetland. Such determination shall be attached as a permit condition and shall demonstrate that:

Commented [RW8]: UPDATE FOR CONSISTENCY WITH MODEL ORDINANCE

- ~~(1) A larger buffer is necessary to maintain viable populations of existing species; or~~
- ~~(2) The wetland is used by species proposed or listed by the Federal Government or the State as endangered, threatened, sensitive, critical or outstanding potential habitat for those species or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees. An applicant must consult with the State Department of Fish and Wildlife to confirm any special recommendations for candidate or monitor species as listed for approval by the Planning and Community Development Director; or~~
- ~~(3) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impacts, or the adjacent land has minimal vegetative cover or slopes greater than 15-30 percent.~~

- (1) The wetland is used by a state or federally listed plant or animal species or has essential or outstanding habitat for those species, or has unusual nesting or resting sites such as heron rookeries or raptor nesting trees; or
- (2) The adjacent land is susceptible to severe erosion, and erosion-control measures will not effectively prevent adverse wetland impacts; or
- (3) The adjacent land has minimal vegetative cover or slopes greater than 30 percent.

~~(c)~~ (d) Wetland Buffer Width Averaging. Wetland buffer widths may be modified by averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer. Wetland buffer width averaging shall be allowed only where the applicant demonstrates all of the following as demonstrated in accordance with an approved critical report:

- ~~(1) The averaging will not impair or reduce the habitat, water quality purification and enhancement, stormwater detention, groundwater recharge, shoreline protection, erosion protection, and other functions and values of the wetland and buffer; and~~
- (2) The buffer is increased adjacent to the higher functioning area and decreased adjacent to lower-functioning area; and
- ~~(3) The total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging.~~

~~(d)~~ (e) Buffer Conditions. Except as otherwise specified, wetland buffers shall be retained in their natural condition.

- (1) Where buffer disturbance may or has occurred during construction, revegetation with native wetland vegetation may be required appropriate for the ecoregion or with vegetation performing similar functions.

(2) If the existing buffer is unvegetated, sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer should be planted to create the appropriate plant community or the buffer should be widened to ensure that adequate functions of the buffer are provided.

(e) Permitted Uses in a Wetland Buffer. Regulated activities shall not be allowed in a buffer zone except for the following:

~~(1) Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These may include low intensity, passive recreational activities such as pervious trails, nonpermanent wildlife watching blinds, short term scientific or educational activities, and sports fishing or hunting;~~

~~(2) For Category III and IV wetlands, stormwater management facilities restricted to the outer 25 percent of the buffer around the wetland; or~~

~~(3) For Category III and IV wetlands, development having no feasible alternative location, pursuant to sequencing and subject to the mitigation requirements of LSMC 14.88.840.~~

(f) Buffer Reductions. Buffer reductions may be allowed for ~~Category III or IV wetlands~~, provided the applicant demonstrates the proposal meets the criteria in subsections (f)(1) through (4) of this section and either subsection (f)(5) or (6) of this section. Buffer width reduction proposals that meet the criteria as determined by the Planning and Community Development Director or designee shall be reduced by no more than 25 percent of the required buffer ~~and shall not be less than 25 feet in width.~~

(1) The buffer area meets buffer area planting in Section 14.88.275 and has less than 15 percent slopes; and

(2) A site-specific evaluation and documentation of buffer adequacy is based on consideration of the best available science as described in Section 14.88.235; and

(3) Buffer width averaging as outlined in subsection (c) of this section is not being used; and

(4) A buffer enhancement plan is proposed that would significantly improve the function and value of ~~the a degraded wetland~~ and buffer subject to mitigation requirements of LSMC 14.88.840; and either

(5) The subject property is separated from the wetland by pre-existing, intervening, and lawfully created structures, public roads, or other substantial improvements. The pre-existing improvements must be found to separate the subject upland property from the wetland by height or width that prevents or impairs the delivery of buffer functions to the wetland. In such cases, the reduced buffer width shall reflect the buffer functions that can be delivered to the wetland; or

(6) The wetland scores ~~less than 20~~ 5 points for wildlife habitat in accordance with the rating system applied in Section 14.88.800, and mitigation is provided based on Section 14.88.840(b) and Table 14.88-III, when determined appropriate based on the evaluation criteria in Section 14.88.840(f).

Table 14.88-III: Disturbance Mitigation

Examples of Disturbance	Activities that May Cause Disturbance	Example Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, high density residential	Direct lights away from wetland
Noise	Manufacturing, high density residential	Place activity away from wetland
Pets and humans	Residential areas	Landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets
Dust	Tilled fields	Best management practices for dust control
Toxic runoff*	Parking lots, roads, manufacturing, residential areas, landscaping	-Route all new untreated runoff away from wetland while ensuring that wetland is not dewatered -Establish covenants governing use of pesticides within 150 feet of wetland -Apply integrated pest management

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Changes in Water Regime	Residential, commercial and industrial development	Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surface and lawn
Stormwater runoff	Parking lots, roads, manufacturing, residential areas, commercial areas, landscaping	-Retrofit stormwater detention and treatment for roads and existing adjacent development -Prevent channelized flow from lawns that directly enters buffer
*These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.		

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(g) Buffers may be modified when approved for the purpose of implementing innovative development design in accordance with Section [14.88.298](#). (Ord. 811, Sec. 92, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.840 Mitigation.

The mitigation sequence set forth in this section should be applied after impact avoidance and minimization measures have been taken.

(a) Location and Timing of Mitigation.

- (1) Restoration, creation, or enhancement actions should be undertaken on or adjacent to the site, or, where restoration, creation, or enhancement of a former wetland is proposed, within the same watershed. In-kind replacement of the impacted wetland is preferred for creation, restoration, or enhancement actions. The City may accept or recommend restoration, creation, or enhancement which is off site and/or out-of-kind, if the applicant can demonstrate that on-site or in-kind restoration, creation, or enhancement is unfeasible due to constraints such as parcel size or wetland type, or that a wetland of a different type or location is justified based on regional needs or functions;
 - (2) Whether occurring on site or off site, the mitigation project shall occur near an adequate water supply with a hydrologic connection to the wetland to ensure a successful wetlands development or restoration;
 - (3) Any approved proposal shall be completed before initiation of other permitted activities, unless a phased or concurrent schedule has also been approved by the Planning and Community Development Department;
 - (4) Wetland acreage replacement ratios shall be as specified in Table 14.88-IV;
 - (5) Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands.
 - (i) This provision may be used when:
 - a. The bank is certified under Chapter [173-700 WAC](#);
 - b. The Planning and Community Development Director [or designee](#) determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
 - c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.
 - (ii) Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
 - (iii) Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.
- (b) Mitigation Performance Standards.
- (1) All reasonable measures shall be taken to avoid and reduce impacts. When such avoidance and reduction is not reasonable, adverse impacts to wetland functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in Section [14.88.010\(a\)](#). Proposals which include less preferred or compensatory mitigation shall demonstrate that:
 - (i) All reasonable measures will be taken to reduce impacts and losses to the original wetland;
 - (ii) No overall net loss will occur in wetland functions, values and acreage; and

(iii) The restored, created or enhanced wetland will be as persistent and sustainable as the wetland it replaces.

(c) Wetland Replacement Ratios.

- (1) Where wetland alterations are permitted by this chapter, the applicant shall restore or create equivalent areas of wetlands in order to compensate for wetland losses. Equivalent areas shall be determined according to size, function, category, location, timing factors, and projected success of restoration or creation.
- (2) Where wetland creation is proposed, all required buffers for the creation site shall be located on the proposed creation site. Properties adjacent to or abutting wetland creation projects shall not be responsible for providing any additional buffer requirements.
- (3) The following acreage replacement ratios shall be used as targets. The Planning and Community Development Director may vary these standards if the applicant can demonstrate and the Planning and Community Development Director [or designee](#) agrees that the variation will provide adequate compensation for lost wetland area, functions and values, or if other circumstances as determined by the Planning and Community Development Department justify the variation.
- (4) The qualified scientific professional in the wetlands report may, where feasible, recommend that restored or created wetlands shall be a higher wetland category than the altered wetland.

(d) The Planning and Community Development Director may increase the ratios under the following circumstances:

- (1) Uncertainty exists as to the probable success of the proposed restoration or creation; or
- (2) A significant period of time will elapse between impact and replication of wetland functions.

(e) All wetland restoration, creation and/or enhancement projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action shall follow a mitigation plan prepared in conformance to the requirements of Section [14.88.275](#), Mitigation/Enhancement Plan Requirements.

(f) Mitigation ratios for the replacement of impacted wetlands shall be as listed in Table 14.88-IV. However, Table 14.88-IV shall not apply to bogs, because it is not possible to create or restore bogs due to their unique chemistry and hydrology. Therefore, impacts to bogs are considered to be a loss of functions and shall be avoided.

Table 14.88-IV: Wetland Mitigation Ratios

Affected Wetland Category	Mitigation Type and Ratio			
	Re-establishment or Wetland Creation	Rehabilitation	Re-establishment or Creation (R/C) and Enhancement (E)	Enhancement Only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 E	12:1
Category I – Forested	6:1	12:1	1:1 R/C and 10:1 E	24:1
Category I – Score Based	4:1	8:1	1:1 R/C and 10:1 E	16:1
Category I – Bog	Not possible	considered N/A	N/A	N/A

(Ord. 811, Sec. 92, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

(g) Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a minimum 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

(gh) The applicant may propose innovative site design based on the best available science and pursuant to Section 14.88.298 if the innovative development design will achieve protection equivalent to or better than the standard provisions of this Chapter. Approval of the innovative site design will be considered in combination with criteria listed in Section 14.88.298 if the design achieves the following:

- (1) The site design avoids impacts to the critical area; or
- (2) The site design increases the functions and/or values of the wetland and buffer with a combination of the following measures:
 - (i) Improving water quality functions and values of the wetland and buffer by reducing fine sediment and pollutant input in the watershed by increasing hydrologic retention and filtration;
 - (ii) Improving the hydrologic functions and values of the wetland and buffer by providing increased flood control adjacent to a stream channel or by improving water storage ability in the wetland system to increase groundwater recharge potential; and
 - (iii) Increasing habitat for aquatic, amphibian and invertebrate species and associated wetland bird and mammal species.

(i) Credit/Debit Method. As an alternative to the mitigation ratios found in the joint guidance *Wetland Mitigation in Washington State Parts I and II* (Ecology Publication #06-06-011a-b, Olympia, WA, March 2006), the Director or Designee may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in *Calculating Credits and Debits for Compensatory Mitigation in*

[Wetlands of Western Washington: Final Report, \(Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised\).](#)

Part IX. Transfer of Development Rights

14.88.900 Definitions.

- (a) "Development rights" are those rights granted to a property owner under a particular zoning district.
- (b) "Transferable rights" include dwelling unit equivalents (density) and commercial/industrial square footage. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.910 Intent and General Regulations of Transferring Development Rights (TDR).

- (a) The purpose in allowing the transfer of density is:
 - (1) To allow for the transfer of development rights out of critical areas into buildable areas; and
 - (2) To allow a property owner to recover a portion of the development value from property that may be used for a public purpose.
- (b) TDR is not a guarantee that full development value can be recovered from a parcel of land designated as a sending area. Certain market forces may limit demand for density transfers including limitations placed on critical area receiving district capacities; particularly where all such districts are built out. Value of development rights shall be determined by the market for said rights and shall in no way be the responsibility of the City of Lake Stevens.
- (c) All transfers must be consistent with the policies of the City's Comprehensive Plan and the provisions of this chapter. In particular, land developed within a critical area receiving district through the transfer of development rights shall comply with all use, dimensional, parking, screening, etc., requirements as set forth in this title.
- (d) Development rights may be transferred out of areas designated as critical area sending districts and only into areas designated as critical area receiving districts. They may be transferred within or across ownership boundaries.
- (e) When development rights are transferred off site, the property owners shall provide and enter into a contract with one another which, at a minimum, shall acknowledge their participation and acceptance. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.920 Qualifications for Designation of Land as a Critical Area Sending or Receiving District.

- (a) All areas classified as a critical area by this chapter shall be considered critical area sending districts. Additionally, land that does not qualify as an critical area but which has been determined by City Council to be land suitable for a public purpose may be designated as critical area sending districts by the Planning and Community Development Director with the concurrence of the majority ownership of the land.
- (b) Any parcel or portion of a parcel on which development can occur per this title may be designated as a critical area receiving district by the Planning and Community Development Director with the concurrence of the majority ownership of the land. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.930 Designation Process.

- (a) Critical area sending or receiving districts are considered overlay zones allowed per Section [14.88.920](#), Qualifications for Designation of Land as a Critical Area Sending or Receiving District. Designation as a critical area sending or receiving district is the equivalent of a rezone and shall be accomplished by the same process as specified in Section [14.16C.090](#).
- (b) Underlying land use and zoning designations may be changed by the legislative authority granted to the City through its normal Comprehensive Plan amendment or rezoning procedures. However, the land will retain the critical area sending district designation until that designation is specifically removed.
- (c) Land designated as a critical area sending or receiving district shall be shown as an overlay district on the Official Zoning Map. The map shall be modified upon each designation or revocation.
- (d) Designation or revocation as a critical area sending or receiving district shall be recorded with the Snohomish County recorder's office and shall run with the land. (Ord. 903, Sec. 55, 2013; Ord. 811, Sec. 74, 2010; Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.940 Designation Revocation.

- (a) Land that has been designated as a critical area sending district shall retain its designation:
 - (1) Until all development rights calculated for that parcel have been transferred; or
 - (2) For a period of three years, whereby the designation may be reviewed for reconsideration. The designation may be continued upon all of the following findings being met:
 - (i) The property retains the same characteristics that qualified it as a critical area receiving district in the first place.
 - (ii) The owner(s) of the property desire a continuation of the designation.
 - (iii) It is still in the public interest to continue the designation.
- (b) Land that has been designated a critical area receiving district shall retain its designation until the property has yielded its development potential.
- (c) The Council may reconsider designation revocation of a noncritical area when it determines that the property is no longer suitable for public use.
- (d) Revocation of a critical area sending or receiving district designation shall not affect the underlying land use designation or zone. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

14.88.950 Calculating Transferable Development Rights.

- (a) Maximum transferable development rights shall be calculated for each parcel or portion of a parcel by calculating the theoretical development capacity were the land not classified as a critical area. Theoretical development capacity is calculated based on the requirements of this title, in particular Chapter [14.48](#), Density and Dimensional Regulations, but also taking into account the requirements of all other chapters (e.g., parking, screening, fire code, building code, etc.).
- (b) Only like development rights may be transferred, and may only be transferred to a zone allowing a similar use, e.g., commercial square footage may be transferred out of a commercial district and into

another commercial district or an industrial district that allows commercial uses. (Ord. 773, Sec. 2, 2008; Ord. 741, Sec. 2, 2007)

Part X. Mitigation Plan Requirements

14.88.960 Criteria.

Repealed by Ord. 741. (Ord. 468, 1995)

DRAFT



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:
Amendments to the City of Lake Stevens Municipal Code Chapter 14.88 – Critical Areas
2. Name of applicant:
City of Lake Stevens
3. Address and phone number of applicant and contact person:
Russ Wright, Planning and Community Development Director
City of Lake Stevens
1812 Main Street / PO Box 257
Lake Stevens, WA 98258

(425) 212 - 3315
4. Date checklist prepared:
January 29, 2016
5. Agency requesting checklist: **City of Lake Stevens**
6. Proposed timing or schedule (including phasing, if applicable):

SEPA Determination:	February 5, 2016
Planning Commission Public Hearing:	March 2, 2016
City Council Public Hearing (1 st Reading):	March 22, 2016
City Council Public Hearing (2 nd Reading) / Adoption:	April 26, 2016
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Not applicable, this is a Non-project action
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Best Available Science reviewed is available in project folder
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

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.)

The City of Lake Stevens is proposing amendments to Chapter 14.88 of the Lake Stevens Municipal Code. 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 (1) and (5). City of Lake Stevens Planning and Community Development staff have completed a review of the entire Critical Areas regulation Chapter 14.88 LSMC and are proposing some minor updates to the full chapter in addition to modest updates for permitting process clarification and inclusion of the 2014 changes to the Wetland Rating System for Western Washington manual.

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 regulations apply to critical areas and buffers 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:

The City of Lake Stevens' topography includes steep slopes, ravines, hilly and some flat land areas.

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

Moderate slopes between 15 and 40 percent, and some steep slopes over 40 percent exist within the city boundaries of Lake Stevens

- 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.

The city contains the following soil series:

- Tokul gravelly loam
- Mukilteo Muck
- Everett gravelly sandy loam
- Norma loam
- Urban Land
- Disturbed/Fill
- Winston gravelly loam
- Bellingham silty clay loam
- McKenna gravelly silt loam
- Rober silt loam
- Pastik silt loam
- Terric Medisaprist

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

yes no

If so, describe.

The Land Capability Classification from the USDA Web Soil Survey shows soil types ranging from 2e to 7e. This index rates the suitability of soil for cultivation. This means some soil types in the city are potentially unstable depending on site conditions, such as soil depth, water content and may be susceptible to erosion without proper soil management. The Tokul, Winston, and Paskit series are most susceptible to erosion. The Bellingham, McKenna, and Pilchuck series may be unstable with excessive water.

- 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

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

Not applicable, this is a Non-project action

- 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

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

Not applicable, this is a Non-project action

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

- 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

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

Not applicable, this is a Non-project action

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 city of Lake Stevens has several bodies of water including Lake Stevens, Catherine Creek, Stevens Creek, Lundeen Creek, Stitch Lake and associated wetland complexes. Catherine Creek flows into Little Pilchuck Creek.

- 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

- 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

- 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

- 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.

The city of Lake Stevens has lands with 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

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

- 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

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

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

Not applicable, this is a Non-project action

- 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

- 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

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

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

Not applicable, this is a Non-project action

- 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

- 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 within the boundaries of the City of 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

- 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

- 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

- 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

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

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

Not applicable, this is a Non-project action

- 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

- 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

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

- 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

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

Not applicable, this is a Non-project action

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?

Some parcels within the city of Lake Stevens were likely used for agriculture in the past. Currently, some larger parcels include fruit trees and may still have farm animals. This is a non-project action and no farmland or forest land of long-term commercial significance exist within the city boundaries of Lake Stevens, therefore no tax status conversion is expected.

- 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

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

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

Critical Areas are located across multiple zones within the City of Lake Stevens. There are multiple densities of residential, commercial, industrial, mixed use and public zones throughout the City.

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

Critical Areas are located across multiple comprehensive plan designations within the City of Lake Stevens. There are multiple densities of residential, commercial, industrial, mixed use and public comprehensive plan designations throughout the City.

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 proposed regulations amend the current critical area regulations to better protect their habitats and functions. 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

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

- 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

- 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.

Not applicable, this is a Non-project action

- 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

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

Not applicable, this is a Non-project action

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

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

- 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

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

Not applicable, this is a Non-project action

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

Not applicable, this is a Non-project action

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

- 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

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

- 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

- 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

- 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

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

- 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

- 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

- 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

- 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

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

Not applicable, this is a Non-project action

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

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

Not applicable, this is a Non-project action

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

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: Amy L Lucas

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

Date Submitted: 2/5/16

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.

Proposed measures to avoid or reduce such increases are:

The amendments are being proposed to update the Critical Areas regulations within Lake Stevens to better protect wetlands, fish and wildlife habitat areas, geohazardous areas and flood hazard areas. Avoiding and mitigating impacts to critical areas will likely prevent increased discharge of pollutants to water.

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

The proposal aims to better protect critical areas and is likely to have a positive effect on plants, animals and fish. No marine life is present in Lake Stevens.

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

The proposed amendments include measures based on Best Available Science and Washington Department of Ecology's 2014 updates to the Wetland Scoring System which aim to better protect wetlands and associated fish, mammal and bird species. Other updates include adding critical area study requirements and mitigation plan requirements to better assess the existing conditions of the site and to assist staff with permitting decisions that affect critical areas. These amendments intend to better protect or conserve plants, animals and fish. Any future development proposals would be subject to applicable regulations related to plants, animals and fish.

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

The proposal is not likely to deplete energy or natural resources. The amendments regulate critical areas and buffers within Lake Stevens.

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

Any proposed development will be required to comply with applicable regulations to protect or conserve energy and natural resources.

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 aims to better protect critical areas and is likely to better protect environmentally sensitive areas or areas designated for governmental protection.

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

The proposed amendments include measures based on Best Available Science and Washington Department of Ecology's 2014 updates to the Wetland Rating System which aim to better protect environmentally sensitive areas. Other updates include adding critical area study requirements and mitigation plan requirements to better assess the existing conditions of the site and to assist staff with permitting decisions that affect environmentally sensitive areas. Any proposed development will be required to comply with Chapter 14.88 – Critical Areas, and Title 16 – SEPA, of the Lake Stevens Municipal Code.

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 amends critical area regulations outside of the Shoreline jurisdiction and will not likely affect land and shoreline use or allow or encourage land or shoreline uses incompatible with existing plans.

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

Any future development proposals within the Shoreline jurisdiction of Lake Stevens will be required to comply with the City of Lake Stevens Shoreline Master Program and regulations.

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:

Any future development proposals will be required to submit a traffic impact analysis report and comply with applicable transportation, public service and utility requirements.

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, the Department of Ecology Wetland

Exhibit 2b



**DETERMINATION
OF NONSIGNIFICANCE**

Issuance Date: February 5, 2016

Project Name (No.): City of Lake Stevens Critical Areas Regulations Update

Proponent: City of Lake Stevens

Applicant: City of Lake Stevens
1812 Main Street / P.O. Box 257
Lake Stevens, WA 98258

Description of Proposal: The City of Lake Stevens is proposing updates to Chapter 14.88 – Critical Areas, of the Lake Stevens Municipal Code. 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 (1) and (5). City of Lake Stevens Planning and Community Development staff have completed a review of the entire Critical Areas regulation Chapter 14.88 LSMC and are proposing some minor updates to the full chapter in addition to modest updates for permitting process clarification and inclusion of the 2014 changes to the Wetland Rating System for Western Washington manual.

Project Location (including street address, if any): Within City Limits of Lake Stevens

Contact Person: Amy Lucas, Associate Planner **Phone:** (425) 377 - 3226

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: 
Russ Wright, Planning Director, City of Lake Stevens

Comments on the Threshold Determination: If you would like to comment on this Threshold Determination, your written comments should be sent to the address below by February 19, 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, February 19, 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.



Department of Commerce

Innovation is in our nature.

Notice of Intent to Adopt Amendment 60 Days Prior to Adoption

Indicate one (or both, if applicable):

- Comprehensive Plan Amendment**
- Development Regulation Amendment**

Pursuant to RCW 36.70A.106, the following jurisdiction provides notice of intent to adopt a proposed comprehensive plan amendment and/or development regulation amendment under the Growth Management Act.

(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 Lake Stevens, WA 98258
Date:	01/28/2016

Contact Name:	Amy Lucas
Title/Position:	Associate Planner
Phone Number:	(425) 377 – 3226
E-mail Address:	alucas@lakestevenswa.gov

Brief Description of the Proposed/Draft Amendment: <i>(40 words or less)</i> <i>If this draft amendment is provided to supplement an existing 60-day notice already submitted, then please provide the date the original notice was submitted and the Commerce Material ID number (located in your Commerce acknowledgement letter.)</i>	<i>The City of Lake Stevens is proposing amendments to Chapter 14.88 LSMC – Critical Areas. The update includes changes to incorporate the Department of Ecology 2014 Update to the Wetland Rating System. Other updates to the code include clarifications and criteria additions to improve the permitting decision process and increase efficiency. Minor clerical changes are also proposed.</i>
Public Hearing Date:	Planning Board/Commission: March 2, 2016 Council/County Commission: April 26, 2016
Proposed Adoption Date:	April 26, 2016

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

February 1, 2016

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

Dear Ms. Lucas:

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 Chapter 14.88 LSMC - Critical Areas. The update includes changes to incorporate the Department of Ecology 2014 Update to the Wetland Rating System. Other updates to the code include clarifications and criteria additions to improve the permitting decision process and increase efficiency. Minor clerical changes are also proposed. These materials were received on January 29, 2016 and processed with the Material ID # 22050.

We have forwarded a copy of this notice to other state agencies.

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, then final adoption may occur no earlier than March 29, 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 4a

From: [Jill Meis](#)
To: [Stacie Pratschner](#)
Subject: FW: SEPA Determination for Posting
Date: Wednesday, December 28, 2016 3:13:26 PM
Attachments: [image002.png](#)
[image003.png](#)

Jill Meis, Assistant Planner

City of Lake Stevens | Planning & Community Development

1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
425.377.3226 | jmeis@lakestevenswa.gov

Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.

From: Jill Meis
Sent: Wednesday, February 3, 2016 10:16 AM
To: 'Daily Herald Legals' <legals@heraldnet.com>
Subject: RE: SEPA Determination for Posting

Thank you!

Jill Meis
Permit Specialist
City of Lake Stevens
Permit/Planning Department
425-377-3223



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.

From: Daily Herald Legals [<mailto:legals@heraldnet.com>]
Sent: Wednesday, February 3, 2016 10:11 AM
To: Jill Meis <jmeis@lakestevenswa.gov>
Subject: Re: SEPA Determination for Posting

Jill,
I have scheduled the notice for DNS, Critical Areas Regulations Update to publish Friday, February 5, 2016.

Thank you.

On Wed, Feb 3, 2016 at 9:51 AM, <jmeis@lakestevenswa.gov> wrote:

Hello:

Can you please publish this notice by 02-05-2016?

Thank you,

Jill Meis
Permit Specialist
City of Lake Stevens
Permit/Planning Department
[425-377-3223](tel:425-377-3223)



Please note that this email correspondence may be subject to the public disclosure requirements of RCW 42.56.

From: Amy Lucas
Sent: Wednesday, February 3, 2016 9:17 AM
To: Jill Meis <jmeis@lakestevenswa.gov>
Subject: SEPA Determination for Posting

Hi Jill,

Here is the SEPA Determination for the proposed amendments to the Critical Areas chapter of the Lake Stevens Municipal Code to post and publish. I've dated it for Friday, February 5, 2016.

Thanks,
Amy

Amy L. Lucas, Associate Planner
City of Lake Stevens
1812 Main Street | PO Box 257
Lake Stevens, WA 98258-0257
Permit Center Hours: M-F 8:00AM – 5:00PM
[\(425\) 377- 3226](tel:425-377-3226)
alucas@lakestevenswa.gov



Exhibit 4c

ATTACHMENT C

Letter for the Public Record

City of Lake Stevens Planning Commission June 1, 2016

Critical Areas Update

May 29, 2016

Fellow Commissioners:

The concept of sustainability is a tripod: A. economic development B. social equity/property rights/public process C. environmental protections. The top of the tripod is our quality of life. The devil is in the details, of course.

As we ponder the state recommended changes to Critical Areas: Wetlands, there are some hard and difficult questions about C. Environmental Protections:

- A. Lake Stevens is a highly stressed body of water:
 - 1. Lake levels: in the past two years we have had historic High Pool Levels
 - a. Submerged docks b. shoreline erosion c. fringe flooding D. citizen complaints
 - 2. Lake levels: in the past two years we have had historic Low Pool Levels
 - a. recreation impacts due to shoaling b. propeller damage c. higher water temp. d. lower dissolved O2 e. citizen complaints
 - 3. Water quality is a constant battle:
 - a. Alum treatments b. milfoil wars c. mats of algae in May! D. algae blooms in winter! E. phosphorous and nitrogen loading
 - 4. Cultural and natural Eutrophication: lakes age and fill in with sediment(natural), but human impacts can increase the rate of eutrophication and impacts: i.e. invasive species
 - 5. Inflow/outflow turnover rates are woefully minimal for such a large lake

Unfortunately, the state wetland update does little to address our specific problem. While reclassifying wetland categories and adjusting buffers mostly on Habitat Scores may behoove much of Western WA, it does not seem particularly appropriate in much of our highly developed Lake Basin drainages.

These two functions seem more relevant for our Lake and its health:

Wetland Function: WA Dept. of Ecology (A Landowners Guide to Wetlands)

Groundwater Recharge and Streamflow Maintenance (the sponge effect)

Aquifers and groundwater are "recharged," that is, replenished with water by precipitation that seeps into the ground and by surface waters. Those wetlands connected to groundwater systems or aquifers are important areas for groundwater exchange. They retain water and so provide time for infiltration to occur. Groundwater, in turn, provides water for drinking, irrigation, and maintenance of streamflow and lake and reservoir levels. During periods of low streamflow (or low lake water levels), the slow discharge of

groundwater often helps maintain minimum water levels. In addition, wetlands located along streams, lakes, and reservoirs may release stored water directly into these systems, thus also contributing to their maintenance. Wetlands' many intricate connections with groundwater, streamflow, and lake and reservoir water levels make them essential in the proper functioning of the hydrologic cycle. (my underline)

Flood Protection/Damaging High Lake Levels

Almost any wetland can provide some measure of flood protection by holding the excess runoff after a storm, and then releasing it slowly. The size, shape, location, and soil type of a wetland determine its capacity to reduce local and downstream flooding. While wetlands cannot prevent flooding, they do lower flood peaks by temporarily holding water and by slowing the water's velocity. Wetland soil acts as a sponge, holding much more water than other soil types. Even isolated wetlands can reduce local flooding -- if the wetlands were not there to hold stormwater runoff, backyards and basements might end up under water.

Recommendations:

- 1. Commission a review of relevant, timely Best Available Science on Hydrogeologic Functions of Wetlands and associated buffers, i.e.: groundwater recharge, flood protection, water quality, mitigating aquatic hypoxia. Habitat is nice, but we know red winged blackbirds like wetlands. We need data on groundwater release, storage, and quality.**

Then, if needed:

- 2. Bring all Lake Basin Buffers for Class III and Class IV Category Wetlands, regardless of land use intensity and habitat score, into line with Snohomish County CAR update, State Ecology Recommendations, and City of Sammamish CAR Update(a comparable jurisdiction and often used in comparisons with City of Lake Stevens.) We are at least 5-??? feet more narrow than all of the above with no discernible citations of support using Best Available Science.**

But in the long term:

- 3. Commission a standing committee of stakeholders, experts, and staff to study Eutrophication Effects, Human Impacts such as Phosphorous Loading, Climate Change, etc. Alum, milfoil, beach closures, shoreline erosion repairs are all stop-gap measures. It is time we get ahead of the curve.**

Thanks,

Sorry I could not be at the meeting.

Tom Matlack