

City of Lake Stevens Mission Statement

The City of Lake Stevens' mission is not only to preserve the natural beauty that attracted so many of its citizens, but to enhance and harmonize with the environment to accommodate new people who desire to live here. Through shared, active participation among Citizen, Mayor, Council, and City Staff, we commit ourselves to quality living for this and future generations.

Growth in our community is inevitable. The City will pursue an active plan on how, when, and where it shall occur to properly plan for needed services, ensure public safety, and maintain the unique ambience that is Lake Stevens.

REGULAR CITY COUNCIL MEETING AGENDA
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street NE, Lake Stevens
Monday, January 24, 2011 - 7:00 p.m.

NOTE: **WORKSHOP ON VOUCHERS AT 6:45 P.M.**

CALL TO ORDER: 7:00 p.m.
Pledge of Allegiance

ROLL CALL:

GUEST BUSINESS:

CONSENT AGENDA: *A. Approve January 2011 vouchers. Barb

PUBLIC HEARING: PUBLIC HEARING FORMAT:

1. Open Public Hearing
2. Staff presentation
3. Council's questions of staff
4. Proponent's comments
5. Comments from the audience
6. Close public comments portion of hearing
7. Discussion by City Council
8. Re-open the public comment portion of the hearing for additional comments (optional)
9. Close Hearing
10. COUNCIL ACTION:
 - a. Approve
 - b. Deny
 - c. Continue

*A. Consideration of first reading of Ordinance No. 843, private landscape usage of public right-of-way. Mick

ACTION ITEMS:

*A. Approve minutes of January 10, 2011 regular meeting. Norma

*B. Approve minutes of January 18, 2011 special and workshop meetings. Norma

*C. Approve Supplemental No. 1 to LMN Architects contract for subarea planning. Becky

Lake Stevens City Council Regular Meeting Agenda

January 24, 2011

**DISCUSSION
ITEMS:**

- *A. Shoreline Master Program Review.
- *B. Lake Stevens sedimentation quality study.

Becky
Mick

**COUNCIL
PERSON'S
BUSINESS:**

MAYOR'S BUSINESS:

STAFF REPORTS:

**INFORMATION
ITEMS:**

**EXECUTIVE
SESSION:**

ADJOURN:

* ITEMS ATTACHED
** ITEMS PREVIOUSLY DISTRIBUTED
ITEMS TO BE DISTRIBUTED

THE PUBLIC IS INVITED TO ATTEND

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, (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, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

**BLANKET VOUCHER APPROVAL
 2011**

We, the undersigned Council members of the City of Lake Stevens, Snohomish County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the following vouchers have been approved for payment:

Payroll Direct Deposits		
Payroll Checks		
Claims	31217-31262	\$38,106.56
Electronic Funds Transfers	290-292	\$4,751.43
Void Checks		
Tax Deposit(s)		
Total Vouchers Approved:		\$42,857.99

This 24th day of January 2011:

 Mayor

 Councilmember

 Finance Director

 Councilmember

 Councilmember

 Councilmember



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Direct Deposit Register

19-Jan-2011

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

19-Jan-2011	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
9407	Department of Retirement (Pers	C	\$3,578.50	290	Wells Fargo	121000248	4159656917
9408	NATIONWIDE RETIREMENT SOL	C	\$770.47	291	Wells Fargo	121000248	4159656917
9405	Wash State Support Registry	C	\$402.46	292	Wells Fargo	121000248	4159656917
Total:			\$4,751.43		Count:	3.00	

Direct Deposit Summary

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	3	\$4,751.43

Pre-Note Transactions

Detail Check Register

18-Jan-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
31217	18-Jan-11	13322	Snohomish County Cities		\$35.00	
01.20.11 mtg	Jan 2011 Meeting			\$35.00	\$0.00	\$35.00
001001511604300	Legislative - Travel & Mtgs			\$35.00		
31218	18-Jan-11	13322	Snohomish County Cities			\$100.00
2011 dues	2011 Membership			\$100.00	\$0.00	\$100.00
001001511604901	Legislative - Prof. Developmen			\$100.00		
Total Of Checks:						\$135.00

Detail Check Register

20-Jan-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
31219	24-Jan-11	105	Assoc. Of Washington Cities		\$555.00
2011 mbrshp		2011 mbrshp and testing fees		\$555.00	\$0.00
101016542004100		Street Fund - Professional Ser		\$277.50	
410016542404101		Storm Water - Professional Ser		\$277.50	
31220	24-Jan-11	13670	Black Rock Cable, Inc		\$735.00
17900		Fiber Optic 01/11 pmt		\$735.00	\$0.00
001013519906401		General Government - Capital E		\$588.00	
101016595616100		Street Fund Capital		\$73.50	
410016595406400		Capital Projects		\$73.50	
31221	24-Jan-11	13387	Brinda Ward		\$195.00
2011		2011 Boot Allowance		\$195.00	\$0.00
001010576802600		Parks - Clothing		\$65.00	
101016542002600		Street Fund - Clothing		\$65.00	
410016542402600		Storm Water-Clothing		\$65.00	
31222	24-Jan-11	11952	Carquest Auto Parts Store		\$24.41
2421-151896		Wiper switch		\$24.41	\$0.00
101016542004800		Street Fund - Repair & Mainten		\$24.41	
31223	24-Jan-11	13810	Christian Wade		\$50.00
Award		2010 Holiday Lights award		\$50.00	\$0.00
001010575304900		Arts Commission		\$50.00	
31224	24-Jan-11	276	City Of Lake Stevens		\$32.05
858		Retainage - New Chapter		\$32.05	\$0.00
001007558004100		Planning - Professional Servic		\$1.15	
001007559004100		Building Department - Professi		\$1.15	
001008521004100		Law Enforcement - Professional		\$17.10	
001013519904100		General Government - Professio		\$5.75	
001013555504100		Community Center - Cleaning		\$4.60	
101016542004100		Street Fund - Professional Ser		\$1.15	
410016542404101		Storm Water - Professional Ser		\$1.15	
31225	24-Jan-11	12004	CITY OF MARYSVILLE		\$437.50
5747		Professional svcs - Hwy 9		\$437.50	\$0.00
001013519904100		General Government - Professio		\$437.50	
31226	24-Jan-11	296	Code Publishing Co.		\$383.25
37137		2011 Web Hosting - Municipal Code		\$383.25	\$0.00
001003514104100		City Clerks-Professional Servi		\$383.25	
31227	24-Jan-11	91	Corporate Office Supply		\$70.03
112777i		Cups		\$11.89	\$0.00

Detail Check Register

20-Jan-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521003100			Law Enforcement - Office Suppl	\$11.89	
113165i			Supplies	\$58.14	\$0.00
410016542403101			Storm Water - Office Supplies	\$58.14	
31228	24-Jan-11	381	Databar, Inc.		\$411.45
185344			Check stock	\$411.45	\$0.00
001004514233100			Finance - Office Supplies	\$411.45	
31229	24-Jan-11	13027	DEPARTMENT OF LICENSING		\$306.00
Mutiple permits			Weapons Permits	\$306.00	\$0.00
633008586000000			Gun Permit - State Remittance	\$306.00	
31230	24-Jan-11	13782	Department of Revenue		\$1,120.93
Q4.2010			Q4.2010 Leasehold Excise Tax	\$1,120.93	\$0.00
633013586000005			Leasehold Excise Tax Remit	\$1,120.93	
31231	24-Jan-11	12800	DEPT OF CORRECTIONS		\$487.34
MCC4591 1210			Repair & Maint	\$487.34	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$487.34	
31232	24-Jan-11	13140	emGovPower		\$5,000.00
693			2011 software support	\$5,000.00	\$0.00
001004514234800			Finance - Fin. Software Maint	\$3,550.00	
101016542004105			Computer Software - Support	\$650.00	
410016542404104			Computer Software - Support	\$800.00	
31233	24-Jan-11	505	Everett Stamp Works		\$23.78
1841			Nameplates	\$23.78	\$0.00
001007558604900			Planning Commission - Miscella	\$23.78	
31234	24-Jan-11	13509	Industrial Supply, Inc		\$9.72
472959			Supplies	\$9.72	\$0.00
101016542003102			Street Fund Operating Costs	\$9.72	
31235	24-Jan-11	13327	Jennifer Anderson		\$195.00
1/17-1/31/11			Dep Care Reim	\$195.00	\$0.00
001000281000000			Payroll Liabilities	\$195.00	
31236	24-Jan-11	13431	Jonathan Stevens		\$195.00
2011			2011 Boot Allowance	\$195.00	\$0.00

Detail Check Register

20-Jan-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001010576802600			Parks - Clothing	\$65.00	
101016542002600			Street Fund - Clothing	\$65.00	
410016542402600			Storm Water-Clothing	\$65.00	
31237	24-Jan-11	13199	Justin Evans		\$195.00
2011			2011 Boot Allowance	\$195.00	\$0.00
001010576802600			Parks - Clothing	\$65.00	
101016542002600			Street Fund - Clothing	\$65.00	
410016542402600			Storm Water-Clothing	\$65.00	
31238	24-Jan-11	12512	KEVIN WOMACK		\$195.00
2011			2011 Boot Allowance	\$195.00	\$0.00
001010576802600			Parks - Clothing	\$65.00	
101016542002600			Street Fund - Clothing	\$65.00	
410016542402600			Storm Water-Clothing	\$65.00	
31239	24-Jan-11	626	Lake Stevens Chamber of Commer		\$120.00
2411			2011 dues	\$120.00	\$0.00
001013519904900			General Government - Miscellan	\$120.00	
31240	24-Jan-11	12751	LAKE STEVENS POLICE GUILD		\$880.00
1/15/11			Union Dues	\$880.00	\$0.00
001000281000000			Payroll Liabilities	\$880.00	
31241	24-Jan-11	860	Lake Stevens Sewer District		\$585.00
January 2011			Utilities - sewer	\$585.00	\$0.00
001008521004700			Law Enforcement - Utilities	\$65.00	
001010576804700			Parks - Utilities	\$130.00	
001012572504700			Library - Utilities	\$65.00	
001013519904700			General Government - Utilities	\$260.00	
101016542004700			Street Fund - Utilities	\$32.50	
410016542404700			Storm Water-Aerat. Utilities	\$32.50	
31242	24-Jan-11	13716	Mike Bredstrand		\$195.00
2011 Boot			2011 Boot Allowance	\$195.00	\$0.00
001010576802600			Parks - Clothing	\$65.00	
101016542002600			Street Fund - Clothing	\$65.00	
410016542402600			Storm Water-Clothing	\$65.00	
31243	24-Jan-11	13622	Monte L Ervin		\$195.00
2011			2011 Boot Allowance	\$195.00	\$0.00
001010576802600			Parks - Clothing	\$65.00	
101016542002600			Street Fund - Clothing	\$65.00	
410016542402600			Storm Water-Clothing	\$65.00	
31244	24-Jan-11	13711	New Chapter Cleaning		\$608.95

Detail Check Register

20-Jan-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
858			Janitorial Services	\$608.95	\$608.95
001007558004100			Planning - Professional Servic	\$21.85	
001007559004100			Building Department - Professi	\$21.85	
001008521004100			Law Enforcement - Professional	\$324.90	
001013519904100			General Government - Professio	\$109.25	
001013555504100			Community Center - Cleaning	\$87.40	
101016542004100			Street Fund - Professional Ser	\$21.85	
410016542404101			Storm Water - Professional Ser	\$21.85	
31245	24-Jan-11	12684	NORTHWEST CASCADE INC.		\$215.40
1-237663			Equipment rental	\$215.40	\$215.40
001010576804500			Parks - Equipment Rental	\$215.40	
31246	24-Jan-11	12450	PITNEY BOWES		\$176.00
2815967-JA11			Postage machine rental	\$176.00	\$176.00
001013519904500			General Government-Equip Renta	\$176.00	
31247	24-Jan-11	13381	Proforce Law Enforcement		\$1.02
Aukerman			SWX-Taser - McCourt	\$1.02	\$1.02
001008521002600			Law Enforcment Clothing	\$1.02	
31248	24-Jan-11	1177	Puget Sound Clean Air Agency		\$1,890.50
11 054S			Q1.2011 Clean Air Assessment	\$1,890.50	\$1,890.50
001013531705100			General Government - Air Pollu	\$1,890.50	
31249	24-Jan-11	11869	PUGET SOUND ENERGY		\$481.05
1/7/11			Utilities - gas	\$289.87	\$289.87
001010576804700			Parks - Utilities	\$96.62	
101016542004700			Street Fund - Utilities	\$96.62	
410016542404701			Storm Water Utilities	\$96.63	
1/8/11			Utilities - gas	\$191.18	\$191.18
001010576804700			Parks - Utilities	\$63.73	
101016542004700			Street Fund - Utilities	\$63.73	
410016542404701			Storm Water Utilities	\$63.72	
31250	24-Jan-11	13237	Rex Ubert		\$195.00
2011			2011 Boot Allowance	\$195.00	\$195.00
001010576802600			Parks - Clothing	\$65.00	
101016542002600			Street Fund - Clothing	\$65.00	
410016542402600			Storm Water-Clothing	\$65.00	
31251	24-Jan-11	11856	Robin Newman		\$195.00
2011			2011 Boot Allowance	\$195.00	\$195.00

Detail Check Register

20-Jan-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001010576802600			Parks - Clothing	\$65.00	
101016542002600			Street Fund - Clothing	\$65.00	
410016542402600			Storm Water-Clothing	\$65.00	
31252	24-Jan-11	858	Rotary Club of Lake Stevens		\$100.00
91			2011 Dues	\$100.00	\$0.00
001008521004900			Law Enforcement - Miscellaneou	\$100.00	
31253	24-Jan-11	13717	Seth Waltz		\$195.00
2011			2011 Boot Allowance	\$195.00	\$0.00
001010576802600			Parks - Clothing	\$65.00	
101016542002600			Street Fund - Clothing	\$65.00	
410016542402600			Storm Water-Clothing	\$65.00	
31254	24-Jan-11	1343	SIRCHIE FINGER PRINT		\$152.15
0022402-IN			Evidence Seals	\$152.15	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$152.15	
31255	24-Jan-11	12961	SNOHOMISH COUNTY PUD		\$2,063.39
100022831			Utilities - electric	\$283.08	\$0.00
001010576804700			Parks - Utilities	\$94.36	
101016542004700			Street Fund - Utilities	\$94.36	
410016542404701			Storm Water Utilities	\$94.36	
100022832			Utilities - electric	\$229.38	\$0.00
001010576804700			Parks - Utilities	\$76.46	
101016542004700			Street Fund - Utilities	\$76.46	
410016542404701			Storm Water Utilities	\$76.46	
140115857			Utilities - electric	\$93.41	\$0.00
001008521004700			Law Enforcement - Utilities	\$93.41	
153406838			Utilities - electric	\$1,457.52	\$0.00
001008521004700			Law Enforcement - Utilities	\$1,457.52	
31256	24-Jan-11	1356	SNOPAC		\$18,361.57
4603			Dispatch Services	\$16,082.57	\$0.00
001008528005100			Law Enforcement - Snopac Dispa	\$16,082.57	
4622			Access Assessment	\$554.00	\$0.00
001008528005100			Law Enforcement - Snopac Dispa	\$554.00	
4631			SWX-VRM Reimbursement	\$1,725.00	\$0.00

Detail Check Register

20-Jan-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008528005100			Law Enforcement - Snopac Dispa	\$1,725.00	
31257	24-Jan-11	13178	The Daily Herald		\$42.75
1/11 - 4/11			Subscription	\$42.75	\$0.00
001013519904900			General Government - Miscellan	\$42.75	
31258	24-Jan-11	1491	The Everett Herald		\$297.95
1723442			Advertising - RFP	\$47.60	\$0.00
001007558004400			Planning - Advertising	\$47.60	
1723929			Advertising - RFQ	\$50.40	\$0.00
001007558004400			Planning - Advertising	\$50.40	
1724892-01			Advertising - Employment	\$199.95	\$0.00
001007558004400			Planning - Advertising	\$199.95	
31259	24-Jan-11	13429	Trevor Mann		\$195.00
2011			2011 Boot Allowance	\$195.00	\$0.00
001010576802600			Parks - Clothing	\$65.00	
101016542002600			Street Fund - Clothing	\$65.00	
410016542402600			Storm Water-Clothing	\$65.00	
31260	24-Jan-11	13045	UPS		\$1.56
074Y42			Evidence Shipping	\$1.56	\$0.00
001008521004200			Law Enforcement - Communicatio	\$1.56	
31261	24-Jan-11	1579	VILLAGE ACE HARDWARE		\$152.81
27574			Glue	\$3.79	\$0.00
101016542004800			Street Fund - Repair & Mainten	\$3.79	
27700			Lights	\$125.93	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$62.97	
001012572504800			Library - Repair & Maint.	\$62.96	
27711			Light bulbs	\$8.67	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$8.67	
27771			Cleaning Supplies	\$6.60	\$0.00
001013519903100			General Government - Operating	\$6.60	
27809			Fasteners	\$7.82	\$0.00
410016542404800			Storm Water - Repairs & Maint.	\$7.82	

Detail Check Register

20-Jan-11

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
31262	24-Jan-11	12253	WFOA			\$50.00
5627		2011 Dues		\$50.00	\$0.00	\$50.00
001004514234900		Finance - Miscellaneous		\$50.00		
Total Of Checks:						\$37,971.56



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 24 January 2011

Subject: Code Amendment – New Section – Private Landscape Usage of Public Right of Way
(Chapter 14.56.270 LSMC)

Contact Mick Monken **Budget Impact:** NA
Person/Department: Public Works

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Conduct a Public Hearing, provide direction to staff for any changes, and have first reading of Ordinance No. 843.

SUMMARY/BACKGROUND: The City of Lake Stevens has allowed the practice of private property owners placing landscaping enhancement within the public right-of-way. This has been a non-regulated practice and in most cases has not presented issues for the City. When a public safety issue or need for relocation of private enhancement has been identified by the City, the majority of property owners have responded voluntarily and addressed the issue. However, there have been some cases where a property owner has refused or challenged the City's authority to enforce a safety correction or need to relocate for public improvements created by private enhancement within the public right-of-way. This code would provide the City with a guideline, enforcement procedure, and cost recovery associated with the need to remove, relocate, or maintain private landscaping within the public right-of-way.

An expedited review was requested of the Department of Commerce, which was denied, and a 60 day review to 22 January 2011 was required (Exhibit B). A SEPA Determination of Non-Significance was issued on 15 December 2010 (Exhibit C) and no comments were received. The City Council Public Hearing was posted in the Everett Herald (Exhibit D).

APPLICABLE CITY POLICIES: This Land Use Code amendment is considered a Type VI Legislative Action in accordance with LSMC Table 14.16A-I which requires a Public Hearing by the Planning Commission for a recommendation to the City Council and a Public Hearing by the City Council before a final decision. The Planning Commission held their Public Hearing on 5 January 2011 and the attached Ordinance 843 is their recommendation (Exhibit E).

BUDGET IMPACT: None

ATTACHMENTS:

- ▶ Exhibit A: Draft Ordinance 843
- ▶ Exhibit B: Department of Commerce – Acknowledgement of Code Action dated 30 November 2010
- ▶ Exhibit C: SEPA Determination of Non-Significance dated 15 December 2010
- ▶ Exhibit D: City Council Public Hearing Notice
- ▶ Exhibit E: Planning Commission Recommendation Letter dated 5 January 2011

EXHIBIT A

CITY OF LAKE STEVENS
LAKE STEVEN, WASHINGTON

ORDINANCE NO. 843

**AN ORDINANCE OF THE CITY OF LAKE STEVENS,
WASHINGTON, AMENDING A PORTION OF TITLE 14
OF THE LAKE STEVENS MUNICIPAL CODE BY ADDING
A NEW SECTION 14.56.270 REGARDING THE PRIVATE
LANDSCAPE USAGE OF PUBLIC RIGHT-OF-WAY;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, the City regulates the usage of public right-of-way; and

WHEREAS, the general use of the public right-of-way is to provide for public usage for vehicle transportation, non-motorized travel, utilities, and the placement of other public services; and

WHEREAS, adjacent to public right-of-way is often private property; and

WHEREAS, portions of unimproved public right-of-way often is desired to be used by an adjacent private property owner for the purpose of the placement of non-permanent landscaping; and

WHEREAS, the City will allow non-permanent landscape usage by adjacent private property owners provided that such placement is consistent with this amendment and does not block, limit, or restrict the public's usage of a public right-of-way; and

WHEREAS, the City held a workshop with the Planning Commission on 1 December 2010, seeking input and comments; and

WHEREAS, the Planning Commission held a Public Hearing on 5 January 2011, seeking input, comments, and a recommendation to provide to the City Council; and

WHEREAS, the City prepared a State Environmental Policy Act (SEPA) environmental checklist and issued a SEPA determination of non-significance for adoption of this Ordinance and published notice in the Lake Stevens Journal; and

WHEREAS, in taking the actions set forth in this Ordinance, the City has complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW; and

ORDINANCE 843

WHEREAS, the City submitted the proposed code amendment on 23 November 2010 to the Washington State Department of Commerce: and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DO ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT. Chapter 14.56 LSMC of the City of Lake Stevens is hereby amended by adding a new section 14.56.270 to read as follows:

14.56.270 Private Landscape Usage of Public Right-of-way

- (a) Right-of-way dedicated for the purpose of public use may be used by an adjacent private property owner for landscape enhancement as described in subsection (b) of this section, or as described in subsection (c) of this section if approved in writing by the Public Works Director, and provided the enhancement does not:
- (1) Occur within a right-of-way adjacent to a designated State Route without prior approval from WSDOT of the proposed enhancement
 - (2) Create a sight distance condition for both the public and the adjacent properties within the public right-of-way; and
 - (3) Impact or alter existing drainage flows or existing drainage systems within the right-of-way; and
 - (4) Obstruct pedestrian movement as existing prior to any enhancement work; and
 - (5) Come within 3 feet from the edge of the existing driving lane; and
 - (6) Have a casted cement concrete, asphalt, or metal foundation; and
 - (7) Add additional impervious surface; and
 - (8) Create a glare from the sun or headlights that affect users of the public right-of-way; and
 - (9) Have electrical power service; and
 - (10) Require mechanical excavation for placement; and
 - (11) Include a sign or moving object (ie: wind or self power operated yard display).
 - (12) Create a health, safety, and welfare concern or issue to the public as determined by the Public Works Director.
- (b) Private enhancement allowed within the public right-of-way requires the approval of the Public Works Director unless included in the following:
- (1) Manicured lawn.
 - (2) Ground cover, bushes, shrubs and plants.
 - (3) City approved street trees.
 - (4) Non structure landscaping walls less than 3 feet in height.
 - (5) Paver bricks and concrete patio type step blocks.
 - (6) Landscaping rocks no larger than 6 inch at the widest point.
 - (7) Landscaping bark.
 - (8) Mail box.

ORDINANCE 843

- (9) Irrigation system up to 5/8 inch in diameter pipe size.
- (10) Gravel shoulder using a crush surface base course material with fines that allows for compaction.
- (c) Requests for an approval for the placement of an enhancement within the public right-of-way not included in section (b) shall be submitted in writing to the Public Works Director. The request must include a detailed description of the proposed enhancement and a sketch showing the location of the proposed enhancement. The Public Works Director shall provide a written response to all requests either approving or denying approval. If a request is denied, an explanation will be provided. The decision of the Public Works Director shall be final and conclusive and there shall be no right of appeal.
- (d) A Right-of-way permit per LSMC 14.56.250 will be required prior to private enhancement being placed in the public right-of-way with the following private enhancements being exceptions:
 - (1) Manicured lawn.
 - (2) Ground cover, bushes, shrubs and plants.
 - (3) Paver bricks and concrete patio type step blocks.
 - (4) Landscaping bark.
- (e) Any private enhancement placed within the public right-of-way may be required by the City to be removed at some future date. When practical, the City shall give 15 calendar days notification to the adjacent property owner to remove such enhancement. In the event that the adjacent property owner does not remove such enhancements following the 15 calendar days notification or the Public Works Director determines that an immediate action is needed, such as a safety, weather related, or part of a construction project, that requires the use of the public right-of-way, the City may take immediate action to remove any enhancement within the public right-of-way. The costs of such abatement by the City shall be the responsibility of the owner of the adjacent property. Such costs may be recovered by the City in accordance with the provisions of LSMC 9.60.210.
- (f) The owner of the adjacent property is responsible for the maintenance of private enhancement along its frontage and sides. If maintenance is needed for public safety, the City may perform the work without notification to the property owner. The costs of such maintenance shall be deemed costs of abatement and shall be the responsibility of the owner of the adjacent property. Such costs may be recovered by the City in accordance with the provisions of LSMC 9.60.210.
- (g) The City shall not be responsible to protect, preserve, or return any enhancements removed from the public right-of-way. No reimbursement will be made by the City for any loss, removal, or damage to said enhancements within the public right-of-way.
- (h) The City's cost of abatement or costs of maintenance shall be the City's actual costs plus an administrative fee of not less than 15%.
- (i) Enhancements installed and maintained in accordance with the provisions of this section shall not be deemed a nuisance under LSMC 9.60.170.

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

SECTION 3. EFFECTIVE DATE. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED by the City Council of the City of Lake Stevens this _____ day of _____, 2011.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk.

APPROVED TO FORM

Grant Weed, City Attorney

Passed by Council:

Published:

Effective Date:

Ordinance No. 843

ORDINANCE 843

EXHIBIT B



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

November 30, 2010

Karen Watkins
Principal Planner
City of Lake Stevens
1812 Main Street
Post Office Box 257
Lake Stevens, Washington 98258

Dear Ms. Watkins:

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 code amendment to allow property owners to use unimproved public right-of-way to install non-permanent enhancement typically in the form of landscaping or yard decorations. These materials were received on November 23, 2010 and processed with the material ID # 16386. Expedited Review is requested under RCW 36.70A.106(3)(b).

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

If you have submitted this material as a draft amendment requesting expedited review, then we have forwarded a copy of this notice to other state agencies for expedited review and comment. If one or more state agencies indicate that they will be commenting, then Commerce will deny expedited review and the standard 60-day review period (from date received) will apply. Commerce will notify you by e-mail regarding of approval or denial of your expedited review request. If approved for expedited review, then final adoption may occur no earlier than fifteen calendar days after the original date of receipt by Commerce. Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please call me at 360.725.3052.

Sincerely,

Linda Weyl
for

Dave Andersen
Planning Review Manager
Growth Management Services

EXHIBIT C



DETERMINATION OF NONSIGNIFICANCE

Issuance Date: December 15, 2010

Project Name (No.): Code Amendments – Private Landscape Usage of Public Right-of-Way (LS2010-15)

Proponent: City of Lake Stevens

Applicants: Public Works Department, City of Lake Stevens

Description of Proposal: The proposal is to amend the existing Title 14 Land Use Code by adding a new subsection (14.56.270) to Chapter 14.56 Streets and Sidewalks related to the private usage of public right-of-way for the placement of landscaping improvements.

Project Location: Jurisdictional limits of the City of Lake Stevens

Contact Person: Karen E. Watkins, Principal Planner, Phone: (425) 377-3221

Responsible Official: _____

Rebecca Ableman, SEPA Responsible Official
Planning Director, City of Lake Stevens

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 43.21.030(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 below.

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 29, 2010. 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 5, 2011. 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, Attn: Krista Stewart, P.O. Box 257, Lake Stevens WA, 98258.



EXHIBIT D

**NOTICE OF PUBLIC HEARING
Lake Stevens City Council**

**Public Hearing for Adoption of Code Amendments for
Private Landscaping Usage of Public Right-of-Way**

The Lake Stevens City Council is scheduled to conduct a public hearing on Monday, January 24, 2011 at 7:00 PM at the Lake Stevens School District Educational Center (12309 22nd Street NE, Lake Stevens) to consider proposed code amendments to Chapter 14.56 Streets and Sidewalks of the Lake Stevens Municipal Code.

The code amendment would allow property owners to use public right-of-way for landscaping elements including lawn, bushes, mailboxes, etc. A right-of-way permit or other permit or review may be required. Property owners would be required to remove the landscaping elements if the City needs to use the right-of-way in the future.

A copy of the proposed text amendment is available at the Planning and Community Development Department prior to the hearing. Public testimony on the proposed changes will be accepted at the hearing.

Comments regarding the proposed code amendments may be submitted orally during the hearing or in writing any time prior to the hearing by sending them to City Hall, attn: Mick Monken, PO Box 257, Lake Stevens, WA 98258, or by email at mmonken@ci.lake-stevens.wa.us.

EXHIBIT E



January 5, 2011

Council President Suzanne Quigley
Lake Stevens City Council
1812 Main Street
Lake Stevens, WA 98258

**SUBJECT: PLANNING COMMISSION RECOMMENDATION
Code Amendment – Private Landscaping Usage of Public Right-of-Way
(LS2010-15)**

Dear Council President Quigley and Council Members:

The Lake Stevens Planning Commission held a public hearing on Wednesday, January 5, 2011 to consider a proposed Code Amendment allowing private landscaping usage of public right-of-way. The Code Amendment will be considered by the Council later this month.

Commissioners in attendance were Chair Dan Ansbaugh, Co-Chair Linda Hoult, Dean Franz, and Sammie Thurber. Commissioner JR Myers was absent. Two Commissioner seats are currently unfilled,

Public Works staff presented the proposed text amendment and answered the Commission's questions.

PUBLIC COMMENTS

Two people provided testimony during the public hearing:

- Al Lansing, 10610 20th Street SE, is concerned with utility trucks making U-turns in his yard creating ruts. Mr. Monken said this ordinance would not address this problem but that he would work directly with Mr. Lansing.
- Tom Matlack, 2504 112th Drive NE, asked if a homeowner makes improvements in the ROW, over time could the homeowner say that is adverse possession and that they own that now. Public Works Director Monken said that public property never goes under adverse.

PLANNING COMMISSION RECOMMENDATION

MOTION – Commissioner Franz made a motion, seconded by Commissioner Hoult to recommend to Council approval of the Code Amendment as presented by staff; motion carried unanimously (4-0-0-0).

Respectfully submitted,

Lake Stevens Planning Commission



Dan Ansbaugh

, Chair



, Vice Chair

Linda Hoult

**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL MEETING MINUTES**

Monday, January 10, 2011

Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Mark Somers, Kim Daughtry, Marcus Tageant, Suzanne Quigley, and John Spencer

COUNCILMEMBERS ABSENT: Kathy Holder and Neal Dooley

STAFF MEMBERS PRESENT: Planning Director Becky Ableman, City Administrator Jan Berg, Finance Director/Treasurer Barb Lowe, Human Resource Director Steve Edin, Police Chief Randy Celori, and City Clerk/Admin. Asst. Norma Scott

OTHERS: Janice Huxford and Gary Petershagen

Excused Absence. Councilmember Tageant moved to excuse Councilmembers Holder and Dooley, seconded by Councilmember Somers; motion carried unanimously. (5-0-0-2)

Guest Business. None

Consent Agenda. Councilmember Daughtry moved to approve the Consent Agenda (A. Approve December 2010 vouchers Payroll Direct Deposits 903635-903760 in the amount of \$245,439.97, Payroll Checks 31049-31052, 31059-31063 in the amount of \$16,461.12, Claims 31053-31058, 31064-31171 in the amount of \$137,535.26, Electronic Funds Transfers 280-283 for \$10,533.71, Tax Deposit for 12.15.10, 12.31.10 in the amount of \$94,047.37 for total vouchers approved of \$504,017.43; B. Approve minutes of December 6, 2010 special and workshop meetings; and C. Approve minutes of December 13, 2010 regular meeting), seconded by Councilmember Tageant; motion carried unanimously. (5-0-0-2)

Elect Council President and Vice-President.

MOTION: Councilmember Spencer moved to nominate Councilmember Somers to continue as Vice-President and Councilmember Quigley as President, seconded by Councilmember Daughtry; motion carried unanimously. (5-0-0-2)

Confirm appointments of Janice Huxford and Gary Petershagen to the Planning Commission. Mayor Little briefly introduced his recommended appointees.

MOTION: Councilmember Quigley moved to confirm appointments of Janice Huxford and Gary Petershagen to the Planning Commission, seconded by Councilmember Tageant; motion carried unanimously. (5-0-0-2)

Designate Dianne White, City of Stanwood, as our representative to the Board of Health.

MOTION: Councilmember Tageant moved to designate Dianne White as our representative to the Board of Health, seconded by Councilmember Somers; motion carried unanimously. (5-0-0-2)

Approve Interlocal to purchase Channel 21 equipment. City Administrator Berg reported this agreement is to enhance our government access channel shared with four cities of Monroe, Sultan and Snohomish. The shared equipment is currently located at City Hall. Once the new equipment is installed each city can place their own data on Channel 21 themselves without going through our IT Department. The equipment will be moved to the Police Station where the facility has climate control. The total cost is \$26,500 which comes from each cities capital contributions. The fund is short by \$4,000 so each City will contribute an additional \$1,000.

MOTION: Councilmember Spencer moved to approve an interlocal to purchase Channel 21 equipment as part of the four city process, seconded by Councilmember Daughtry; motion carried unanimously. (5-0-0-2)

Council Person's Business: Councilmembers reported on the following: Tageant – Chamber of Commerce today; Spencer – Sewer Utility Subcommittee; and Daughtry – Family Center and Community Transit meetings last week.

Mayor's Business: Mayor Little attended the following: Chamber and Sewer Utility Subcommittee meetings.

Staff Reports: Staff reported on the following: City Administrator Berg – distributed a copy of proposed future Council agenda items; Planning Director Ableman – update on Shoreline Master Plan, (Councilmember Quigley recommended adding the sidewalk plan to the list since we are not receiving grant funds) advertised for RFP for on-going planning services; Finance Director/Treasurer Lowe – vouchers for 2010 and 2011 on next week's agenda; and Police Chief Celori – road rage shooting update and stabbing incident today.

Adjourn. Councilmember Quigley moved to adjourn at 7:34 p.m., seconded by Councilmember Spencer; motion carried unanimously. (5-0-0-2)

Vern Little, Mayor

Norma J. Scott, City Clerk/Admin. Asst.

**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL SPECIAL AND WORKSHOP MEETING MINUTES**

Tuesday, January 18, 2011
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little
COUNCILMEMBERS PRESENT: Mark Somers, Kim Daughtry, Kathy Holder, Suzanne Quigley, Neal Dooley and John Spencer
COUNCILMEMBERS ABSENT: Marcus Tageant
STAFF MEMBERS PRESENT: Planning Director Becky Ableman, City Administrator Jan Berg, Public Works Director/City Engineer Mick Monken, Finance Director/Treasurer Barb Lowe, Human Resource Director Steve Edin, and Police Chief Randy Celori
OTHERS:

Special Meeting

Excused absence. Councilmember Dooley moved to excuse Marcus, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

Approve 2010 vouchers. Councilmember Dooley moved to approve Claims 31176-31198, 31207-31215 in the amount of \$119,605.46 and supplemental Claims 31216 for \$33,866.49 for total 2010 vouchers approved of \$153,471.95, seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

Approve January 2011 vouchers. Councilmember Holder moved to approve Payroll Direct Deposits 903761-903819 in the amount of \$131,227.34, Payroll Checks 31172-31175 in the amount of \$8,749.21, Claims 31199-31206 in the amount of \$463,995.50, Electronic Funds Transfers 284-289 in the amount of \$138,362.78, Void Checks 31199-31202 for deduct of \$231,997.75, Tax Deposit 1-14-2011 for \$50,632.12 for total vouchers approved of \$560,969.20, seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

Adjourn. Councilmember Somers moved to adjourn at 7:04 p.m., seconded by Councilmember Dooley; motion carried unanimously. (6-0-0-1)

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Workshop

Council discussed the following: Economic Development Plan and Shoreline Master Program.

Adjourn. 8:50 p.m.

Suzanne Quigley, Council President

Vern Little, Mayor

Norma J. Scott, City Clerk/Admin. Asst.



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: January 24, 2011

Subject: Subarea Planning – LMN Architects Contract Supplemental No. 1

Contact Person/Department: Rebecca Ableman, Planning &
Community Development Director

Budget Impact: \$15,000

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

The action requested of Council is to approve Supplemental No. 1 of the LMN Architects Professional Services Agreement for a Citywide Economic Development Plan (Attachment 1 and 2) changing the Scope and Budget for Part B by replacing “Framework Plans” to “Subarea Plans” as shown in Exhibit A of the Supplemental and includes an additional budget of \$15,000.

SUMMARY:

On January 18th Council talked about the City moving forward with Subarea Planning for two Growth Centers, Lake Stevens Center (LSC) and 20th Street SE Corridor, this year to boost economic development. The consultants, LMN, are currently under contract and have begun preliminary work on “Framework” plans and have submitted a proposal to move that work into subarea planning for the two areas. The proposal also includes completion of the Framework Plan for Historic Downtown. Council also reviewed a staff recommendation to begin work on a Planned Action Ordinance for the two subareas. A Request for Qualifications has been published (Attachment 3) for which a separate contract will need to come forward for Council approval, estimated in mid February.

BACKGROUND:

This request is consistent with the work and recommendations of the Economic Development Strategy commissioned by the Council last year. The analysis shows that Lake Stevens has strong potential to improve its fiscal outlook by capitalizing on the community’s strengths and looking at the land use planning in at least 3 key areas. LSC and 20th Street SE are showing the more short range potential while new or redevelopment in Historic Downtown will likely occur in the longer term. It will be prudent for the City to be poised for economic development when the current slow economy turns around.

DISCUSSION:

As presented on January 18th, LMN is currently working on the Framework Plans in accordance with the current Professional Services Agreement. It is an efficient progression to move into subarea planning since much of the initial information and inventory analysis will be the same.

APPLICABLE CITY POLICIES:

The proposed subarea planning is consistent with the Economic Development Strategy recommendations.

BUDGET IMPACT:

An additional \$15,000 is needed to supplement the \$80,000 already budgeted in 2010 for Phase B work. Council approved \$300,000 in the 2011 budget for Economic Development and this would be a qualifying allocation.

ATTACHMENTS:

- 1 – Professional Services Agreement with LMN Architects executed May 13, 2010
- 2 – Proposed Supplemental 1 with Exhibit A Change in Scope of Work for Phase B
- 3 – Request for Qualifications related to Planned Action Ordinances for two subareas

Attachment 1

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
CITY OF LAKE STEVENS
AND LMN ARCHITECTS
FOR A CITYWIDE ECONOMIC DEVELOPMENT PLAN**

THIS AGREEMENT, made and entered into in Snohomish County, Washington, by and between CITY OF LAKE STEVENS, hereinafter called the "City," and LMN Architects, a Washington corporation, hereinafter called the "Consultant."

WHEREAS, the Consultant has represented, and by entering into this Agreement now represents, that the firm and all employees assigned to work on any City project are in full compliance with the statutes of the State of Washington governing activities to be performed and that all personnel to be assigned to the work required under this agreement are fully qualified and properly licensed to perform the work to which they will be assigned.

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performances contained hereinbelow, the parties hereto agree as follows:

ARTICLE I. PURPOSE

The purpose of this agreement is to provide the City with consulting services to complete a citywide economic development plan as described in Article II. The general terms and conditions of relationships between the City and the Consultant are specified in this agreement.

ARTICLE II. SCOPE OF WORK

The scope of work is set out in the attached Estimate of Professional Services for the Economic Development Plan, hereinafter referred to as the "scope of services," **Exhibit A**. All services and materials necessary to accomplish the tasks outlined in **Exhibit A** shall be provided by the Consultant unless noted otherwise in the scope of services or this agreement.

ARTICLE III. OBLIGATIONS OF THE CONSULTANT

III.1 MINOR CHANGES IN SCOPE. The Consultant shall accept minor changes, amendments, or revision in the detail of the work as may be required by the City when such changes will not have any impact on the service costs or proposed delivery schedule. Extra work, if any, involving substantial changes and/or changes in cost or schedules will be addressed as follows:

Extra Work. The City may desire to have the Consultant perform work or render services in connection with each project in addition to or other than work provided for by the expressed intent of the scope of work in the scope of services. Such work will be

Attachment 1

considered as extra work and will be specified in a written supplement to the scope of services, to be signed by both parties, which will set forth the nature and the scope thereof. All proposals for extra work or services shall be prepared by the Consultant at no cost to the City. Work under a supplemental agreement shall not proceed until executed in writing by the parties.

III.2 WORK PRODUCT AND DOCUMENTS. The work product and all documents listed in the scope of services shall be furnished by the Consultant to the City, and upon completion of the work shall become the property of the City, except that the Consultant may retain one copy of the work product and documents for its records. The Consultant will be responsible for the accuracy of the work, even though the work has been accepted by the City.

In the event that the Consultant shall default on this agreement or in the event that this contract shall be terminated prior to its completion as herein provided, all work product of the Consultant, along with a summary of work done to date of default or termination, shall become the property of the City. Upon request, the Consultant shall tender the work product and summary to the City. Tender of said work product shall be a prerequisite to final payment under this contract. The summary of work done shall be prepared at no additional cost to the City.

Consultant will not be held liable for reuse of these documents or modifications thereof for any purpose other than those authorized under this Agreement without the written authorization of Consultant.

III.3 TIME OF PERFORMANCE. The Consultant shall be authorized to begin work under the terms of this agreement upon signing this agreement and shall complete the work by December 31, 2010, unless a mutual written agreement is signed to change the schedule. An extension of the time for completion may be given by the City due to conditions not expected or anticipated at the time of execution of this agreement.

III.4 NONASSIGNABLE. The services to be provided by the Consultant shall not be assigned or subcontracted without the express written consent of the City.

III.5 EMPLOYMENT. Any and all employees of the Consultant, while engaged in the performance of any work or services required by the Consultant under this agreement, shall be considered employees of the Consultant only and not of the City, and any and all claims that may or might arise under the Workman's Compensation Act on behalf of any said employees while so engaged, and any and all claims made by any third party as a consequence of any negligent act or omission on the part of the Consultant or its employees while so engaged in any of the work or services provided herein shall be the sole obligation of the Consultant.

III.6 INDEMNITY.

a. The Consultant will at all times indemnify and hold harmless and defend the City, its elected officials, officers, employees, agents and representatives, from and against any and all lawsuits, damages, costs, charges, expenses, judgments and liabilities, including attorney's fees (including attorney's fees in establishing indemnification), collectively referred to herein as "losses" resulting from, arising out of, or related to one or more claims arising out of negligent acts, errors, or omissions of the Consultant in performance of Consultant's professional services under this agreement. The term "claims" as used herein

Attachment 1

shall mean all claims, lawsuits, causes of action, and other legal actions and proceedings of whatsoever nature, involving bodily or personal injury or death of any person or damage to any property including, but not limited to, persons employed by the City, the Consultant or other person and all property owned or claimed by the City, the Consultant, or affiliate of the Consultant, or any other person.

b. Should a court of competent jurisdiction determine that this agreement is subject to RCW 4.24.115, then, in the event of liability for damaging arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its members, officers, employees and agents, the Consultant's liability to the City, by way of indemnification, shall be only to the extent of the Consultant's negligence.

c. The provisions of this section shall survive the expiration or termination of this agreement.

III.7 INSURANCE.

a. **Minimum Limits of Insurance.** The Consultant shall, before commencing work under this agreement, file with the City certificates of insurance coverage to be kept in force continuously during this agreement, and during all work performed pursuant to all short form agreements, in a form acceptable to the City. Said certificates shall name the City as an additional named insured with respect to all coverages except professional liability insurance. The minimum insurance requirements shall be as follows:

(1) Comprehensive General Liability. \$1,000,000 combined single limit per occurrence for bodily injury personal injury and property damage; \$2,000,000 general aggregate;

(2) Automobile Liability. \$300,000 combined single limit per accident for bodily injury and property damage;

(3) Workers' Compensation. Workers' compensation limits as required by the Workers' Compensation Act of Washington;

(4) Consultant's Errors and Omissions Liability. \$1,000,000 per occurrence and as an annual aggregate.

b. **Endorsement.** Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, canceled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

c. **Acceptability of Insurers.** Insurance to be provided by Consultant shall be with a Bests rating of no less than A:VII, or if not rated by Bests, with minimum surpluses the equivalent of Bests' VII rating.

d. **Verification of Coverage.** In signing this agreement, the Consultant is

Attachment 1

acknowledging and representing that required insurance is active and current.

III.8 DISCRIMINATION PROHIBITED AND COMPLIANCE WITH EQUAL OPPORTUNITY LEGISLATION. The Consultant agrees to comply with equal opportunity employment and not to discriminate against client, employee, or applicant for employment or for services because of race, creed, color, religion, national origin, marital status, sex, age or handicap except for a bona fide occupational qualification with regard, but not limited to, the following: employment upgrading; demotion or transfer; recruitment or any recruitment advertising; layoff or terminations; rates of pay or other forms of compensation; selection for training, rendition of services. The Consultant further agrees to maintain (as appropriate) notices, posted in conspicuous places, setting forth the provisions of this nondiscrimination clause. The Consultant understands and agrees that if it violates this nondiscrimination provision, this agreement may be terminated by the City, and further that the Consultant will be barred from performing any services for the City now or in the future, unless a showing is made satisfactory to the City that discriminatory practices have been terminated and that recurrence of such action is unlikely.

III.9 UNFAIR EMPLOYMENT PRACTICES. During the performance of this agreement, the Consultant agrees to comply with RCW 49.60.180, prohibiting unfair employment practices.

III.10 AFFIRMATIVE ACTION. Affirmative action shall be implemented by the Consultant to ensure that applicants for employment and all employees are treated without regard to race, creed, color, sex, age, marital status, national origin or the presence of any sensory, mental or physical handicap, unless based on a bona fide occupational qualification. The Consultant agrees to take affirmative action to ensure that all of its employees and agent adhere to this provision.

III.11 LEGAL RELATIONS. The Consultant shall comply with all federal, state and local laws and ordinances applicable to work to be done under this agreement. This contract shall be interpreted and construed in accordance with the laws of Washington. Venue for any action commenced relating to the interpretation, breach or enforcement of this agreement shall be in Snohomish County Superior Court.

III.12 INDEPENDENT CONTRACTOR. The Consultant's relation to the City shall at all times be as an independent contractor.

III.13 CONFLICTS OF INTEREST. While this is a non-exclusive agreement the Consultant agrees to and will notify the City of any potential conflicts of interest in Consultant's client base and will seek and obtain written permission from the City prior to providing services to third parties where a conflict of interest is apparent. If a conflict is irreconcilable, the City reserves the right to terminate this agreement.

III.14 CITY CONFIDENCES. The Consultant agrees to and will keep in strict confidence, and will not disclose, communicate or advertise to third parties without specific prior written consent from the City in each instance, the confidences of the City or any information regarding the City or services provided to the City.

ARTICLE IV. OBLIGATIONS OF THE CITY

IV.1 PAYMENTS. The Consultant shall be paid by the City for completed work for services rendered under this agreement and as detailed in the scope of services as provided

Attachment 1

hereinafter. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the work. Payment shall be on a time and expense basis, provided, however, in no event shall total payment under this agreement exceed One Hundred Eighty Thousand dollars (\$180,000).

a. Invoices shall be submitted by the Consultant to the City for payment pursuant to the terms of the scope of services. The invoice will state the time expended, the hourly rate, a detailed description of the work performed, and the expenses incurred during the preceding month. Invoices must be submitted by the 20th day of the month to be paid by the 15th day of the next calendar month.

b. The City will pay timely submitted and approved invoices received before the 20th of each month within thirty (30) days of receipt.

IV.2 CITY APPROVAL. Notwithstanding the Consultant's status as an independent contractor, results of the work performed pursuant to this contract must meet the approval of the City, which shall not be unreasonably withheld if work has been completed in compliance with the scope of work and City requirements.

ARTICLE V. GENERAL

V.1 NOTICES. Notices to the City shall be sent to the following address:

CITY OF LAKE STEVENS
C/O Rebecca Ableman, Planning and Community Development Director
PO Box 257
LAKE STEVENS, WA 98258

Notices to the Consultant shall be sent to the following address:

LMN Architects
C/O Mark Hinshaw, Director of Urban Design
801 Second Ave., Suite 501
Seattle, WA 98104

Receipt of any notice shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

V.2 TERMINATION. The right is reserved by the City to terminate this agreement in whole or in part at any time upon ten (10) days' written notice to the Consultant.

If this agreement is terminated in its entirety by the City for its convenience, a final payment shall be made to the Consultant which, when added to any payments previously made, shall total the actual costs plus the same percentage of the fixed fee as the work completed at the time of termination applied to the total work required for the project.

V.3 DISPUTES. The parties agree that, following reasonable attempts at negotiation and compromise, any unresolved dispute arising under this contract may be resolved by a mutually agreed-upon alternative dispute resolution of arbitration or mediation.

Attachment 1

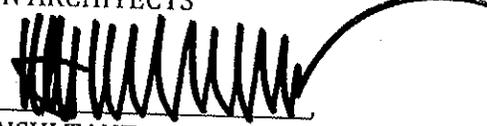
V.4 **NONWAIVER.** Waiver by the City of any provision of this agreement or any time limitation provided for in this agreement shall not constitute a waiver of any other provision.

DATED this 13 day of MAY, 2010.

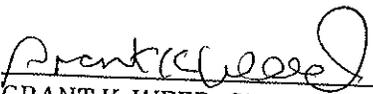
CITY OF LAKE STEVENS

By 
VERN LITTLE, MAYOR

LMN ARCHITECTS

By 
CONSULTANT
Walt Mrehoff, Partner-in-Charge

Approved as to form:


GRANT K. WEED, City Attorney

Attachment 1

Exhibit A to Professional Services Agreement – LMN Architects

Scope of Work

Citywide Economic Development Strategy / Sub-Area Framework Plans

May 3, 2010

Part A: Citywide Economic Development Strategy

This will involve an assessment of the entire city (including the urban growth area) to better understand the economic conditions, characteristics, qualities, and drivers affecting the City and each of its major commercial and mixed-use sub-areas (Downtown, 20th Street SE Corridor, Frontier Village, the Hartford Industrial District). It will build a base of economic information and gather up the visions for the City from City documents and key stakeholders. We will work from the bottom-up, looking at the fiscal realities of the city in order to help prioritize where the biggest effect is found in terms of stabilizing and enhancing revenues. Working top-down, we will also look at the strategic value of each sub-area and how they interrelate. For example, the downtown area, though comparatively small, plays a key role in attracting investment in other sub-areas.

1. Existing Conditions Analysis

Drawing on the City's adopted Comprehensive Plan, the City Council's recent visioning work, and the work previously conducted for the City by AHBL, we will prepare an assessment of the culture, history, landscape, economy, and character of Lake Stevens. This provides a factual base of information on which to determine opportunities and barriers and to develop a strategy for achieving the vision for the city and creating an economic development strategy. We will focus on four primary employment/retail/housing /industrial districts; data collected during this effort will benefit more detailed work in other Parts.

a. Data, Mapping, and Analysis (existing and new) including but not limited to:

- Land Use
- Zoning
- Developable land (vacant and underutilized) by sub-area
- Urban Design: Building mass and height, building typology, view sheds and corridors, public realm
- Natural Environment: water, topography, vegetation, habitat corridors, etc.
- Service Infrastructure: Evaluate network conditions and capacity of water, sewer, storm water, etc.
- "Green/Wet Infrastructure:" constraints and opportunities.
- Transportation: Circulation and congestion, pedestrian/bicycle/ transit facilities, trail systems, parking (evaluate current inventory)

b. Review of existing plans and studies to discover data, identify themes and visions for Lake Stevens, and assess barriers to development that may be present in existing policies and codes. Plans to be evaluated will include, at a minimum:

- Lake Stevens Comprehensive Plan
- Capital Improvement Program

Attachment 1

Exhibit A to Professional Services Agreement - LMN Architects

- Lake Stevens Zoning Code
- Plans by WDOT and other state, regional and county agencies affecting Lake Stevens
- Any recent submittals to the City (or County for UGA) by developers

c. **Interview Key Stakeholder Groups:** Using a combination of small focus groups and one-on-one meetings, the team will conduct confidential interviews with stakeholders to understand potential visions, opportunities, barriers, perceptions, and other issues for Lake Stevens that will shape the project. Categories of stakeholders to interview include:

- Property owners
- Key employers and business owners
- Representatives from important civic, cultural, business, and nonprofit organizations
- Residents
- Public officials, board members
- Representatives of retail, office, housing and industrial development groups

The purpose of the interviews is to understand the "attractors" that brought residents and businesses to the community, as well as barriers.

d. **Economic Assessment:** An assessment of the social and economic factors that will impact the ability and timing for Lake Stevens to achieve the vision.

- Determine existing and potential market factors for Downtown, 20th Street SE Corridor, Frontier Village, and the Hartford Industrial District.
- Demographic analysis including future population projections, household sizes, educational profile, psychographic profiles, economic profile (household incomes profile) and other pertinent data.
- Real estate market conditions and nearby competition, including position of Lake Stevens relative to surrounding communities.
- Fiscal impact - understanding current property taxes and cost of services to inform discussion about increasing the tax base.
- Employment (current and projected) by industry
- Analyze national economic, more specifically Pacific Northwest and State of Washington trends relative to potential or target industries appropriate for Lake Stevens (such as health care or "green" industries).
- Identify Strategic Sites in Downtown, 20th Street SE Corridor, Frontier Village and the Hartford Industrial District.
- Provide illustrative development programs in order to evaluate possibilities for selected sites or sub-areas to inform potential investors and enhance taxable value through both property value and sales tax generation
- Prioritize areas based on growth potential
- Assess alternative ways, if appropriate, of moving people and goods
- Assess existing and desired identity and character for each sub-area.

e. **Barriers and opportunities analysis:** Review all of the previous information to identify strategic opportunities for attracting investment and growing Lake Stevens' economy. Likewise, identify barriers (physical, financial, market, regulatory, and political) that stand in the way of attracting such investment.

Attachment 1

Exhibit A to Professional Services Agreement – LMN Architects

Deliverable: Report of Findings

This will consist of a concise report, with maps, tables, graphs, photos, and other material, along with annotated text describing the key issues, opportunities, strategic sites within the four identified major sub-areas. This document will help inform future recommendations and will be used to determine if we have captured everything that can underpin future actions. The Consultant will meet with the Council to review both shorter term and longer term implications of possible directions.

2. Meet with Council and Planning Commission

We will discuss the findings and possible strategies and to confirm/validate the vision for Lake Stevens as a guide for subsequent efforts. The result of the meeting should be a unified, overarching direction that will serve as a guide for tasks that follow.

3. Community Check-in

This serves as a “reality check” to determine if the assessment is on the right track, to gather additional feedback, and to begin the cultivation of “champions” to carry out eventual, recommended strategies.

a. Public Open House / Workshop - Optional Activity

- Review of Lake Stevens Vision
- Technical findings from existing conditions for each area
- Discussion of opportunities for each area
- Discussion of role of each sub-area to greater community
- Discussion of barriers to investment
- Discussion of character and preliminary development program for each area
- Draft Objectives and Principles

b. Create a listserv and/or blog for stakeholders to receive updates on the process, to schedule/advertise events and meetings, and to share comments.

c. Use the City’s website to garner input.

4. Craft Citywide Strategic Economic Development Plan

We will combine the findings from previous tasks and incorporate into the existing vision work for an overarching unified vision for the City. We will identify how the unified vision translates into unique strategies for the city as a whole and for each of the four identified sub-areas. This will be developed through several collaborative team workshops with the involvement of City staff, City Council and other selected city representatives. Elements of the economic development plan will include:

Attachment 1

Exhibit A to Professional Services Agreement – LMN Architects

- a. Confirmation of a unified vision statement for Lake Stevens
 - b. Definition of the role and character of each sub-area (Downtown, 20th Street SE Corridor, Frontier Village, Hartford Industrial District). For each sub-area, the Plan will identify:
 - Character of the city, profiles of each sub-area and relationship to other sub-areas (e.g., Downtown as the lakefront “resort” or historic village center, 20th Street SE Corridor as an employment node, Frontier Village as a local-serving retail center, etc.)
 - Development program (ranges) for key land uses
 - Public and private investment targets
 - Taxable value potential for each sub-area (property taxes and sales taxes)
 - Catalyst development projects: Key public and private projects that will build momentum and attract additional projects that will build taxable value and generate sales taxes. Each catalyst project will include a description of the location, program, planning-level cost, and public-private partnership strategies.
 - Key transportation issues and improvements (street typologies, pedestrian improvements, trail connections, transit linkages)
 - Public realm strategy: Parks, plazas, pedestrian network, greenbelts
 - Green Infrastructure: Lake, streams, wetlands, storm water management, etc.
 - c. Funding strategy outlining potential funding mechanisms, public-private partnerships, etc.
 - d. Prioritized implementation strategy identifying key strategic actions, order, timing, roles and responsibility, etc. Potential elements of the implementation strategy could include:
 - Prioritization of major capital investments (both within sub-areas and across the city)
 - Formation of or collaborations between advocacy groups to promote Lake Stevens
 - Specific marketing strategies, outreach, and promotion
 - Regulatory strategies: simplified code, design standards and guidelines, expedited permitting, etc.
 - Environmental Review: role of Planned Action EIS
 - Identification of each action item as a short-term, medium-term, or long-term action.
5. **Meet with Council and Planning Commission**
- We will discuss the draft plan with the City Council and Planning Commission. This discussion should clarify whether other information or analysis is needed. The objective would be to gain consensus that we have a draft that can be presented to the public. The Council and Consultant will also discuss the next steps in the scope with a possible adjustment of emphasis, depending on the conclusions of this part.
6. **Presentations**

Attachment 1

Exhibit A to Professional Services Agreement – LMN Architects

Upon City Council approval of the draft, begin a roll-out of the economic development strategy through public open houses, web sites, and other methods.

Deliverable: Draft City-wide Strategic Economic Development Plan

Taking into account any adjustment of emphasis, this document will include specific recommendations for each of the four major sub-areas, including:

- character
- mix of land uses and intensities
- investment targets
- catalyst projects
- estimates of general costs and revenues
- key concepts relating to transportation
- the public realm and green infrastructure
- the structure
- standards and procedures of a new land use code; and
- SEPA options.

We will identify immediate actions as well as longer term actions.

Total Cost – Part A: \$100,000.00

Part B. Applying the Overarching Strategy to Sub-Areas

For the Economic Development Strategies to be successful in attracting new investment and generating tax revenues, it is necessary to apply the strategies to all of the four major sub-areas within Lake Stevens: Downtown, 20th Street SE Corridor, Frontier Village and the Hartford Industrial District. There is an intimate relationship between economic strategies and physical planning. There is clear evidence that people and firms are attracted to great places; the challenge is how to make all four of these sub-areas good places to live, work or do business. We will develop framework plans to direct a unique combination of public investments, regulations, organizational and marketing tools.

1. Craft Framework Plans

- a) Development character and program (drawing from strategy in Part 1)
- b) General Development Concept
- c) Sub-Areas and Purposes
- d) Street Typologies
- e) Public Spaces and Pedestrian Connections
- f) Green Infrastructure Concept

2. Community Check-in

- a) Public Open House
- b) City Website

Attachment 1

Exhibit A to Professional Services Agreement – LMN Architects

3. Presentations

- a) Planning Commission
- b) City Council
- c) Community

Deliverable: Draft Framework Plans

This document will contain maps, diagrams, illustrations, vignettes to present a strong, clear set of directions for capturing the economic potential for each of the four identified sub-areas, along with a set of recommended code provisions and design standards tailored for each. The level of detail provided in the framework plans for each sub-area will match the short term actions indentified in Part A and provide recommended emphasis for each sub-area.

Implementation Actions

We would identify an initial set of specific actions that will need to be taken by the City, by itself or in partnership with other agencies, non-profits, non-governmental organizations and the private sector to carry out the recommended strategies. Below is a partial list of the types of actions that will be outlined. Each would need to be further refined and completed with more detailed work under subsequent efforts outside of this scope of work as directed by the City.

1. Major Public Investments
2. Grants and Funding Sources
3. CIP Reprogramming
4. Marketing and Promotion
5. Branding Efforts
6. Partnerships
7. Land Use Code and Design Standards
8. Property Use/Disposition
9. SEPA Approach
10. Refined Public Space Concepts
11. Civic Center Update
12. Detailed Transportation Planning
13. Access and Circulation
14. Streetscape Enhancements
15. Appropriate Staffing

Final Deliverable: Consolidated Plans

We will assemble the various documents generated for these parts and revise them as a result of comments from the stakeholders and with direction from the City staff and Council. They will be

Attachment 2

**SUPPLEMENTAL AGREEMENT NO. 1
TO
PROFESSIONAL SERVICES AGREEMENT
BETWEEN
CITY OF LAKE STEVENS
AND
LMN ARCHITECTS
FOR A CITYWIDE ECONOMIC DEVELOPMENT PLAN**

This Supplemental Agreement No1 is made and entered into on the 25th day of January, 2011, between the City of Lake Stevens, hereinafter called the "City" and LMN Architects, hereinafter called the "Consultant."

WITNESSETH THAT:

WHEREAS, the parties hereto have previously entered into an Agreement for a Citywide Economic Development Plan, hereinafter called the "Project," said Agreement being dated May 13, 2010, and

WHEREAS, both parties desire to supplement said Agreement, by expanding the Scope of Services to provide for Subarea Planning and to amend the total amount payable for this Agreement,

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

Each and every provision of the Original Agreement for Professional Services dated May 13, 2010 shall remain in full force and effect, except as modified in the following sections:

1. Article II of the Original Agreement, "SCOPE OF SERVICES", shall be supplemented to include the Scope of Services as described in Exhibit A1, attached hereto and by this reference made part of this Supplemental Agreement No. 1.

2. Article IV of the Original Agreement, "OBLIGATIONS OF THE CITY", Paragraph 4.1 Payments, the third sentence is amended to include the additional Consultant fee of \$15,000 and shall read as follows: ".shall total payment under this agreement exceed \$195,000.00"

The Total Amount payable to the Consultant is summarized as follows:

Original Agreement

\$180,000.00

Attachment 2

Supplemental Agreement No.1	\$ 15,000.00
Grand Total	\$195,000.00

3. Article III, Section 3.3 of the Original Agreement, "TIME OF PERFORMANCE", is amended to provide that all work shall be completed by January 31, 2012.

IN WITNESS WHEREOF, the parties hereto have executed this SUPPLEMENTAL AGREEMENT NO. 1 as of the day and year first above written.

CITY OF LAKE STEVENS

LMN Architects

By: _____
Mayor

By: _____
Its _____

ATTEST/AUTHENTICATED:

City Clerk

APPROVED AS TO FORM:

Lake Stevens City Attorney

Attachment 2

Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

Revised Phase B

SCHEDULE: Final work on the 3 plans described below will be completed no later than January 31, 2012.

I. Downtown Framework Plan

Scope of Work

Part 1: Inventory and Analysis

This part of the work establishes a solid baseline for the balance of the work to follow and produces the documentation as necessary to support the framework plan.

Task 1.1 - Inventory

We will take the time to review existing planning documents, demographic information and all other data necessary to establish a clear and accurate course for this process. We will also gather available GIS data and prepare based maps for use through the rest of the project.

Task 1.2 – Issues and Potentials

This will involve annotated maps that indicate issues that would need to be addressed in planning policies. We would identify barriers to change as well as potential opportunities that would allow the downtown to be economically more dynamic and a better place to do business, live, and visit.

Task 1.3 – Objectives and Principles

We would set forth a draft set of broad objectives and well as more specific planning principles that can be applied to the downtown and form the basis for eventual policies and implementation.

Part 2: Community visioning

This part of the work will produce a general conceptual direction through a community workshop and a study session with the City Council and/or Planning Commission.

Attachment 2

Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

Task 2.1 - Initial subarea vision

We will work with the City to present a vision concept for community consideration, intended to allow the community to help guide what the Downtown should look like and how it should function. This exercise would use various visualization and planning techniques to enable the community to comment on density, intensity, scale and overall design concepts.

Task 2.2 - Council workshop

We will conduct a study session with the City Council and/or Planning Commission to review the results of the visioning session and explore opportunities for land use and zoning revisions as may be appropriate to attain the community's desired vision.

Part 3: Development Intensities and Densities

This part of the planning process involves establishing general uses, key opportunity sites, and relationships, and possible multiple districts that would accommodate development over the next twenty years.

Task 3.1 Examine Likely Development Scenario

We will determine likely demand for retail, office and residential development, along with probable building types and footprints. Assumptions about parking will be established. Potential for both horizontal and vertical mixed-use will be evaluated.

Part 4: Framework Plan

This part of the work will produce a document, including provisions for land use, building form, streetscape and the public realm, circulation and parking.

Task 4.1 - Land use and Building Form

We will develop preliminary development concept for the planning area, propose land use mix, building forms, circulation patterns, streetscape designs, parking and transition strategies. The work may include investigation of innovative land use measures to ensure the character and scale of development is consistent with the Comprehensive Plan.

Attachment 2

Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

Task 4.2 - Streetscape and the Public Realm

We will work with the City to develop new urban streetscape standards for implementation as new development occurs. This work will also investigate treatments for special application in the public realm, establishing a template to help define the downtown's unique identity over time.

Part 5: Implementation

This part of the work will identify priority implementation actions and projects and will include the revisions to zoning language to guide development proposals to be compatible with the framework plan's concepts and vision.

Task 5.1 - Zoning regulations and design guidelines

We will prepare a draft set of land use regulations and design guidelines based on the findings of the subarea plan, involving City staff in the process.

Task 5.2 - Transportation improvement recommendations

We will compile a general list of recommended transportation improvements in the study area, intended to inform the City's capital improvements programming and its comprehensive transportation plan.

Attachment 2

Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

II. Lake Stevens Center Subarea Plan (Also referred to as Frontier Village)

Scope of Work

Part 1: Inventory and Analysis

This part of the work establishes a solid baseline for the balance of the work to follow and produces the documentation as necessary to support the subarea plan.

Task 1.1 - Inventory

We will take the time to review existing planning documents, demographic information and all other data necessary to establish a clear and accurate course for this process. We will also gather available GIS data and prepare based maps for use through the rest of the project.

Task 1.2 – Issues and Potentials

This will involve annotated maps that indicate issues that would need to be addressed in subarea planning policies. We would indentify barriers to change as well as potential opportunities that would allow the subarea to be economically more dynamic and a better place to do business, live, and visit.

Task 1.3 – Objectives and Principles

We would set forth a draft set of broad objectives and well as more specific planning principles that can be applied to the subarea and form the basis for eventual policies and implementation programs.

Part 2: Community visioning

This part of the work will produce conceptual alternatives, testing the choices through a community workshop and a study session with the City Council and/or Planning Commission. Results from this effort will underpin the subarea plan's direction, providing conceptual guidance for the work ahead.

Attachment 2

Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

Task 2.1 - Initial subarea vision

We will work with the City to present a series of vision concepts for community consideration, intended to allow the community to help guide what Lake Stevens Center should look like and how it should function. This exercise would use various visualization and planning techniques to enable the community to comment on density, intensity, scale and overall design concepts.

Task 2.2 - Council workshop

We will conduct a study session with the City Council and/or Planning Commission to review the results of the visioning session and explore opportunities for land use and zoning revisions as may be appropriate to attain the community's desired vision.

Part 3: Development Intensities and Densities

Task 3.1 Examine Market Prospects

We will determine likely demand for retail, office and residential development, along with probable building types and footprints. Assumptions about parking will be established. Rates of absorption will be estimated. Potential for both horizontal and vertical mixed-use will be evaluated.

Task 3.2 Examine Opportunity Sites

With the subarea 2-3 key opportunity sites will assessed in greater detail to demonstrate the potential for development or redevelopment. General footprint, orientation, massing, parking, and public spaces will be depicted and described.

Part 4: Subarea Plan

This part of the work will produce the subarea plan document, including provisions for land use, building form, streetscape and the public realm, circulation and parking, opportunity site development and infrastructure.

Attachment 2

Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

Task 4.1 - Land use and Building Form

We will meet with staff to brainstorm preliminary (re)development concepts and options for the planning area, recap EIS scoping comments, propose land use mix, building forms, circulation patterns, streetscape designs, parking and transition strategies, storm water management and utilities needs, conducting up to two public workshops to present and review redevelopment concepts. The work may include investigation of form-based strategies or other innovative land use measures to ensure the character and scale of development is consistent with the Comprehensive Plan..

Task 4.2 - Streetscape and the Public Realm

We will work with the City to develop new streetscape standards for or implementation as new development occurs, ranging from an intensive urban standard to one more in keeping with a suburban environment. This work will also investigate treatments for special application in the public realm, establishing a template to help define the area's unique identity over time.

Task 4.3 - Circulation and Parking

We will evaluate transportation and parking issues in the subarea, recommending a comprehensive strategy that accommodates autos, freight delivery, pedestrians, bicyclists and transit. This element will address concerns about infill development's potential to lead to congestion and parking problems, suggesting innovative management techniques.

Task 4.4 - Infrastructure

We will coordinate with the City and the utility districts, concentrating on storm water, water and wastewater systems to ensure they have the capacity to accommodate increased development intensity. Work in this task will help establish "impact thresholds" to identify triggers for new capital improvements for roadways and mainline sewer upgrades.

Part 5: Implementation

This part of the work will identify priority implementation actions and projects and will include the revisions to zoning language to guide development proposals to be compatible with the subarea plan's concepts and vision.

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Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

Task 5.1 - Zoning regulations and design guidelines

We will prepare a draft set of land use regulations and design guidelines based on the findings of the subarea plan, involving City staff in the process.

Task 5.2 - Transportation improvement recommendations

We will compile a list of recommended transportation improvements in the study area, intended to inform the City's capital improvements programming and its comprehensive transportation plan.

Task 5.3 - Storm water and utility recommendations

We will work with the City and utility districts to compile a comprehensive list of utility recommendations, identifying improvements and thresholds at which point new investment will be triggered.

Task 5.4 – Coordinate with Planned Action EIS and Ordinance

A Planned Action EIS and Ordinance will be developed under a separate scope of work. The subarea planning will be coordinated with that effort.

Task 5.5 - Implementation strategy

We will assemble a comprehensive and prioritized listing of implementation actions and programs to guide the community in implementing the subarea plan.

Attachment 2

Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

III. 20th Street SE Corridor Subarea Plan

Scope of Work

Part 1: Inventory and Analysis

This part of the work establishes a solid baseline for the balance of the work to follow and produces the documentation as necessary to support the subarea plan.

Task 1.1 - Inventory

We will take the time to review existing planning documents, demographic information and all other data necessary to establish a clear and accurate course for this process. We will also gather available GIS data and prepare based maps for use through the rest of the project.

Task 1.2 – Issues and Potentials

This will involve annotated maps that indicate issues that would need to be addressed in subarea planning policies. We would indentify barriers to change as well as potential opportunities that would allow the subarea to be economically more dynamic and a better place to do business.

Task 1.3 – Objectives and Principles

We would set forth a draft set of broad objectives and well as more specific planning principles that can be applied to the subarea and form the basis for eventual policies and implementation programs.

Part 2: Community visioning

This part of the work will produce conceptual alternatives, testing the choices through a community workshop and a study session with the City Council. Results from this effort will underpin the subarea plan's direction, providing conceptual guidance for the work ahead.

Task 2.1 - Initial subarea vision

We will work with the City to present a series of vision concepts for community consideration, intended to allow the community to help guide what the 20th Street Corridor should look like and how it should function. This exercise would use various visualization and planning techniques to enable the community to comment on density, intensity, scale

Attachment 2

Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

and overall design concepts.

Task 2.2 - Council workshop

We will conduct a study session with the City Council to review the results of the visioning session and explore opportunities for land use and zoning revisions as may be appropriate to attain the community's desired vision.

Part 3: Development Intensities and Densities

This part of the planning process involves establishing general uses, key opportunity sites, and relationships, and possible multiple districts that would accommodate development over the next twenty years.

Task 3.1 Examine Market Prospects

We will determine likely demand for retail, office and residential development, along with probable building types and footprints. Assumptions about parking will be established. Rates of absorption will be estimated. Potential for both horizontal and vertical mixed-use will be evaluated.

Task 3.2 Examine Opportunity Sites

With the subarea 2-3 key opportunity sites will be assessed in greater detail to demonstrate the potential for development or redevelopment. General footprint, orientation, massing, parking, and public spaces will be depicted and described.

Part 4: Subarea Plan

This part of the work will produce the subarea plan document, including provisions for land use, building form, streetscape and the public realm, circulation and parking, opportunity site development and infrastructure.

Task 4.1 - Land use and Building Form

We will meet with staff to brainstorm preliminary development concepts and options for the planning area, recap EIS scoping comments, propose land use mix, building forms, circulation patterns, streetscape designs, parking and transition strategies, storm water management and utilities needs, conducting up to two public workshops to present and

Attachment 2

Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

review redevelopment concepts. The work may include investigation of form-based strategies or other innovative land use measures to ensure the character and scale of development is consistent with the Comprehensive Plan.

Task 4.2 - Streetscape and the Public Realm

We will work with the City to develop new streetscape standards for or implementation as new development occurs. This work will also investigate treatments for special application in the public realm, establishing a template to help define the area's identity over time.

Task 4.3 - Circulation and Parking

We will evaluate transportation and parking issues in the subarea, recommending a comprehensive strategy that accommodates autos, freight delivery, pedestrians, bicyclists and transit. This element will address concerns about infill development's potential to lead to congestion and parking problems, suggesting innovative management techniques.

Task 4.4 - Infrastructure

We will coordinate with the City and the utility districts, concentrating on storm water, water and wastewater systems to ensure they have the capacity to accommodate increased development intensity. Work in this task will help establish "impact thresholds" to identify triggers for new capital improvements for roadways and mainline sewer upgrades.

Part 5: Implementation

This part of the work will identify priority implementation actions and projects and will include the revisions to zoning language to guide development proposals to be compatible with the subarea plan's concepts and vision.

Task 5.1 - Zoning regulations and design guidelines

We will prepare a draft set of land use regulations and design guidelines based on the findings of the subarea plan, involving City staff in the process.

Task 5.2 - Transportation improvement recommendations

We will compile a list of recommended transportation improvements in the study area, intended to inform the City's capital improvements programming and its comprehensive transportation plan.

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Exhibit A1 to Supplemental No. 1 of LMN Professional Services Agreement May 13, 2010

Task 5.3 - Storm water and utility recommendations

We will work with the City and utility district to compile a comprehensive list of utility recommendations, identifying improvements and thresholds at which point new investment will be triggered.

Task 5.4 – Coordinate with Planned Action EIS and Ordinance

A Planned Action EIS and Ordinance will be developed under a separate scope of work. The subarea planning will be coordinated with that effort.

Task 5.5 - Implementation strategy

We will assemble a comprehensive and prioritized listing of implementation actions and programs to guide the community in implementing the subarea plan.

Attachment 3



**Request for
Qualifications:
Planned Action Ordinances
for
Lake Stevens Center Redevelopment
and
20th Street SE Corridor Subarea Plans**

**YOU ARE INVITED TO SUBMIT A LETTER OF INTEREST AND STATEMENT OF
QUALIFICATIONS ON THE ABOVE PROJECTS**

I. Project Description

Overview

The City of Lake Stevens is seeking a Letter of Interest (LOI) and a Statement of Qualifications (SOQ) from interested experienced firms in the development of separate Planned Action Ordinances (PAO) including an Environmental Impact Statement for two commercial subarea plans; (a) Lake Stevens Center Redevelopment and (b) 20th Street SE Corridor. The requested products are related to a current subarea planning effort being conducted by City Staff and consultants. These projects will run concurrently with the subarea plan process and the selected consultant must be able to integrate with the subarea plan consultant team to complete the work by an expected completion date of December 2011.

Budget

The budget for this project will be approximately \$200,000-\$250,000, depending on the extent of tasks identified in the final scope of work of an executed contract.

Deadline for Submittals

Responses will be accepted until 5:00 PM, January 26, 2011. The selected firm for this project would need to immediately work with the City to execute a contract and begin necessary responsibilities.

Information on City

The City of Lake Stevens is one of the fastest growing cities in the region and has recently transformed from a small town to a large city. The recent annexation of the Southwest area increased the City population from 14,800 to over 25,600 residents. Situated east of Everett and nearly encompassing the entire shore of the beautiful 1,040 acre Lake Stevens, the existing City limits is predominately residential and is continuing to grow through a progressive annexation program to become a city of over 30,000 completely surrounding the lake. By 2025, the population is expected to be approaching 50,000. The City is quickly becoming the region's favorite family-friendly lakeside community where it is a great place to live, do business, shop and visit with excellent access to the outdoors while striving to be fiscally strong and able to provide top-quality infrastructure and services. For more information about the City of Lake Stevens, see the official website at: www.ci.lake-stevens.wa.us.

Attachment 3

The City selected a consulting team to complete a Citywide Economic Development Strategy in 2010. In order to secure the City's financial condition for the long term, the Strategy includes completion of commercial subarea plans for both the Lake Stevens Center Redevelopment and 20th Street SE Corridor.

Planned Action Ordinance (PAO)

Lake Stevens Center Redevelopment: The Lake Stevens Center (also referred to as Frontier Village) has served as the City's main retail center since annexation of the area in 2007. There is strong potential for short-term rehabilitation and redevelopment in the long term thereby improving additional retail and employment opportunities. The City recognizes this area as a key gateway that could include attractive retail, office, housing, and health care in a mixed-use environment that takes advantage of spectacular views of the lake and mountains. There are relatively few critical areas in the Lake Stevens Center

20th Street SE Corridor: This corridor was annexed in 2009 and primarily contains residential development and/or undeveloped parcels. 20th Street SE directly connects to the US2 trestle serving Lake Stevens and areas of eastern Snohomish County to Everett. The corridor is being evaluated to become the City's area for high-quality office/employment with two or more retail mixed uses nodes. There are a number of known critical areas within the subarea district.

The PAOs component of this project must include the development of an environmental impact statement (EIS) for the Subarea Plan and may contain a mitigation strategy for likely development impacts. Specific components PAO must identify:

- Expected environmental impacts;
- The types, densities and amount of development that is permitted;
- Criteria that will be used to determine whether subsequent projects "qualify" as planned actions;
- Mitigation measures and development "thresholds" or "budgets" that will trigger additional mitigation requirements; and
- A Planned Action application process.

Existing available information to assist with development of the PAO includes: GMA Comprehensive Plan, Water Comprehensive Plan, Sewer Comprehensive Plan, current development regulations and standards.

Project Timeframe

This project will run concurrently with the Subarea Planning efforts expected to be completed by December 31, 2011.

Deliverables:

1. Environmental Impact Statement for Lake Stevens Center and 20th Street SE Corridor Subarea Plans

Attachment 3

2. Planned Action Ordinance to mitigate development impacts under the Lake Stevens Center and 20th Street SE Corridor Subarea Plans

Scope of Work

The City and consultants will develop a Scope of Work upon final consultant selection.

II. Project Schedule

COMPLETION BY December 31, 2011

III. Project Budget

\$200,000-\$250,000 dependent on the extent of tasks identified in the final scope of work of an executed contract.

IV. Submittal Content Requirements

The Consultant or responding firm shall bear all costs relating to their response to this RFQ including time in preparation of an RFQ, copies submitted, and time spent in interviews or negotiation with the City prior to final selections. All proposals and accompanying documentation become the property of the City of Lake Stevens and will not be returned.

A. Letter of Interest:

The letter of interest should indicate: (a) an interest in preparing a planned action ordinance; (b) the availability of the firm's resources for completing all components of the project, as described, by December 31, 2011 (c) the amount of time needed to provide a proposal and costs for the project, if selected as a finalist; (d) the firm's contact information (address, telephone, email); and (e) additional data or recommendations, if desired.

B. Statement of Qualifications:

The nature and form of response are at the discretion of the respondent, but at a minimum, the following information must be included:

1. Project Organization and Staffing
 - a. Provide an organization chart showing all proposed team members and describing their responsibilities for this project. Include professional qualifications/resumes of each member of the project team.
 - b. Describe the portion of work that will be performed by a subcontractor, if any, and information about the professional qualifications of proposed subcontractors.
2. Description of Related Experience
 - a. Describe the firms' knowledge of and familiarity with preparing a planned action ordinance that may be used or modified to fit the City's needs.

Attachment 3

- b. Describe the firm's familiarity with the City of Lake Stevens and the subareas.
- c. Describe the firm's experience with preparing a planned action ordinance. Include at least three projects the firm has completed that are similar to the project described in this request. It is preferred that the projects cited were for public agencies. For each project, provide the following information:
 - Name, address and telephone number of the client.
 - Name of project manager and personnel who worked on each project with a brief description of their responsibilities.
 - The elements of the projects that are common to the projects proposed above.
- d. Describe the firm's ability to complete work under a very short timeline.

V. Submittal Format

The Statement of Qualifications should be organized in a manner that allows the reviewer to evaluate the firm's qualifications quickly and easily. Brevity of text will be appreciated.

The Statement of Qualifications shall be no more than (fifteen) pages in length. The page count excludes the covers, a one or two page Letter of Interest. The pages shall be eight and one-half inches by eleven inches with printed text only on one side, except that pages containing only charts and graphs may be printed on pages eleven inches by seventeen inches.

(Three) copies of the submittal must be provided.

VI. Consultant Selection Process

A. General Approach

Responses to the request for a LOI and SOQ will be evaluated, based on their clear ability to meet the City's interest in quickly and efficiently developing two planned action ordinances, consistent with the project description contained in this request. The responses will be rated according to the criteria detailed below. This may result in the selection of a firm, or in a short list of firms who will be asked to provide additional information in an oral interview. Final approval of an agreement will rest with the City Council based on the recommendations of the City staff.

The City reserves the right to choose not to proceed with this project or to re-issue the request for LOI and SOQ. The City reserves the right to postpone the opening of the responses and to reject all responses without indicating any reasons for such rejection. The City also reserves the right to select a consultant based on other applicable factors or details that may not be explicitly identified below.

Attachment 3

B. Evaluation Criteria for the Written Responses

Each proposal will be evaluated and given a score based upon the quality of response to each of the following topic areas. Maximum number of points achievable is 100.

1. Expertise – 25 points maximum
Firms will be rated on the qualifications of the members of the proposed team, including the responsibilities and skills of each team member, the appropriateness of the team relative to the scope of the project. Points will also be awarded to responses that demonstrate the project team clearly understands the project's objectives and technical requirements, and their responsiveness to all aspects of the project. Points will be given for those firms who have familiarity with the subareas.
2. Experience – 30 points maximum
Firms will be rated upon their experience and demonstrated success in performing PAO work similar to that described in this request. Points will be rewarded for firms that can demonstrate their ability to integrate into a consultant team already in progress with the Subarea Planning effort.
3. Project Timeline – 25 points maximum
Firms will be rated on their ability to meet the preferred project timeline while meeting the project goals.
4. Clarity of Proposal – 20 points maximum
Points will be awarded to responses that present all the required information with clarity.

VII. City Contacts

Questions should be submitted to Rebecca Ableman at bableman@ci.lake-stevens.wa.us. Replies to questions will be sent via electronic mail to all firms submitting a LOI and SOQ.

VIII. Submittal Schedule:

RFQ Advertised	January 12, 2011
Deadline for Receipt of RFQ	January 26, 2011
Selection of Finalists	January 28, 2011
Interview Finalists	February 1-4, 2011
Select Consultant & Contract Negotiations	February 10, 2011
Finalize Contract	February 15, 2011
City Council Approval	February 22, 2011

Attachment 3

The deadline for submittals is January 25, 2011 at 5:00 PM. The responses are to be addressed to the attention of Rebecca Ableman, Planning Director and hand delivered to City Hall located at:

City of Lake Stevens
1812 Main Street
Lake Stevens, WA 98258

Or by mail to: City of Lake Stevens
P O Box 257
1812 Main Street
Lake Stevens, WA 98258
Phone: 425-377-3235



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: January 24, 2010

Subject: Lake Stevens Shoreline Master Program Update – General Provisions (LS2009-11)

Contact Person/Department: Becky Ableman/Karen Watkins **Budget Impact:** Grant

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: No action at this time. Staff is continuing to brief the Council on the project. This will be a summary of the first third of the Shoreline Master Program (SMP) document including Introduction, Environment Designation Provisions and General Provisions in a PowerPoint presentation (*Attachment 1*).

SUMMARY: The City received a two year, \$60,000, Shoreline Master Program Update grant from the Washington State Department of Ecology in 2009 to complete a comprehensive Shoreline Master Program update. The grant covers July 1, 2009 through June 30, 2011. The City hired Makers Architecture, Inc. and The Watershed Company to assist City Staff. A Shoreline Citizen Advisory Board was created to guide the consultants and staff through the process. As part of drafting of the required documents, four open houses were offered to solicit public comments.

The preliminary final Shoreline Master Program Update was completed in December and sent to Ecology for review. This briefing will include the first three chapters of the SMP (*Attachment 2*). The Environment Designation Map is also attached (*Attachment 3*).

APPLICABLE CITY POLICIES: The State requires all cities to update their Shoreline Master Programs (SMP) on a specific schedule. The City's current SMP was adopted in 1974. The Comprehensive Plan includes shoreline goals and policies in Chapter 10 – Critical Areas Element. The Lake Stevens Municipal Code includes shoreline regulations in Chapter 14.92 (Shoreline Management) and Section 14.16C.100 (Shoreline Permits).

BUDGET IMPACT: The City received a two year, \$60,000 Shoreline Master Program Update grant from the Washington Department of Ecology for consultants. The grant does not include staff time.

ATTACHMENTS:

- Attachment 1 – City of Lake Stevens Shoreline Master Program PowerPoint Presentation
- Attachment 2 – Shoreline Master Program, Chapters 1-3
- Attachment 3 – Environment Designation Map

City of Lake Stevens Shoreline Master Program

- Summary of Issues of Concern by Public
- Introduction to Shoreline Master Program Document
- Next Steps

SUMMARY OF ISSUES OF CONCERN BY PUBLIC

- **NO NET LOSS** (First 30 feet from shore is most important)
- **MARINAS/PUBLIC FACILITIES**
- **PUBLIC ACCESS**
- **BULKHEADS** (Protect Primary Structures)
- **DOCKS**
 - Setbacks from Property Line
 - Dimensions (new and existing docks)
 - Grating/Decking
- **COVERED MOORAGE** (Boat Houses, Boat Lifts & Covers)
- **RECREATIONAL EQUIPMENT** (Jet Ski Lifts & Inflatables)
- **HELICOPTERS & FLOAT PLANES**
- **FISH & WILDLIFE PERMITS** (Hydraulic Protection Approval)

Introduction to the Shoreline Master Program

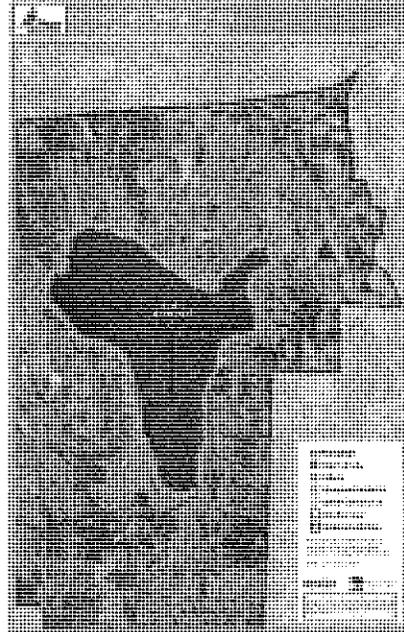
- Chapter 1 – Introduction
- Chapter 2 – Environment Designation
- Chapter 3 – General Provisions
- Chapter 4 – Shoreline Modification
- Chapter 5 – Shoreline Use
- Chapter 6 – Definitions
- Chapter 7 – Administrative Provisions
- Appendices

Chapter 1 - Introduction

- Applicable & Related Documents
- History of Shoreline Management Act
- Implementation
- Geographic Applications
- How SMP is Used
- Public Process for SMP Adoption

CHAPTER 2 - ENVIRONMENT DESIGNATIONS

- Introduction
- Shoreline Environment Designation Maps
- Policies & Regulations by Designation



Environment Designations

- Natural – protect & restore all associated wetlands
- High-Intensity – water-oriented commercial, transportation, & industrial uses while protecting existing ecological functions & restring areas previously degraded
- Urban Conservancy – protect and restore ecological functions in urban and developed settings, while allowing public access and recreation
- Shoreline Residential – accommodate residential development & appurtenant structures
- Aquatic – protect, restore & manage areas waterward of ordinary high water mark

CHAPTER 3 – GENERAL PROVISIONS

- Introduction
- Policies & Regulations
 - Universally Applicable
 - Policies – periodically review shoreline conditions; keep records of shoreline project actions
 - Regulations
 - Conform to Shoreline Management Act whether or not needs permit
 - Prohibited uses, modifications and conditions not eligible for consideration
 - Archaeological & Historic Resources
 - Critical Areas (separate appendix)

GENERAL PROVISIONS (continued)

- Environmental Impacts
 - Meet SEPA
 - Mitigation if significant ecological impacts
 - Sequence for mitigation
- Flood Hazard Reduction & River Corridor Management
 - Protect human safety & minimize flooding
 - Consistency with flood insurance maps
 - Design for flood hazard reduction

GENERAL PROVISIONS (continued)

- **Parking (accessory to shoreline use)**
 - Provide outside shoreline & serve > one use
 - Landward of buildings & safe pedestrian circulation
 - Prevent surface water runoff to water bodies
- **Public Access**
 - Considered for all private/public developments except 1 & 2 family dwellings or if inappropriate for safety
 - Required >4 lots, nonwater-oriented uses, water-related & -oriented commercial uses, public development
 - Enhance and preserve public views
 - Visual and pedestrian access; interpretive displays

GENERAL PROVISIONS (continued)

- **Shorelines of State-Wide Significance**
 - Recognize & protect state-wide interest over local interest
 - Preserve natural character of shoreline
 - Support actions for long-term over short-term benefits
 - Increase public access & recreational opportunities
- **Signage**
 - Designed and placed compatible with visual access
 - Prohibited (advertising, commercial products, spinners)
 - Allowable (navigational, public information, directional, temporary)

GENERAL PROVISIONS (continued)

- **Utilities (Accessory)**
 - On-site water, sewer, gas connecting to residence or business
 - Placed underground
 - Conform to stormwater and erosion regulations
- **Vegetation Conservation**
 - Any activity removing or impacting shoreline vegetation
 - Minimize significant vegetation removal in shoreline
 - Shoreline restoration as required for mitigation
 - Aquatic weed control where existing water dependent use is restricted by weeds (i.e., milfoil)

GENERAL PROVISIONS (continued)

- **Water Quality & Quantity**
 - Locate, design, construct & maintain shoreline uses and activities to avoid significant ecological impacts
 - Require reasonable setbacks, buffers & stormwater storage
 - Seek to improve water quality
 - Create public education campaign to educate shoreline property owners & local stores
 - Pesticides, herbicides in shoreline jurisdiction is prohibited unless approved by Ecology

NEXT STEPS

- Feb 7 – Council briefing on Shoreline Modifications
- March 2 & 16 – Planning Commission Public Hearings
- March 14 – Council briefing on Shoreline Uses
- April 11, 25 & May 9 – City Council Public Hearings

Grant No. G100027
Ordinance No.

City of Lake Stevens Shoreline Master Program

DRAFT

December 15, 2010

Prepared by:



City of Lake Stevens
Planning and Community
Development Department
1812 Main Street
Lake Stevens, WA 98258



1904 3rd Ave, Suite 725
Seattle, Washington 98101



750 6th Street South
Kirkland, WA 98033



This report was
funded in part
through a grant from
the Washington
Department of
Ecology.

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CHAPTER 1

Introduction to the SMP

A. What is the Shoreline Master Program?

The City of Lake Stevens Shoreline Master Program (SMP) is a planning document that outlines goals and policies for the shorelines of the City, and also establishes regulations for development occurring within shoreline jurisdiction.

1. Applicable Documents

The Shoreline Master Program includes the SMP and related documents. The following documents are considered part of the SMP:

- Shoreline Master Program (SMP);
- Shoreline Environment Designations Map (Appendix A);
- Restoration Plan Map (Appendix B); and
- Critical Areas Regulations for Shoreline Jurisdiction (Appendix C).

2. Related Documents

There are many documents adopted by the City of Lake Stevens that are not a part of the SMP, but should be consulted when developing or making a land use action within shoreline jurisdiction. The SMP is the document controlling properties within shoreline jurisdiction, however, more general development regulations on the overall project application process, drainage requirements, roads, etc., are found in the Lake Stevens Municipal Code or adopted plans, policies, or programs. If there is a difference between the SMP and a related document, the more restrictive requirements should be followed.

The following list of related documents is not exhaustive, but a guide to the users of the SMP.

- Cumulative Impacts Analysis for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek and Little Pilchuck Creek (The Watershed Company and Makers 2010)
- Shoreline Restoration Plan for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek and Little Pilchuck Creek (The Watershed Company and Makers 2010)
- City of Lake Stevens Comprehensive Plan (Adopted July 2006, as amended)
- Title 14 of the Lake Stevens Municipal Code, in particular, the following topics:
 - Administration and Procedures

- Types of Land Use Review
 - Land Use Actions, Permits and Determinations – Decision Criteria and Standards
 - Density and Dimensional Regulations
 - Streets and Sidewalks
 - Utilities
 - Parking
 - Screening and Trees
 - Floodways, Floodplains, Drainage and Erosion
 - Signs
 - Building and Construction
 - Fire Code
- City’s Surface Water Management Program
 - City’s Stormwater Management Plan
 - National Flood Insurance Program and adopted Flood Insurance Rate Maps

B. History of the SMA

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

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

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

approximately 2-to-1 margin. It is important to keep in mind that the SMA was a response to a people's initiative and was ratified by the voters, giving the SMA a populist foundation as well as an environmental justification.

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

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

After the SMA's passage in 1971, Ecology adopted Chapter 173-18 WAC to serve as a standard for the implementation of the SMA and to provide direction to local governments and Ecology in preparing SMPs. Two hundred forty-seven cities and counties have prepared SMPs based on that WAC chapter. Over the years, local governments, with the help of Ecology, developed a set of practices and methodologies, the best of which were collected and described in the 1994 *Shoreline Management Guidebook*.

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

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

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

The City adopted Snohomish County's Shoreline Master Program in 1974, and has not subsequently updated the document other than minor revisions to the administrative provisions found separately in Chapter 14.92 (Shoreline Management) of the Lake Stevens Municipal Code (LSMC). The City's Comprehensive Plan (Critical Areas Element) contains a few shoreline goals and policies. Regulations applicable to critical areas which are located within shoreline jurisdiction underwent a comprehensive update in 2008, consistent with Growth Management Act requirements for use of "best available science." In those regulations, the City specified a stream shoreline buffer of 150 feet, applicable to Catherine Creek and Little Pilchuck Creek.

Most of the uses, developments, and activities regulated under the Critical Areas Regulations are also subject to the City's Comprehensive Plan, the Lake Stevens Municipal Code, the International Building Code, and various other provisions of City, state and federal laws. Any applicant must comply with all applicable laws prior to commencing any use, development, or activity. Lake Stevens will ensure consistency between the SMP and other City codes, plans and programs by reviewing each for consistency during periodic updates of the City's Comprehensive Plan as required by State statute.

C. Implementation of the SMA

RCW 90.58.020 clearly states how the Shoreline Management Act shall be implemented in the following statement:

"The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic

life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.”

D. Geographic Applications of the SMA

As defined by the Shoreline Management Act of 1971, shorelines include certain waters of the state plus their associated “shorelands.” At a minimum, the waterbodies designated as shorelines of the state are streams whose mean annual flow is 20 cubic feet per second (cfs) or greater and lakes whose area is greater than 20 acres. Shorelands are defined as:

“those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter...Any county or city may determine that portion of a one-hundred-year-floodplain to be included in its SMP as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom... Any city or county may also include in its SMP land necessary for buffers for critical areas (RCW 90.58.030)”

In addition, rivers with a mean annual cfs of 1,000 or more are considered shorelines of statewide significance.

The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands.

Lake Stevens is 1,014 acres, and is therefore included in a classification of unique shorelines known as Shorelines of Statewide Significance. The City’s shoreline planning area has grown extensively due to multiple annexations around Lake Stevens, and eastward to also encompass the shorelines of Catherine Creek and Little Pilchuck Creek. The 20 cfs cutoff point for Catherine Creek is located at Hartford Drive NE in the City limits. The 20 cfs cutoff point for Little Pilchuck Creek is some distance upstream of the City and the UGA, and wanders in and out of the UGA along the eastern City boundary. Careful consideration of the hydrologic associations of known wetlands around Lake Stevens also resulted in significant expansions of shoreline jurisdiction from what had previously been understood.

1. Applicable Area

The City of Lake Stevens and its Urban Growth Area (UGA) is located in Snohomish County, WA. The City is bordered nearly on all sides by unincorporated Snohomish County jurisdiction, with a small shared border with Marysville along the northwest portion of the City. The City of Everett is located generally west and the City of Snohomish is located to the south. All of Lake Stevens is in the City’s shoreline jurisdiction, either in City limits or the UGA. Catherine Creek is likewise split between City limits and the UGA, while Little Pilchuck Creek is entirely within the UGA. The City encompasses approximately 9 square miles. The study area for this report includes all land currently within the City’s proposed shoreline jurisdiction

(Appendix A). The total area subject to the City's updated SMP, not including aquatic area, is approximately 362 acres (0.57 square mile), and encompasses approximately 9.2 miles of shoreline. (See Appendix A)

D. How the Shoreline Master Program is Used

The City of Lake Stevens Shoreline Master Program is a planning document that outlines goals and policies for the shorelines of the City, and also establishes regulations for development occurring within shoreline jurisdiction.

In order to preserve and enhance the shorelines of the City of Lake Stevens, it is important that all development proposals relating to the shoreline are evaluated in terms of the City's Shoreline Master Program, and the City Shoreline Administrator is consulted. The Shoreline Administrator for the City of Lake Stevens is the Planning Director or his/her designee.

The Shoreline Management Act (SMA) defines for local jurisdictions the content and goals that should be represented in the Shoreline Master Programs developed by each community; within these guidelines, it is left to each community to develop the specific regulations appropriate to that community. Pursuant to the Guidelines, shorelines of the state that meet the criteria established in WAC 173-26-211 are given a shoreline environment designation. The purpose of the shoreline designation system is to ensure that land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area and that consideration is given to the special requirements of that environment.

The Lake Stevens Shoreline Master Program addresses a broad range of uses that could be proposed in the shoreline area. This breadth is intended to ensure that the Lake Stevens shoreline area is protected from activities and uses that, if unmonitored, could be developed inappropriately and could cause damage to the ecological system of the shoreline, displace "preferred uses" as identified in Chapter 90.58 RCW, or cause the degradation of shoreline aesthetic values. The Lake Stevens Shoreline Master Program provides the regulatory parameters within which development may occur. In addition, it identifies those uses deemed unacceptable within Lake Stevens shoreline jurisdiction, as well as those uses which may be considered through a discretionary permit such as a Conditional Use Permit or Shoreline Variance.

1. When Is a Permit Required?

A Shoreline Substantial Development Permit is required when a development or activity meets the definition of "substantial development" contained within Chapter 6 of this SMP. Substantial development is discussed in more detail in Section 7.C of this SMP. A development or activity is exempt if it meets the criteria listed in WAC 173-27-040. Some development may require a Shoreline Conditional Use Permit, if listed as such in the Use Tables contained in Section 5.B of this SMP; or a Shoreline Variance. Shoreline Conditional Use Permits and Shoreline Variances are discussed

in more detail in Sections 7.D and E, respectively. However, **ALL** new development, uses, and activities must comply with the policies and regulations set forth in the City of Lake Stevens Shoreline Master Program, including those developments, uses, and activities that are exempt from permits. Review under the State Environmental Policy Act (SEPA) may also be required.

“Development,” is defined by the Shoreline Management Act of 1971 as:

A use consisting of the construction or exterior alteration of structures; dredging, drilling; dumping; filling; removal or any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3d)).

This definition indicates that the “development” regulated by the Shoreline Management Act includes not only those activities that most people recognize as “development,” but also those activities that citizens may do around their own home. While the impact of these potential “developments” may seem inconsequential at first, they may have unwanted and damaging effects on the river ecology, the property of others, and the shoreline aesthetics.

Projects that are identified as “developments,” but not “substantial developments,” do not require a Shoreline Substantial Development Permit; however, they must still comply with all applicable regulations in the City’s Shoreline Master Program, including Critical Areas Regulations. In addition, some developments may require a Shoreline Conditional Use Permit or Shoreline Variance from the Shoreline Master Program’s provisions, although they do not meet the definition of “substantial development.”

“Substantial development” is any “development” where the total cost or fair market value exceeds five thousand dollars (\$5,000), or any development that materially interferes with the normal public use of the water or shoreline of the state. The five thousand dollar (\$5,000) threshold will be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. A dock is not considered substantial development if the fair market value of the dock does not exceed ten thousand dollars (\$10,000), but if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development.

Under the Shoreline Management Act, some types of development are exempt from the requirement to apply for and receive a permit before beginning work per RCW 90.58.030(3)(e). A complete list of developments and uses that are not considered “substantial development” is found in Chapter 6: Definitions under “substantial development.” WAC 173-27-090, identifying exemptions from a Shoreline Substantial Development Permit, is included at Section 7.C.2.

2. The Permit Process

The City's Shoreline Administrator can help determine if a project is classified as a substantial development, determine if a permit is necessary or if a project is exempt from permit requirements, and identify which regulations in the SMP may apply to the proposed project. The Administrator can also provide information on the permit application process and how the SMP process relates to, and can coordinate with, the State Environmental Policy Act (SEPA) process.

3. The Shoreline Permit

There are three types of permits: the Shoreline Substantial Development Permit, the Shoreline Conditional Use Permit, and the Shoreline Variance. All of these permits use the same application form; however, they are processed slightly differently and have different criteria for approval. Shoreline Exemptions require City review to determine whether the proposal is indeed exempt from shoreline permits, and whether the proposal meets the policies and regulations of the Shoreline Master Program. Requests for Shoreline Exemption are made on a separate application form.

Requests for a Shoreline Substantial Development Permit are reviewed by the Shoreline Administrator. Requests for a Shoreline Variance or Shoreline Conditional Use Permit require review by the City of Lake Stevens Hearing Examiner. There may be instances where a Shoreline Conditional Use Permit or Shoreline Variance may be approved without the need for a Shoreline Substantial Development Permit. The Hearing Examiner will hold a public hearing on the proposal and approve, approve with conditions, or deny the application. The Hearing Examiner's decision is final, unless an appeal is filed pursuant to the procedures described in Section 7.C.4. Requests for Shoreline Conditional Use Permits and Shoreline Variances require final approval by DOE.

A map of the shoreline jurisdiction is presented in Appendix A and descriptions of the various shoreline designations are presented in Chapter 2 of this SMP.

4. Relationship of this Shoreline Master Program to Other Plans

In addition to compliance with the provisions of the Shoreline Management Act of 1971, the Lake Stevens Shoreline Master Program (SMP) must be mutually consistent with local plans and policy documents, specifically, the Lake Stevens Comprehensive Plan and the Lake Stevens Municipal Code. The Lake Stevens SMP must also be mutually consistent with the regulations developed by the City to implement its plans, such as the zoning code and subdivision code, as well as building construction and safety requirements.

Submitting an application for a shoreline development, use, or activity does not exempt an applicant from complying with any other local, county, state, regional, or

federal statutes or regulations, which may also be applicable to such development or use.

E. Public Process for SMP Adoption

The City of Lake Stevens involved the public and solicited feedback throughout the update process of this Shoreline Master Program. The City notified and solicited input from all relevant organizations and agencies at the beginning and throughout the local adoption process of the SMP update.

1. Shoreline Citizen Advisory Committee (CAC)

City staff worked closely with a Shoreline Citizen Advisory Committee throughout the update process. The CAC included seven Lake Stevens residents (City Council Representative, Planning Commission Representative, two Park Board Members, two shoreline property owners and one non-shoreline resident). Six meetings were held from March to December 2010. The CAC provide in-depth and structured input on draft policies and regulations, assisted in the outreach to various constituencies and interest groups, and helped to ensure that a broad spectrum of interests and considerations were incorporated into the SMP update.

2. Early Public Review

The City held a total of three public open houses during the writing phase of the SMP to solicit public input. For each open house, approximately 380 shoreline property owners and other property owners within shoreline jurisdiction were invited by a mailed postcard. The meetings were also advertised in the Lake Stevens Journal and/or Everett Herald. Each open house consisted of opportunities to talk with staff and consultants about proposed updates to the SMP, a presentation reviewing the SMP update and proposed changes, and opportunities to provide written feedback.

The City held the first public open house on April 15, 2010. Approximately 70 people attended this first open house and provided meaningful feedback through a brainstorming exercise and by filling out questionnaires. The second public open house was held on June 24, 2010. Approximately 24 people attended the second open house and provided feedback with a questionnaire. The third open house was held on November 18, 2010. Approximately 13 people attended this third open house.

3. Local Adoption Process

This section to be completed after local adoption process.

CHAPTER 2

Environment Designation Provisions

A. Introduction

The Shoreline Management Act (Chapter 90.58 RCW) and Shoreline Guidelines (Chapter 173-26 WAC) provide for shoreline environment designations to serve as a tool for applying and tailoring the general policies of the SMA to local shorelines. Shoreline environment designations provide a means of adapting broad policies to shoreline sub-units while recognizing different conditions and valuable shoreline resources, and a way to integrate comprehensive planning into SMP regulations. In accordance with WAC 173-26-211, the following shoreline environment designation provisions apply; including purpose, designation criteria, and management policies. Where there is a contradiction between the matrices and another SMP text provision, the text provision shall apply.

All areas not specifically assigned a shoreline environment designation shall be designated "Urban Conservancy" (UC).

B. Shoreline Environment Designation Maps

The Shoreline Environment Designation Maps can be found in Appendix A. Pursuant to RCW 90.58.040, the maps illustrate the shoreline environment designations that apply to all shorelines of the state within the City of Lake Stevens' jurisdiction. The lateral extent of the shoreline jurisdiction shall be determined for specific cases based on the location of the ordinary high water mark (OHWM), floodway, and presence of associated wetlands. The maps should be used in conjunction with the Environment Designation tables in Section C below. In the event of a mapping error, the City will rely upon the boundary descriptions and the criteria in Section C below.

C. Policies and Regulations

1. "Natural" (N) Environment

a. Purpose

The purpose of the "Natural" environment is to protect and restore all wetlands associated with shoreline areas by applying the City of Lake Stevens Critical Areas Regulations (Ordinance 741 effective May 8, 2007 and updated by Ordinance 773 effective April 21, 2008). These systems require development restrictions to maintain the ecological functions and ecosystem-wide processes.

b. Designation Criteria

A "Natural" environment designation will be assigned to those wetland complexes in shoreline jurisdiction. Identified wetlands include those associated with Stevens Creek, Stitch Lake, and Lake Stevens. For the "Natural" areas that extend beyond 200 feet from OHWM, the exact location of the wetland boundary will be determined at the time of project application.

c. Management PoliciesUses

1. Any use that would substantially degrade the ecological functions or natural character of the designated wetland area should be prohibited.
2. New land division, development or shoreline modification that would reduce the capability of the wetlands to perform normal ecological functions should not be allowed.
3. Uses that are consumptive of physical, visual, and biological resources should be prohibited.

Access and Improvements

4. Access may be permitted for scientific, historical, cultural, educational, and low-intensity water-oriented recreational purposes such as nature study that do not impact ecological functions, provided that no significant ecological impact on the area will result.
5. Physical alterations should only be considered when they serve to protect or enhance a significant, unique, or highly valued feature that might otherwise be degraded or destroyed or for public access where no significant ecological impacts would occur.

Implementing Regulations

6. The ecological resources in the Natural-Wetlands environment should be protected through the provisions in the Critical Areas section of this SMP.

2. "High-Intensity" (H-I) Environment**a. Purpose**

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

b. Designation Criteria

A "High-Intensity" environment designation will be assigned to shorelands designated for commercial or industrial use in the Comprehensive Plan if they currently support or are suitable and planned for high-intensity commercial, industrial, or institutional uses that either include, or do not detract from the potential for water-oriented uses, shoreline restoration and/or public access.

c. Management PoliciesUses

1. In regulating uses in the "High-Intensity" environment, first priority should be given to water-dependent uses. Second priority should be given to water-related and water-enjoyment uses.

The City's Shoreline Administrator will consider the provisions of this SMP and determine the applicability and extent of ecological restoration and/or public access required. The extent of ecological restoration shall be that which is reasonable given the specific circumstances of development in the "High-Intensity" environment.

2. Developments in the "High-Intensity" environment should be managed so that they enhance and maintain the shorelines for a variety of urban uses, with priority given to water-dependent, water-related, and water-enjoyment uses.
3. Because Little Pilchuck Creek and Catherine Creek are non-navigable waterways, new nonwater-oriented development should be allowed in the High Intensity environment if ecological restoration is provided as a significant public benefit.

Public Access

4. Existing public access ways should not be blocked or diminished.
5. In order to make maximum use of the available shoreline resource and to accommodate future water-oriented uses, shoreline restoration and/or public access, the redevelopment and renewal of substandard, degraded, obsolete urban shoreline areas should be encouraged.

Aesthetics

6. Aesthetic objectives should be actively implemented by means such as sign control regulations, appropriate development siting, screening and architectural standards, and maintenance of natural vegetative buffers. These objectives may be implemented either through this SMP or other City ordinances.

d. Specific Environment Designations

The following table (Table 1) assigns areas within shoreline jurisdiction as a "High Intensity" environment. See attached Shoreline Environment Designation Maps (Appendix A).

Table 1. High Intensity Environment Designation Descriptions

Environment Designation	Sub-Unit	Begins (parcel No.)	Ends (parcel No.)
High Intensity	Lake Stevens Residential	29051200400200	29051200400100
High Intensity	Little Pilchuck Creek – UGA	Sliver of parcel 29060400301000	
High Intensity	Little Pilchuck Creek – UGA	Portion of parcel 29060900200800	
High Intensity	Little Pilchuck Creek – UGA	Portion of parcel 29060900206500	
High Intensity	Little Pilchuck Creek – UGA	Portions of N Machias Rd in Shoreline Jurisdiction	
High Intensity	Little Pilchuck Creek – UGA	Northeast corner or parcel 29060500402000	
High Intensity	Little Pilchuck Creek – UGA	Northern portion of Machias Rd at the intersection with SR 92	
High Intensity	Catherine Creek – City	SW portion of 00562200001801	Western portion of 29060800103000
High Intensity	Catherine Creek – City	00660100000101	29060800103400
High Intensity	Catherine Creek – City	29060900300900, 29060900301000	Southwest portion 29060900304400
High Intensity	Catherine Creek – UGA	Portion of 29060900304600	

3. "Urban Conservancy" (UC) Environment

a. Purpose

The purpose of the "Urban Conservancy" environment is to protect and "restore", as defined in this SMP, ecological functions in urban and developed settings, while allowing public access and a variety of park and recreation uses.

b. Designation Criteria

An "Urban Conservancy" environment designation will be assigned to shorelands that are within public and private parks and natural resource areas, including park lands on Lake Stevens and Catherine Creek. Lands planned for park uses or resource conservation areas and lands with no other existing or planned commercial or residential land uses should also be designated "Urban Conservancy."

c. Management PoliciesUses

1. Water-oriented recreational uses should be given priority over nonwater-oriented uses. Water-dependent recreational uses should be given highest priority.
2. Commercial activities enhancing ecological functions or the public's enjoyment of publically accessible shorelines may be appropriate.
3. Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, such as boating facilities, angling, wildlife viewing trails, and swimming beaches, are preferred uses, provided significant ecological impacts to the shoreline are avoided or mitigated.
4. Development that hinders natural channel movement in channel migration zones should not be allowed.

Ecological Restoration and Public Access

5. During development and redevelopment, all reasonable efforts, as determined by the City, should be taken to restore ecological functions.
6. Standards should be established for shoreline stabilization measures, vegetation conservation, water quality, and shoreline modifications within the "Urban Conservancy" designation to ensure that new development does not further degrade the shoreline and is consistent with an overall goal to improve ecological functions and habitat.
7. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.

d. Specific Environment Designations

The following table (Table 2) assigns areas within shoreline jurisdiction as an "Urban Conservancy" environment. See also the attached maps.

Table 2. Urban Conservancy Environment Designation Descriptions

Environment Designation	Sub-Unit	Begins (parcel No.)	Ends (parcel No.)
Urban Conservancy	Lake Stevens Residential – City Limits	29060700200800	
Urban Conservancy	Lake Stevens Residential – City Limits	00493300900101	
Urban Conservancy	Lake Stevens Residential – City Limits	00553800002000	
Urban Conservancy	Lake Stevens Residential – City Limits	29060800303400	
Urban Conservancy	Lake Stevens Residential – UGA	00533400001500	

Environment Designation	Sub-Unit	Begins (parcel No.)	Ends (parcel No.)
Urban Conservancy	Little Pilchuck Creek - UGA	29060900303300	
Urban Conservancy	Little Pilchuck Creek - UGA	29060900302400	
Urban Conservancy	Little Pilchuck Creek – UGA	Eastern portion of 29060400301000	
Urban Conservancy	Catherine Creek – City	Eastern portion of 29060800400100	00828600099900

4. "Shoreline Residential" (SR) Environment

a. Purpose

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

b. Designation Criteria

A "Shoreline Residential" environment designation will be assigned to City of Lake Stevens' shorelands if they are predominantly single-family or multifamily residential development or are planned for residential development.

c. Management Policies

Uses

1. Commercial development should be limited to water-oriented uses and not conflict with the residential character of lands in the "Shoreline Residential" environment.
2. Water-oriented recreational uses should be allowed.
3. New residential development should be supported by adequate land area and services.
4. Land division and development should be permitted only 1) when adequate setbacks or buffers are provided to protect ecological functions and 2) where there is adequate access, water, sewage disposal, and utilities systems, and public services available and 3) where the environment can support the proposed use in a manner which protects or restores the ecological functions.
5. Development standards for setbacks or buffers, shoreline stabilization, vegetation conservation, critical area protection, and water quality should be established to protect and, where significant ecological degradation has occurred, restore ecological functions over time.
6. New multi-family development and new subdivisions of land into more than four parcels should provide public access. .

7. New residential development should be located and designed so that future shoreline stabilization is not needed.

d. Specific Environment Designations

The following table (Table 3) assigns areas within shoreline jurisdiction as a “Shoreline Residential” environment. See also the attached maps.

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Table 3. Shoreline Residential Environment Designation Descriptions

Environment Designation	Sub-Unit	Begins (parcel No.)	Ends (parcel No.)
Shoreline Residential	Lake Stevens Residential – City Limits	00493200100100	29060800300600
Shoreline Residential	Lake Stevens Residential – City Limits	00553800001900	29061700202600
Shoreline Residential	Lake Stevens Residential – UGA	00719200099900	29061900104800
Shoreline Residential	Lake Stevens Residential – City Limits	29061900107000	00493300200300
Shoreline Residential	Lake Stevens Residential – City Limits	00493300101700	29051200400700
Shoreline Residential	Lake Stevens Residential – City Limits	00604900400100	29060700201100
Shoreline Residential	Little Pilchuck Creek – UGA	Southeastern corner of 29060500102200	
Shoreline Residential	Little Pilchuck Creek – UGA	Northeastern corner of 29060900200600	Northeastern corner of 29060900207900
Shoreline Residential	Little Pilchuck Creek – UGA	Southeastern corner of 29060900300500	Northeastern corner of 29060900302000
Shoreline Residential	Little Pilchuck Creek – UGA	29060900302600	29060900305200
Shoreline Residential	Catherine Creek – UGA	Southern portion of 29060900302000	Southern portion of 29060900301900
Shoreline Residential	Catherine Creek – UGA	29060900301600	29060900301200
Shoreline Residential	Catherine Creek – City Limits	29060900301100	00814400001100
Shoreline Residential	Catherine Creek – City Limits	00828600002000	00705800002000

5. "Aquatic" Environment

a. Purpose

The purpose of the "Aquatic" environment is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.

b. Designation Criteria

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

c. Management Policies

1. New over-water structures should be prohibited except for water-dependent uses, public access, or ecological restoration.
2. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.
3. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple uses of over-water facilities should be encouraged.
4. Provisions for the "Aquatic" environment should be directed towards maintaining and restoring habitat for aquatic species.
5. Uses that cause significant ecological impacts to critical freshwater habitats should not be allowed. Where those uses are necessary to achieve Shoreline Management Act objectives, their impacts shall be mitigated according to the sequence defined in Chapter 3 Section B.4.
6. Shoreline uses and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
7. Abandoned and neglected structures that cause adverse visual impacts or are a hazard to public health, safety, and welfare should be removed or restored to a usable condition consistent with this SMP.

CHAPTER 3

General Provisions

A. Introduction

General policies and regulations are applicable to all uses and activities (regardless of shoreline environment designation) that may occur along the City's shorelines.

This chapter is divided into twelve different topic headings and is arranged alphabetically. Each topic begins with a discussion of background SMP issues and considerations, followed by general policy statements and regulations. The intent of these provisions is to be inclusive, making them applicable over a wide range of environments as well as particular uses and activities.

B. Policies and Regulations

1. Universally Applicable Policies and Regulations

a. Applicability

1. The following regulations describe the requirements for all shoreline uses and modifications in all shoreline environment designations.
2. Within shoreline jurisdiction, the purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the SMP where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the SMP will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020. Specifically, LSMC14.16C.115 shall not apply. Variance procedures and criteria have been established in this SMP, Chapter 7 Section E and in Washington Administrative Code (WAC) 173-27-170.4 Environmental Impacts.

b. Policies

1. The City should periodically review conditions on the shoreline and conduct appropriate analysis to determine whether or not other actions are necessary to protect and restore the ecology to ensure no net loss of ecological functions, protect human health and safety, upgrade the visual qualities, and enhance residential and recreational uses on the City's shorelines. Specific issues to address in such evaluations include, but are not limited to:
 - a. Water quality.

- b. Conservation of aquatic vegetation (control of noxious weeds and enhancement of vegetation that supports more desirable ecological and recreational conditions).
 - c. Upland vegetation.
 - d. Changing visual character as a result of new residential development, including additions, and individual vegetation conservation practices.
 - e. Shoreline stabilization and modifications.
2. The City should keep records of all project review actions within shoreline jurisdiction, including shoreline permits and letters of exemption.
 3. Where appropriate, the City should pursue the policies of this SMP in other land use, development permitting, public construction, and public health and safety activities. Specifically, such activities include, but are not limited to:
 - a. Water quality and stormwater management activities, including those outside shoreline jurisdiction but affecting the shorelines of the state.
 - b. Aquatic vegetation management.
 - c. Health and safety activities, especially those related to sanitary sewage.
 - d. Public works and utilities development.
 4. The City should involve affected federal, state, and tribal governments in the review process of shoreline applications.

c. Regulations

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

6. The regulations of Chapters 2, 4, 5 and sections 2, and 4 through 12 of Chapter 3 in this SMP shall not apply to those land areas that are outside shoreline jurisdiction as of the date of adoption of this SMP but which do fall within shoreline jurisdiction due solely to a human-constructed shoreline restoration project, pursuant to the provisions of Washington State House Bill 2199 Chapter 405, 2009 Laws. That is, if a shoreline restoration project causes the expansion of shoreline jurisdiction onto a neighboring property or portion of the subject property, then SMP regulations noted above do not apply to the area of expanded jurisdiction. However, if the area newly falling into shoreline jurisdiction is a critical area, then the critical area provisions of this SMP do apply.
7. The regulations in Appendix C: Critical Areas Regulations for Shoreline Jurisdiction are fully enforceable and considered part of the SMP regulations.

2. Archaeological and Historic Resources

a. Applicability

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

b. Policies

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

c. Regulations

1. All shoreline permits shall contain provisions which require developers to immediately stop work and notify the City, the state office of archaeology and historic preservation, and affected Indian tribes if any phenomena of possible archaeological value are uncovered during excavations. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist to ensure that all possible valuable archaeological data are properly salvaged or mapped.
2. Permits issued in areas known to contain archaeological artifacts and data shall include a requirement that the developer provide for a site inspection and evaluation by a professional archaeologist in coordination with affected Indian tribes. The permit shall require approval by the City before work can begin

on a project following inspection. Significant archaeological data or artifacts shall be recovered before work begins or resumes on a project.

3. Significant archaeological and historic resources shall be permanently preserved for scientific study, education and public observation. When the City determines that a site has significant archaeological, natural, scientific or historical value, a Substantial Development Permit shall not be issued which would pose a threat to the site. The City may require that development be postponed in such areas to allow investigation of public acquisition potential and/or retrieval and preservation of significant artifacts.
4. In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve artifacts or data identified above, the project may be exempted from the permit requirement of these regulations. The City shall notify the State Department of Ecology, the State Attorney General's Office and the State Historic Preservation Office of such a waiver in a timely manner.
5. Archaeological sites located both in and outside the shoreline jurisdiction are subject to RCW 2744 (Indian Graves and Records) and RCW 2753 (Archaeological Sites and Records) and shall comply with WAC 25-48 as well as the provisions of this SMP.
6. Archaeological excavations may be permitted subject to the provisions of this program.
7. Identified historical or archaeological resources shall be included in park, open space, public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource and surrounding environment.
8. Clear interpretation of historical and archaeological features and natural areas shall be provided when appropriate.
9. The City will work with affected tribes and other agencies to protect Native American artifacts and sites of significance and other archaeological and cultural resources as mandated by Chapter 27.53 RCW.

3. Critical Areas

Critical areas in shoreline jurisdiction are regulated by Appendix C of this SMP. The regulations in Appendix C: Critical Areas Regulations for Shoreline Jurisdiction are fully enforceable and considered part of the SMP regulations. The provisions of the Critical Areas Regulations do not extend shoreline jurisdiction beyond the limits specified in this SMP. Critical areas outside shoreline jurisdiction are regulated by the City's Critical Areas Regulations, Chapter 14.88 LSMC (Ordinance 741 effective May 8, 2007 and updated by Ordinance 773 effective April 21, 2008).

4. Environmental Impacts

a. Applicability

The following policies and regulations apply to all uses and development in shoreline jurisdiction that are not within the jurisdiction of the Critical Areas Regulations as addressed in Section B.3 above.

b. Policies

1. In implementing this SMP, the City should take necessary steps to ensure compliance with Chapter 43.21C RCW, the Washington State Environmental Policy Act of 1971, and its implementing guidelines.
2. All significant adverse impacts to the shoreline should be avoided or, if that is not possible, minimized to the extent feasible and provide mitigation to ensure no net loss of ecological function.

c. Regulations

1. All project proposals, including those for which a shoreline permit is not required, shall comply with Chapter 43.21C RCW, the Washington State Environmental Policy Act.
2. Projects that cause significant ecological impacts, as defined in Definitions, are not allowed unless mitigated according to the sequence in subsection c. 4 below to avoid reduction or damage to ecosystem-wide processes and ecological functions.
3. Projects that cause significant adverse impacts, other than significant ecological impacts, shall be mitigated according to the sequence in subsection c.4 below.
4. The City will set mitigation requirements or permit conditions based on impacts identified per this SMP. In order to determine acceptable mitigation, the City Shoreline Administrator may require the applicant to provide the necessary environmental information and analysis, including a description of existing conditions/ecological functions and anticipated shoreline impacts, along with a restoration plan outlining how proposed mitigation measures would result in no net loss of shoreline ecological functions.

When applying mitigation to avoid or minimize significant adverse effects and significant ecological impacts, the City will apply the following sequence of steps in order of priority, with (a) being top priority:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation projects (from subsection (e) above) and taking appropriate corrective measures.
5. Exception to the sequencing noted above: The City may provide for or allow mitigation of an environmental impact through a comprehensive mitigation program such as a mitigation banking program if such mitigation measures will result in a greater benefit in terms of ecological functions and values. Such a program must be based on a comprehensive analysis of ecological systems such as provided by the analysis and restoration plan accomplished as part of this SMP.
- Mitigation measures shall be accomplished at locations in the following order of preference:
- a. On the site where impacts occur (first preference).
 - b. If (a) is not feasible or beneficial in terms of ecological functions, then within or adjacent to the same water body.
 - c. If (b) is not feasible or beneficial in terms of ecological functions, then within the City of Lake Stevens.
 - d. If (c) is not feasible or beneficial in terms of ecological functions, then within the UGA.
6. All shoreline development shall be located and constructed to avoid locally-specific significant adverse impacts to human health and safety.

5. Flood Hazard Reduction and River Corridor Management

a. Applicability

The provisions in this section apply to those areas within shoreline jurisdiction lying along a floodplain corridor, including rivers, streams, associated wetlands in the floodplain, and river deltas.

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

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

b. Policies

1. The City should implement a comprehensive program to manage the City's riparian corridors that integrates the following City ordinances and activities:
 - a. Regulations in this SMP.
 - b. The City's zoning code (Title 14 LSMC).
 - c. The City's Surface Water Management Program, Stormwater Management Plan, and implementing regulations.
 - d. The City's participation in the National Flood Insurance Program and compliance with the State's floodplain management law at Chapter 86.16. RCW.
 - e. The construction or improvement of new public facilities, including roads, dikes, utilities, bridges, and other structures.
 - f. The ecological restoration of selected shoreline areas.
2. In regulating development on shorelines within SMA jurisdiction, the City should endeavor to achieve the following:
 - a. Maintenance of human safety.
 - b. Protection and, where appropriate, the restoration of the physical integrity of the ecological system processes, including water and sediment transport and natural channel movement.
 - c. Protection of water quality and natural groundwater movement.
 - d. Protection of fish, vegetation, and other life forms and their habitat vital to the aquatic food chain.
 - e. Protection of existing legal uses and legal development of property (including nonconforming development) unless the City determines relocation or abandonment of a use or structure is the only feasible option or that there is a compelling reason to the contrary based on public concern and the provisions of the SMA.
 - f. Protection of recreation resources and aesthetic values, such as point and channel bars, islands, and other shore features and scenery.
 - g. When consistent with the provisions (a) through (f) above, provide for public access and recreation, consistent with Chapter 3 Section B.7.
3. The City should undertake flood hazard planning, where practical, in a coordinated manner among affected property owners and public agencies and consider entire drainage systems or sizable stretches of rivers, lakes, or marine shorelines. This planning should consider the off-site erosion and accretion or flood damage that might occur as a result of stabilization or protection structures or activities. Flood hazard management planning should fully employ nonstructural approaches to minimizing flood hazard to the extent feasible.

4. The City should give preference to and use nonstructural solutions over structural flood control devices wherever feasible, including prohibiting or limiting development in historically flood-prone areas, regulating structural design and limiting increases in peak stormwater runoff from new upland development, public education, and land acquisition for additional flood storage. Structural solutions to reduce shoreline hazard should be allowed only after it is demonstrated that nonstructural solutions would not be able to reduce the hazard.

Where structural solutions are rebuilt, fish-friendly structures such as setback levees should be used.

5. In designing publicly financed or subsidized works, the City should provide public pedestrian access to the shoreline for low-impact outdoor recreation.
6. The City should encourage the removal or breaching of dikes to provide greater wetland area for flood water storage and habitat; provided, such an action does not increase the risk of flood damage to existing human development.

c. Regulations

1. New development must be consistent with (a) through (d) below in addition to the provisions of this SMP. In cases of inconsistency, the provisions most protective of shoreline ecological functions and processes shall apply:
 - a. The City's development regulations related to floodways, floodplains, drainage, and erosion regulations.
 - b. "The Flood Insurance Study for Snohomish County, Washington and Incorporated Areas," dated November 8, 1999 in accordance with Chapter 86.16 RCW and the National Flood Insurance Program.
 - c. The City's Storm Water Management Utility Regulations.
 - d. Conditions of Hydraulic Project Approval, issued by Washington State Department of Fish and Wildlife, which may be incorporated into permits issued for flood protection.
2. New structural flood hazard reduction measures, including dikes, levees, and overflow channels, may be allowed only when consistent with development regulations related to floodways and floodplains and all of the following can be demonstrated:
 - a. The project does not further restrict natural channel movement, except that flood hazard reduction measures that protect an existing building, roadway, bridge, or utility line may be installed, provided the measure is placed as close to the existing structure as possible;
 - b. Other, nonstructural measures would not be feasible or adequate;

- c. The measures are necessary to protect existing development or new public development, such as a roadway, that cannot be located further from the stream channel; and
 - d. Shoreline vegetation necessary to provide ecological functions is protected or restored.
3. New flood hazard reduction measures, including dikes and levees, may be constructed to protect properties as part of a shoreline environmental restoration project, such as the breaching of a dike to create additional wetlands. Also refer to Chapter 3, Sections B3 (Critical Areas), B4 (Environmental Impacts), B11 (Vegetation Conservation), and B12 Water Quality and Quantity); Chapter 4, Section C6 (Shoreline Restoration and Ecological Enhancement); and the Restoration Plan (specifically Chapter 3 Restoration Goals and Objectives).
4. Otherwise allowed shoreline modifications in the 100-year floodplain and flood hazard reduction measures shall employ the type of construction or measure that causes the least significant ecological impacts. When authorizing development within the 100-year floodplain, the City will require that the construction method with the least negative significant ecological impacts be used. For example, the City will not allow rock revetments to be used for erosion control if a “softer” approach using vegetation plantings and engineered woody debris placement is possible.
5. Existing hydrological connections into and between water bodies, such as streams, tributaries, wetlands, and dry channels, shall be maintained. Also refer to Chapter 3, Sections B3 (Critical Areas), B4 (Environmental Impacts), B11 (Vegetation Conservation), and B12 Water Quality and Quantity); Chapter 4, Section C6 (Shoreline Restoration and Ecological Enhancement); and the Restoration Plan (specifically Chapter 3 Restoration Goals and Objectives).
6. Re-establishment of native vegetation waterward of a new structure on Catherine Creek and Little Pilchuck Creek is required where feasible. The City Shoreline Administrator may require re-establishment of vegetation on and landward of the structure if it determines such vegetation is necessary to protect and restore ecological functions.
7. Designs for flood hazard reduction measures and shoreline stabilization measures in river corridors must be prepared by qualified professional engineers (or geologists or hydrologists) who have expertise in local riverine processes.
8. Structural flood hazard reduction projects that are continuous in nature, such as dikes or levees, shall provide for public access unless the City determines that such access is not feasible or desirable according to the criteria in Chapter 3 Section B.7 Public Access.
9. Shoreline modification and development standards shall be as outlined in the matrices in Chapter 4 and Chapter 5 for allowable uses and modification and

development standards such as setbacks and clearing and grading within each shoreline environment designation.

10. Bridges, culverts, and other river, stream, and waterway crossings shall be designed and constructed so they do not restrict flood flows such that flood elevations are increased. Where a bridge, culvert, or other waterway crossing replaces an existing crossing, the replacement structure shall not increase flood heights over those caused by the original structure.
11. The removal of gravel for flood control may be allowed only if a biological and geomorphological study demonstrates a long-term benefit to flood hazard reduction, no net loss of ecological functions, and extraction is part of a comprehensive flood management solution.

6. Parking (Accessory)

a. Applicability

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

b. Policies

1. Where feasible, parking for shoreline uses should be provided in areas outside shoreline jurisdiction.
2. Parking should be planned to achieve optimum use. Where possible, parking should serve more than one use (e.g. serving recreational use on weekends, commercial uses on weekdays).

c. Regulations

1. Parking in shoreline jurisdiction must directly serve a permitted shoreline use.
2. Parking as a primary use or that serves a use not permitted in the applicable shoreline environment designation shall be prohibited over water and within shoreline jurisdiction.
3. Parking facilities shall be designed and landscaped to minimize adverse impacts upon the adjacent shoreline and abutting properties. A minimum of 15 feet of Type B landscaping, as defined below, shall be provided between the parking and the shoreline unless there is a building between the parking and the shoreline. Landscaping shall consist of native vegetation and plant materials approved by the City Shoreline Administrator and shall be planted before completion of the parking area in such a manner that plantings provide effective screening between parking and the water body within five years of project completion. The City Shoreline Administrator may modify landscaping requirements to account for reasonable safety and security concerns.

Type B, semi-opaque screen with buffer. A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. In addition, a Type B screen includes a minimum five-foot-wide landscaped planting strip parallel and adjacent to the property line where the screening is required.

4. Parking facilities serving individual buildings on the shoreline shall be located landward, if feasible, to minimize adverse impacts on the shoreline.
5. Parking facilities for shoreline activities shall provide safe and convenient pedestrian circulation within the parking area and to the shorelines.
6. Parking facilities shall provide adequate facilities to prevent surface water runoff from contaminating water bodies, as per the most recent edition of the City of Lake Stevens Surface Water Management Plan.
7. Lighting associated with parking lots shall be beamed, hooded, or directed to minimize and avoid illumination of the water, setback areas, wetlands, and other wildlife habitat areas.
8. See Chapter 5 Section B Development Standards Matrix, for setback requirements.

7. Public Access

a. Applicability

Shoreline public access is the physical ability of the general public to reach and touch the water's edge and the ability to have a view of the water and the shoreline from upland locations. Public access facilities may include picnic areas, pathways and trails, floats and docks, promenades, viewing towers, bridges, boat launches, and improved street ends.

The City provides a number of public access and recreation sites along its shorelines, but should continue to improve existing sites and pursue opportunities to add new public access and recreation sites. The City should continue to work on opportunities for providing public access and recreation on Lake Stevens, particularly in the recently annexed portion of the lake and eventually in the UGA portion of the lake, which are underserved compared to the rest of the lake. Because the great majority of Lake Stevens shorelines are occupied by single-family residences, additional public access will most effectively be provided by land acquisition rather than SMP requirements.

Catherine Creek has a park that provides public access, but it is currently leased by the City and is owned by the School District. The City should work to ensure that this property continues to provide public access and recreational opportunities by securing a long-term lease or purchasing the site.

Little Pilchuck Creek does not currently have public access or recreation sites within the City's shoreline jurisdiction.

In addition to the above examples, comprehensive documentation of existing parks and recreation facilities, public access points and trails are identified and mapped in detail in the Parks & Recreation Element of the City's Comprehensive Plan. This element also identifies future park acquisition and development needs. Similarly, Chapter 4 of the Shoreline Inventory & Analysis Report identifies existing and potential public access sites for each of the City's shoreline waterbodies. The City's public access planning process provided by these documents provides more effective public access than individual project requirements for public access, as provided for in WAC 173-26-221(4)(d)(iii)(A).

b. Policies

1. Public access should be considered in the review of all private and public developments with the exception of the following:
 - a. One- and two-family dwelling units; or
 - b. Where deemed inappropriate due to health, safety and environmental concerns.
2. Developments, uses, and activities on or near the shoreline should not impair or detract from the public's access to the water or the rights of navigation.
3. Public access should be provided as close as possible to the water's edge without causing significant ecological impacts and should be designed in accordance with the Americans with Disabilities Act.
4. Opportunities for public access should be identified on publicly owned shorelines. Public access afforded by shoreline street ends, public utilities and rights-of-way should be preserved, maintained and enhanced.
5. Public access should be designed to provide for public safety and comfort and to minimize potential impacts to private property and individual privacy. There should be a physical separation or other means of clearly delineating public and private space in order to avoid unnecessary user conflict.
6. Public views from the shoreline upland areas should be enhanced and preserved. Enhancement of views should not be construed to mean excessive removal of existing native vegetation that partially impairs views.
7. Public access and interpretive displays should be provided as part of publicly funded restoration projects where significant ecological impacts can be avoided.
8. City parks, trails and public access facilities adjacent to shorelines should be maintained and enhanced in accordance with City and County plans.
9. Commercial and industrial waterfront development should be encouraged to provide a means for visual and pedestrian access to the shoreline area, wherever feasible.

10. The acquisition of suitable upland shoreline properties to provide access to publicly owned shorelands should be encouraged.
11. The City should acquire and develop waterfront property in the recently annexed portion of Lake Stevens to provide additional public access to the shoreline.
12. The City should work with the School District to ensure that Catherine Creek Park will continue to provide public access to Catherine Creek for future generations.

c. Regulations

1. Public access is required for the following development unless the conditions stated in 2, immediately below, apply.
 - a. Land division into more than four lots and PRDs
 - b. Nonwater-oriented uses
 - c. Water related and water oriented commercial uses
 - d. Development by public entities or on public land, including the City and public utility districts
 - e. Development or use that will interfere with an existing public access way. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses.
2. Public access is not required as part of development if any of the following conditions apply:
 - a. The development is a single family residence not part of a development planned for more than 4 parcels or the development is accessory to a single family residence
 - b. Public access is demonstrated to be infeasible or undesirable due to reasons of incompatible uses, safety, security or impact to the shoreline environment. In determining infeasibility or undesirability, the City will consider alternative means of providing public access such as off-site improvements, separation of uses, and restricting the hours of public access to avoid conflicts.
 - c. Where constitutional or legal limitations apply.
 - d. On properties (including public properties) adjacent to Little Pilchuck Creek or Catherine Creek where there is no other connecting trail or route to a public ROW. Provision 2.b regarding safety and security of public access sites shall apply. (The intent of this provision is to avoid isolated and unsafe access features, especially since development must be set back at least 160 feet from the OHWM of these water bodies.) *Exception:* Public access shall be maintained on public properties in the Urban Conservancy environment on Catherine Creek and Little Pilchuck Creek.
 - e. Where the City determines that more effective public access can be provided through public access planning and other compensatory off-site public access improvements provided as part of the development.
3. The shoreline permit shall describe the impact, the required public access conditions, and how the conditions address the impact. Mitigation for public

access impacts shall be in accordance with the definition of mitigation and mitigation sequencing in Chapter 3 Section B.4.

Where public access is required as part of development, the City may allow payment in lieu of site access, where access at the public site would be dangerous or undesirable. The City will use the payment for public access improvements elsewhere.

4. Shoreline substantial development (including land division into more than four lots and PRDs) or conditional uses shall minimize impact to public views of shoreline waterbodies from public land or substantial numbers of residences.
5. Public access provided by shoreline street ends, public utilities and rights-of-way shall not be diminished (This is a requirement of RCW 35.79.035 and RCW 36.87.130).
6. Public access sites shall be connected directly to the nearest public street or public right-of-way and shall include provisions for physically impaired persons, where feasible.
7. Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity.
8. Public access easements and permit conditions shall be recorded as a covenant against the title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use. Said recording with the County Assessor's Office shall occur prior to permit approval (RCW 58.17.110).
9. Minimum width of public access easements shall be sufficient to provide clear, safe access to the shoreline. The Shoreline Administrator may require that the proposed public access improvements be modified to take advantage of special opportunities or to prevent impacts to adjacent sites (especially single-family residences).
10. The standard state approved logo or other approved signs that indicate the public's right of access and hours of access shall be constructed, installed and maintained by the applicant in conspicuous locations at public access sites. Signs may control or restrict public access as a condition of permit approval.
11. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
12. Public access facilities may be developed over water provided that all ecological impacts are mitigated to achieve no net loss of ecological functions.

8. Shorelines of State-Wide Significance

a. Applicability

The Shoreline Management Act of 1971 designated certain shoreline areas as shorelines of state-wide significance. Within the City of Lake Stevens

jurisdiction, Lake Stevens is a shoreline of state-wide significance. Shorelines thus designated are important to the entire state. Because these shorelines are major resources from which all people in the state derive benefit, this jurisdiction gives preference to uses which favor long-range goals and support the overall public interest.

b. Policies

In implementing the objectives of RCW 90.58.020 for shorelines of statewide significance, the City will base decisions in preparing and administering this SMP on the following policies in order of priority, 1 being the highest and 6 being lowest.

1. Recognize and protect the state-wide interest over local interest.
 - a. Solicit comments and opinions from groups and individuals representing state-wide interests by circulating the SMP, and any proposed amendments affecting shorelines of state-wide significance, to state agencies, adjacent jurisdictions, citizen's advisory committees and local officials and state-wide interest groups.
 - b. Recognize and take into account state agencies' policies, programs and recommendations in developing and administering use regulations and in approving shoreline permits.
 - c. Solicit comments, opinions and advice from individuals with expertise in ecology and other scientific fields pertinent to shoreline management.
2. Preserve the natural character of the shoreline.
 - a. Designate and administer shoreline environments and use regulations to protect and restore the ecology and environment of the shoreline as a result of man-made intrusions on shorelines.
 - b. Upgrade and redevelop those areas where intensive development already exists in order to reduce adverse impact on the environment and to accommodate future growth rather than allowing high intensity uses to extend into low-intensity use or underdeveloped areas.
 - c. Protect and restore existing diversity of vegetation and habitat values, wetlands and riparian corridors associated with shoreline areas.
 - d. Protect and restore habitats for State-listed "priority species."
3. Support actions that result in long-term benefits over short-term benefits.
 - a. Evaluate the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.
 - b. In general, preserve resources and values of shorelines of state-wide significance for future generations and restrict or prohibit development that would irretrievably damage shoreline resources.
4. Protect the resources and ecology of the shoreline.

- a. All shoreline development should be located, designed, constructed and managed to avoid disturbance of and minimize adverse impacts to wildlife resources, including spawning, nesting, rearing and habitat areas and migratory routes.
 - b. Actively promote aesthetic considerations when contemplating new development, redevelopment of existing facilities or general enhancement of shoreline areas.
 - c. Shoreline development should be managed to ensure no net loss of ecological functions.
5. Increase public access to publicly owned areas of the shoreline.
- a. Give priority to developing paths and trails to shoreline areas, to provide linear access along the shorelines.
 - b. Locate development landward of the ordinary high water mark so that access is enhanced.
6. Increase recreational opportunities for the public on the shoreline by planning for and encouraging development of facilities for recreational use of the shoreline.

9. Signage

a. Applicability

A sign is defined as a device of any material or medium, including structural component parts, which is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes. The following provisions apply to any commercial or advertising sign located within shoreline jurisdiction that directs attention to a business, professional service, community, site, facility, or entertainment, conducted or sold either on or off premises.

Signs in shoreline jurisdiction shall also adhere to all sign regulations. In the case of overlapping or conflicting regulations, the most stringent regulation shall apply.

b. Policies

1. Signs should be designed and placed so that they are compatible with the aesthetic quality of the existing shoreline and adjacent land and water uses.
2. Signs should not block or otherwise interfere with visual access to the water or shorelands.

c. Regulations

1. Prohibited Signs: The following types of signs are prohibited:
 - a. Off-premises detached outdoor advertising signs.

- b. Commercial signs for products, services, or facilities located off-site.
 - c. Spinners, streamers, pennants, flashing lights and other animated signs used for commercial purposes. Highway and railroad signs are exceptions.
 - d. Signs placed on trees or other natural features, unless the City's Shoreline Administrator finds that these signs are necessary for public safety reasons.
2. Allowable Signs: The following types of signs may be allowed in all shoreline environments:
 - a. Water navigational signs, and highway and railroad signs necessary for operation, safety and direction.
 - b. Public information signs directly relating to a shoreline use or activity. Public information signs shall include public park signs, public access identification signs, and warning signs.
 - c. Off-premise, free-standing signs for community identification, information, or directional purposes.
 - d. National, site and institutional flags or temporary decorations customary for special holidays and similar events of a public nature.
 - e. Temporary directional signs to public or quasi-public events if removed within 10 days following the event.
 3. All signs shall be located and designed to avoid interference with vistas, viewpoints and visual access to the shoreline.
 4. Over-water signs, signs on floats or pilings, and signs for goods, services, or businesses not located directly on the site proposed for a sign are prohibited.
 5. Lighted signs shall be hooded, shaded, or aimed so that direct light will not result in glare when viewed from surrounding properties or watercourses.
 6. Signs shall not exceed 32 square feet in surface area. On-site freestanding signs shall not exceed 6 feet in height. When feasible, signs shall be flush-mounted against existing buildings.
 7. Temporary or obsolete signs shall be removed within timeframes pursuant to LSMC 14.68.030. Examples of temporary signs include: real estate signs, directions to events, political advertisements, event or holiday signs, construction signs, and signs advertising a sale or promotional event.
 8. Signs that do not meet the policies and regulations of this section B.9 shall be removed or shall conform within two years of the adoption of this SMP.
 9. No signs shall be placed in a required view corridor.

10. Utilities (Accessory)

a. Applicability

Accessory utilities are on-site utility features serving a primary use, such as a water, sewer or gas line connecting to a residence. Accessory utilities do not carry significant capacity to serve other users and are considered a part of the primary use. They are addressed in this section because they concern all types of development and have the potential to impact the quality of the shoreline and its waters.

b. Policies

1. Accessory utilities should be properly installed so as to protect the shoreline and water from contamination and degradation to ensure no net loss of ecological functions.
2. Accessory utility facilities and rights-of-way should be located outside of the shoreline area to the maximum extent possible. When utility lines require a shoreline location, they should be placed underground.
3. Accessory utility facilities should be designed and located in a manner which preserves the natural landscape and shoreline ecological processes and functions and minimizes conflicts with present and planned land uses.

c. Regulations

1. In shoreline areas, accessory utility transmission lines, pipelines and cables shall be placed underground unless demonstrated to be infeasible. Further, such lines shall utilize existing rights-of-way and/or bridge crossings whenever possible. Proposals for new corridors in shoreline areas involving water crossings must fully substantiate the infeasibility of existing routes.
2. Accessory utility development shall, through coordination with government agencies, provide for compatible multiple uses of sites and rights-of-way. Such uses include shoreline access points, trails and other forms of recreation and transportation systems, providing such uses will not unduly interfere with utility operations or endanger public health and safety.
3. Sites disturbed for utility installation shall be stabilized during and following construction to avoid adverse impacts from erosion and, where feasible, restored to pre-project configuration and replanted with native vegetation.
4. Utility discharges and outfalls shall be located, designed, constructed, and operated in accordance with best management practices to ensure degradation to water quality is kept to a minimum.
5. Utilities that need water crossings shall be placed deep enough to avoid the need for bank stabilization and stream/riverbed filling both during construction and in the future due to flooding and bank erosion that may occur over time. Boring is a preferred method of utility water crossing over open trenching.

6. Stormwater management systems shall conform to applicable Lake Stevens' stormwater regulations. Any conveyance pipes, detention tanks, or retention facilities shall be placed as far upland away from the shoreline as is feasible.

11. Vegetation Conservation

a. Applicability

The following provisions apply to any activity that results in the removal of or impact to shoreline vegetation, whether or not that activity requires a shoreline permit. Such activities include clearing, grading, grubbing, and trimming of vegetation. These provisions also apply to vegetation protection and enhancement activities. They do not apply to forest practices managed under the Washington State Forest Practices Act. See Chapter 6 for definitions of “significant vegetation removal,” “ecological functions,” “clearing,” “grading,” and “restore.”

b. Policies

1. Vegetation within the City shoreline areas should be enhanced over time to provide a greater level of ecological functions, human safety, and property protection. To this end, shoreline management activities, including the provisions and implementation of this SMP, should be based on a comprehensive approach that considers the ecological functions currently and potentially provided by vegetation on different sections of the shoreline, as described in Chapter 5 of the February 2010 City of Lake Stevens Draft Shoreline Inventory and Analysis Report.
2. This SMP in conjunction with other City development regulations should establish a coordinated and effective set of provisions and programs to protect and restore those functions provided by shoreline vegetation.
3. Aquatic weed management should stress prevention first. Where active removal or destruction is necessary, it should be the minimum to allow water-dependent activities to continue, minimize negative impacts to native plant communities, and include appropriate handling or disposal of weed materials.
4. The removal of invasive or noxious weeds and replacement with native vegetation should be encouraged. Removal of noxious or invasive weeds should be conducted using the least-impacting method feasible, with a preference for mechanical rather than chemical means.

c. Regulations

For All Shoreline Environments:

1. In order to create a new lot partially or wholly within shoreline jurisdiction, the applicant must demonstrate that development can be accomplished without significant vegetation removal within the required SMP setback area. The City's Shoreline Administrator may make exceptions to this standard for

water dependent development and for development in the High Intensity environment only.

2. New development, including clearing and grading, shall minimize significant vegetation removal in shoreline jurisdiction to the extent feasible. In order to implement this regulation, applicants proposing development that includes significant vegetation removal, clearing, or grading within shoreline jurisdiction must provide, as a part of a substantial development permit or a letter of exemption application, a site plan, drawn to scale, indicating the extent of proposed clearing and/or grading. The City's Shoreline Administrator may require that the proposed development or extent of clearing and grading be modified to reduce the impacts to ecological functions.
3. Vegetation restoration of any shoreline that has been disturbed or degraded shall use native plant materials with a diversity and type similar to that which originally occurred on-site unless the City's Shoreline Administrator finds that native plant materials are inappropriate or not hardy in the particular situation.
4. In addressing impacts from significant vegetation removal, the City's Shoreline Administrator will apply the mitigation sequence described in Chapter 3 Section B.4.
5. Where shoreline restoration is required, the vegetation plantings shall adhere to the following specifications, unless the City's Shoreline Administrator finds that another method is more appropriate:

Property owners must prepare, and agree to adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

- a. Requires the preparation of a revegetation plan;
- b. Requires the native vegetation to consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions;
- c. Includes appropriate limitations on the use of fertilizer, herbicides and pesticides as needed to protect water quality; and
- d. Includes a monitoring and maintenance program.

This plan shall be recorded with the Snohomish County Assessor's Office as a covenant against the real property and a copy shall be provided to the Shoreline Administrator.

Where new vegetation would block significant views from a public right-of-way or two residential properties, the Shoreline Administrator may allow the planting of trees and shrubs with a shorter mature height; provided the trees provide the applicable ecological functions.

6. A condition of all development shall be that those areas within the required SMP setback area that have been cleared or where significant vegetation removal has occurred and that are not otherwise occupied by approved

structures or uses shall be revegetated with native vegetation. The City's Shoreline Administrator may require replanting of previously cleared areas or removal of invasive or noxious weeds and replanting with native vegetation as part of mitigation of ecological impacts.

7. Snags and living trees (i.e., large cottonwoods) shall not be removed within the required SMP setback area unless an arborist determines them to be extreme hazards and likely to fall into a park use area, or unless removal is part of an approved development that includes mitigation for impacts to ecological functions. Snags and living trees within the setback which do not present an extreme hazard shall be retained. Selective pruning of trees for safety and view protection is allowed. The City may make exceptions to this standard for water dependent development and for development in the High Intensity environment, or where the City determines that the removal of such vegetation is in the public interest and is consistent with the goals of the Shoreline Management Act as stated in section RCW 90.58.020.

For Shorelines in the Natural Environment

8. Shorelines in the natural environment are critical areas and managed under those provisions. See Section 3.B.3.

For Shorelines in the Urban Conservancy Environment

9. For properties within areas planned for residential development within the Urban Conservancy environment, new development that will cause significant vegetation removal within the required setbacks specified in Chapter 5 Sections B and C.8 shall not be allowed. In cases where the dimensions of existing lots or parcels are not sufficient to accommodate permitted primary residential structures outside of the vegetation conservation area or where the denial of reasonable use would result in a takings, the applicant shall apply for a Shoreline Variance. 10. The enhancement of vegetation shall be a condition of all nonwater-dependent development, dike or levee construction, and shoreline modifications in the Urban Conservancy environments, except where the City's Shoreline Administrator finds that:
 - a. Vegetation enhancement is not feasible on the project site. In these cases the City's Shoreline Administrator may require off-site vegetation enhancement that performs the same ecological functions. Enhancement opportunities on the same waterbody shall be explored first, prior to consideration of enhancement opportunities in the same basin or watershed.
 - b. The restoration of ecological processes and functions can be better achieved through other measures such as the removal of channel constraints.
 - c. Sufficient native vegetation already exists.

11. Minor vegetation removal may be done to provide for development and maintenance of public access and trails on public property provided impacts are mitigated.

For Shorelines in the High-Intensity Environment

12. The impacts due to significant vegetation removal shall be mitigated according to the sequence described in Chapter 3 Section B.4.
13. A condition of all development shall be that those shorelands on the site not occupied by structures, shoreline uses, or human activities shall be revegetated, in accordance with subsection c.5 above. Vegetation within the required setbacks specified in Chapter 5 Section B and C.8 of the shoreline, to the extent the setback extends onto the subject development site, must be native vegetation or species approved by the City's Shoreline Administrator.

For Shorelines in the Shoreline Residential Environment

14. Development is subject to requirements in Chapter 5 Section C.8 Residential Development.

For Shorelines in the Aquatic Environment

15. Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or where an existing water dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards.
16. The control of aquatic weeds by hand pulling, mechanical harvesting, or placement of aqua screens, if proposed to maintain existing water depth for navigation, shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a shoreline substantial development permit.
17. The control of aquatic weeds by derooting, rotovating or other method which disturbs the bottom sediment or benthos shall be considered development for which a substantial development permit is required, unless it will maintain existing water depth for navigation in an area covered by a previous permit for such activity, in which case it shall be considered normal maintenance and repair and therefore exempt from the requirement to obtain a substantial development permit.
18. Where large quantities of plant material are generated by control measures, they shall be collected and disposed of in an appropriate, identified upland location.
19. Use of herbicides to control aquatic weeds shall be prohibited except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations and where no reasonable alternative exists and weed control is demonstrated to be in the public's interest. Application of herbicides for the control of aquatic weeds requires approval from the Department of Ecology.

The City's Shoreline Administrator must be notified of all herbicide usage in aquatic areas and supplied with proof of approval from the Department of Ecology. Additionally, all herbicides shall be applied by a licensed professional.

12. Water Quality and Quantity

a. Applicability

The following section applies to all development and uses in shoreline jurisdiction that affect water quality, as defined below.

1. As used in this SMP, "water quality" means the physical characteristics of water within shoreline jurisdiction, including water quantity and hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics.
2. Where used in this SMP, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and stormwater handling practices. Water quantity, for purposes of this SMP, does not mean the withdrawal of groundwater or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340.

Because the policies of this SMP are also policies of the City's Comprehensive Plan, the policies also apply to activities outside shoreline jurisdiction that affect water quality within shoreline jurisdiction, as determined by the City's Shoreline Administrator. However, the regulations apply only within shoreline jurisdiction.

b. Policies

1. All shoreline uses and activities should be located, designed, constructed, and maintained to avoid significant ecological impacts that alter water quality, quantity, or hydrology.
2. The City should require reasonable setbacks, buffers, and stormwater storage basins and encourage low-impact development techniques and materials to achieve the objective of lessening negative impacts on water quality.
3. All measures for controlling erosion, stream flow rates, or flood waters through the use of stream control works should be located, designed, constructed, and maintained so that net off-site impacts related to water do not degrade the existing water quality and quantity.
4. As a general policy, the City should seek to improve water quality, quantity (the amount of water in a given system, with the objective of providing for ecological functions and human use), and flow characteristics in order to protect and restore ecological functions and ecosystem-wide processes of shorelines within Shoreline Management Act jurisdiction. The City should implement this policy through the regulation of development and activities, through the design of new public works, such as roads, drainage, and water treatment facilities, and through coordination with other local, state, and federal water quality regulations and programs. The City should implement

the City of Lake Stevens Surface Water Management Plan, as updated and adopted by City ordinance.

5. All measures to treat runoff in order to maintain or improve water quality should be conducted on-site before shoreline development creates impacts to water.
6. Shoreline use and development should minimize the need for chemical fertilizers, pesticides or other similar chemical treatments to prevent contamination of surface and groundwater and/or soils, and adverse effects on shoreline ecological functions and values.
7. The City should create a public education campaign to educate shoreline property owners and local stores about best management practices for shorelines. This could include specific information about fertilizers, herbicides, and pesticides.

c. Regulations

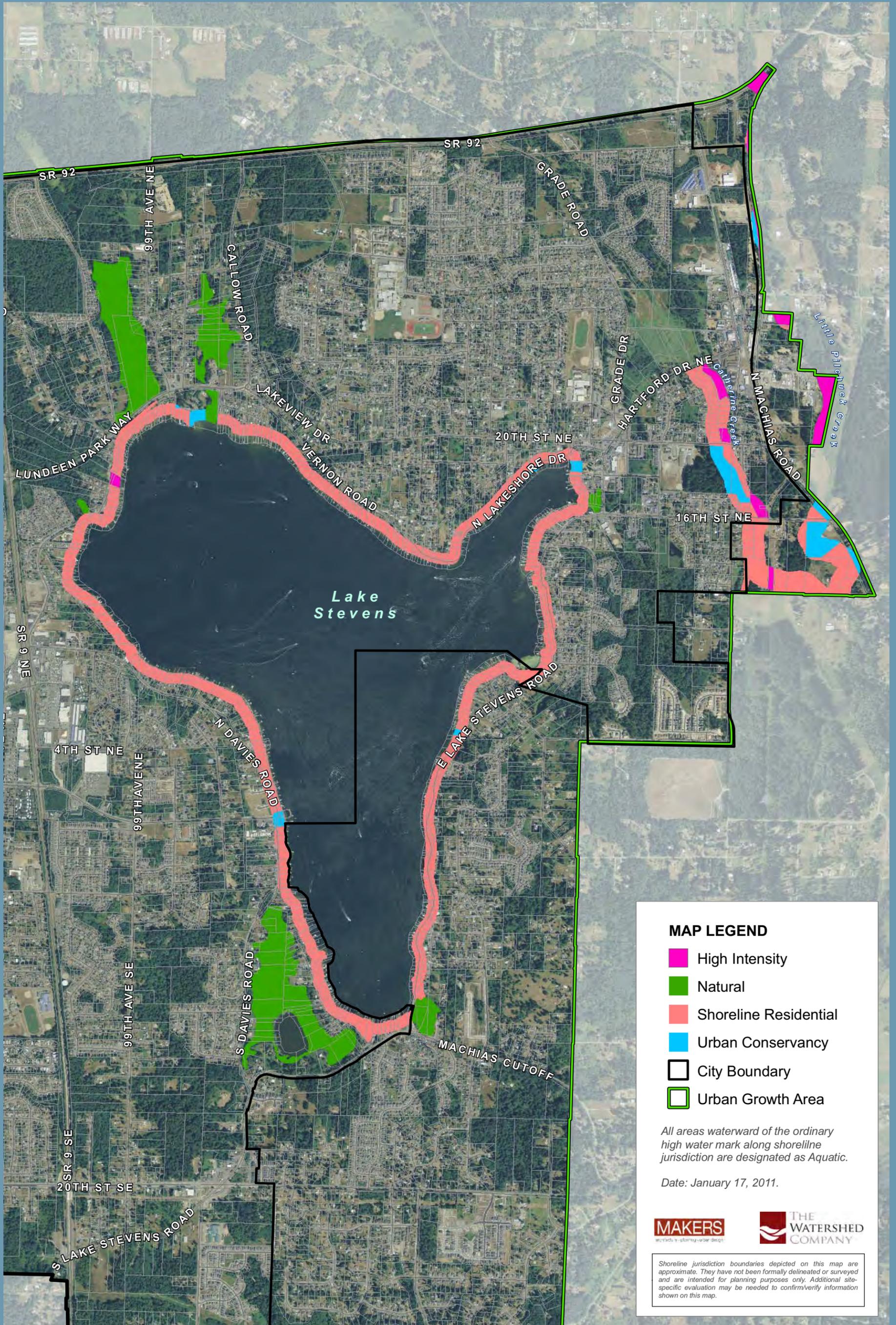
1. All shoreline development, both during and after construction, shall avoid or minimize significant ecological impacts, including any increase in surface runoff, through control, treatment, and release of surface water runoff so that water quality and quantity are not adversely affected. Control measures include, but are not limited to, low impact development techniques, dikes, catch basins or settling ponds, oil interceptor drains, grassy swales, planted buffers, and fugitive dust controls.
2. All development shall conform to local, state, and federal water quality regulations, provided the regulations do not conflict with this SMP.
3. Uses and development that require the application of pesticides, herbicides, fertilizers and other chemicals that could adversely affect water quality (except for those chemicals specifically approved by the Department of Ecology for use in aquatic situations) are prohibited in shoreline jurisdiction.
4. The application of pesticides or herbicides in shoreline jurisdiction is prohibited except for those products specifically approved for use by the Department of Ecology in aquatic situations, and then only if used according to approved methods of and standards for application.



Environment Designations

City of Lake Stevens Shoreline Master Program

DRAFT



MAP LEGEND

- High Intensity
- Natural
- Shoreline Residential
- Urban Conservancy
- City Boundary
- Urban Growth Area

All areas waterward of the ordinary high water mark along shoreline jurisdiction are designated as Aquatic.

Date: January 17, 2011.



Shoreline jurisdiction boundaries depicted on this map are approximate. They have not been formally delineated or surveyed and are intended for planning purposes only. Additional site-specific evaluation may be needed to confirm/verify information shown on this map.



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 24 January 2010

Subject: Lake Stevens Sedimentation Quality Investigation – Snohomish County Report

Contact	Mick Monken	Budget Impact:	Discussion
Person/Department:	<u>Department of Public Works</u>		<u>only</u>

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Discussion only

SUMMARY/BACKGROUND: In 2009, the County and the City had a study performed to evaluate the lake's sediments to better understand the past performance of the aeration system and to consider future management activities needed to control water quality affected by phosphorus loading.

Phosphorus loading in the lake comes primarily from upstream generators such as fertilizers, , septic systems, lack of shoreline vegetation buffers, runoff from roofs and driveways, and animal waste. Phosphorus provides a nutrient that promotes algal growth and impairs water quality. Since 1994, the phosphorus loading in the lake has been controlled in part through the use of an aerator that creates an aerobic condition at the sediment level allowing for the iron particles and suspended phosphorus to bond and settle into the sediment. The phosphorus to iron bond requires oxygen to maintain this bond. Without the aeration system, during the warmer weather, the oxygen near the lower depths of the lake is depleted and the sedimentation zone becomes anaerobic resulting in the release of the iron/phosphorus bond.

There has been a reduction of phosphorus entering the lake since the 1980s but the aerator method ability to be effective diminished. This was in part due to the limits on the amount of iron that can be sustained within the lake without adverse impacts and the need for significant maintenance to the aerator system. This study estimates that the aeration alone does not appear to be a sustainable management strategy past 2019 without implementation of an in-lake sediment treatment alternative.

Three options were proposed in the study that all include using alum treatment (aluminum sulfate) because phosphorus bonds to the aluminum without the need for oxygen. These options are shown in Attachment A which is the table provided in the Study. Attachment B provides a discussion from the County's report that provides a overview analysis of the three options. In summary, Option 2 is the lowest cost but only treats the water column. Option 3 is considered to be the greatest value (balancing cost with effectiveness) for phosphorus control if conducted every 5 to 8 years (per the study).

APPLICABLE CITY POLICIES: To protect the water quality of Lake Stevens

BUDGET IMPACT: Discussion only

ATTACHMENTS:

- ▶ Exhibit A: Option Treatment Table 1 from Tetra Tech Inc. September 2009 study
- ▶ Exhibit B: Discussion from Tetra Tech Inc. September 2009 study

ATTACHMENT A

Table 1. Lake Stevens Alum Treatment Options

Whole-Lake Treatment Option	Total Aluminum Dose (mg Al/L)	Alum (gallons)	Sodium Aluminate (gallons)	Estimated Total Chemical Cost	Permitting and Monitoring Cost	Planning and Design Cost	Total Project Costs	Duration & Costs <u>without</u> Aeration (years & annualized cost)	Duration & Costs <u>with</u> Aeration (years & annualized cost***)
Option 1: Treatment of 36 cm of sediment and precipitation from water column	10.4	1,637,000	818,500	\$4,911,000	\$8,000 \$55,000	\$38,000	\$5,012,000	10 years \$501,000	15-20 years \$434,000 to \$351,000
Option 2: Treatment of water column only to precipitate phosphorus	0.5	180,000	Not needed	\$180,000	\$8,000 \$18,000	\$32,000	\$238,000	2 years \$119,000	3-4 years \$179,000 to \$160,000
Option 3: Treatment of top 4 cm of sediments and precipitation from water column	2.1	756,000	If not needed	\$756,000	\$8,000 \$25,000	\$38,000	\$827,000	5 years \$165,000	8-10 years \$203,000 to \$183,000
		370,000	189,000	\$1,247,000	\$8,000 \$38,000	\$38,000	\$1,331,000	5 years \$266,000	8-10 years \$266,000 to \$233,000

*** Annualized costs “with aeration” include the costs of alum treatment plus the costs of aeration, assuming that aeration (O/M plus normal repairs) is \$100,000 per year. Major repairs to the aeration system would push costs higher.

ATTACHMENT B

DISCUSSION (Excerpt from Tetra Tech *Lake Stevens Sediment Quality Investigation* Sept 2009)

The selection of a recommended alternative for Lake Stevens is not simple because of two major unknowns. First, there is the uncertainty of the success of long-term watershed management efforts that address the current external phosphorus loading to the lake. There have been reductions in watershed pollution since the 1980s, but without intensive outreach efforts to target the use of fertilizers, pet wastes, septic system maintenance, runoff from paved areas, and shoreline vegetation buffers, it is unlikely that further significant reductions in external loading will occur.

Second, the aeration system is sixteen years old and in need of continuing repairs. It is unknown how long the aerators can continue without major investments. Either elements of the aeration system must be repaired as they reach the end of their useful lives in the next few years, or it may not be possible to continue operating the system. Decisions about the aeration system directly affect the choice of an in-lake treatment alternative as well as the length of effectiveness that can be expected from each treatment option.

Some things that have contributed to maintaining and improving the water quality of Lake Stevens are apparent, however. Three of the major sources of nutrients to the lake in the 1970s and 1980s have been curtailed—septic systems near the lake, agricultural pollution, and a large bird population. However, this sediment analysis makes it clear that there still remains significant phosphorus loading to the lake from the watershed, as indicated by the high TP concentrations in the top 4 cm of sediments. The operation of the aeration system has mitigated the occurrence and duration of blue-green algal blooms and has contributed to a reduction in phosphorus release from the sediments. The aeration system has also enhanced habitat by re-establishing an oxygenated hypolimnion.

The question now is will continued operation of the aeration system keep up with the on-going external phosphorus loading from the watershed without additional controls on phosphorus. Unfortunately, without a much more involved analysis of all of the available data and construction of a mass balance loading model, that question cannot be answered completely. What can be concluded from this study is two-fold. If operation of the aeration system does not continue, lake conditions will deteriorate unless an alternative is employed. The current benefits to the hypolimnetic habitat will also be lost. However, hypolimnetic aeration by itself does not appear to be a sustainable management strategy for the long-term (more than 10 years) without implementation of an in-lake sediment treatment alternative.

The alternative that best addresses the problems in Lake Stevens appears to be phosphorus inactivation with alum to control the in-lake phosphorus concentration. Based on review of the data, both in-lake and sediment, and considering life-cycle costs, it would appear that the third option for alum treatment of the shallow sediments (top 4 cm) provides the greatest value (balancing cost with effectiveness) for phosphorus control if conducted every 5 to 8 years. Continued operation of the aeration system will allow this option to be effective for the longer end of this range, while ending aeration will reduce the effectiveness to the shorter time period.



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