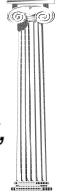


City of Lake Stevens Vision Statement



By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

CITY COUNCIL REGULAR MEETING AGENDA
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street NE, Lake Stevens
Monday, April 8, 2013 - 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: A. Sno-Isle Regional Library survey results.

CONSENT AGENDA: *A. Approve April vouchers. Barb
*B. Approve City Council regular meeting minutes of Norma
March 25, 2013.

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. Public Hearing in consideration of first and final reading of Ordinance No. 889, approving amendment to approved 2011 Shoreline Management Program and related documents. Becky

ACTION ITEMS: *A. Authorize Surface Water Management Services Interlocal between Snohomish County and the City. Mick
*B. Authorize Amendment #1 to Interlocal Aid Agreement for Minor Street Projects with Snohomish County. Mick

Lake Stevens City Council Regular Meeting Agenda

April 8, 2013

**DISCUSSION
ITEMS:**

- | | | |
|-----|--|-------|
| *A. | SR9 / 4 th Street NE access improvement – sub-project of SR 9 / SR204 intersection. | Mick |
| *B. | Acceptance of Cavellero Mid High deeding right-of-way and road improvement to the City. | Mick |
| *C. | 2012 Annual Police Report. | Dan |
| *D. | Professional Services Agreement for business recruitment with Natalie Quick Consulting. | Becky |

**COUNCIL PERSON'S
BUSINESS:**

STAFF REPORTS:

MAYOR'S BUSINESS:

**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.

NOTICE:

All proceedings of this meeting are audio recorded, except Executive Sessions

**BLANKET VOUCHER APPROVAL
 2013**

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	907042-907107	\$129,190.70
Payroll Checks	34934	\$2,360.57
Electronic Funds Transfers	578-584	\$137,383.99
Claims	34935-34991	\$118,662.93
Void Checks	34020	(\$14,540.01)
Tax Deposit(s)	4/1/2013	\$52,713.51
Total Vouchers Approved:		\$425,771.69

This 8th day of April 2013:

 Mayor

 Councilmember

 Finance Director

 Councilmember

 Councilmember

 Councilmember



This page left blank intentionally

Direct Deposit Register

01-Apr-2013

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

01-Apr-2013	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
12112	AFLAC	C	\$1,916.48	578	Wells Fargo	121000248	4159656917
101	Assoc. Of Washington Cities	C	\$81,539.32	579	Wells Fargo	121000248	4159656917
13027	DEPARTMENT OF LICENSING	C	\$306.00	580	Wells Fargo	123456789	123123123
9407	Department of Retirement (Pers	C	\$47,094.03	581	Wells Fargo	121000248	4159656917
9408	NATIONWIDE RETIREMENT SOL	C	\$1,148.25	582	Wells Fargo	121000248	4159656917
1418	Standard Insurance Company	C	\$4,977.45	583	Wells Fargo	121000248	4159656917
9405	Wash State Support Registry	C	\$402.46	584	Wells Fargo	121000248	4159656917
Total:			\$137,383.99		Count:	7.00	

Direct Deposit Summary

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	7	\$137,383.99

Pre-Note Transactions

Detail Check Register

01-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
34935	01-Apr-13	13824	Wash Teamsters Welfare Trust		\$1,308.60
04/01/13		Insurance Premiums		\$1,308.60	\$0.00
001010576802000		Parks - Benefits		\$50.89	
101016542002000		Street Fund - Benefits		\$559.79	
410016542402000		Storm Water - Benefits		\$697.92	
			Total Of Checks:		\$1,308.60

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
34936	08-Apr-13	13217	APWA			\$179.00
2013 14350		Dues 6/2013-5/2014		\$179.00	\$0.00	\$179.00
101016542004900		Street Fund - Miscellaneous		\$179.00		
34937	08-Apr-13	179	Blumenthal Uniforms			\$7.59
991049		Brass collar		\$7.59	\$0.00	\$7.59
001008521002600		Law Enforcment Clothing		\$7.59		
34938	08-Apr-13	11947	BOSTEC, INC.			\$187.88
26254		FST mouthpieces		\$187.88	\$0.00	\$187.88
001008521003104		Law Enforcement-Operating Cost		\$187.88		
34939	08-Apr-13	14005	C&P Fencing			\$1,320.00
188-1		Cyclone Fence Repair		\$1,320.00	\$0.00	\$1,320.00
101016542004800		Street Fund - Repair & Mainten		\$1,320.00		
34940	08-Apr-13	11952	Carquest Auto Parts Store			\$380.43
2421-187220		Oil/Air filters/oil		\$270.98	\$0.00	\$270.98
101016542003102		Street Fund Operating Costs		\$203.23		
410016542403102		Storm Water - Operating Costs		\$67.75		
2421-187600		Wiper blades/oil		\$88.23	\$0.00	\$88.23
101016542003102		Street Fund Operating Costs		\$88.23		
2421-187616		Hex socket		\$6.07	\$0.00	\$6.07
101016542003102		Street Fund Operating Costs		\$6.07		
2421-187815		Wiper blade		\$5.05	\$0.00	\$5.05
101016542003102		Street Fund Operating Costs		\$5.05		
2421-187931		Wiper blades		\$10.10	\$0.00	\$10.10
101016542003102		Street Fund Operating Costs		\$10.10		
34941	08-Apr-13	13776	Chris L Griffen			\$450.00
2Z905587		Public Defender		\$187.50	\$0.00	\$187.50
001013512800000		Court Appointed Attorney Fees		\$187.50		
C9133L		Public Defender		\$262.50	\$0.00	\$262.50
001013512800000		Court Appointed Attorney Fees		\$262.50		
34942	08-Apr-13	12004	CITY OF MARYSVILLE			\$32,504.80
34020		Replace check # 34020		\$14,540.01	\$0.00	\$14,540.01

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
001008523005100			Law Enforcement - Jail	\$14,089.43		
001013519904100			General Government - Professio	\$450.58		
POLIN11-0276			Prisoner Housing Feb 2013	\$17,764.79	\$0.00	\$17,764.79
001008523005100			Law Enforcement - Jail	\$17,764.79		
POLIN11-0282			Prisoner medical Feb 2013	\$200.00	\$0.00	\$200.00
001008523005100			Law Enforcement - Jail	\$200.00		
34943	08-Apr-13	13030	COMCAST			\$82.50
03/13 0810218			Internet - N Lakeshore Dr	\$82.50	\$0.00	\$82.50
001008521004200			Law Enforcement - Communicatio	\$82.50		
34944	08-Apr-13	13030	COMCAST			\$72.50
03/13 0692756			Internet - Fairweather	\$72.50	\$0.00	\$72.50
001008521004200			Law Enforcement - Communicatio	\$72.50		
34945	08-Apr-13	91	Corporate Office Supply			\$246.23
137665i			office supplies	\$188.86	\$0.00	\$188.86
001008521003100			Law Enforcement - Office Suppl	\$188.86		
137875i			Supplies	\$57.37	\$0.00	\$57.37
001013519903100			General Government - Operating	\$57.37		
34946	08-Apr-13	11975	DAN LORENTZEN			\$12.00
03/28/13			SCSPC mtg	\$12.00	\$0.00	\$12.00
001008521004300			Law Enforce - Travel & Mtgs	\$12.00		
34947	08-Apr-13	381	Databar, Inc.			\$473.15
200323			Supplies	\$473.15	\$0.00	\$473.15
001003514103100			City Clerks-Office Supplies	\$47.59		
001004514233100			Finance - Office Supplies	\$47.59		
001008521003100			Law Enforcement - Office Suppl	\$142.80		
001013519903100			General Government - Operating	\$235.17		
34948	08-Apr-13	12130	DAY WIRELESS SYSTEMS (16)			\$591.11
330074			yearly radar calibration	\$81.46	\$0.00	\$81.46
001008521004800			Law Enforcement - Repair & Mai	\$81.46		
330075			yearly radar calibration	\$70.60	\$0.00	\$70.60
001008521004800			Law Enforcement - Repair & Mai	\$70.60		
330078			yearly radar calibration	\$70.60	\$0.00	\$70.60

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
001008521004800			Law Enforcement - Repair & Mai	\$70.60		
330079			yearly radar calibration	\$70.60	\$0.00	\$70.60
001008521004800			Law Enforcement - Repair & Mai	\$70.60		
330083			yearly radar calibration	\$70.60	\$0.00	\$70.60
001008521004800			Law Enforcement - Repair & Mai	\$70.60		
330084			yearly radar calibration	\$70.60	\$0.00	\$70.60
001008521004800			Law Enforcement - Repair & Mai	\$70.60		
330085			yearly radar calibration	\$86.05	\$0.00	\$86.05
001008521004800			Law Enforcement - Repair & Mai	\$86.05		
330086			yearly radar calibration	\$70.60	\$0.00	\$70.60
001008521004800			Law Enforcement - Repair & Mai	\$70.60		
34949	08-Apr-13	12130	DAY WIRELESS SYSTEMS (16)			\$141.20
330087			yearly radar calibration	\$70.60	\$0.00	\$70.60
001008521004800			Law Enforcement - Repair & Mai	\$70.60		
330088			yearly radar calibration	\$70.60	\$0.00	\$70.60
001008521004800			Law Enforcement - Repair & Mai	\$70.60		
34950	08-Apr-13	473	Electronic Business Machines			\$178.23
085576			Copier maint	\$178.23	\$0.00	\$178.23
001008521004800			Law Enforcement - Repair & Mai	\$178.23		
34951	08-Apr-13	12711	EVERGREEN SECURITY SYSTEMS			\$100.46
36688			evidence room alarm	\$100.46	\$0.00	\$100.46
001008521004800			Law Enforcement - Repair & Mai	\$100.46		
34952	08-Apr-13	13764	Frontier			\$79.15
03/13 42533408350116			Fax line	\$79.15	\$0.00	\$79.15
001013519904200			General Government - Communica	\$26.39		
101016542004200			Street Fund - Communications	\$26.38		
410016542404200			Storm Water - Communications	\$26.38		
34953	08-Apr-13	13010	Grainger			\$5.35
9096309480			Hex key	\$5.35	\$0.00	\$5.35
101016542003102			Street Fund Operating Costs	\$5.35		

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
34954	08-Apr-13	13971	Granite Construction Co		\$11,255.69
Retainage		2012 Overlay	Retainage Release	\$11,255.69	\$0.00
621000586000006		Street Project	Retainage Reimb	\$11,255.69	
34955	08-Apr-13	673	Home Depot		\$2,132.89
1571590		Texture paint		\$98.02	\$0.00
001010576803100		Parks - Operating Costs		\$14.70	
101016542003102		Street Fund Operating Costs		\$58.81	
410016542403102		Storm Water - Operating Costs		\$24.51	
3130945		Air compressor, framing gun, hoses		\$426.49	\$0.00
101016542003102		Street Fund Operating Costs		\$281.48	
410016542403103		Tools		\$145.01	
3130947		Lumber for police evidence room		\$1,415.46	\$0.00
001008521003104		Law Enforcement-Operating Cost		\$1,415.46	
4130704		Flex Duct		\$37.47	\$0.00
001010576803100		Parks - Operating Costs		\$3.75	
101016542003102		Street Fund Operating Costs		\$28.10	
410016542403102		Storm Water - Operating Costs		\$5.62	
4593397		Wood Sealant		\$65.91	\$0.00
101016542003102		Street Fund Operating Costs		\$32.96	
410016542403102		Storm Water - Operating Costs		\$32.95	
9015497		Water pipe/lumber		\$89.54	\$0.00
101016542003102		Street Fund Operating Costs		\$67.16	
410016542403102		Storm Water - Operating Costs		\$22.38	
34956	08-Apr-13	13509	Industrial Supply, Inc		\$118.19
511856		Broom		\$21.18	\$0.00
101016542003102		Street Fund Operating Costs		\$15.88	
410016542403102		Storm Water - Operating Costs		\$5.30	
512273		Stop/Slow sign		\$97.01	\$0.00
101016542640000		Street Fund - Traffic Control		\$97.01	
34957	08-Apr-13	14006	Jerod Wachtveitl		\$25.98
03/15/2013		Memory Card/CD-DVD Burner		\$25.98	\$0.00
001008521003100		Law Enforcement - Office Suppl		\$25.98	
34958	08-Apr-13	13863	Johns Cleaning Service		\$193.82
1085		Uniform cleaning		\$193.82	\$0.00

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount
001008521002600			Law Enforcment Clothing	\$193.82
34959	08-Apr-13	14004	Kathryn Grooms	\$7,285.74
SWM Rfnd			Surface Water fee refund	\$7,285.74
410016589000000			SWM Refunds	\$7,285.74
34960	08-Apr-13	11777	Lake Stevens Fire	\$1,735.00
6742			Q3 & Q4 2012 Fire Fees	\$1,550.00
633000589500000			Fire Dept Fee Remittance	\$1,550.00
6896			Annual inspection Library	\$185.00
001012572503100			Library - Office And Operating	\$185.00
34961	08-Apr-13	852	Lake Stevens Journal	\$288.10
79112			LUA2013-006 Underground Utilities	\$120.60
001007558004400			Planning - Advertising	\$120.60
79113			LUA2013-0019 Phosphorus Mgmt pl	\$167.50
410016531503104			DOE-G1100060 SW Capacity Exp	\$167.50
34962	08-Apr-13	12751	LAKE STEVENS POLICE GUILD	\$997.50
03/31/13			Union Dues	\$997.50
001000281000000			Payroll Liabilities	\$997.50
34963	08-Apr-13	9340	Lake Stevens School District	\$1,125.00
8420			2013-2014 Calendar Ad	\$1,125.00
001013519903100			General Government - Operating	\$1,125.00
34964	08-Apr-13	13844	Larry Skinner	\$154.04
03/25/13			meals/mileage for ICC code update	\$154.04
001007559004300			Building Dept - Travel & Mtgs	\$154.04
34965	08-Apr-13	12841	Law Offices of Weed, Graafstra	\$6,523.00
111			Professional services	\$6,523.00
001005515204100			Legal - Professional Service	\$3,913.80
101016542004100			Street Fund - Professional Ser	\$1,956.90
410016542404101			Storm Water - Professional Ser	\$652.30
34966	08-Apr-13	13147	LEIRA	\$155.00
2013			annual memebership	\$155.00
001008521004900			Law Enforcement - Miscellaneou	\$155.00

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
34967	08-Apr-13	12603	LES SCHWAB TIRE CENTER		\$699.00
40200090580			New Tires for PW3	\$699.00	\$0.00
					\$699.00
001010576804800			Parks - Repair & Maintenance	\$100.00	
101016542004800			Street Fund - Repair & Mainten	\$350.00	
410016542404800			Storm Water - Repairs & Maint.	\$249.00	
34968	08-Apr-13	12215	LOWES COMPANIES		\$202.73
11315			Lumber for dock repair	\$38.31	\$0.00
					\$38.31
001010576803100			Parks - Operating Costs	\$38.31	
11406			Door hardware, blinds, Door	\$122.85	\$0.00
					\$122.85
001013519903100			General Government - Operating	\$122.85	
61855			Lumber for fence repair	\$32.54	\$0.00
					\$32.54
001010576803100			Parks - Operating Costs	\$32.54	
900001			Discount	(\$66.70)	\$0.00
					(\$66.70)
101016542003102			Street Fund Operating Costs	(\$66.70)	
99966			Replace blind/shade in offices #103/	\$75.73	\$0.00
					\$75.73
001008521003104			Law Enforcement-Operating Cost	\$75.73	
34969	08-Apr-13	12725	MRSC		\$120.00
AG11192			MRSC Roster Dues	\$120.00	\$0.00
					\$120.00
101016542004900			Street Fund - Miscellaneous	\$120.00	
34970	08-Apr-13	1091	Office Of The State Treasurer		\$16,405.46
03/2013			Mar 2013 State Court Fees	\$16,405.46	\$0.00
					\$16,405.46
633008559005100			Building Department - State Bl	\$63.00	
633008589000003			Public Safety And Ed. (1986 As	\$8,271.01	
633008589000004			Public Safety And Education	\$4,738.46	
633008589000005			Judicial Information System-Ci	\$1,368.61	
633008589000008			Trauma Care	\$534.56	
633008589000009			school zone safety	\$8.83	
633008589000010			Public Safety Ed #3	\$241.91	
633008589000011			Auto Theft Prevention	\$729.89	
633008589000012			HWY Safety Act	\$85.19	
633008589000013			Death Inv Acct	\$54.57	
633008589000014			WSP Highway Acct	\$309.43	
34971	08-Apr-13	1110	PACIFIC POWER BATTERIES		\$38.13
11283195			Battery	\$38.13	\$0.00
					\$38.13

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521003104			Law Enforcement-Operating Cost	\$38.13	
34972	08-Apr-13	13304	Purchase Power		\$350.00
03/13 01831977			Postage	\$350.00	\$0.00
001007558004200			Planning - Communication	\$30.95	
001013519904200			General Government - Communica	\$304.55	
101016542004200			Street Fund - Communications	\$7.25	
410016542404200			Storm Water - Communications	\$7.25	
34973	08-Apr-13	9416	Rescue Towing		\$282.36
13889			evidence impound	\$282.36	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$282.36	
34974	08-Apr-13	1343	SIRCHIE FINGER PRINT		\$102.82
0116073-IN			evidence collection containters	\$102.82	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$102.82	
34975	08-Apr-13	13715	Sno Co Sherrifs Office		\$7,598.86
2013-1515			Prisoner Housing Feb 2013	\$7,598.86	\$0.00
001008523005100			Law Enforcement - Jail	\$7,598.86	
34976	08-Apr-13	1382	Snohomish County Public Works		\$3,666.42
I000324604			Vehicle Repair/Signs	\$3,666.42	\$0.00
001008521004800			Law Enforcement - Repair & Mai	\$2,007.23	
101016542004800			Street Fund - Repair & Mainten	\$369.11	
101016542640000			Street Fund - Traffic Control	\$920.97	
410016542404800			Storm Water - Repairs & Maint.	\$369.11	
34977	08-Apr-13	12961	SNOHOMISH COUNTY PUD		\$1,494.01
104008378		202150405		\$166.62	\$0.00
410016542404700			Storm Water-Aerat. Utilities	\$166.62	
107324570		202013249		\$191.31	\$0.00
101016542630000			Street Fund - Street Lighting	\$191.31	
113959542		202340527		\$43.16	\$0.00
001010576804700			Parks - Utilities	\$14.39	
101016542004700			Street Fund - Utilities	\$14.39	
410016542404701			Storm Water Utilities	\$14.38	
120593741		200493443		\$31.90	\$0.00
001010576804700			Parks - Utilities	\$31.90	
127223476		203599006		\$305.49	\$0.00

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001010576804700			Parks - Utilities	\$101.83	
101016542004700			Street Fund - Utilities	\$101.83	
410016542404701			Storm Water Utilities	\$101.83	
143690052	203728159			\$101.60	\$0.00
101016542630000			Street Fund - Street Lighting	\$101.60	
147003399	203582010			\$189.25	\$0.00
101016542630000			Street Fund - Street Lighting	\$189.25	
150300673	203203245			\$464.68	\$0.00
001010576804700			Parks - Utilities	\$464.68	
34978	08-Apr-13	1388	Snohomish County Treasurer		\$350.10
03/2013			Mar 2013 Crime Victims Comp	\$350.10	\$0.00
633008589000001			Crime Victims Compensation	\$350.10	
34979	08-Apr-13	13994	Strategies 360		\$1,500.00
772-9325			Hwy9 Prof Svcs	\$1,500.00	\$0.00
001013511204101			Advisory Svcs - Lobbying	\$1,500.00	
34980	08-Apr-13	13891	Tacoma Screw Products Inc		\$124.57
30337871			Gloves/Steel anchors	\$71.00	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$41.54	
001010576803100			Parks - Operating Costs	\$29.46	
30339250			Wedge Bolts	\$53.57	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$53.57	
34981	08-Apr-13	11787	Teamsters Local No. 763		\$569.00
03/2013			Union Dues	\$569.00	\$0.00
001000281000000			Payroll Liabilities	\$569.00	
34982	08-Apr-13	1491	The Everett Herald		\$242.88
1814487			Shoreline Master Program	\$56.88	\$0.00
001007558004400			Planning - Advertising	\$56.88	
1814736			LU2012-30 Kaintz Maple Rock	\$125.68	\$0.00
001007558004400			Planning - Advertising	\$125.68	
1815038			LU2012-30 Kaintz Maple Rock	\$60.32	\$0.00
001007558004400			Planning - Advertising	\$60.32	

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
34983	08-Apr-13	11788	United Way of Snohomish Co.		\$315.68
03/13			Employee Contributions	\$315.68	\$0.00
001000281000000			Payroll Liabilities	\$315.68	
34984	08-Apr-13	13045	UPS		\$39.85
74Y42113			Evidence shipping	\$20.92	\$0.00
001008521004200			Law Enforcement - Communicatio	\$20.92	
74Y42123			Evidence shipping	\$18.93	\$0.00
001008521004200			Law Enforcement - Communicatio	\$18.93	
34985	08-Apr-13	12158	VERIZON NORTHWEST		\$2,479.90
9702132041			Wireless Phone Services	\$2,479.90	\$0.00
001003511104200			Executive - Communication	\$85.66	
001003513104200			Administration-Communications	\$85.66	
001003514104200			City Clerks-Communications	\$32.48	
001003516104200			Human Resources-Communications	\$55.64	
001003518104200			IT Dept-Communications	\$111.28	
001007558004200			Planning - Communication	\$148.46	
001008521004200			Law Enforcement - Communicatio	\$1,448.30	
001010576804200			Parks - Communication	\$170.81	
101016542004200			Street Fund - Communications	\$170.81	
410016542404200			Storm Water - Communications	\$170.80	
34986	08-Apr-13	1579	VILLAGE ACE HARDWARE		\$431.28
37262			Tarp	\$59.72	\$0.00
101016542660000			Street Fund - Snow & Ice Contr	\$59.72	
37385			Cleaning materials for park signs	\$92.27	\$0.00
001010576803100			Parks - Operating Costs	\$92.27	
37438			Rolers,Pry Bar, Fasteners	\$31.77	\$0.00
001013519903100			General Government - Operating	\$31.77	
37460			Door Handle	\$28.23	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$28.23	
37465			Kitchen Sink and Flag	\$124.87	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$124.87	
37466			Deck Screws	\$26.04	\$0.00

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521003104			Law Enforcement-Operating Cost	\$26.04	
37506			Toolbox	\$18.45	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$18.45	
37512			Chain grinder/grinding stone	\$49.93	\$0.00
101016542003102			Street Fund Operating Costs	\$49.93	
34987	08-Apr-13	1579	VILLAGE ACE HARDWARE		\$69.00
37214			Caulk	\$3.79	\$0.00
101016542003102			Street Fund Operating Costs	\$3.79	
37410			Outlet covers	\$7.90	\$0.00
101016542003102			Street Fund Operating Costs	\$7.90	
37417			Keys	\$15.16	\$0.00
001013519903100			General Government - Operating	\$15.16	
37432			Jack Hammer Drill Bit	\$10.85	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$10.85	
37441			Bolts	\$6.49	\$0.00
001010576803100			Parks - Operating Costs	\$6.49	
37521			Concrete screws/carbide bit	\$13.77	\$0.00
001013519903100			General Government - Operating	\$13.77	
37528			Fasteners	\$0.76	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$0.76	
37532			Tool JMK	\$10.28	\$0.00
101016542003102			Street Fund Operating Costs	\$10.28	
34988	08-Apr-13	13956	Wa St Dept of Enterprise Svcs		\$250.00
18-1-60581			Q2.2013 Membership	\$250.00	\$0.00
001013519904900			General Government - Miscellan	\$250.00	
34989	08-Apr-13	1604	WASHINGTON AUDIOLOGY SERVICES		\$2,270.75
40784			Employee audiometric tests	\$1,140.75	\$0.00

Detail Check Register

04-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521004100			Law Enforcement - Professional	\$712.97	
101016542004100			Street Fund - Professional Ser	\$213.89	
410016542404101			Storm Water - Professional Ser	\$213.89	
40787			Employee audiometric tests	\$1,130.00	\$0.00
001007559004100			Building Department - Professi	\$86.92	
001008521004100			Law Enforcement - Professional	\$869.24	
101016542004100			Street Fund - Professional Ser	\$86.92	
410016542404101			Storm Water - Professional Ser	\$86.92	
34990	08-Apr-13	13263	WSSO Advanced Training		\$500.00
Barnes 2013			Barnes-WSSO training	\$250.00	\$0.00
001008521004901			Law Enforcement - Staff Develo	\$250.00	
Guertin 2013			Guertin SRO Training	\$250.00	\$0.00
001008521004901			Law Enforcement - Staff Develo	\$250.00	
34991	08-Apr-13	12845	ZACHOR & THOMAS, INC. P.S.		\$8,250.00
615			Prosecutor services	\$8,250.00	\$0.00
001013515210000			Prosecutor fees	\$8,250.00	
Total Of Checks:					\$117,354.33



This page left blank intentionally

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

Monday, March 25, 2013
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: Todd Welch, Suzanne Quigley, Kathy Holder, Kim Daughtry, and Neal Dooley

COUNCILMEMBERS ABSENT: Marcus Tageant and John Spencer

STAFF MEMBERS PRESENT: City Attorney Cheryl Beyer, Planning Director Becky Ableman, Finance Director Barb Lowe, Public Works Director Mick Monken, Interim Police Chief Dan Lorentzen, and City Clerk/Admin. Asst. Norma Scott

OTHERS: Dan DuByne

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

Guest Business. Dan DuByne, 2511 123rd Avenue NE, commented vandalism occurred at his home and appreciated the way Officer Wellington and Sgt. Minor handled the situation.

Consent Agenda. Councilmember Holder moved to approve the Consent Agenda (A. Approve March vouchers [Payroll Direct Deposits 906985-907041 for \$127,044.11; Payroll Checks 34873 for \$2,471.28; Electronic Funds Transfers 573-577 for \$4,273.37; Claims 34874-34933 for \$160,787.79; Tax Deposit 3.15.13 for \$50,463.03 for total vouchers approved of \$345,039.58]; and B. Approve City Council regular meeting minutes of March 11, 2013), seconded by Councilmember Dooley; motion carried with Councilmember Quigley abstaining. (4-0-1-2)

Public Hearing in consideration of Resolution No. 2013-3, Touchette Single-Family Residential Development Agreement. City Clerk Scott read the public hearing procedure. Planning Director Ableman commented the property was previously proposed as Multi-family Residential with Development Agreement when annexed. The current owner wishes to construct one single-family residence within the Bald Eagle nest buffer but outside the wetland and steep slopes and associated buffers. Single-family is about all that will fit on the lot. Rezoning would take more time, and the developer agreed to the formal developer agreement. No building permit has been submitted. SEPA Determination of Nonsignificance was issued. The SEPA checklist listed a septic system, but sewer availability has not been determined. If sewer is available and they meet the requirements, they will be required to hook up. The criteria for the developer agreement have been met.

Public comments. None

MOTION: Councilmember Daughtry moved to close the public comment portion of the public hearing, seconded by Councilmember Welch; motion carried unanimously. (5-0-0-2)

MOTION: Councilmember Dooley moved to close the Public Hearing, seconded by Councilmember Welch; motion carried unanimously. (5-0-0-2)

MOTION: Councilmember Dooley moved to approve Resolution No. 2013-3, the Touchette single-family residential development agreement, seconded by Councilmember Daughtry; motion carried unanimously. (5-0-0-2)

Authorize the 2013 Pavement Overlay Interlocal with Snohomish County. Public Works Director Monken mentioned the City is required by the TIB grant fund to use the County for the paving. Paying an administrative fee cost will be shared by other jurisdictions. The interlocal is good for ten years.

MOTION: Councilmember Holder moved to authorize the Mayor to sign Interlocal Agency Agreement for Snohomish County for overlay improvements, seconded by Councilmember Welch; motion carried unanimously. (5-0-0-2)

Authorize AquaTechnex Professional Services Agreement Supplement #5 to Eurasian Watermilfoil Control Program Implementation. Public Works Director Monken noted the watermilfoil is nearly eradicated. The 2013 budget of \$53,000 is for Year-3 treatment applied in spots rather than area broadcasting. The cost is \$47,393.04 with a \$5,000 management reserve. This should be the last supplement under this contract.

MOTION: Councilmember Quigley moved to authorize Supplement No. 5 to the current contract with AquaTechnex, LLC to perform the Year 3 pre and post survey and recommend control measures as part of the 2011 Implementation of Application Strategy Plan for an amount of \$47,393.04 and authorized a \$5,000 management reserve, seconded by Councilmember Welch; motion carried unanimously. (5-0-0-2)

Business Recruitment Services. Planning Director Ableman commented the City received two proposals from the Request for Qualifications for a marketing and business recruitment program including a communications plan. Staff is recommending Natalie Quick Consulting because of her local familiarity, contacts and the overall approach to the project. She has previously worked for the cities of Kent, Renton and Mill Creek. The contract is scheduled for the April 8 Council meeting with the scope of work and budget.

Shoreline Management Program update. Planning Director Ableman commented they met with the consultant and they are working on updating supporting documentation for the 50'vs 20' vegetative buffer language. Staff had a conversation with the citizen group attorney but no feedback has been received. The Council Public Hearing is April 8.

Council Person's Business: Councilmembers reported on the following meetings: Daughtry – Snohomish County Cities meeting last week.

Mayor's Business: Mayor Little attended the North County Mayor's meeting where they discussed Highway 9 and Snohomish County projects. The City received twenty Police Chief

applications. Six were selected, two from out of state and four within the State with two of those local.

Staff Reports: Staff reported on the following: Planning Director Ableman – reviewing movie in the park event and how to regulate, rowing regattas – Type 3 permit allows three over the year with two being in October and April no officer is on the lake (should they be charged for officer time – look at in the future), for April 9 the Marysville Planning Commission invited the City Planning Commission to a joint meeting, and Snohomish County Tomorrow is Wednesday night; and Public Works Director Monken – next month he and the Mayor will talk with the Transportation Improvement Board in Olympia.

Adjourn. Councilmember Welch moved to adjourn at 7:51 p.m., seconded by Councilmember Holder; motion carried unanimously. (5-0-0-2)

Vern Little, Mayor

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

DRAFT



This page left blank intentionally



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: April 8, 2013

Subject: Shoreline Master Program Update – Public Hearing on Ecology’s Conditional Approval (LS2009-11) – Ordinance No. 889

Contact Person/Department: Becky Ableman/Karen Watkins **Budget Impact:** None

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Action requested of Council is to hold a first and final public hearing on Ecology’s required changes and suggested changes, proposed alternative language, and additional staff changes. Based on public testimony, Council may agree to Ecology’s required and suggested changes or submit an alternative proposal to changes. Ordinance No. 889 agrees to some required and suggested changes, proposes alternative language for three required changes, and proposes two additional SMP amendments, as well as adoption of the Addendum to the Cumulative Impacts Analysis.

SUMMARY: The City Council approved a Shoreline Master Program on November 28, 2011 (Ordinance No. 856) (*Attachment 1* without exhibits). As required by the SMP grant, the SMP Amendment Package was sent to Ecology with completion determined by Ecology on February 27, 2012. Ecology held a comment period on the Lake Stevens SMP April 19-May 21, 2012 and held a public hearing on April 19, 2012 at the Lake Stevens School District Educational Center. Ecology summarized public hearing comments and requested the City respond to the comments. On September 10, 2012, the City submitted to Ecology written responses to issues raised during the state comment period. Consistent with Chapter 90.58 RCW, the City’s proposed SMP amendments have been reviewed with consistency with the policy and approval criteria of the Shoreline Management Act. The Conditional Approval letter is Ecology’s response to the review and includes Findings and Conclusions, Ecology required changes, suggested changes, and a responsiveness summary to public comments (*Attachment 2*).

BACKGROUND: Staff received draft required changes from Ecology in late 2012 to review. The draft was shared with the SMP Council Subcommittee on December 10, 2012. The final letter, dated January 4, 2013, was received by Mayor Little on January 14, 2013. The letter was shared with full Council by email on January 16 and placed on the website with notice to the SMP Interested Parties Email List on January 17, 2012. In addition, staff sent postcards on January 25 to approximately 50 residents who attended SMP meetings, but have not requested to be on the Interested Parties list.

Staff sent a letter requesting an extension until April 30, 2013 to Ecology’s 30-day response requirement to the Conditional Approval Letter (*Attachment 3*). The extension allows for Council discussion and a Public Process before developing a response to Ecology. The April 8 SMP Public Hearing for comments on Ecology’s required changes and suggested changes was noticed by publication in the Everett Herald on March 22 and Lake Stevens Journal on March 27 and sent to the Interested Parties by email on March 21 and 29 (*Attachment 4*). In addition, a press release was sent to the Lake Stevens Journal and Everett Herald, which was published by the Lake Stevens Journal on March 27 and is expected to be published in the Everett Herald in early April (*Attachment 5*).

DISCUSSION: The City received ten required changes from Ecology and one suggested change, which was from City Staff. Some of these changes were discussed in an email from Ecology received before Council's final approval of the SMP (*Attachment 6*). The Council held a briefing on January 28, 2013 for the SMP and an SMP Workshop was scheduled and held for February 25, 2013 before the Council meeting. A summary of the workshop comments are included in *Attachment 7*. On March 25, 2013 the Council approved \$3,693 of additional work by The Watershed Company to analyze Ecology required changes #6 (new building setbacks based on adjacent houses) and #9 (existing vegetation on undeveloped lots).

The Watershed Company worked with staff to analyze all shoreline parcels and prepare an Addendum to the Cumulative Impacts Analysis (CIA) in response to Ecology's required changes #6 and #9 (*Attachment 8*). The addendum concludes that requiring setbacks to be determined by adjacent homes rather than by the minimum 60-foot setback does not change the median setback from the current 49 feet. In addition, the addendum reviews the four undeveloped single-family home lots on the shoreline and describes the existing conditions of these lots to be either already cleared or protected by other critical area provisions. Therefore, requiring a 50-foot vegetative protective buffer rather than the City adopted 20-foot vegetative protective buffer will not result in meaningful improvement to lake functions. Per this assessment, the City adopted 20-foot vegetative protective buffer would result in no net loss of lake ecological functions due to the current vegetation on the existing four undeveloped parcels.

PROPOSED ALTERNATIVE LANGUAGE

In addition to the Watershed Addendum, Ecology's comments for the required changes include a response from staff regarding referenced sections of the SMP. Staff has provided a response for each:

Required Change #6 – New Building Setbacks (SMP, Chapter 5, Provision C.8.c.3.a.i (page 85)):

The City Council's adopted language was a standard 60 foot setback from the OHWM and that the Shoreline Administrator can allow it to be closer. Ecology's required change was to use the average of the setbacks of existing houses on adjacent lots with a minimum setback of 60 feet and not allowing the Shoreline Administrator to reduce the minimum as it does not provide any limits for the Shoreline Administrator to make a determination.

Ecology Required Changes (in blue and red):

3. New residential development, including new structures, new pavement, and additions, within shoreline jurisdiction on lakes shall adhere to the following standards:
 - a. Setbacks:
 - i. New buildings: Set back all covered or enclosed structures the average of the setbacks of existing houses on adjacent lots on both sides of the subject parcel, with a ~~standard~~ minimum setback, ~~which is a lake setback~~ of 60 feet from the OHWM (consisting of 50 feet from the OHWM plus an additional 10 foot building setback]. ~~Where the Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the Shoreline Administrator may allow the residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated.~~

Attachment 8, prepared by the Watershed Company discusses the required change and provides analysis on why the City Council approved language is as protective of the ecological functions of the lake as is

the required change. In addition, Ecology references a number of SMP Policies and the SMP Guidelines stating the Council adopted language does not meet this requirement.

Staff recommends accepting the removal of the second sentence under New Buildings that gives the Shoreline Administrator the ability to reduce setbacks without a variance because there are not specific provisions they would be required to meet and a specific reduction specified. Property owners should request a Shoreline Variance to reduce the 60-foot setback.

The following analysis of each section referenced by Ecology in their discussion/rationale for the required change is included below and is predicated that the second sentence is removed, but the original language of the first sentence remains as adopted by the City Council with minor revisions as shown under Staff Proposed Alternative Language:

Staff Proposed Alternative Language (revisions shown from Council Approved Language):

- i. New buildings: Set back all covered or enclosed structures with a ~~standard~~ minimum setback, ~~which is a lake setback of 60 feet from the OHWM (consisting of 50 feet from the OHWM plus an additional 10 foot building setback). Where the Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the Shoreline Administrator may allow the residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated.~~

Shoreline Residential Management Policies (Chapter 2, Section C.4.c.) – The policies for uses include allowing land division and development when adequate setbacks provide protection to ecological functions of Lake Stevens and designed so future stabilization is not needed. The Watershed Company addendum to the CIA shows that requiring the minimum 60 foot setback from the OHWM is protective of the lake’s ecological functions and therefore the need to keep some properties further back is not warranted. Therefore, with the addendum to the CIA and the staff proposed alternative language above, the shoreline residential management policies are met.

General Use Policies (Chapter 5, Section C.1.b.) – The general use policies include preference for uses consistent with prevention of damage to the natural environment, not to diminish the vegetation and wildlife and prohibiting special conditions to uses. The CIA Addendum shows that a minimum setback of 60 feet from the lake is protective of the lake’s ecological functions. Any new development will need to meet the general use policies for residential development including being protective of the lake, vegetation and wildlife. The staff proposed alternative language above will allow these general use policies to be met.

Residential Use Policies (Chapter 5, Section C.8.b.1-7) – The residential use policies include when new residences can be allowed and that they must be built without requiring shoreline armoring and be protective of ecological functions. The CIA Addendum shows that a minimum setback of 60 feet from the lake is protective of the lake’s ecological functions. Any new development will need to meet the policies for residential development including being located to not need shoreline armoring. The staff proposed alternative language above will allow these residential use policies to be met.

SMP-Guideline Standards (No Net Loss WAC 173-26-186, Residential Use WAC 173-26-241.3.j) – The CIA Addendum describes how the use of the minimum 60 foot setback from the lake will be protective of the ecological functions of the lake and concludes, “In summary, given the key features discussed above, as well as the December 2011 CIA submitted to Ecology with the locally adopted November 2011 SMP,

the City approved SMP is anticipated to achieve **no net loss of ecological functions in the shorelines of the City of Lake Stevens.**” This would then meet the SMP-Guideline Standards for meeting no net loss and allowing for single-family residential development on the lake with the 60 foot setback and all other SMP policies and regulations.

Required Change #9 – New Residential Development, Vegetation Retention (SMP, Chapter 5, Provision C.8.c.4 (page 88)): The City Council’s adopted language required existing native vegetation within 20-feet of the OHWM be retained and if no or little vegetation exists, then 20 feet be planted. Ecology’s required change is the retention to 50 feet from the OHWM.

Ecology Required Changes (in blue and red):

4. For new development on previously undeveloped lots, any existing native vegetation shall be retained along the shoreline to a minimum of 50-feet-20-feet upland from the OHWM. If little or no native vegetation exists on the previously undeveloped lot, native vegetation shall be planted along the shoreline to 20 feet from the OHWM. 25 percent of the required vegetated area can be cleared or thinned for view maintenance and waterfront access, provided 75 percent of the area remains vegetated. Invasive species may be removed, vegetation trimmed, and trees —limbed upll from the ground to provide views. In the 25 percent cleared area, pathways for access to the water are allowed.

Attachment 8, prepared by the Watershed Company discusses the required change and provides analysis specifically of the four undeveloped properties on the lake. Ecology references the SMP Guidelines, the City’s Critical Areas Ordinance, and various sections of the Washington Advisory Code (WAC) stating the Council adopted language does not meet these requirements.

The CIA Addendum discusses specifically the four undeveloped lots on Lake Stevens and concludes,

“For those few undeveloped lots on the City’s shorelines, the presence of critical areas will limit significant encroachment on shoreline functions in most cases. In one case, the proposed SMP provision requiring maintenance or planting of native vegetation within 20 feet of the shoreline is expected to result in enhanced shoreline functions despite upland development.”

Therefore, the 20 foot vegetative buffer would ensure no net loss of ecological functions on the lake as there are only four undeveloped properties and the existing conditions have been reviewed and discussed in the CIA Addendum. Staff is proposing alternative language to the Ecology required change and including some of Ecology’s wording, but retaining the original 20 foot vegetative retention instead of the 50 foot.

Staff Proposed Alternative Language (revisions shown from Council Approved Language):

4. For new development on previously undeveloped lots, any existing native vegetation shall be retained along the-shoreline to a minimum of 20 feet upland from the OHWM. If little or no native vegetation exists on the previously undeveloped lot, native vegetation shall be planted along the shoreline to 20 feet from the OHWM. 25 percent of the required vegetated area can be cleared or thinned for view maintenance and waterfront access, provided 75 percent of the area remains vegetated. Invasive species may be removed, vegetation trimmed, and trees —limbed upll from the ground to provide views. In the 25 percent cleared area, pathways for access to the water are allowed.

The following analysis of each Ecology reference in their discussion/rationale for the required change is included below and is discussed using the Staff Proposed Alternative Language:

SMP-Guideline (WAC 173-26-201(3)(d)(i)) – The CIA Addendum provides a site specific ecological analysis of the four undeveloped shoreline parcels to show that there is currently limited native vegetation on these lots and there are areas on two with wetlands that would also require protective buffers.

City’s Critical Areas Ordinance (Chapter 14.88 LSMC) – The City chose to bring specific critical areas regulations for shorelines into the SMP rather than to continue to use Chapter 14.88 LSMC for shorelines. “Appendix B: Critical Areas Regulations Within Shoreline Jurisdiction” clearly states the purpose and intent:

1.A. Purpose and Intent.

The purpose of this appendix is to designate, classify, and protect the critical areas within shoreline jurisdiction of the Lake Stevens community by establishing regulations and standards for development and use of properties which contain or adjoin shoreline jurisdictional critical areas for protection of the public health, safety, and welfare. The purpose and intent of this appendix is also to ensure that there is no net loss of the acreage or functions and values of shoreline jurisdictional critical areas regulated by this appendix. The regulations in this appendix are fully enforceable and considered part of the SMP

Fish and Wildlife Conservation Areas are covered in Part 3 of the Appendix and in Section 3.E(a) “...a 50-foot buffer shall be required for all regulated activities adjacent to fish and wildlife conservation areas.” Therefore, Chapter 14.88 LSMC should have no jurisdiction over protection of fish and wildlife conservation areas for shorelines.

No Net Loss (WAC 173-26-186(8)(b)) – The CIA Addendum describes how the retention of 20 feet of existing native vegetation on the four undeveloped shoreline parcels would achieve no net loss of shoreline ecological functions and concludes, “In summary, given the key features discussed above, as well as the December 2011 CIA submitted to Ecology with the locally adopted November 2011 SMP, the City approved SMP is anticipated to achieve **no net loss of ecological functions in the shorelines of the City of Lake Stevens.**”

Basic Concepts – Use of Scientific/Technical Information, Adoption of Policies/Regulations, and Protection of Ecological Functions (WAC 173-26-201(2)) – The CIA Addendum describes how the retention of 20 feet of existing native vegetation on the four undeveloped shoreline parcels would achieve no net loss of shoreline ecological functions by providing specific site review of the four parcels and how development would affect existing vegetation.

Required Change #10 – Public Access (SMP, Chapter 5, Provision C.8.c.7 (page 89)): Ecology required change #10 adds a reference to public access, which is already included in the SMP in two other sections. Staff proposed change is to change the “shall” to “should” to be consistent with the other two sections in the adopted SMP.

7. The creation of new residential lots within shoreline jurisdiction on lakes shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:
 - a. The residence can be built in conformance with all applicable setbacks and development standards in this 2011 SMP.
 - b. Adequate water, sewer, road access, and utilities can be provided.
 - c. The intensity of development is consistent with the City’s Comprehensive Plan.

- d. The development will not cause flood or geological hazard to itself or other properties.
- e. Land-division creating four or more new parcels (~~shall~~)should provide Public Access (see Chapter 2 Section 4.c.5. and Chapter 3 Section B.7.).

ADDITIONAL PROPOSED REVISIONS BY STAFF

Over the past year, staff has been asked by residents the differences in the old and new SMPs or how a specific development would be reviewed under the new SMP. In addition, council recently adopted code amendments related to buoys, so amendments are proposed for consistency with new regulations.

Chapter 1 – Introduction to the SMP, E – How the Shoreline Master Program is Used, 1 – When is a Permit Required: Depending on the final outcome of Engrossed Substitute House Bill (ESHB) 1090 (Increasing the dollar amount for construction of a dock that does not qualify as a substantial development under the shoreline management act), this section of the SMP may need to be revised with the change to \$20,000 for docks as shown below. In addition, the addition to refer to future adjustments for inflation should be adopted to avoid having to update this section every five years:

“Substantial development” is any “development” where the total cost or fair market value exceeds five thousand seven hundred eighteen dollars (\$5,718), as adjusted for inflation by the Office of Financial Management every five years, or any development that materially interferes with the normal public use of the water or shoreline of the state. The five thousand seven hundred eighteen dollar (\$5,718) 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))~~twenty thousand dollars ~~(\$((+))20,000)~~, as adjusted for inflation by the Office of Financial Management every five years. ~~((but i))~~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.

Chapter 4 – Shoreline Modification Provisions, Section B, Table 4 Shoreline Modification Matrix: Staff proposes minor revision to be consistent with recently adopted code amendments related to private buoys in Title 10 LSMC:

Shoreline Modification Matrix Notes:

1. *Fill in the floodplain must meet all federal, state, and local flood hazard reduction regulations.*
2. *Fill in aquatic areas for the purposes of shoreline ecological restoration may be allowed as a permitted use if the Shoreline Administrator determines that there will be an increase in desired ecological functions.*
3. *New non-public piers and docks are prohibited on Little Pilchuck Creek and Catherine Creek.*
4. *A shoreline modification may be allowed in the Aquatic Environment if the chart indicates that it is allowed in both the Aquatic Environment and the adjacent upland environment.*
5. *New shoreline stabilization structures are not allowed in the Aquatic Designation. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure (WAC 173-26-231(3)(a)(iii)(C)). All other shoreline stabilization structures in the Aquatic Designation require a conditional use permit.*
6. *A maximum of two private mooring piles or buoys per dock in lieu of fingers or ells are allowed only within the envelope of the dock and no farther waterward than the end of the dock pursuant to LSMC 10.16.070. Also a maximum of two private piles or buoys are allowed in lieu of dock if it includes markings for navigational safety where it shall be colored white and shall have a horizontal blue band*

around the circumference of the buoy centered midway between the top of the buoy and the water line (WAC 352-66-100 and LSMC 10.16.070(d)). “Envelope of the dock” is defined as the area measured 30 feet from shore and only as far from the side of the dock as required for the size of the boat to be moored at the dock.

Chapter 5 – Shoreline Use Provisions (Section C.8.c.3.b (page 86)): Staff proposes minor revision to reference for designing and constructing pervious concrete and asphalt:

- b. Maximum amount of impervious surface: The maximum amount of impervious surface for each lot, including structures and pavement shall be no greater than 40 percent of the total lot area above OHWM.

In calculating impervious surface, pavers on a sand bed may be counted as 50 percent impervious and wood decks with gaps between deck boards may be counted as permeable if over bare soil or loose gravel (such as pea gravel). Pervious concrete and asphalt (~~may be counted as per manufacturer’s specifications~~) should be designed and constructed to 2005 Stormwater Manual, as amended, and Puget Sound Partnership Low Impact Development Manual, as amended. To calculate the net impervious surface, multiply the area of the pavement by the percentage of imperviousness.

The City may determine the percentage of imperviousness for pavements that are not specified here.

WRITTEN TESTIMONY

The City has received one letter of testimony from Futurewise (*Attachment 9*).

COUNCIL ACTION

Attached Ordinance No. 889 (*Attachment 10*) is consistent with the February 25, 2013 Council discussion of the Ecology required changes for additional analysis. The ordinance has been reviewed and approved as to form by the City Attorney.

Pursuant to RCW 90.58.090(2)(e) and Ecology’s Conditional Approval Letter, the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology and with the Shoreline Management Act.

Ecology Required and Suggested Changes: Acceptance of required changes for #1, #2, #3, #4, #5, #7, and #8 as proposed by Ecology on Attachment B and the suggested change on Attachment C of Ecology’s Conditional Approval Letter (see *Attachment 2*).

Alternative Language Proposed: Based on the additional parcel by parcel review of all Lake Stevens shoreline parcels and the Addendum to the Cumulative Impacts Analysis, Alternative Language for both required changes #6 and #9 are proposed. In addition, a minor revision is proposed to Required Change #10. The alternative language proposals are discussed in detail in this staff report.

NEXT STEPS: The City is required to respond to Ecology’s Conditional Approval by April 30, 2013. Council may decide to hold a second review of Ordinance No. 889 on April 22, 2013. Once the SMP is adopted by Ecology, staff will bring forward a few final code amendments for consistency with the adopted SMP.

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.

BUDGET IMPACT: The City received a two year, \$60,000 Shoreline Master Program Update grant from the Washington Department of Ecology for consultants. This funding was spent by 2011. An additional \$3,693 was approved for consultant review of Required Changes #6 and #9.

ATTACHMENTS:

- 1 – Ordinance No. 856 Adopting 2011 SMP (without attachments) on November 28, 2013
- 2 – Ecology's Conditional Approval Letter dated January 4, 2013
- 3 – Letter to Ecology Requesting Response Extension to April 30, 2013
- 4 – Notice of April 8 Public Hearing for Publication
- 5 – Press Release
- 6 – Email from Ecology dated 11/21/11 Regarding Comments on SMP
- 7 – SMP February 25 Workshop Summary of Comments
- 8 – The Watershed Company's Addendum to the Cumulative Impacts
- 9 – Written Testimony from Futurewise by Letter dated April 4, 2013
- 10 – Ordinance No. 889 Adopting Amendments to SMP & Addendum to Cumulative Impacts Analysis

CITY OF LAKE STEVENS
Lake Stevens, Washington
ORDINANCE NO. 856

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON APPROVING THE PROPOSED CITY OF LAKE STEVENS 2011 SHORELINE MASTER PROGRAM AND THE ACCOMPANYING ENVIRONMENT DESIGNATIONS, GOALS AND POLICIES, REGULATIONS, CUMULATIVE IMPACTS ANALYSIS, RESTORATION PLAN, AND NO NET LOSS REPORT SUMMARY UNDER THE PROCEDURES SET FORTH IN CHAPTER 90.58 RCW; AND DIRECTING THAT THE APPLICABLE SHORELINE MASTER PROGRAM UPDATE MATERIALS BE PROVIDED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR ITS REVIEW.

WHEREAS, the Washington Shoreline Management Act (Chapter 90.58 RCW, (“SMA” or the “Shoreline Management Act”) recognizes that shorelines are among the most valuable and fragile resources of the State, and that State and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the City of Lake Stevens (“City”) is required to update its Shoreline Master Program (“SMP” or “Shoreline Master Program”), adopted in 1974, pursuant to the Shoreline Management Act and Chapter 173-26 WAC; and

WHEREAS, the City is updating its Shoreline Master Program under a two year grant (No. G1000027) from the Washington State Department of Ecology (“Ecology” or the “Department of Ecology”) to complete a comprehensive shoreline master program update (LS2009-11); and

WHEREAS, the Department of Ecology is authorized under the Shoreline Management Act to approve, deny or propose modifications to the City’s SMP; and

WHEREAS, Lake Stevens is classified as a unique shoreline by the State due to its size of 1,014 acres, and is known as a Shoreline of Statewide Significance; and

WHEREAS, the areas under State shoreline jurisdiction include, in general, the area around and within 200 feet of the shoreline of Lake Stevens, the shorelines of Catherine Creek and Little Pilchuck Creek where the creeks run at least 20 cubic feet per second, and three associated wetland complexes, Stevens Creek, Lundeen Creek and Stitch Lake; and

WHEREAS, the City has engaged in extensive public participation with respect to the Shoreline Master Program Update preceding the Local Adoption Process, including but not limited to the following: a Shoreline Citizens Advisory Committee, three public open houses, two Council workshops, four Council Subcommittee Meetings, four briefings to Planning Commission, four briefings to City Council, emails to interested parties, postcard notices to shoreline property owners, published notices in the local newspapers, and meetings with residents and developers, as requested; and

WHEREAS, on February 15, 2010, the City issued a Draft Shoreline Analysis Report, an inventory and characterization of the City’s shorelines to be used to record the existing or baseline

conditions upon which the development of shoreline master program provisions are examined to ensure the adopted regulations provide no net loss of shoreline ecological functions; and

WHEREAS, on April 19, 2011, the City issued a Final Draft Cumulative Analysis for City of Lake Stevens shorelines and on November 17, 2011, issued a Preliminary Final Cumulative Analysis for City of Lake Stevens shorelines, an inventory and characterization of the City's shorelines to assess ecological functions and ecosystem-wide processes operating within the City's shoreline jurisdiction and to serve as a baseline from which future development actions in the shoreline jurisdiction will be measured; and

WHEREAS, on April 19, 2011, the City issued a Final Draft 2011 Shoreline Master Program and on November 17, 2011, issued a Preliminary Final 2011 Shoreline Master Program, including goals and policies, environmental designations for areas within the City and in the Urban Growth Area, and regulations, and replacing the previously adopted 1974 Shoreline Master Program; and

WHEREAS, on April 19, 2011, the City issued a Final Draft Shoreline Restoration Plan for the City of Lake Stevens shorelines and on November 17, 2011, issued a Preliminary Final Shoreline Restoration Plan, listing restoration goals and objectives and discussing existing or potential programs and projects that positively impact the shoreline environment; and

WHEREAS, a No Net Loss Report confirms the goals, policies and regulations of the proposed 2011 Shoreline Master Program with mitigation for impacts pursuant to the Restoration Plan will result in "no net loss" in shoreline ecological function relative to the baseline due to its implementation and will ultimately produce a net improvement in shoreline ecological function; and

WHEREAS, it is anticipated that the City will consider and enact code amendments and comprehensive plan amendments related to the 2011 Shoreline Master Program shortly after the adoption of the Shoreline Master Program; and

WHEREAS, the adoption of code amendments and comprehensive plan amendments for sections relating to shoreline areas is necessary to retain consistency between the Lake Stevens Municipal Code, the GMA Comprehensive Plan and the Shoreline Master Program; and

WHEREAS, on April 15, 2011, the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance for the adoption of the Shoreline Master Program and related code amendments and comprehensive plan amendments and published the notice in the Everett Herald; and

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

WHEREAS, the City submitted the proposed comprehensive plan amendments and code amendments related to the 2011 Shoreline Master Program to the Washington State Department of Commerce on April 5, 2011 for its 60-day review and received documentation of completion of the procedural requirement on June 6, 2011; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed comprehensive plan amendments, code amendments and 2011 Shoreline Master Program, held duly noticed public hearings on May 4 and 18, 2011, and all public testimony was given full consideration before a recommendation was made to the City Council; and

WHEREAS, on May 23, June 13 July 11, November 21, and November 28, 2011, the Lake Stevens City Council reviewed the Planning Commission’s recommendation relating to the proposed 2011 Shoreline Master Program and associated comprehensive plan amendments and code amendments and held duly noticed public hearings, and all public testimony has been given full consideration.

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

Section 1. Conclusions. The City Council hereby concludes the following with regard to the 2011 Shoreline Master Program adopted and approved in this ordinance:

- A. Implementation of the 2011 Shoreline Master Program will result in “no net loss” in shoreline ecological function relative to the established baseline and will ultimately produce a net improvement in shoreline ecological function; and
- B. The 2011 Shoreline Master Program is consistent with and meets the State Shoreline Guidelines established under Chapter 173-26 WAC; and
- C. The 2011 Shoreline Master Program is consistent with and implements the Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW).

Section 2. Shoreline Master Program Adopted. The Snohomish County Shoreline Management Master Program dated September 1974 is hereby repealed and replaced in its entirety, and the City of Lake Stevens 2011 Shoreline Master Program and associated documents, as set forth in the following **Exhibits 1 through 5** (attached to this ordinance and incorporated by reference) are hereby adopted:

1. Exhibit 1 -- 2011 Shoreline Master Program including the Shoreline Environment Designation Map (Appendix A) and the Critical Areas Regulations Within Shoreline Jurisdiction (Appendix B).
2. Exhibit 2 -- Shoreline Analysis Report for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek.
3. Exhibit 3 -- Cumulative Impacts Analysis for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek.
4. Exhibit 4 -- The Shoreline Restoration Plan for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek.
5. Exhibit 5 -- No Net Loss Report Summary.

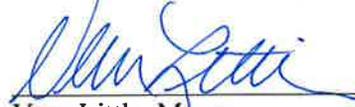
Section 3. The City Planning Director or designee shall make final revisions to the documents as adopted at the November 28 public hearing and any necessary format, numbering, or reference changes necessary to finalize adopted documents.

Section 4. The City Planning Director or designee shall forward the adopted Shoreline Master Program documents to the Washington State Department of Ecology, pursuant to local approval submittal requirements in WAC 173-26-110, for formal review and approval.

Section 5. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 6. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force following approval of the updated Shoreline Master Program by the Washington State Department of Ecology.

PASSED by the City Council of the City of Lake Stevens this 28th day of November, 2011.



Vern Little, Mayor

ATTEST/AUTHENTICATION:



Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:



Grant K. Weed, City Attorney

First Reading: May 23, 2011
Second Reading: July 11, 2011
Third Reading: November 21, 2011
Fourth Reading: November 28, 2011
Published: December 7, 2011
Effective Date:

Exhibit 1

2011 Shoreline Master Program including the Shoreline Environment Designation Map (Appendix A) and the Critical Areas Regulations Within Shoreline Jurisdiction (Appendix B)

Exhibit 2

Shoreline Analysis Report for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek

Exhibit 3

Cumulative Impacts Analysis for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek

Exhibit 4

The Shoreline Restoration Plan for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek

Exhibit 5

No Net Loss Report Summary

RECEIVED
JAN 14 2013
CITY OF LAKE STEVENS



COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

January 4, 2013

The Honorable Vern Little
City of Lake Stevens
1812 Main Street
Lake Stevens, WA 98258-0257

**RE: City of Lake Stevens Comprehensive Shoreline Master Program Update -
Conditional Approval, Ordinance No. 856**

Dear Mayor Little:

I would like to take this opportunity to commend the city of Lake Stevens (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. It is obvious that a significant effort was invested in this update by your staff and engaged community of stakeholders. The SMP will provide a framework to guide development and restoration in the City's shoreline along Little Pilchuck Creek, Catherine Creek and Lake Stevens. The Washington State Department of Ecology (Ecology) applauds the City's "pre-designation" of anticipated future annexation areas. This improves predictability for all concerned regarding future incorporation of these areas.

As we have already discussed with your staff, Ecology has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Suggested changes are also included in Attachment C. Ecology's findings and conclusions related to the City's proposed SMP update are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e) at this point the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guidelines requirements.

Please provide your written response within 30 days to the Director's Office at the following address:

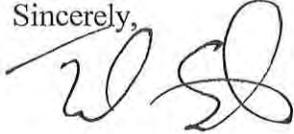
WA State Department of Ecology
Attention: Director's Office
PO Box 47600
Olympia, WA 98504-6700

ATTACHMENT 2
Honorable Vern Little
January 4, 2012
Page 2

Ecology appreciates the dedicated work that you, the city council, Planning & Community Department staff, and the planning commission have put into the Shoreline Master Program update.

Thank you again for your efforts. We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Joe Burcar, at Joe.Burcar@ecy.wa.gov or (425) 649-7145.

Sincerely,



Ted Sturdevant
Director

Enclosures (3)

By Certified Mail [7012 1010 0003 3028 2600]

cc: Rebecca Ableman, City of Lake Stevens
Karen Watkins, City of Lake Stevens
Joe Burcar, Ecology
Peter Skowlund, Ecology
Geoff Tallent, Ecology

ATTACHMENT A: FINDINGS AND CONCLUSIONS -
COMPREHENSIVE UPDATE TO THE CITY OF LAKE STEVENS SHORELINE MASTER PROGRAM

SMP Submittal February 27th, 2012¹, Ordinance No. 856
Prepared by Joe Burcar, on October 23rd, 2012

BRIEF DESCRIPTION OF PROPOSED AMENDMENTS:

The City of Lake Stevens (City) submitted to Ecology a comprehensive amendment to their Shoreline Master Program (SMP) to comply with the Shoreline Management Act (SMA) at RCW 90.58 and the SMP Guidelines requirements at WAC 173-26 (Part Three). The updated master program submittal includes locally tailored shoreline management: policies, regulations, environment designation maps, administrative provisions, and integration of applicable sections of the City's Critical Areas Ordinance (Ordinance No. 741 effective May 8, 2007 and Ordinance No. 773 effective April 21, 2008) as provided in "Appendix B" of the updated SMP.

FINDINGS OF FACT

NEED FOR AMENDMENT: The City is required by RCW 90.58.080 to develop and submit an updated Shoreline Master Program (SMP) to Ecology for review prior to December 1, 2011. The amendment is also necessary for the City to ensure compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27. The updated SMP is intended to replace the City's existing SMP, which was adopted in 1974 and has not been amended or comprehensively updated since the original adoption (The Watershed Company and Makers, 2010). The SMP update is necessary to address land use changes that have occurred along the City's shorelines over the past 30-plus years and to provide consistency between the updated SMP and the environmental protection and land use management policies/practices provided by the City's Critical Areas Ordinance, Comprehensive Plan, Flood Management Plan and Zoning Ordinance.

As a part of the City's local notice related to the SMP-update, the intent of the update is described as follows:

The SMP has been updated to meet State requirements to protect the ecological functions of Lake Stevens and associated wetlands and streams. The SMP is based on State guidelines and comments received from a Citizen Advisory Committee, public open houses, public comments to the Planning Commission and City Council, and comments from State Agencies.

SMP PROVISIONS TO BE CHANGED BY THE AMENDMENT AS PROPOSED: This comprehensive SMP update is intended to entirely replace the City's existing SMP. The updated SMP increases shoreline jurisdiction to cover areas annexed by the City since adoption of the original SMP and will also "pre-designate" shorelines throughout the City's Urban Growth Area (UGA) as depicted in Figure 14 of the City's Shoreline Analysis Report (The Watershed Company and Makers, 2010). As a result, this SMP will now apply to approximately 9.2 linear miles of lake, river and associated wetlands.

¹ Ecology received the City's submittal package on December 29th, 2011, for which additional materials were requested from the City and verified as a complete submittal on February 27, 2012 pursuant to WAC 173-26-110.

The following table and Figure 14 from the City’s Shoreline Analysis Report (The Watershed Company and Makers, 2010) provide a description of each of the *Shoreline Assessment Units* analyzed by the City, considering the type of shoreline, length (linear feet) and area (acres) of shoreline segment, Land-use (general > 5%), and distinction between segments located within existing City limits or within the UGA.

City of Lake Stevens – Shoreline Assessment Units						
	Lake Stevens	Lake Stevens UGA	Lake Stevens Assoc. Wetland	Catherine Creek	Catherine Creek UGA	Little Pilchuck Creek UGA
Shoreline Type	Lake > 1000-acres	Lake > 1000-acres	Assoc. Wetland	River > 20-cfs	River > 20-cfs	River > 20-cfs
Length (Area)	29,818 (144.4)	7,557 (39.3)	(94.5)	3,212 (30.4)	2,165 (19.9)	3,353 (33.6)
Land-use	Residential (91%) Public (5%)	Residential	Residential	Residential (75%) Public/Light Industrial (14%)	Residential	Residential (47%) Industrial (33%) Public (18%)
City or UGA	Within City	UGA	Within City	Within City	UGA	UGA

Table Note: See “Table 2” in the *City’s Inventory Analysis Report* (The Watershed Company and Makers, 2010) for additional details related to characteristics of these Shoreline Assessment Units.

AMENDMENT HISTORY, REVIEW PROCESS: The City initiated the comprehensive SMP update consistent with the scope of work described within *SMA Grant No. G10000027*. The grant provided \$60,000 in state funding allocated to the City between July 1st, 2009 and June 30th, 2011. Throughout this time period the City provided Ecology with quarterly progress reports, deliverables and submitted payment requests for work completed consistent with the grant agreement. The City submitted their final payment request on July 7, 2011, requesting the balance of grant funding. However, the City was not yet prepared to locally adopt the updated SMP at this time, thus the City also requested a ‘no-cost’ extension to their grant agreement to provide additional time (through December 2011) to locally adopt the updated SMP.

As part of this effort, the City prepared an inventory of shoreline features, characterizing shoreline conditions throughout the City’s jurisdictional area (The Watershed Company and Makers, 2010). Based on this *Inventory/Characterization* report, the City then prepared shoreline environment designations, corresponding policies and regulations as part of a *Draft SMP*. Finally, the City prepared a *Restoration Plan* (The Watershed Company and Makers, 2011a), *Cumulative Impact Assessment* (The Watershed Company and Makers, 2011c), and a *No Net Loss Report* (The Watershed Company and Makers, 2011b) to analyze potential impacts resulting from anticipated future development based on implementation of the proposed SMP policies and regulations. As specified in the SMP grant agreement awarded to the City, the *Cumulative Impact Assessment* and *No Net Loss Report* are intended to support a final conclusion related to the updated programs consistency with applicable standards from the SMP-Guidelines (WAC 173-26), including demonstration of consistency with the No Net Loss of Shoreline Ecological Function requirement of this update.

The record shows that the City established a Citizen Advisory committee that held six meetings during the initial stages of the SMP update from March to December 2010. City staff also hosted three public workshops held on; April 15, 2010 (Open House #1), June 24, 2010 (Open

House #2), and November 18, 2010 (Open House #3). The City initiated local adoption of the updated SMP with a Planning Commission meeting on April 4, 2011 and Public Hearing on May 4, 2011. City Council Public Hearings related to the SMP-update were held on May 23rd and June 13, 2011. Affidavits of publication provided by the City indicate that the City provided notice to interested parties and the general public for all workshops and Public Hearings associated with this SMP update.

With passage of Ordinance #856, on November 28, 2011, the City Council authorized staff to forward the proposed amendments to Ecology for review and approval.

The locally approved SMP amendment package was received by Ecology and verified as complete on February 27, 2012. Notice of the state comment period was distributed on April 10, 2012 to state interested parties as well as local interested parties identified by the City in compliance with the requirements of WAC 173-26-120 (2). The state comment period began on April 19, 2012 and continued through May 21, 2012. On April 19, 2012, Ecology held a public hearing at the Lake Stevens School District Education Learning Center² to solicit input on the proposed amendments. Notice of the hearing, including a description of the proposed amendment and the authority under which the action is proposed, the times and locations of the hearing and the manner in which interested persons may obtain copies and present their views was published in the April 10, 2012 edition of the *Everett Herald Newspaper*, the City's official newspaper of record.

During the comment period, a total of 11 individuals or organizations provided either formal testimony at the public hearing, or submitted written comments on the proposed amendment to Ecology. Ecology summarized and then provided the oral and written comments received to the City for response on June 26, 2012. On September 10, 2012, the City submitted to Ecology written response to issues raised during the state comment period (Attachment D).

CONSISTENCY WITH CHAPTER 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

CONSISTENCY WITH “APPLICABLE GUIDELINES” (CHAPTER 173-26 WAC, PART III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was used throughout the City's approval process by the City and Ecology to identify consistency/inconsistency of SMP provisions with applicable SMP-Guideline requirements.

² The Lake Stevens School District Education Learning Center is the same facility used by the City for Planning Commission and City Council meetings and is located at 12309 – 22nd Street NE, Lake Stevens, WA 98258.

CONSISTENCY WITH SEPA REQUIREMENTS: The City submitted evidence of SEPA compliance. The City published notice for a Determination of Non-Significance (DNS) for the proposed SMP amendment on April 15, 2011. As a part of the DNS notice the general public and interested parties were provided an opportunity to comment within 14-days of issuance of the DNS or SEPA-addendum. Ecology did not provide comment to the City on the DNS.

OTHER STUDIES OR ANALYSES SUPPORTING THE SMP UPDATE: In addition to multiple drafts of the updated SMP (Policies & Regulations), Ecology reviewed the following reports, studies, map portfolios and data prepared by the City in support of the SMP amendment:

- *City of Lake Stevens Shoreline [Inventory] Analysis* dated February 25, 2010 (The Watershed Company and Makers, 2010);
- *City of Lake Stevens Shoreline Master Program - Restoration Plan* dated April, 2011 (The Watershed Company and Makers, 2011a);
- *City of Lake Stevens Shoreline Mater Program – No Net Loss Summary* dated November, 2011 (The Watershed Company and Makers, 2011b);
- *City of Lake Stevens Shoreline Master Program Update – Cumulative Impact Analysis* dated December, 2011 (The Watershed Company and Makers, 2011c); and
- Final SMP-checklist dated November 28, 2011.

SUMMARY OF ISSUES RAISED DURING THE PUBLIC REVIEW PROCESS: Ecology recorded testimony from five individuals at the Public Hearing (April 19, 2012) and received six written comments during the 32-day public comment period. As provided in Attachment D, all of the comments and testimony received by Ecology were summarized and then provided to the City for response. In general, the eleven comments spanned the following SMP topic areas:

- **Shoreline Modifications – Overwater Structures:** Comment focused primarily on SMP dimensional standards (i.e., dock length, width, etc.) related to redevelopment or new construction of a single-family pier/dock along the shoreline of Lake Stevens. Other comments focused on either aesthetics or ecological impact concerns associated with the City's covered moorage regulations.
- **Non-Conforming Uses and Existing Structures:** A number of comments submitted to Ecology, requested clarification as to how an existing structure may be affected by regulatory changes resulting from adoption of the updated SMP. Other comments provided additional questions or suggestions specific to redevelopment of existing uses.
- **SMP-Update Process:** Ecology received multiple comments requesting verification that materials submitted during the City's local update process also be included as part of formal record considered by Ecology.
- **Shoreline Modifications – Shoreline Stabilization:** Ecology received comments highlighting the City's good work in prioritizing stabilization preferences, but recommending that the City strengthen regulatory language in the SMP to ensure adequate mitigation is required for impacts related to future stabilization projects.

- **Shoreline Setback/Buffer/Vegetation Management and Mitigation:** Ecology received a variety of comments providing conflicting suggestions related to the adequacy of shoreline: setback, buffer, vegetation management and mitigation standards within the locally approved SMP.

SUMMARY OF ISSUES IDENTIFIED BY ECOLOGY AS RELEVANT TO IT'S DECISION: Based on review of the locally adopted SMP, supporting analysis and consideration of testimony and comments provided during Ecology's comment period/Public Hearing (See Attachment C), the following issues remain relevant to Ecology's final decision on this master program:

Shoreline of Statewide Significance: According to the City's Shoreline Analysis (The Watershed Company and Makers, 2010) Lake Stevens qualifies as a Shoreline of Statewide Significance (SSWS) pursuant to RCW 90.58.020, as the size of the lake³ is greater than 1,000-acres in size. As a SSWS, the SMP-Guidelines in WAC 173-26-251 require the "Department" (Ecology) to ensure, "...optimal implementation of the policy of this chapter to satisfy the statewide interest". Preservation of "statewide interests" through optimal implementation of updated master program, emphasize the need to: "Preserve resources for future generations"⁴, prioritize SMA "preferred uses" located within the SSWS, ensure long term protection of ecologic resources of "statewide importance"⁵ through consideration of cumulative impacts of permitted development to ensure No Net Loss of Shoreline Ecologic functions.

Considering that Lake Stevens is a SSWS and to recognize Ecology's obligation to ensure "optimal implementation" of SMP-Guideline policies and SMA objectives, the following area of the City of Lake Stevens SMP were reviewed in detail and in some cases lead to required changes as described in the rationale provided in Attachment B.

Shoreline Modification – Overwater Structures: WAC 173-26-231 (2) provides "General Principles" applicable to all Shoreline Modifications, first requiring demonstration of a need for a shoreline modifications consistent with the objectives of the SMA. If a Shoreline Modification is needed, then a jurisdiction is directed to apply development standards to ensure adverse effects (potentially) resulting from the development are avoided, if they cannot be avoided, then the impacts should be minimized in number and extent and appropriate compensatory mitigation is to be required in exchange for allowing the modification.

Pier/Dock - Dimensional Standards – WAC 173-26-231 (3) (b) state that pier/dock proposals associated with a single-family residence can be considered water-dependent (and therefore preferred), "...provided that it is designed and intended as a facility for access to

³ According to the City's Shoreline Inventory, Lake Stevens is reported to be 1,014-acres in size.

⁴ WAC 173-26-251(3)(b) state: "Prepare master program provisions on the basis of preserving the shorelines for future generations. For example, actions that would convert resources into irreversible uses or detrimentally alter natural conditions characteristic of shorelines of statewide significance should be severely limited. Where natural resources of statewide importance are being diminished over time, master programs shall include provisions to contribute to the restoration of those resources".

⁵ "statewide importance" may vary by jurisdiction, but examples in WAC 173-26-251(3)(d)(i) are: "anadromous fish habitat, forage fish spawning and rearing areas, shellfish beds, and unique environments"

watercraft and otherwise complies with the provisions of this section.” Further, the SMP-Guidelines require that pier/dock proposals be restricted to the minimum size necessary and be “...designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions...” As described in the rationale provided in Attachment B (Items #1, 2, and 3) certain Pier/Dock provisions within the City’s locally approved SMP are determined to not be consistent with applicable SMP-Guideline standards, for which required changes are necessary to ensure compliance with “optimal implementation” under the SMA and Shoreline Modification/Impact-Mitigation/No-Net-Loss standards from the SMP-Guidelines.

Shoreline Protections and No Net Loss: Ecology finds that the SMP-Guidelines require the City to consider potential cumulative impacts that could result from reasonably anticipated future development allowed (within shoreline jurisdiction) through implementation of applicable policies and regulations⁶ provided within the updated SMP. As part of this requirement the City is obligated to analyze and consider potential impacts to Shoreline ecological functions and then identify ways to avoid, minimize or mitigate these impacts consistent with Part three of the SMP Guidelines. This sequence of analysis is required to ensure consistency with the following provisions from the SMP Guidelines: “Governing Principles” (WAC 173-26-186), “Master Program Content” (WAC 173-26-191), and “Process to Prepare or Amend shoreline master programs” (WAC 173-26-201).

As described in the rationale provided in Attachment B, the identified changes to the SMP are necessary to satisfy applicable SMP-Guideline requirements related to Shoreline Protection (WAC 173-26-201 (2) (c) and No Net Loss (WAC 173-26-186). These changes are consistent with local analysis provided by the City within their final Cumulative Impact Assessment (The Watershed Company and Makers, 2011c) prepared in support of the City’s updated SMP.

Therefore, Ecology finds that the proposed SMP as approved by the City under Ordinance # 856 is not consistent with the applicable SMP-Guideline requirements as specifically identified and analyzed in the rationale within Attachment B (Required Changes). However, Ecology also finds that the SMP can be amended to be compliant with the SMP-Guidelines through the City’s acceptance of “Required Changes” listed within Attachment B. Pursuant to WAC 173-26-120, Ecology identified “Suggested Changes” to the SMP as provided within Attachment C.

⁶ Cumulative Impacts resulting from anticipated future development as regulated by: General Master Program Provisions (WAC 173-26-221), Shoreline Modifications (WAC 173-26-231) and, Shoreline Uses (WAC 173-26-241).

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's SMP proposal, subject to and including Ecology's itemized analysis and rationale of required changes (provided in **Attachment B**), will be consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions), upon the City's acceptance of the required changes (Attachment B). This includes a conclusion that the proposed SMP, including acceptance of the required changes (Attachment B), contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions are anticipated to result from implementation of the new master program amendments (WAC 173-26-201 (2) (c)).

Ecology concludes that the proposed SMP amendment, subject to the required changes and rationale provided in Attachment B and recommended changes provided in Attachment C, satisfy the intent of the provision for no net loss of shoreline ecological functions pursuant to WAC 173-26-186 (8) and WAC 173-26-201 (2) (c).

Ecology concludes that the City of Lake Stevens choose not to exercise its option pursuant to RCW 90.58.030 (2) (f) (ii) to increase shoreline jurisdiction to include land necessary for buffers for critical areas located within shorelines of the state. Therefore, as required by RCW 36.70A.480 (6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

Ecology concludes that the City of Lake Stevens have complied with applicable requirements from WAC 173-26-150 and 173-26-201 to allow for predesignation for shoreline areas within the City's Urban Growth Area (Figure 14 - The Watershed Company and Makers, 2010). Therefore, the shoreline designations and applicable policies and regulations provided for within this master program will apply to these areas (without the need to amend the master program) upon completion of annexation by the City.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090 (5)).

Ecology concludes that the City of Lake Stevens have complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City of Lake Stevens have complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP amendment process.

Ecology concludes that the City of Lake Stevens have complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City of Lake Stevens have complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

ATTACHMENT 2

ATTACHMENT A – FINDINGS AND CONCLUSIONS
PAGE 8

Ecology concludes that the City of Lake Stevens SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201 (3) (a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in WAC 173-26-120.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments are consistent with the policies of the Shoreline Management Act, the applicable guidelines and implementing rules, once changes set forth in **Attachment B** are accepted by the City. Ecology's approval of the proposed amendment with required changes will become effective 14-days after the date at which Ecology receives written notice that the City has agreed to the required changes.

As provided in RCW 90.58.090 (2) (e) (ii) the City may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment.

References:

Watershed & Makers 2010, The Watershed Company and Makers. February 2010. Shoreline Analysis Report for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek. Prepared for the City of Lake Stevens Planning and Community Development Department, Lake Stevens, WA.

Watershed & Makers 2011a, The Watershed Company and Makers. April 2011. Shoreline Restoration Plan for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek. Prepared for the City of Lake Stevens Planning and Community Development Department, Lake Stevens, WA.

Watershed & Makers 2011b, The Watershed Company and Makers. November 2011. No Net Loss Summary Report for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek. Prepared for the City of Lake Stevens Planning and Community Development Department, Lake Stevens, WA.

Watershed & Makers 2011c, The Watershed Company and Makers. December 2011. Cumulative Impacts Analysis for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek. Prepared for the City of Lake Stevens Planning and Community Development Department, Lake Stevens, WA.

Department of Ecology. 2011. Shoreline Master Program Handbook; SMP Updates Piers, Docks and other structures. Accessed at:
http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/pdf/Piers_docks_guidance_1-10-11.pdf

ATTACHMENTS

Attachment B - Ecology identification and rationale of Required Changes

Attachment C – Ecology Suggested Changes

Attachment D – Responsiveness Summary

Final SMP Checklist

ATTACHMENT 2

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III);

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [<u>underline-additions</u> ; striketrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
1	<p>Chapter 2 – Environment Designations Section B. Shoreline Environment Designation Maps</p>	<p>Shoreline Jurisdiction</p>	<p>The Shoreline Environment Designation Maps can be found in Appendix A. Pursuant to WAC 173-26-211, 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), <u>effective</u> 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.</p>	<p><i>The required change is necessary to ensure appropriate reference to the FEMA “Floodway” which may change as a function of FEMA’s issuance to updated FIRM maps.</i></p> <p><i>Note: the City provides reference in Chapter 3, Section B (Policies and Regulations), 5 (Flood Hazard Reductions), c. (Regulations), 1.b. to the “Flood Insurance Study for Snohomish County, Washington and incorporated areas” dated November 8, 1999.</i></p>
2	<p>Chapter 4 – Shoreline Modifications Section C.3.c Overwater Structure (OWS) Regulation (Pg. 56)</p>	<p>Pier/Dock Alternative Design</p>	<p>20. Alternative Design. The City shall approve new, replaced or additions to docks different from the standards below subject to Washington Department of Fish and Wildlife approval of an alternate project design of a width up to 6 feet for new docks or up to existing width on legally existing docks in the first 30 feet, <u>limited to the following features:</u> size of pilings, replacement area, and/or different decking requirements subject to a Hydraulic Permit Approval. With submittal of a building permit, the applicant shall provide documentation that the Washington Department of Fish and Wildlife has approved the alternative proposal design.</p>	<p><i>In order to maintain consistency with the planning assumptions described within the City’s Cumulative Impact Assessment and to ensure consistency with the No Net Loss (NNL) policy goal of the SMP-Guidelines, flexibility related to the alternative design provision with the City’s SMP, must be limited to Pier/Dock elements that commonly vary through use of a range of similar dock construction materials. Defining the limits to this flexibility will ensure that the City’s ability to satisfy NNL requirements (WAC 173-26-186 (8)) are not compromised. Further, shifting the authority to WDFW to adjust <u>any</u> SMP standard places an unreasonable burden on WDFW staff, as they may be asked to waive SMP-standards outside of their agencies regulatory focus/authority, which would undermine the City and Ecology’s obligation to maintain consistency with SMA/ SMP-Guideline implementotion obligations.</i></p> <p><i>Therefore, the identified amendment is necessary to limit WDFW consideration of alternative project design to project specific elements such as piling material/size and decking requirements.</i></p>
3	<p>Chapter 4 – Shoreline Modifications Section C.3.c OWS Regulation (Pg. 60)</p>	<p>Pier/Dock Replacement</p>	<p><u>Replacement of Existing Private Pier or Dock</u></p> <p>25. Proposals involving replacement of the entire private pier or dock, or 50 percent or more of the pier-support piles can be replaced up to 100% of the size area (square footage and dimension) of the existing pier or dock and shall comply with the following standards:</p> <p>a. Decking: All replacement piers must include decking with a minimum of 40 percent open space as described in subsection c.24.a. above.</p> <p>b. Replacement piles must be sized as described above under subsection 24.b, and must achieve the minimum 12-foot spacing to the extent allowed by site-specific engineering or design considerations.</p> <p><u>c. Width shall comply with “New Private, Non-Commercial Piers” standards (see Chapter 4 Section C.3.c.24.d).</u></p>	<p><i>The required changes are necessary to satisfy no net loss requirements, mitigate impacts to shoreline ecologic functions as recommended within the City’s Shoreline Analysis and Cumulative Impact Analysis (Watershed & Makers, 2010 and 2011) and to ensure consistency with Pier/Dock standards (173-26-231.3.b) from the SMP Guidelines.</i></p> <p><i>The SMP-Guidelines (WAC 173-26-231.3.b) characterize Pier/Docks as a Shoreline Modification, which should be restricted to the minimum size necessary and “designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions” (Ecology, 2011). Pier/dock width greater than 4-feet within “nearshore” areas have not been shown to be consistent with SMP-Guideline requirements associated with Protection of Ecological Functions (WAC 173-26-201-2-c) and Environmental Mitigation (Mitigation Sequencing) at WAC 173-26-201 (2) (e). Mitigation Sequencing requires that Moster programs first <u>avoid impacts</u>, then for those impacts that cannot be avoided, jurisdictions are to minimize impacts. Finally remaining impacts which could not be avoided, or minimized, are to be <u>mitigated</u> as the third and final step in the sequence (Ecology, 2011). As analyzed and provided within the City’s Shoreline Inventory/Characterization Report (Watershed & Makers, 2010), the City’s Cumulative Impact Assessment (Watershed & Makers, 2011) and the Snohomish Basin Salmon Conservation Plan (SBSRF, 2005) existing habitat is recommended for “protection” and/ or “restoration” through reduction of overwater cover and in-water structures. The Shoreline Inventory/Characterization Report (Watershed & Makers, 2010; 47) recommends that SMP Pier/Dock standards provide clear “replacement” and “repair” definitions and</i></p>

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
				<p>standards consistent with the SMP-Guideline section WAC 173-26-231-3b and "clear dimensional standards for new piers and replacement/modified piers", that are consistent with Washington Department of Fish & Wildlife (WDFW) practices on the lake.</p> <p>The City's Cumulative Impact Assessment (Watershed & Makers, 2011) cites adverse affects to shoreline ecological functions associated with Pier/Dock construction and provides a conclusion that the SMP will satisfy the No Net Loss of Ecological Functions requirement, when ecological improvements (such as use of transparent grating, reduction of overwater/in-water structure) are incorporated into replacement dock proposals. Therefore, the required change is necessary to implement the recommendations of the City's supporting analysis and to ensure compliance with applicable SMP-Guideline requirements.</p>
4	<p>Chapter 4 -- Shoreline Modifications Section C.3.c OWS Regulation (Pg. 60)</p>	<p>Pier/Dock Additions</p>	<p>27. When proposed additions to a private residential pier result in a pier that exceeds the maximum total length or width allowances for new docks as described in c.24 above, the addition may be proposed under a Variance application and subject to the following provisions:</p> <ul style="list-style-type: none"> a. The applicant must remove any in-water structures rendered obsolete by the addition; b. The additional length of walkway or ell must be no wider than <u>4 feet within the first 30 feet from shore and up to 6 feet for walkway or ell sections located more than 30 feet from shore</u>; c. The decking of all new pier elements include decking with a minimum of 40 percent open space as described in subsection c.24.a. above; and d. Any proposed new piles must comply with standards under subsection c.24.b. above. 	<p>Same justification as item #3 above.</p>
5	<p>Chapter 5 – Use Policies & Regulations Provision C.8.a. Residential Use, Applicability definition (Pg. 84)</p>	<p>Residential Applicability definition</p>	<p>8. Residential Development</p> <ul style="list-style-type: none"> a. Applicability <p>Residential development means one or more buildings, <u>or structures, lots, parcels or portions thereof</u> which are designed for and used or intended to be used to provide a place of abode, including single-family residences, duplexes, other detached dwellings, floating homes, multi-family residences, mobile home parks, residential subdivisions, residential short subdivisions, and planned residential development, together with <u>normal appurtenances common to a single-family residence pursuant to WAC 173-27-040 (2) (g).</u> accessory uses and structures normally applicable to residential uses, including, but not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages. Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.</p>	<p>The definition for "Residential Use" provided through the "Applicability" statement in the City's SMP is too broad and conflicts with other definitions provided in the SMP. Therefore, the proposed provision is inconsistent with the Residential Use description in the SMP-Guidelines at WAC 173-26-241.</p> <p>On page 98 of the SMP, the City has defined "Appurtenance" consistent with WAC 173-27-040(2) (g). However, as noted above the subject provision provides a much broader description of Residential Uses, which includes reference to "accessory uses", which again broadens the potential application of Residential Uses in a manner that is not consistent with WAC 173-27, or applicable sections of the SMP Guidelines. Broad applicont of undefined Residential Use elements beyond the scope of "normal appurtenance", could undermine cumulative impact assumptions anticipated by both the SMA and supporting materials relied upon for the local SMP-update. Cumulative impacts to shoreline ecological functions must be considered as part of this SMP-update.</p> <p>Therefore, Residential Use elements are authorized to include "normal appurtenances" (WAC 173-27), but cannot be broadly defined, as anticipation of the scope and intensity of future development is necessary to inform the cumulative impact assessment and overall assessment of no net loss resulting from implementation of the updated SMP. Therefore, this required change is necessary to appropriately define the scope and description of "Residential Uses" and "normal appurtenances".</p>

ATTACHMENT 2

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [<u>underline-additions</u> ; strike-through-deletions]	ECOLOGY - DISCUSSION/RATIONALE
6	Chapter 5 – Use Policies/Regulation Provision C.8.c.3.a.i (Pg. 85)	New Residential Setbacks	3. New residential development, including new structures, new pavement, and additions, within shoreline jurisdiction on lakes shall adhere to the following standards: a. Setbacks: i. New buildings: Set back all covered or enclosed structures <u>the average of the setbacks of existing houses on adjacent lots on both sides of the subject parcel</u> , with a standard minimum setback, which is a lake setback of 60 feet from the OHWM (consisting of 50 feet from the OHWM plus an additional 10 foot building setback). <u>Where the Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the Shoreline Administrator may allow the residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated.</u>	<p><i>The subject provision, as proposed does not provide any limits or necessary details describing how the Shoreline Administrator would evaluate the need to waive or reduce shoreline setback standards. Further, the subject provision does not include a restriction to limit new structures from being constructed waterward of existing adjacent structures on neighboring lots.</i></p> <p><i>Therefore, the required changes are necessary to ensure consistency with the City's Cumulative Impact Analysis related to anticipate impacts resulting from future shoreline development. The change is also necessary to ensure consistency with the City's stated Shoreline Residential Management Policies (Chapter 2, Section C.4.c.), General Use Policies (Chapter 5, Section C.1.b.), Residential Use Policies (Chapter 5, Section C.8.b 1-7), or applicable SMP-Guideline standards (No Net Loss 173-26-186, Residential Use 173-26-241.3.j).</i></p> <p><i>As referenced above, a provision intended to limit construction of new residential structures waterward of adjacent structures on neighboring parcels, was included in previous drafts of the City's updated SMP. However, this provision limiting waterward migration of residential structures was not included in the locally approved SMP (Ord. #856). The identified change is necessary to ensure that the City's SMP is consistent with the policies listed above and the City's Final Cumulative Impact Analysis (Watershed and Makers, 2011). The City's analysis reiterate the importance of preserving shoreline setbacks by limiting waterward migration of residential structures closer to the shoreline to maintaining shoreline ecological functions to satisfy the no net loss goal of the master program update. The analysis refers to the "Average Setback" within the Shoreline Residential environment surrounding Lake Stevens, as greater than 60-feet, and provides the following conclusion related to potential cumulative impacts related to redevelopment potential of existing residential structures around the lake:</i></p> <p><i>"Although it would be possible, in some instances, for residences to be relocated closer to the shoreline than their existing condition, they would not be allowed further waterward than the greater of 60 feet or the average of their two adjacent structures. Presumably, this will continue to maintain an average setback greater than 60 feet, thereby minimizing the likelihood of additional degradation of ecological functions." (Watershed and Makers, 2011:26).</i></p> <p><i>Therefore, in order to ensure consistency with the City's analysis of no net loss, the required change is necessary to manage waterward migration through redevelopment of residential structures to maintain consistency with SMP-Guideline requirements.</i></p>
7	Chapter 5 – Use Policies/Regulation Provision C.8.c.3.d. (Pg. 87)	New Residential Development Patio	d. If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed along <u>within</u> the shoreline setback <u>provided the property owner agrees to not construct a bulkhead or install any hard shoreline stabilization to protect the deck in the future, and:</u>	<p><i>This required change is necessary to ensure that a property owner understands that a patio or deck constructed under this provision cannot be protected in the future with a bulkhead or hard stabilization. Therefore, the patio/deck should be installed at an appropriate location far enough away from the shoreline edge to not need protection in the future.</i></p>
8	Chapter 5 – Use Policies/Regulation Provision C.8.c.3.e. (Pg. 87)	New Residential Development Patio	e. All property owners who obtain approval for a waterfront deck or patio in exchange for removing a bulkhead and retaining or planting native vegetation must prepare, and agree to <u>not construct a bulkhead or install hard shoreline stabilization to protect the deck in the future, and</u> adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:	<p><i>Same rationale as provided above under Item #7.</i></p>

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [<u>underline-additions</u> ; strikethrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
9	Chapter 5 – Use Policies/Regulation Provision C.8.c.4. (Pg. 88)	New Residential Development Vegetation Retention	4. For new development on previously undeveloped lots, any existing native vegetation shall be retained along the-shoreline to <u>a minimum of 50-feet 20-feet upland</u> from the OHWM. If little or no native vegetation exists on the previously undeveloped lot, native vegetation shall be planted along the shoreline to 20 feet from the OHWM. 25 percent of the required vegetated area can be cleared or thinned for view maintenance and waterfront access, provided 75 percent of the area remains vegetated. Invasive species may be removed, vegetation trimmed, and trees —limbed up from the ground to provide views. In the 25 percent cleared area, pathways for access to the water are allowed.	<p><i>The City has <u>not</u> demonstrated that limiting vegetation retention to 20-feet upland of the OHWM will adequately protect water quality or habitat shoreline ecological functions pursuant to the SMP-Guideline at WAC 173-26-201(3) (d) (i). The City’s Critical Areas Ordinance (CAO) list Lake Stevens as a “Fish and Wildlife Habitat Conservation Area” (FWHCA), for which buffers range from 50’ to 150’ upland of the OHWM. Further, the City’s. SMP’s must include policies and regulations designed to achieve no net loss of shoreline ecological functions (WAC 173-26-186 (8) (b)).</i></p> <p><i>This change is required to ensure compliance with SMP-Guideline requirements related to Governing Principles of the Guidelines within WAC 173-26-186 (No Net Loss), Basic Concepts within WAC 173-26-201-2 (Use of Scientific/Technical Information, Adoption of Policies/Regulations and Protection of Ecological Functions)</i></p>
10	Chapter 5 – Use Policies/Regulation Provision C.8.c.7. (Pg. 89)	New Residential Development Creation of New Lots	<p>7. The creation of new residential lots within shoreline jurisdiction on lakes shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:</p> <ul style="list-style-type: none"> a. The residence can be built in conformance with all applicable setbacks and development standards in this SMP. b. Adequate water, sewer, road access, and utilities can be provided. c. The intensity of development is consistent with the City’s Comprehensive Plan. d. The development will not cause flood or geological hazard to itself or other properties. <u>e. Land-division creating four or more new parcels shall provide Public Access (see Chapter 2 Section 4.c.5. and Chapter 3 Section B.7.).</u> <p>In addition, new residential development on new lots that contain intact native vegetation shall conform to the regulations of subsection c.4 above. (See also vegetation conservation standards in Chapter 3 Section B.11).</p>	<p><i>This required change is necessary to ensure internal consistency between the subject provision and a “Public Access” related provision within Chapter 3 – Section B.7., and to satisfy SMP-Guideline requirements related to Residential subdivision that create four or more new parcels (WAC 173-26-241.3.j</i></p>

References:

Watershed & Makers 2010, The Watershed Company and Makers. February 2010. DRAFT Shoreline Analysis Report for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek. Prepared for the City of Lake Stevens Planning and Community Development Department, Lake Stevens, WA.

Watershed & Makers 2011, The Watershed Company and Makers. December 2011. Cumulative Impacts Analysis for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek. Prepared for the City of Lake Stevens Planning and Community Development Department, Lake Stevens, WA.

Snohomish Basin Salmon Recovery Forum (WRIA 7). 2005. Snohomish River Basin Salmon Conservation Plan Final. June 2005.

Department of Ecology. 2011. Shoreline Master Program Handbook; SMP Updates Piers, Docks and other structures. Accessed at: http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/pdf/Piers_docks_guidance_1-10-11.pdf

ATTACHMENT 2

The following changes are recommended to clarify elements of the City's updated SMP.

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [<u>underline-additions</u> ; striketrough-deletions]	ECOLOGY - DISCUSSION/RATIONALE
A	Chapter 5 – Shoreline Use Provision 8.c Regulation 13 (Pg. 56)	Residential Development Standard	b. <u>Detached ((G))garages and vehicle (motorized and recreational) parking areas</u> ((and pavements for motorized vehicles (drives and parking areas))) shall be set back at least 200 feet from the OHWM. If the Shoreline Administrator determines that the property is not sufficiently deep (measured perpendicularly from the shoreline) to allow construction of garages or parking areas outside of shoreline jurisdiction then (s)he may allow such elements to be built closer to the water, provided that the garage or parking area is set back from the water as far as physically possible.	<i>This recommended change is requested by the City of Lake Stevens to clarify application of this provision.</i>

Responsiveness Summary to Public Comments

The City of Lake Stevens (City) adopted Ordinance #856 on November 28, 2011 authorizing submittal of the updated Shoreline Master Program (SMP) to the Department of Ecology (Ecology) for review. Ecology notified the City of a complete submittal in a letter dated February 27, 2012, initiating formal review of the updated SMP. The Department of Ecology accepted public comments on the City's updated SMP between April 17 and May 18, 2012 and at a public hearing hosted by Ecology on April 19, 2012. Notice of the comment period and public hearing was published in the Everett Herald on April 10, 2012 and was also mailed to over 100 individuals listed as regional or local interested parties. Ecology received testimony from five individuals at the Public Hearing (PH) on April 19th and written comments (W) from six individual as summarized below.

Please note, the statements below are not the opinions or comments of Ecology, but rather summary of comments received during the public comment period.

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
W-1	Shoreline Modification (Section 3C) Overwater Structures – Covered Moorage, Regulations 15 and 34	Cliff Call callcg@aol.com	(Covered Moorage) Stated opposition to the allowance of (new) covered moorage, recommend prohibition of new covered moorage structures within the City's shoreline jurisdiction. Mr. Call contends that neither walled nor open (no walls) covered moorage structures are necessary to shelter the relatively small lake boats that are common to Lake Stevens. Further he states that commercially available canvas covers are adequate in protecting boats/watercraft used on the Lake and can easily be removed in the off-season. Mr. Call points out that permanent covered moorage structures obstruct views of the lake from nearby neighbors or nearby public parks and require long term maintenance, for which he highlights concerns related to paint/stain polluting the water quality of the lake and the potential lack of commitment to long-term maintenance by future land owners after properties with covered moorage structures change hands.	City of Lake Stevens Response: In considering the allowance of covered moorage, the City recognized that the portions of the lakeshore under County jurisdiction are allowed "boathouses" with no walls under Ecology's approved Snohomish County Shoreline Management Program. In order to minimize the visual obstructions and overwater coverage, the City adopted specific criteria for new covered moorage in SMP 4C3c34: 34. Covered moorage with no sides may be permitted as an accessory to residential development provided that: a. Only one per dock; b. Dimensions no larger than a total of 240 square feet; c. Maximum height of roof at 8 1/2 feet above dock; d. Structure shall be located at least 30 feet waterward from the OHWM; and e. Flat roofs are prohibited. <i>In order to protect the lake, water and wildlife, the SMP includes specific description of the types of paint, stain or preservatives for use on overwater or in-water structures at SMP 4C3c13.</i>
W-2	Shoreline Modification (Section 3.24C) Overwater Structures	John Volpone 10430 Sandy Beach Drive Lake Stevens, WA	(Dock Length) Concern that the 150-foot dock length is too limiting for moorage, due to shallow water along some parts of the lake. Specifically, Mr. Volpone requests retention of the 200' dock length limit provided in earlier draft of the SMP, that he states is necessary to allow adequate depth for moorage during low water summer months.	City of Lake Stevens Response: SMP 4C3c24ci does include an exception for the Shoreline Administrator to approve a longer dock to reach the 5 and a half foot depth. However, the same exception states that no dock should extend more than 150 feet from the shore. Throughout the process, it was felt that 150 feet was an appropriate limitation given the size and configuration of Lake Stevens.

ATTACHMENT 2
Attachment D
 Responsiveness Summary to Public Comments

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
PH-1	(same as above)	Testimony of John Volpone.	<p>(Summary Testimony) Mr. Volpone also provided testimony generally consistent with comments summarized above, at the Public Hearing on April 19. In addition to requesting that the maximum dock length be extended to 200-feet, Mr Volpone points to the recent popularity of the use of “wake boats” on the lake, which he identifies the waves from this activity as contributing to damage to the bottom of his boat from hitting the bottom of the lake when the lakes water level is low. Finally, Mr. Volpone notes that this problem is isolated to the northeast corner of the lake, which he predicts will be ongoing, as describes the input of silt is transported to the north end of the lake by the prevailing south winds throughout the year.</p>	<p>City of Lake Stevens Response: See Response W-2 above.</p>
W-3	<p>Shoreline Modification Length of Overwater Structures</p>	<p>Ted Boysen 10432 Sandy Beach Drive Lake Stevens, WA lbaysen@comcast.net</p>	<p>(Dock Length) Similar comment to Item W-2 (above), Mr. Boysen is also concerned that 150-foot dock length limit will not provide a reasonable depth for mooring his boat. Mr. Boysen states that a 175-foot limit would be a fair compromise. He concludes that the proposed (shorter) limit would be: unfair, dangerous, cause damage, and would restrict the intended recreational use of the lake.</p> <p>(Placement of Weir Boards) For Lake Stevens City Officials, can you please put the weir boards in now? The lake level has already gone down around 6 inches.</p>	<p>City of Lake Stevens Response: Dock Length. See Response W-2 above.</p> <p>Placement of Weir Boards. The City uses an adopted Lake Management Plan to determine the placement of the weir boards and monitors the weir weekly. The lake level is actually higher than the desired elevation for this time of year. The concern with placement of the weir too early is that the lake can rise rapidly during heavy rain events (seen this past month) and result in some potential flooding conditions. This can be seen from the rain event this last weekend where the lake elevation increased by 2 inches over 72 hours without the weir being in place.</p>
W-4	<p>Shoreline Modification (Section 3) Overwater Structures</p>	<p>Bruce Morton 11222 Vernon Road Lake Stevens, WA</p>	<p>(Roof Style – Covered Moorage) Mr. Morton states that the SMP’s prohibition on flat roofs for covered moorage structures, should be removed and states that it “...is an arbitrary decision”, not based on “...preservation or enhancement of the ecological functions of the lake”.</p>	<p>City of Lake Stevens Response: The City Council discussed the issue of flat vs. peaked roofs on covered moorage extensively at the public hearings. The motion was made on whether to allow flat roofs and five votes for no flat roofs and two for flat roofs so the no flat roof language was adopted as a preference for Lake Stevens.</p>
W-4a	<p>Non Conforming Use</p>	(same as above)	<p>(Non-Conforming Question) Mr. Morton requests confirmation on existing non-conforming elements that can be maintained and will not be required to discontinue or change?</p>	<p>City of Lake Stevens Response: SMP 7G describes existing structures and development legally established prior to the effective date of the SMP. It also states that any expansion or reconstruction must meet the provisions of the SMP. In general, legal existing structures, uses and appurtenances may remain and be maintained.</p>

ATTACHMENT D

Responsiveness Summary to Public Comments

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
PH-2	(summary of above comments)	Testimony of Bruce Morton.	(Summary Testimony) Mr. Morton also provided testimony at the Public Hearing on April 19, consistent with comments summarized above.	City of Lake Stevens Response: See Response to W-4a above.
W-5	SMP-Update Process	Futurewise, Contact Dean Patterson Dean@futurewise.org	(Supplemental Materials) Futurewise have submitted three guidance documents that they request be added to the official record for the City's SMP update: <ul style="list-style-type: none"> • "Futurewise's Guidance on No-Net-Loss of Ecological Functions, Cumulative Impact Analysis and Restoration" • "Futurewise's Guidance on Establishing Shoreline Environments" • "Futurewise's Guidance on Buffer Options Using Science" 	City of Lake Stevens Response: The letter from Futurewise with the three guidance documents were submitted as written testimony. The City Council considered all verbal and written comments in their final decision on adoption of the SMP. The City concludes that adequate environmental protections are included in the SMP submitted to Ecology for final review and approval.
W-5a	Mitigation (Environmental Impacts)	(same as above)	(General Mitigation) General comment that the SMP lacks sufficient compensatory mitigation requirements. Futurewise recommend that the City revise the SMP to "require mitigation plans" (not optional), except for a few exceptions that are listed in comments. They also have provided recommended language (page 2) within their comment letter, which they recommend be integrated into the City's SMP. (Compensatory Mitigation) In addition Futurewise suggests that the City incorporate either specific compensatory mitigation requirements for each use, or as illustrated by a Bainbridge Island example, integrate into the SMP more general compensatory mitigation requirements.	City of Lake Stevens Response: The Critical Areas Regulations for Shoreline Jurisdiction were based on the adopted Critical Areas Regulations for the City (Chapter 14.88 LSMC), which was based on Best Available Science. In addition, the City and Ecology spent months discussing the shoreline critical areas regulations with the final outcome that the City changed the shoreline regulations to be consistent with Ecology's "Wetlands & CAO Updates: Guidance for Small Cities. Western Washington Version" dated January 2010 (revised July 2011).
W-5b	Shoreline Stabilization	(same as above)	(Stabilization Definition) Futurewise note that the City developed an excellent statement of preference regarding hard, hybrid and soft stabilization measures, but recommend that stronger regulatory language be incorporated into the SMP to ensure consistent implementation of these preferences. (Stabilization Mitigation) Similar to mitigation comments (item 5a) above, Futurewise recommend that the City provide additional regulations describing how compensatory mitigation should be done for Shoreline Stabilization projects.	City of Lake Stevens Response: Currently, about 78-83 percent of the Lake Stevens shoreline is armored. The lake is an active recreational lake with different types of motored equipment causing wave action on the shore. Shoreline Stabilization requirements are very specific in Ecology's SMP Guidelines to ensure all jurisdictions provide appropriate protection. The City modified the shoreline stabilization section after early comments from Ecology. In addition, the City reviewed shoreline stabilization sections of other adopted SMPs. SMP 4C2b1 is a policy about the preference for soft over hybrid over hard structures and that requirement must be demonstrated. Although language is

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
				<p>not again repeated in the regulations, SMP 1E1 clearly states:</p> <p><i>“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.”</i></p> <p><i>The current language in the SMP meets the Ecology Guidelines and Shoreline Management Act, is consistent with recently adopted SMPs and is protective of the shoreline of Lake Stevens.</i></p>
W-5c	Overwater Structures Pier/Dock standards (Section 3.c.4 and .15)	(same as above)	<p>() Futurewise comment that <i>“...temporary cabanas need to be prohibited,”</i> as they are not a water-dependent use and would be inconsistent with RCW 90.58.020 (fourth paragraph) and WAC 173-26.241(2)(a).</p> <p>() Futurewise state [that] <i>“The SMP correctly prohibits walled covered moorage”</i>, but further recommend that all covered moorage be prohibited, as they conclude that allowance of such facilities is not necessary to support water-dependent components of uses within the City and is inconsistent with the intended purpose of mitigation sequencing to avoid unnecessary impacts. As an alternative, Futurewise could accept allowance of <i>“small non-structural, translucent boat canopies”</i>.</p> <p>(Pier/Dock Area) Futurewise argue that the City’s SMP should provide overwater structure <i>“...area limits of 500 to 700 square feet, consistent with what other jurisdictions have adopted with Ecology approval”</i>. Futurewise also recommend narrower pier/dock width requirements, and mitigation for <i>“distinct impacts”</i> of allowing use of 40% (open-space) grating/no grating more than 30-feet seaward of OHWM.</p> <p>(Overwater Structures – General) Futurewise recommend specific language as provided on page 4 (2nd paragraph) of their comment letter be incorporated into the City’s SMP regarding <i>“Public, Community and Commercial Overwater Structures”</i>.</p> <p>(Overwater Structure Mitigation) Finally, Futurewise recommend that mitigation be specified for dock and pier proposals that not only minimize, but offset all impacts, for which other options may need to be considered, including out of kind mitigation such as removal of armoring, vegetation</p>	<p>City of Lake Stevens Response: Non Water-Dependent. <i>The Shoreline Management Act and Ecology’s SMP Guidelines allow for accessory structures for single-family residential uses including garages, sheds, tennis courts, swimming poles, etc. Temporary cabanas allowed for five months of the year (SMP 4C3c1) is an accessory use to a single-family residence, would not create additional coverage of the water if placed on a dock, nor harm the shoreline if placed on the shore as it is a temporary structure. It is not inconsistent with the referenced RCW or WAC.</i></p> <p>Covered Moorage. <i>Please see previous discussion of covered moorage in Response W-1. Ecology recently adapted the Snohomish County’s Shoreline Management Program with the allowance for non-walled boathouses. It would be inconsistent to restrict open covered moorage on the same lake within the City with the recent approval by Ecology on other areas of Lake Stevens within Snohomish County jurisdiction.</i></p> <p>Pier/Dock Area . <i>Lake Stevens is not under the jurisdiction of the Army Corps of Engineers Regional General Permits as required on Lake Washington and other areas with Chinook Salmon. Lake Stevens has Kakanee, which tends to use the first 30 feet from shore for migration. Therefore, discussions with Fish and Wildlife and Ecology lead to the current restrictions of a four-foot width in the first 30 feet with 40 percent open space, but allowing for six-foot widths past the first 30 feet and no maximum dock area. However, there are other restrictions on number of docks per lot, length/width of ells, fingers and float, and replacement of docks. Currently, many docks on Lake Stevens are six to ten feet in width with no open space, so over time, the new regulations will reduce overwater coverage. These regulations are also consistent with</i></p>

ATTACHMENT B

Responsiveness Summary to Public Comments

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
			<p>enhancement, etc. Futurewise conclude that at a minimum, a mitigation plan must be required and must address the avoidance, minimization and compensation components of mitigation sequencing, for which their comments provide some additional examples.</p>	<p><i>the recently adopted Snohomish County SMP.</i></p> <p>Overwater Structures – General. <i>During the SMP process, it was brought to the City’s attention that there is at least one existing community with more than one dock and more than four houses. This community has on the face of the approved plat and in the covenants that seven individual docks and a shared dock for the rest of the houses was allowed. This would not fit with the proposed language. In order to allow the existing community docks to continue, SMP 4C3c44 was added. In the SMP, boating facilities (SMP 5C3) are related to commercially-related boating facilities such as marinas, boat launch ramps, etc. not related to private residential development.</i></p> <p>Overwater Structure Mitigation. <i>SMP 3B4c lays out the environmental impact regulations for shoreline projects including a clear sequence of steps in order of priority from avoid, minimize, rectify, reduce/eliminate, compensate, and monitor impacts. The Critical Areas Regulations for shoreline areas has many specific requirements related to mitigation enhancement, monitoring, etc. Based on the No Net Loss Report specific mitigation is not required for private residential docks and piers as long as they meet the policies and regulations in the SMP. Residential docks are on allowed water-dependent use under the SMA and do not require proof of need or a mitigation plan. There are some regulations that allow for additional structure or uses, for example a lakeside deck of 200 sq.ft. if specific mitigation is completed. These also would not require a mitigation plan as long as they meet the policies, regulations and specific mitigation listed within the SMP. The City has specific submittal lists that are consistent with the WAC for review of all shoreline permits (WAC 173-27-040).</i></p>
W-5d	Shoreline Setbacks (Section C.8.c.3.a)	(same as above)	<p>(Setback Standards) Futurewise state concerns with the City’s setback standards, which they argue do not account for the variation in existing waterfront setbacks along the lake. Of particular concern, Futurewise state that at least ¼ of the existing development along the lake is located more than 50-feet from the OHWM (some more than 100-feet), for which they argue that the City’s Cumulative Impact Analysis does not account for the potential net loss of shoreline ecological functions when/if these existing structures were redeveloped at a location closer to the shoreline, which would be allowed by the SMP. Futurewise recommend two alternative</p>	<p>City of Lake Stevens Response: <i>One of the first steps in the SMP process is completion of an Inventory and Analysis report to set the existing baseline of the shoreline areas. This was completed by the City’s consultant, The Watershed Company. In addition, the current setback from the lake is 50 feet with a building setback of an additional 10 feet. The lake is highly urbanized with mostly small parcels. Per the City’s Cumulative Impacts Analysis, the average setbacks for existing residences is 64 feet on the western shoreline of Lake Stevens, 103 feet on the eastern shoreline, and 98 feet on the northern shoreline. After listening to public testimony about other jurisdictions with 35</i></p>

ATTACHMENT 2
Attachment D
 Responsiveness Summary to Public Comments

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
			amendments to the existing shoreline setback standards as described on pages 4 and 5 of their comment letter.	<i>foot setbacks it was determined to retain the existing minimum 60 ft setback for development. However, also due to public testimony, the Council allowed for existing homes within the minimum setback some expansion, however, mitigation will be required (SMP 5C83a). Single-family residences are proposed to allow appurtenant structures, but there is a 40 percent impervious surface requirement. However, as per Futurewise, the SMP would allow a property owner to subdivide a large lot, which could bring a house closer to the shoreline, or a new house could be built closer to the shoreline if the existing house was removed. Tree retention regulations and planting in the first 20 feet of shoreline for new development is expected to reduce the impacts for new development.</i>
W-5e	Vegetation Management (Incentives and compensatory enhancement)	(same as above)	<p>(Vegetation Management Incentives) Futurewise characterize re-vegetation incentive C.8.c.3.d allowing "...on-the-water docks covering 25 percent of the water frontage in exchange for replanting a narrow width for the rest of the frontage" as "...not an incentive, [but] it is a give-away development allowing for non-water dependent uses...to cause new impacts" which they conclude is not consistent with either the SMA or the SMP-Guidelines. They state their opposition to this particular regulation and suggest that if the provision remains as part of the SMP, then additional mitigation such as pulling an existing bulkhead should be required.</p> <p>(New Development) Related to compensatory vegetation enhancement, Futurewise provide multiple recommendations covering a number of shoreline development scenarios. For development on vacant lots, Futurewise state that the SMP will only protect intact native vegetation and require replanting within 20-feet of the shoreline edge, which they argue is inadequate to offset anticipated impacts from future development. Futurewise argue that new development on vacant lots will have much larger (new) impacts compared to impacts resulting from redevelopment/expansion of existing uses. Based on this logic, they recommend (at a minimum) that the full setback (50-feet) be replanted to mitigate impacts from new development on vacant lots.</p> <p>(Existing Development) In regard to expansion of existing development, Futurewise suggest that in order to compensate for Cumulative Impacts, the City should supplement their 20-foot enhancement area approach by</p>	<p>City of Lake Stevens Response: Vegetation Management Incentives. The referenced incentive for waterfront deck or patio could only be used if the parcel has not reached the impervious surface requirement of 40 percent, does not have a bulkhead or removes the bulkhead, and meets a number of other requirements. As part of the No Net Loss report, this was shown to not have significant impacts to the loss of the resource. Under SMA, it is considered on appurtenant use for a single-family residence and could be allowed.</p> <p>New Development. Of the approximately 417 lakefront parcels on Lake Stevens, 398 are built out. Another six are parks. This leaves 12 parcels undeveloped. It is likely that they are undeveloped because they have critical areas or are not large enough for development and thus, will not be developed in the future. With minimal undeveloped parcels, having more restrictions on new development would not provide much benefit to the resource. In addition, the Cumulative Impacts Analysis and No Net Loss Report show no loss of habitat or significant impacts from the regulations in the proposed SMP.</p> <p>Existing Development. The City appreciates the concerns Futurewise has to protect the shores of Lake Stevens. The SMA requires a very specific process spelled out by Ecology in SMP Guidelines to follow when updating the SMPs. The City and their consultants worked closely with Ecology, Fish and Wildlife, residents and the public to find the best path for protection of the resource. The Shoreline Management Act does not require a shoreline to be returned to</p>

ATTACHMENT D
 Attachment D

Responsiveness Summary to Public Comments

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
			requiring a 1-sq-foot enhancement for each square foot of new development proposed within shoreline jurisdiction. Along with this recommendation, Futurewise note that the City's existing SMP standard only requires the "one-to-one enhancement" for expansion of structures within the 50-foot shoreline jurisdiction and allows for use of low-impact development techniques as a substitute for vegetation enhancement. Therefore, Futurewise recommend that the SMP standard be amended to apply to all development anywhere within shoreline jurisdiction, limit mitigation to "in-kind" vegetation enhancement (i.e., not low-impact development substitutes), specify that all intact vegetation within the setback must be protected, and as a minimum vegetation standard require that mitigation for expansion of existing development enhance degraded vegetation conditions within a 20-foot width for 75% of shoreline frontage.	<i>pristine conditions, but instead to not reduce the current baseline so showing No Net Loss. The Inventory and Analysis Report was completed to determine the baseline, which for Lake Stevens is an almost completely built out and armored urban lake with minimal natural vegetation except in specific areas. The Cumulative Impacts Analysis and the No Net Loss Report show that the SMP policies and regulations do protect the habitat and resource from increasing the baseline environment. In addition, the City is required to monitor how the regulations are working as development occurs and at the next update will be required to make modifications if the regulations are not meeting the required protections of the SMA.</i>
W-5f	Shoreline Buffers (Setback Reduction, Scientific Basis and Cumulative Impact Analysis)	(same as above)	<p>(Buffer/Setback Reduction) In reference to the SMP's allowance for buffer reduction based on intervening development, Futurewise recommend that this standard only be allowed for areas where native vegetation has already been eliminated, as native vegetation provides ecological functions.</p> <p>(Scientific Basis) Futurewise state that they could not find a "scientific basis" for the City's proposed buffer system, for which they have included on a CD a copy of their Critical Areas Ordinance Guidance, which they suggest the City use to cite scientific references provided in the Guidance to justify the SMP's buffer system within the context of buffer science and the applicable requirements of the SMA and GMA.</p> <p>(Cumulative Impact Analysis) Futurewise conclude that the City's CIA does a good job describing the SMP's protection measures, but is vague in describing impacts allowed through regulatory gaps in the SMP. They recommend that the City supplement the CIA by including "...a more careful assessment of the impacts that the SMP will allow." and cite their Guidance as providing additional details related to this recommendation.</p>	<p>City of Lake Stevens Response: Buffer/Setback Reduction. <i>The definition of Significant Ecological Impact includes a reduction or harm to ecological functions or ecosystem-wide processes, which if affected would require mitigation sequencing. In addition, the City's current code has a Tree Retention requirement (LSMC 14.76.120).</i></p> <p>Scientific Basis. <i>The current lake setback was set in 2007 as part of the Critical Areas update, which included Best Available Science. As discussed previously, one of the first steps in updating the SMP was to determine a baseline including setbacks. Based on the reality in place around the lake today and the minimal 12 undeveloped or underdeveloped properties, it was determined between Ecology and the City's Wetland Consultants that staying with the current 50 foot setback plus 10 foot development setback would be protective of the lake habitat and minimize nonconforming structures and uses around the lake. An increase of lake setback of 100 feet would put most development including houses and appurtenant structures within the buffer and create nonconforming structures and uses.</i></p> <p>Cumulative Impact Analysis. <i>Futurewise's proposal to create three different setbacks around the lake to better meet the varied setbacks of 63, 98 and 100 feet of current structures would reduce the number of additional nonconforming structures and uses discussed in the paragraph above. However, the code would be more challenging for property owners than to</i></p>

ATTACHMENT 2
Attachment D
 Responsiveness Summary to Public Comments

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
				<p><i>use one lake setback. Again, with only 12 parcels undeveloped on the lakeshore, there is probably minimal impact to the cumulative impacts from a change to varied setbacks.</i></p>
PH-3	(Summary of above comments)	(Testimony) Kristin Kelly – representing Futurewise 1429 Avenue D, #523 Snohomish, WA 98290	<p>(Summary Testimony) Ms. Kelly stated that she is representing Futurewise, Audubon Society and People for Puget Sound. She provided written copies of the comment letter and supplemental Guidance documents and then provided a summary of the written comments consistent with the summary of issues provided above.</p>	<p>City of Lake Stevens Response: The City Council did take under consideration previous written and verbal testimony from Ms. Kelly when adopting the SMP for submittal to Ecology. Any new verbal or written testimony submitted as part of the Ecology review process has not been considered by the City Council.</p>
PH-4	SMP Update Process – Public Input	(Testimony) Gigi Burke. 920 East Shore Drive Lake Stevens, WA	<p>(Public Input) Provided testimony to remind everyone that a number of lake residents have invested a lot of time effort and resources into the SMP update, for which Ms. Burke stated that she did not want to reiterate all the points that were already made. However, she believes that people involved in the update want a healthy lake for fish and wildlife and future generations, but want to make sure that preservation is done in a reasonable manner that is not going to cost a lot of money and will provide people with the ability to maintain their existing properties as they do today. Ms. Burke raised concern with other testimony provided during the hearing, which she stated does not represent people who live on the lake and hopes that materials and concerns previously presented to the City will be taken into consideration.</p>	<p>City of Lake Stevens Response: Throughout the two year SMP Update process, the City has worked with experienced SMP consultants, a Citizen Advisory Committee, Ecology, Fish and Wildlife, residents, Futurewise, and other concerned parties. There are many complicated concerns and issues that had to be worked out. The proposed SMP is a coordinated effort to protect the shoreline habitat for No Net Loss as well as provide future use for property owners, lake users, and visitors. The process involved give and take on all sides, but the end product was required to meet the SMP Guidelines and the requirements of the Shoreline Management Act and to prove No Net Loss and show negligible cumulative impacts. The City believes the Council adopted SMP meets these objectives.</p>
PH-5	Shoreline Modification (Section 3) Overwater Structures	(Testimony) Patricia Perry 1611 Vernon Road Lake Stevens, WA	<p>(Safety) Ms. Perry raised diving safety concerns related to dock length limits within the SMP that intend to minimum length to achieve a minimum of 5 ½-feet of water depth for boat moorage. Ms. Perry acknowledges that docks are intended for moorage of boats, not for diving, but states that the reality is that kids will dive/swim off docks and suggest that the City increase the minimum water depth standard to 8 ½-feet consistent with an American Red Cross recommendation to support safe diving. Having personally experienced a spinal injury after diving into shallow water, Ms. Perry would like to avoid this happening in Lake Stevens and remains concerned about the potential (legal) liability to a property owner, if someone was injured while diving off a</p>	<p>City of Lake Stevens Response:</p> <p>Safety. The City Council did take the information provided from the American Red Cross with all other public testimony including depth required for size of boats on the lake to make a determination on depth at the end of the dock. The Council chose to keep the 5 and a half foot depth at the end of the dock because of Ecology guidelines that say a dock is intended for moorage, not diving.</p> <p>Overwater Structure side-yard setback. Based on the Cumulative Impacts Analysis, there are only 19 lots with no docks and 12 of these are</p>

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
			<p>private dock.</p> <p>(Overwater Structure side-yard setback) Ms. Perry raised a second point recommending that the City reinstate the 15-foot or 20-foot minimum side yard setback between adjacent docks on neighboring properties. Ms. Perry stated that the proposed 10-foot minimum (dock) side yard standard is too small and would allow a number of narrow (existing) parcels the ability to build a private dock, which they could not do under current standards. Ms. Perry concluded that her concern is based on increased cumulative impacts associated with the allowance for new docks on these smaller parcels and the subsequent regulatory limits that are then applied to larger (wider) lots for docks, so that the City is able to satisfy the no net loss standard.</p>	<p>undeveloped. With the minimal amount of new docks vs. replacement docks, stricter regulations on these potential 19 docks would make negligible difference to the potential 398 replacement or enlarged docks according to the Cumulative Impacts Analysis prepared for this process.</p>
W-6	SMP Update Process (SMP submittal record)	Save our Shorelines Lake Stevens (SOSLS) Samuel Rodabough Groen Stephens & Klinge, 11100 NE 8 th Street, Suite 750 Bellevue, WA 98004	<p>(Supplemental Materials) SOSLS request that the following correspondence be added to the official record for the City's updated SMP:</p> <ul style="list-style-type: none"> • Email and Attachment dated May 18, 2012 4:47PM, Subject: "FW Proposed Lake Stevens SMP – EHB 1653 Ecology Letter.pdf" • Email and Attachment dated May 18, 2012 4:47PM, Subject: "FW Proposed Lake Stevens SMP – Wetland Buffers Wetland Buffer Reduction Provisions.docx" • Email string dated May 18, 2012 4:50 PM, Subject: "FW Proposed Lake Stevens SMP – Wetland Buffers" 	<p>City of Lake Stevens Response: Although the exact emails in the first two bullets were not included directly as public testimony as they were provided as part of the discussion with the Council Subcommittee and the issues discussed with the Subcommittee and SOSLS, the information contained was included in the Council's November 21, 2011 Public Hearing Packet (Attachment A), Attachment 7 of Supplemental Information sent to Council by email separately from staff report (Attachment B) and discussed by Planning Director Ableman during the public hearing (see minutes, Attachment C).</p> <p>The Wetland Buffer issue had been discussed over many emails and on November 21, there was a much longer email string than the two sent to Joe Burcar on May 18th and listed in the first two bullets. As the email string in Attachment D shows, the City and Mr. Rodabough went back and forth many times until 2:59 pm on November 21, 2011. The Council Staff Report included a note (page 5 of the overall packet) stating language changes for Wetland Buffer Reductions would be provided under separate cover. As part of the supplemental information sent by email, the proposed new wetland buffer reduction language was included as Attachment 7. Then, as shown in the minutes for the November 21 hearing, Planning Director Ableman stated new language was drafted by the citizen group and reviewed by staff, but would be discussed with Ecology by phone in two days. In the same minutes, Mr. Rodabough is shown providing testimony on the same subject on page 3 and</p>

ATTACHMENT 2
Attachment D
 Responsiveness Summary to Public Comments

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
				<p>stating he had spoken with Tom Clingman and Jeff Talent at Ecology.</p> <p>As part of the November 28, 2011 Council Public Hearing Staff Report (Attachment E, page 25 of entire packet), it was again discussed that the Wetland Buffer Reduction language was reviewed by staff with Ecology and new language was included as Attachment 8. In addition, the November 28, 2011 minutes (Attachment F, page 1 show Planning Director Ableman again mentions the wetland buffer reduction information. These same minutes (page 3) show Mr. Rodabough stating:</p> <p>“(1) wetland buffer issue: It is his understanding that a compromise was struck today dealing with Ecology. He’s seen that language, it’s not perfect, but it is largely acceptable. He would recommend Council take action on that.”</p> <p>As you can see from the summary above and the attached documents, that although the specific email string was not entered into the public testimony directly, the information was definitely discussed with Council, was included in the staff reports, and verbal testimony by Mr. Rodabough on the same subject was provided to Council.</p> <p>In regards to the third bullet, the City was not a party to the email nor included as a cc on the letter. The City is aware that Ecology provided a response to Mr. Rodabough, but does not have a copy of the response letter.</p>
W-7	Existing Structures (Chapter 5, Section 8.c.3)	(same as above)	<p>(Existing Use Standards) SOSLS request verification that the SMP provision allowing for up to 600-square feet of expansion of an existing structure (located within the standard setback) is intended to be applied as a “footprint limit” as opposed to a “total square foot limit” as the total would count area of multiple floors, which they feel does not accurately reflect the minimal impact difference between one vs. multi-story structures. SOSLS recommend that this provision be clarified to be consistent with this intent.</p> <p>(Side-yard Expansion) In addition, SOSLS voiced concern related to Ecology’s comments at the public hearing in reference to tighter adherence to mitigation sequencing and the encouragement for new development to be located landward of setback areas. SOSLS suggest that since most shoreline homes along Lake Stevens are oriented toward the shoreline, “practical</p>	<p>City of Lake Stevens Response: Existing Use Standards. The minutes in Attachment F shows the motion made to be up to 600 square feet allowed in the side yard setback provided mitigation sequencing is applied (page 4). Based on the final language adopted by Council, staff would implement the regulation as 600 square feet as a maximum footprint.</p> <p>Side-yard Expansion. This comment is based on Ecology’s comments. From the City’s perspective on the proposed SMP, an applicant would need to describe in the application, written by a biologist or advised by a biologist, why they cannot avoid, minimize, rectify, reduce/eliminate, compensate, and monitor impacts (mitigation sequencing). If they can provide documentation for each step that would be concurred with by the City’s Environmental Consultant, then the applicant would be able to build in a particular location</p>

Item No.	Comment Topic	Name of Commenter	Comment	Local Government Response
			realities" related to future remodel of specific rooms (kitchens, family rooms, etc) located on the shoreline side of an existing residence should also be considered when determining the appropriate location for expansion to existing structures.	<i>with appropriate mitigation.</i>
W-8	Shoreline Modification (Section 3) Overwater Structures	(same as above)	(Overwater Structure Dimensional Standards) SOSLS restate that Ecology lacks the justification for imposing narrower dock widths (within 30-feet of OHWM) in Lake Stevens. Characterizing Regional General Permit (RGP) 3 as a "safe harbor" for applicants with the Army Corps of Engineers, SOSLS state that the RGP standards are not applicable to Lake Stevens, further stating that the Army Corps routinely grants individual permits that exceed the overwater dimensions contained in RGP 3.	City of Lake Stevens Response: Question is pased to Ecology, not to the City of Lake Stevens.



January 28, 2013

Mr. Joe Burcar
WA State Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

**RE: CITY OF LAKE STEVENS – SHORELINE MASTER PROGRAM (SMP) UPDATE
Request for Extension of 30-Day Requirement for Response to Ecology's
Conditional Approval Letter**

Dear Mr. Burcar:

This letter is to request an extension to the 30-day response to Ecology's Conditional Approval Letter dated January 4, 2013, but received by the City on January 14, 2013. We are requesting an extension to April 30, 2013.

The residents within the City have been very involved in creating the Shoreline Master Program and will want involvement in responding to Ecology's required changes. Therefore, the City Council requests additional time for a public process to collect citizen comments, review the comments in light of the required changes, and determine whether to accept the changes or submit an alternative proposal.

If a decision is made to propose alternative language, additional research and analysis may be required. Staff and consultants will need time to complete this analysis.

Therefore, the City of Lake Stevens would like to request an extension of the 30 days to respond to Ecology's Conditional Approval Letter to April 30, 2013. Please contact Rebecca Ableman at 425-377-3229 or Karen Watkins, Principal Planner, at 425-377-3221 with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Vern Little", is written over a light blue circular stamp.

Vern Little
Mayor

Cc: Project File



NOTICE OF PUBLIC HEARING Lake Stevens City Council

Shoreline Master Program Update Response to Ecology Required Changes

The Lake Stevens City Council is scheduled to conduct a public hearing on Monday, April 8, 2013 at 7:00 PM in the Lake Stevens School District Educational Center (12309 22nd Street NE) to consider public comments regarding the Washington Department of Ecology's required changes to the City Adopted Shoreline Master Program (SMP). This is the final opportunity for public input to the City Council before a response is sent to Ecology. Public testimony on the SMP will be accepted at the hearing.

The SMP has been updated to meet State requirements to protect the ecological functions of Lake Stevens and associated wetlands and streams. The SMP is based on State guidelines and comments received from a Citizen Advisory Committee, public open houses, a citizen group, and the WA Department of Ecology.

The SMP and related documents are available for review at the Permit Center at 1812 Main Street, Lake Stevens or online at www.lakestevenswa.gov/index.aspx?NID=166 and click on "review letter". ADA information may be found at www.lakestevenswa.gov.

Comments regarding Ecology's required changes may be submitted orally during the hearing or in writing any time prior to the hearing by sending them to City Hall, attn: Karen Watkins, PO Box 257, Lake Stevens, WA 98258 or by email at kwatkins@lakestevenswa.gov. For questions, contact Karen Watkins at 425-377-3221.



NEWS RELEASE

Date: March 19, 2013

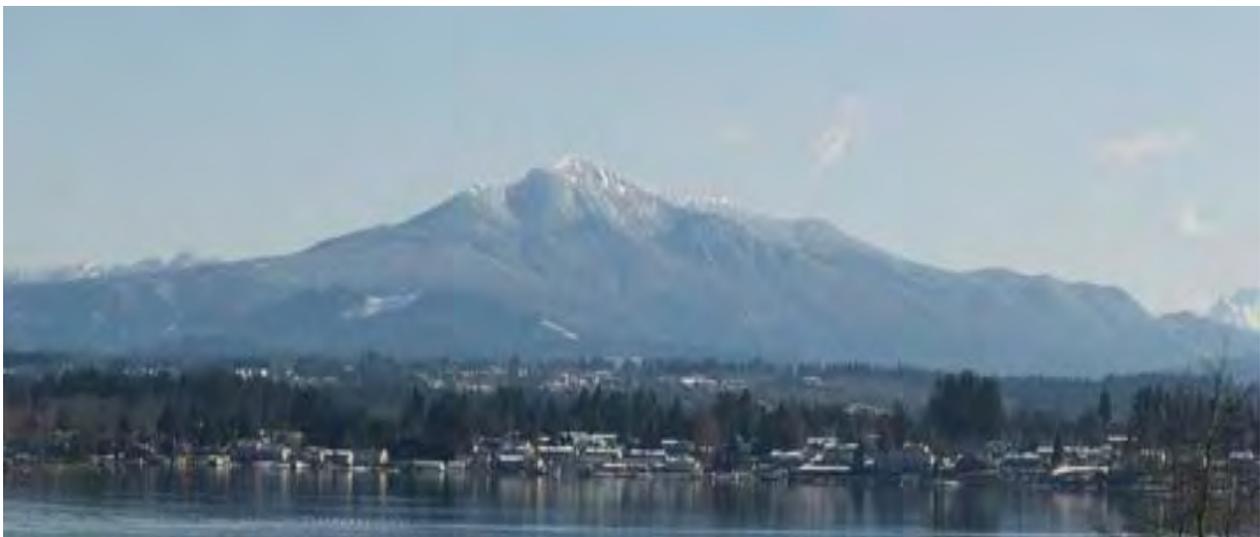
City Contact: Rebecca Ableman, Planning Director

Shoreline Master Program – Collaboration Process Brings Positive Results

The City of Lake Stevens began the Shoreline Master Program (SMP) Update in 2009 with a grant from the Washington Department of Ecology. Over the last two years, City Staff and consultants have worked together with a Shoreline Citizen Advisory Committee; the Planning Commission; and interested parties including shoreline property owners, the general public, and a citizen group. Collaboration between a Council Shoreline Subcommittee, City Staff, the citizen group and other members of the public concluded with numerous changes to the SMP prior to the City Council's approved SMP was submitted to Ecology. A majority of these changes were successfully approved by Ecology.

Ecology submitted to the City ten required changes and one recommended change and the City Council has until April 30, 2013 to respond to Ecology by either adopting the required changes or recommending alternative language. In the spirit of continued collaboration, it is important for residents, interested parties and citizen groups to remain engaged in the process. The final opportunity for public input to the City will be on April 8, 2013, 7 pm, at a City Council Public Hearing at the Lake Stevens School District Educational Facility (12309 122nd Street NE). If you have questions related to this information or want to submit written comments before April 8, please call 425-377-3235 or send an email to Planning Director Rebecca Ableman at bableman@lakestevenswa.gov.

Ecology's comments can be reviewed on the City's website at www.lakestevenswa.gov. In addition, a summary of public concerns from the February 26 SMP Workshop is also available.



From: [Burcar, Joe \(ECY\)](#)
To: [Karen E. Watkins](#); [Becky Ableman](#)
Cc: [Tallent, Geoff \(ECY\)](#); [Anderson, Paul S. - NWRO SEA \(ECY\)](#); [Bails, Jamie L \(DFW\)](#); sam@GSKLegal.pro; [Dan Nickel](#)
Subject: RE: Lake Stevens SMP - Council Public Hearing Packet
Date: Monday, November 21, 2011 11:09:09 AM
Attachments: [image001.png](#)

Hi Karen and Becky,

Please find the following comments related to the recent changes listed within the 11-21-2011 draft of the SMP. I have not included any comments related to wetlands as our wetland specialist is just returning to the office today, after being gone for last two weeks. I will attempt to discuss the wetland situation with our wetland specialist today, but I am not confident that there will be sufficient to come up with a solution prior to the Councils meeting tonight. Therefore, please pass along to your Council our agencies commitment to resolve the wetland concerns (i.e. requirement for wetland delineation adjacent to heavily developed shoreline areas at the north end of the lake) either prior to the City's local adoption (November 28), or through Ecology's review and approval process.

I would also like to pass along a sincere appreciation for all the hard-work on this SMP-update by all parties involved. With the exception of a few inconsistencies mainly isolated to the **Shoreline Modifications** section of the SMP (described below), the current draft of the SMP represents a successful effort by your community in updating your shoreline management plan. I look forward to continuing to work with the City through the final adoption of this SMP.

Best regards,

-Joe

Comments on November 21, 2011 amendments:

General Comments related to 11/21/2011 staff report:

Covered Moorage - Related to the Councils consideration of 'covered moorage', in addition to appropriate size and location criteria to minimize aesthetic impacts and satisfy no net loss requirements, Ecology suggest that the City check-in with Washington Department of Fish and Wildlife (WDFW) to make sure that they can approve covered moorage proposals as envisioned by your council. A check-in with WDFW would ensure consistent with a recommendation from the City's Shoreline Inventory/Characterization Report (Watershed & Makers, 2010a; 47), which recommends that SMP Pier/Dock standards provide; "...clear dimensional standards for new piers and replacement/modified piers, that are consistent with Washington Department of Fish & Wildlife (WDFW) practices on the lake".

Side-yard additions - The Councils request to allow up to 200 square foot additions to the side-yard of "existing residential" structure located within a setback or buffer, is understood to not create significant impacts. This conclusion is based on an amendment to the Cumulative Impact Assessment, concluding that only 5-lots will have the potential to

take advantage of this provision, and the fact that the impervious surface limits within the SMP will still apply. With this said, we do recommend that the City include in this provision appropriate mitigation sequencing steps to require applicants to first consider locating the expansion outside of applicable setbacks/buffers. If because of lot constraints, the expansion cannot be located outside of setback/buffer areas, then the limited additions to side-yard areas seem appropriate with appropriate mitigation and within other limits of the SMP, such as maximum impervious surface ratios.

Chapter 4 Shoreline Modification Provisions

Ecology has provided previous comments to Shoreline Modification sections of the Lake Stevens SMP. The following comments focus on recent amendments included within 11-21-2011 version of the SMP, but are also consistent with previous comments provided to the City on earlier versions of the SMP (see email from April 20, 2011 – below). The following comments are primarily focused on inconsistency between **Shoreline Stabilization** and **Overwater Structure** SMP provisions and the applicable sections of the SMP-Guidelines provided in WAC 173-26.

C. Policies and Regulations

2. Shoreline Stabilization (Including Bulkheads)

Page 55, a. Applicability (Maintenance Repair, and Replacement) – In addition to the reference to WAC 173-27-040(2)(b), **it is equally important for the SMP to also recognize other relevant subsection, including;** (1) *“Application and Interpretation of exemptions”* (a) *“Exemptions shall be construed narrowly...”* and (b) *“An exemption from the substantial development permit process is not an exemption from compliance with the act or the local master program, nor from any other regulatory requirements...”*

Page 55, b. Policies – Policy #1 as written, is not consistent with **Shoreline Stabilization** provisions within WAC 173-26-231(3)(a) of the SMP-Guidelines. To ensure consistency with the SMP-Guidelines the City should incorporate the following amendments:

1. *“Soft stabilization”* measures should be listed as *“preferred”* over *“hybrid”* (structural measures) and;
2. References to protection of an *“allowed primary structure or a legally existing structure”* are not consistent with the SMP-Guidelines and should be amended to use the same language as the WAC 173-26-231(3)(a) allowing for consideration of new shoreline stabilization only to protect *“existing primary structures”*, or for replacement when there is a demonstrated need to protect *“principle uses or structures”*. The existing language in the City’s SMP is too broad and will not be approved by Ecology.

Page 58, c. Regulations (Repair, Maintenance and Replacement) – Standard #13 as written is not consistent with the SMP-Guidelines as a ‘demonstrated need’ to protect principle uses or structures is required in order to justify either replacement or expansion of an existing stabilization structure.

3. Over-Water Structures – Including Piers and Docks, Floats, and Boardwalks

Page 63 & 64, c. Regulations (General Regulations for Private and Public Structures) - Please see Ecology previous comments (email dated April 20, 2011 – provided below) related to

Over-Water Structures standards within the SMP. Ecology's previous comments reiterate the overall intent of **Overwater Structures** to provide moorage in support of water-dependent uses, for which the SMP-Guidelines emphasize the need to minimize the size of overwater structures to the minimum size necessary to serve the specific moorage needs of the jurisdiction. Generally, the following standards are too broad and do not provide sufficient side-boards to ensure that the size of overwater structures are minimized through implementation of predictable SMP standards. More specifically;

1. Regulation #19 (ADA provisions) – Based on a 2003 U.S Access Board publication titled *Accessible Boating Facilities*, five feet of pier width is shown to be sufficient to support ADA needs. However, Ecology has allowed other jurisdictions the flexibility to increase pier widths up to six feet to accommodate ADA access. Therefore, the City should identify a specific limit to overwater structure width that is less than six feet to accommodate ADA access.

2. Regulation #20 (Alternative Compliance) – similar to the ADA-comments provided above, the "*Alternative Compliance*" provision within the SMP cannot allow for unlimited flexibility related to overwater structure width. Ecology has allowed other jurisdictions to build-in limited (well defined) administrative flexibility into pier/dock widths for replacement of existing overwater structures. Within the City of Kirkland, Sammamish and Renton's approved SMP's, administrative 'alternative compliance' limits pier/dock width to no wider than six-feet for components of a overwater structure that is located more than 30-feet water-ward of the shoreline edge. To protect critical nearshore areas, these SMP's restrict pier/dock width to four feet for components of the overwater structure located within 30-feet of the shoreline edge.

In other words, the alternative compliance flexibility should not apply to the critical nearshore areas within 30-feet of the shoreline edge, for which new and replacement pier/dock structures should be limited to four feet in width, unless ADA accommodations are necessary for the property owner, in which case the width can be expanded up to six feet. In summary alternative compliance cannot be approved as written, but could be amended to allow replacement of overwater structures to maintain the same square footage as the original structure, but must be re-oriented the structure to reduce pier width to no greater than four feet within the first 30-feet water-ward of the shoreline edge and up to six feet for other sections of the structure in deeper water.

Page 68, c. Regulations (New Private, Non-Commercial Piers) - SMP standard #24.d (width) "*Exception*" allowing for expansion of the width of a new pier from four feet to six feet within the first 30-feet water-ward of the shoreline edge, is not consistent with the SMP Guidelines and cannot be approved as written. The SMP Guidelines require that the size of new and replacement overwater structures be reduced to the minimum necessary to serve the moorage use of the structure, for which Ecology is not aware of a justification supporting the need for wider structures (i.e., more than four feet) necessary to provide (private single-family) access to boat moorage, with one exception described above related to ADA accommodation.

Page 68, c. Regulations (Replacement of Existing Pier or Dock) - SMP standard #25 (as amended 11-21-2011) to allow 100% replacement for "*square footage and dimensions*" is

not consistent with the SMP Guidelines and cannot be approved as written. As referenced above (Regulation #20 Alternative Compliance), Ecology has allowed for limited flexibility to be applied to pier/dock replacements to allow a property owner to maintain the same overwater structure area, but cannot support allowing the same pier/dock “*dimensions*” when the structure is going to be completely replaced. It is important to recognize that Ecology is supportive of on-going ‘repair’ of existing overwater structures, as long as a clear threshold is identified within the SMP to trigger compliance with ‘replacement’ standards when cumulative repairs reach a point where the existing structure is in all practical purposes being replaced. Many jurisdictions’ utilize a percentage of decking or pile replacement as a threshold to distinguish between ‘repair’ and ‘replacement’.

Chapter 5 Shoreline Use Provisions

C. Shoreline Use Policies and Regulations - 8. Residential Development

Page 95, b. Policies – Policy #1 as written is not consistent with the Shoreline Management Act (RCW 90.58.020) or the SMP-Guidelines (WAC 173-26-241(3)(j)) and will need to be amended to include all relevant components of the policy statement. The reference in the current SMP to single-family residences as a “*preferred use*” is incomplete and does not include all relevant language from the SMA qualifying that a single-family residential use is only considered a priority use, when developed in a manner consistent with the control of pollution and prevention of damage to the natural environment. See WAC 173-26-241(3)(j) stating:

Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. Without proper management, single-family residential use can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, storm water runoff, septic systems, introduction of pollutants, and vegetation modification and removal.

Chapter 6 Definitions

(Page 109) The definition of “*Accessory Use*” is inappropriate in that it includes reference to “*lawns associated with residential development*”. “*Lawns*” are not ‘structures’, they are not intrinsic to the ‘primary use’, and they are not a ‘normal appurtenances’ to a single family use. Therefore, “*Lawns*” cannot be protected or exempted from review and are not preferred under the SMA. This definition should either be removed or amended to distinguish an “*Accessory use*” from structures or appurtenances which are intrinsic to a residential shoreline use.

(Page 115) The definition of “*Existing Uses*” is also inappropriate, in that it includes “*Accessory uses*”, for which inconsistency with the SMA is described above. Similar to the comment above related to the “*Accessory uses*” definition, the “*Existing Uses*” definition, should also be removed or revised and cannot be approved as part of the SMP as currently written.

(Page 127) The “*Water-Dependent Use*” definition includes the following qualifying statement; “*but not limited to*”. This change to the definition is not consistent with the “*Water-Dependent Use*” definition provided in the SMP-Guidelines at WAC 173-26-020(39) and cannot be approved within the SMP as written.

SUMMARY OF WORKSHOP COMMENTS

Overall, the attendees thought the City accomplished a lot by working with citizens and that most of the requested changes were accepted by Ecology. Although attendees were not happy with the 4-ft width within the first 30 feet, they acknowledged that it wasn't an issue that could currently be negotiated with Ecology. However, they would like the City to not the preference for wider docks in the response to Ecology so if the 4-ft requirement is ever changed, the City could request to amend the SMP at that time. Citizens Group will submit a formal comment within the next few weeks.

COMMENTS SPECIFIC TO ECOLOGY'S REQUIRED CHANGES

1. Chapter 2 – Environment Designations, Section B. Shoreline Environment Designation Map (pg 6)

Ecology Change: Add the word "effective" before "floodway" to better refer to the currently adopted Federal Emergency Management Agency (FEMA) Floodway on the flood maps.

The term "effective" means something entirely different than "current" in the legal system. Expect alternative language to be submitted.

2. Chapter 4 – Shoreline Modifications, Section C.3.c Overwater Structure Regulation, 20. Alternative Design (pg. 56)

Ecology Change: Modify Alternative Design language from specifically stating a width of 6 feet is allowed on legally existing docks in first 30 feet to "limited to the following features".

Attendees did not like the required change, but are not planning to submit alternative language.

3. Chapter 4 – Shoreline Modifications, Section C.3.c Overwater Structure Regulation, Replacement of Existing Private Pier or Dock, 25. (pg. 60)

Ecology Change: Modify "piles can be replaced up to 100% of the size (square footage and dimension)" to "piles can be replaced up to 100% of the area (square footage)". Add to end of section, "c. Width shall comply with "New Private, Non-Commercial Piers" standards (see Chapter 4 Section C.3.c.24.d)."

Attendees objected to required change, but not expected to submit alternative language.

4. Chapter 4 – Shoreline Modifications, Section C.3.c Overwater Structure Regulation (pg. 60)

Ecology Change: Modify pier/dock additions to additional length of walkway or ell no wider than "4 feet within the first 30 feet from shore and up to 6 feet for walkway or ell sections located more than 30 feet from shore" rather than "6 feet".

Citizen Group does not like the required change, but understand it would be too costly to fight. Expect they will provide a comment to this effect so that if in the future wider docks are allowed, they will want the City to review enlarging the width of docks. One attendee asked to allow a 6-ft dock with incentives.

SUMMARY OF WORKSHOP COMMENTS

5. Chapter 5 – Use Policies & Regulations, Section C.8.a Residential Use, Applicability Definition (pg. 84)

Ecology Change: Modify by having it applicable only to building or structures and not “lots, parcels or portions, thereof” and not “other detached dwellings, floating homes”. Modify by adding “normal appurtenances common to a single-family residence pursuant to WAC 173-27-040(2)(g)” and removing other list of general appurtenances including “accessory uses and structures normally applicable to residential uses, including, but not limited to, garages, sheds, tennis courts...guest cottages”.

Attendees had major issues with this change as the WAC is clear on what can be included. Expect to see alternative language proposed.

6. Chapter 5 – Use Policies/Regulations, Section C.8.c.3.a.i, New Residential Setbacks(pg. 85)

Ecology Change: Modify setback of all covered or enclosed structures from a standard minimum setback of 60 feet to “the average of the setbacks of existing houses on adjacent lots on both sides of the subject parcel with a minimum setback of 60 feet”. Remove statement allowing Shoreline Administrator to allow a residence to locate closer if existing site does not allow for sufficient area to build house.

Attendees had major issues with this change because it could cause carports or sheds to be located far inland from the house. One attendee commented that there are not many properties that would be affected as most lots are not that long. Alternative language will be submitted.

7. Chapter 5 – Use Policies/Regulation, Section C.8.c.3.d New Residential Development (pg. 87)

Ecology Change: Modify to be more specific when and where small waterfront deck or patio can be placed, “within the shoreline setback provided the property owner agrees to not construct a bulkhead or install any hard shoreline stabilization to protect the deck in the future”.

Attendees did not have a problem with this required change as it is just stated what is already in the document.

8. Chapter 5 – Use Policies/Regulation, Section C.8.c.3.e.New Residential Development (pg. 87)

Ecology Change: Add “not construct a bulkhead or install hard shoreline stabilization to protect the deck in the future, and” in the section regarding approval of waterfront deck or patio.

Attendees did not have a problem with this required change as it is just stated what is already in the document.

9. Chapter 5 – Use Policies/Regulation, Section C.8.c.4 New Residential Development (pg. 88)

Ecology Change: Modify “20 feet from OHWM” in relation to retaining existing native vegetation to “a minimum of 50-feet upland from the OHWM” for vacant lots.

SUMMARY OF WORKSHOP COMMENTS

Attendees felt this required change was "horrible and egregious", but only affects a few properties. One attendee suggested allowing 20-ft vegetation protection with upgrading the vegetation in the 20-foot buffer.

10. Chapter 5 – Use Policies/Regulation, Section C.8.c.7 New Residential Development (pg. 89)

Ecology Change: Add "e. Land-division creating four or more new parcels shall provide Public Access (see Chapter 2 Section 4.c.5 and Chapter 3 Section B.7)" in regards to creation of new lots.

Attendees have concerns with public access in general, but the change is only referencing the existing section in the SMP.

COMMENTS SPECIFIC TO ECOLOGY'S SUGGESTED CHANGES

A. Chapter 5 – Shoreline Use Residential Development Standard (pg 56)

Ecology Change: Modify "Garages and pavements for motorized vehicles (drives and parking areas" to "Detached garages and vehicle (motorized and recreational) parking areas" to be set back at least 200 feet from OHWM. If parcel not deep enough, they may be built closer to the water.

Attendees believe these are appurtenances, so should be allowed up to the face of the existing house. Alternative language may be submitted.

OTHER COMMENTS

- **Dock Length** – *One attendee would like to keep the 200 ft dock length that currently exists in the code as his dock on the north side of the lake is already 150 feet long and in August, he only has a depth of four feet at the end of the dock.*
- **Replacement Threshold** – *One attendee recommended allowing up to a 100 percent replacement threshold for piles and decking before it was considered a full replacement.*

In addition, two written comments were submitted at the workshop and are attached.

**CITY OF LAKE STEVENS
GRANT No. G1000027
ORDINANCE No. 856**

**ADDENDUM TO THE DECEMBER 6, 2011
CUMULATIVE IMPACTS ANALYSIS**

**for City of Lake Stevens Shorelines: Lake Stevens,
Catherine Creek, and Little Pilchuck Creek**

Prepared for:



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

Prepared by:



750 Sixth Street South
Kirkland, WA 98033
p 425.822.5242
f 425.827.8136
watershedco.com

April 2, 2013



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

**The Watershed Company
Reference Number:
090802**

**The Watershed Company Contact Person:
Dan Nickel**



Cite this document as:

The Watershed Company. April 2013. Addendum to the December 6, 2011 Cumulative Impacts Analysis for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek. Prepared for the City of Lake Stevens Planning and Community Development Department.

ADDENDUM TO THE DECEMBER 6, 2011 CUMULATIVE IMPACTS ANALYSIS:

CITY OF LAKE STEVENS SHORELINES: LAKE STEVENS, CATHERINE CREEK, AND LITTLE PILCHUCK CREEK

1 INTRODUCTION

This Cumulative Impacts Analysis (CIA) Addendum supplements the December 2011 CIA submitted to Washington Department of Ecology (Ecology) with the locally adopted November 2011 Shoreline Master Program (SMP). This Addendum addresses two concerns raised by Ecology during its formal review of the SMP as noted in Ecology's Attachment B – Department of Ecology Required Changes to the City of Lake Stevens, SMP Update:

Item #6: Ecology suggested that residential development on Lake Stevens be subject to the greater of a 60-foot setback or the averaged setback which was included in earlier drafts of the SMP, rather than the maximum 60-foot setback proposed in the locally adopted SMP.

Item #9: Ecology suggested that new development on undeveloped lots should be required to retain existing native vegetation in the first 50 feet of the setback, rather than the first 20 feet upland of the OHWM as proposed in the locally adopted SMP.

The following analysis evaluates how the provisions, as proposed in the locally adopted SMP, are consistent with achievement of no net loss of ecological functions.

2 LAKE STEVENS RESIDENTIAL SETBACK

Prior versions of the SMP required the greater of a 60-foot setback or the average setback of adjacent houses. This was evaluated in the earlier drafts of the CIA, although the intent was *not* to suggest that achievement of no net loss of ecological functions hinged on the averaging portion of that setback requirement. The City Council made a late change in the lake setback provision included in the locally adopted SMP, excluding the averaging provision. The language of the early draft CIA was mistakenly not updated in all relevant portions of the December 2011 CIA, such as in Section 5.1 to reflect the

exclusion of the averaging provision. The entire discussion in Section 5.1 of the December 2011 CIA is still appropriate with the following clarifications and additions.

The paragraphs excerpted below are from Section 5.1 of the December 2011 CIA, and shows the appropriate deleted text.

[page 23] Under the City's existing critical areas regulations, structures must be set back 50 feet from the Lake Stevens shoreline as part of the Fish and Wildlife Conservation Area Buffer (LSMC 14.88.430). Under the City approved, including Appendix B: Critical Areas Regulations within Shoreline Jurisdiction (SMP **Appendix B – Part C which refers to SMP Chapter 5 Section 8.c**), the minimum standard residential shoreline setback will be 60 feet (50 foot standard with an additional 10 foot building setback). ~~A setback of greater than 60 feet will apply to those parcels with adjacent properties that have setbacks greater than 60 feet. As per LSMC 14.88.430(f), setbacks to shorelines of state wide significance are regulated under the SMP and the City's Critical Areas regulations. Accordingly, the setbacks in LSMC 14.88.430(a) shall apply when no setbacks are specified in the SMP. If setbacks are specified in both Critical Areas regulations and SMP, the more restrictive setbacks shall apply.~~

[page 26] Relative to the existing conditions in the Shoreline Residential environment along the Lake Stevens shoreline, the implementation of 60-foot total setbacks, impervious surface restrictions, and revegetation standards will likely result in improvements to ecological functions over time (benefiting terrestrial and aquatic species). Although it would be possible, in some instances, for residences to be relocated closer to the shoreline than their existing condition, they would not be allowed further waterward than ~~the greater of 60 feet or the average of their two adjacent structures~~. Presumably, this will continue to maintain an average setback greater than 60 feet, thereby minimizing the likelihood of additional degradation of ecological functions. Furthermore, in the case of properties requesting reduced setbacks due to site constraints, mitigation sequencing is required (SMP Appendix B – Section 1.A(a)) and enhancement to nearshore ecological functions are likely to be proposed.

Additional analysis of each single-family residential parcel was conducted to more quantitatively evaluate the impacts of both the 60-foot minimum setback and 60-foot-minimum setback combined with averaging strategies on the long-term average setback condition.

There are a total of 433 single-family lakefront parcels; 302 of these lots have houses on portions of the lot contiguous with the lake. The remaining 131 lots are either undeveloped (four lots) or have homes on a portion of the parcel that is upland of a major bisecting roadway (South Lake Stevens Road, East Lakeshore Drive, North

Lakeshore Drive). The following sections will discuss each of these circumstances separately.

2.1 Developed Waterfront Lots

Measurements of the existing home setback, taken from the point of the house closest to shore perpendicular to the water's edge, were recorded for each of the 302 developed waterfront parcels. This excludes the 127 home setbacks for homes fronted by roads, which average much farther landward and are discussed in Section 2.3 below. The average home setback was 59.7 feet; 190 lots (63%) have homes closer than 60 feet from the shore and 112 lots have homes equal to or greater than 60 feet from the shore. The average, however, is greater than the median of 49 feet because of the effect on the average of a few homes that are more than 150 feet upland of the OHWM.

Some simple spreadsheet analysis was used to evaluate the mean and median setbacks that would result under either regulatory scenario. Both analyses used the following basic assumptions:

1. that developments would not redevelop to a degree that would result in a landward shift from the existing setback; and
2. that all developments that could move closer to the water would do so as far as allowed under either regulatory scenario.

Neither of these assumptions is likely true, but they represent the worst-case scenario. Under the "greater of 60 feet or averaging" scenario, the average and median setbacks would be 51.3 and 49 feet, respectively. Under the "60-foot setback only" scenario, the average and median setbacks would be 45.7 and 49 feet, respectively. Although the average would be reduced under both scenarios from the current condition, the medians remain the same, reflecting that under both scenarios, to different degrees, the outlier homes farthest from shore would shift waterward, but the "typical" setback would not change.

As noted in the December 2011 CIA, the actual condition of the area between a home and the water's edge are better indicators of existing ecological function than the amount of space. Much of the existing space along Lake Stevens between the OHWM and the homes is mowed lawn, other landscaping, patios, decks, pools, boathouses or other small accessory buildings, and other types of impervious surfaces (see Photo 1 below). Many of these alterations are located at the water's edge. From a habitat and water quality perspective, changes in the locations of these types of homes would have negligible impacts on ecological functions.



Photo 1: A typical waterfront residential condition on Lake Stevens. Note the lawns, armoring, and other extensive alterations between the home and the OHWM.

There are parcels, however, with more significant vegetation between the home and the water. If homes were allowed to move forward into those areas and clear them without consideration of or compensation for their value, adverse impacts to shoreline ecological functions would be expected. However, the Vegetation Conservation provisions of Chapter 3.B.11.c specifically states that "New development, including clearing and grading, shall minimize significant vegetation removal in shoreline jurisdiction to the extent feasible," and "In addressing impacts from significant vegetation removal, the Shoreline Administrator will apply the mitigation sequence..." Some of the few areas on the lake with significant treed conditions between a home and the water are on steep slopes, such as the south end of Springbrook Road extending to North Davies Road on the west shore (see Photo 2 below), or contain wetlands, such as an area adjacent to East Lakeshore Drive (see Photo 3 below). Critical areas and vegetation conservation provisions combined will limit the advancement of homes into currently wooded areas.



Photo 2: An atypically treed area along Lake Stevens waterfront, between Springbrook Road and North Davies Road. This area has steep slopes.



Photo 3: An atypically treed area along Lake Stevens waterfront near East Lakeshore Drive. This area is a wetland.

2.2 Vacant Lots

Four undeveloped and potentially developable lots have been identified on Lake Stevens. Given the site specific conditions and considerations for each parcel, the City

approved SMP provisions, including the provision that requires retention or planting of vegetation in the first 20 feet landward of the OHWM, is expected to maintain or improve existing shoreline conditions. Each vacant parcel is discussed below.

1. Springbrook Road property: This parcel contains steep slopes on the first approximately 100 feet upland of the OHWM which limit residential development. Developed properties to the north and south also contain steep slopes and the homes are set back approximately 100 feet. The majority of the buildable area on the parcel is already mowed lawn. The geologically hazardous areas regulations limit vegetation alteration of the slope and may require re-vegetation of any setback from the top or toe of the slope. Significant vegetation removal is not anticipated on this site, and would be subject to mitigation sequencing requirements. See Photo 4.

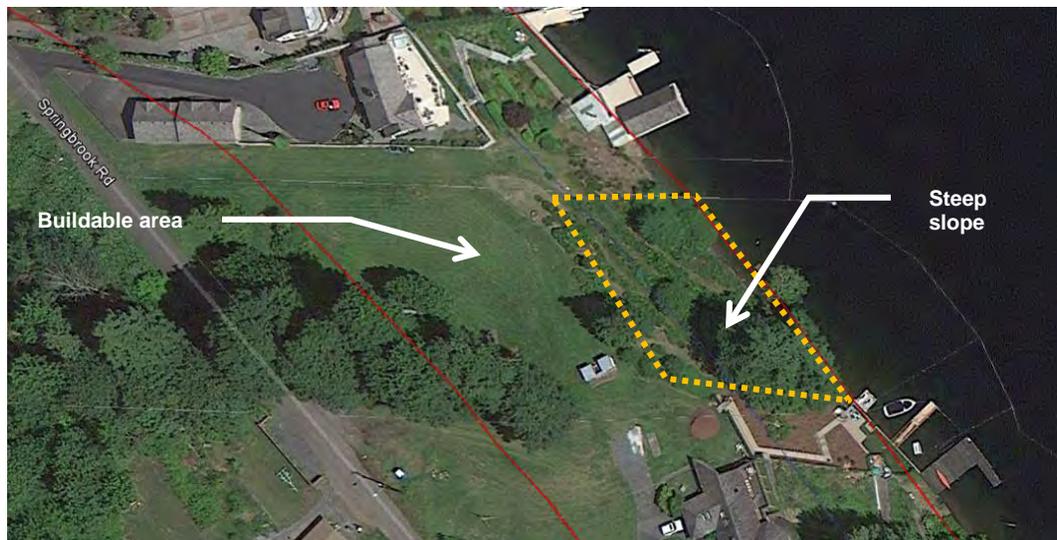


Photo 4: An undeveloped lot with a steep slope along the shoreline.

2. E Davies Loop Road property: This parcel consists predominantly of mown lawn within the 20-foot vegetation area and building setback area. The SMP would require that any new development on this lot would plant native vegetation over at least 75 percent of the area within 20 feet from the OHWM. Such native planting would improve the vegetative functions of the shoreline, and would help ensure that any planned development would not affect water quality in the lake. See Photo 5.

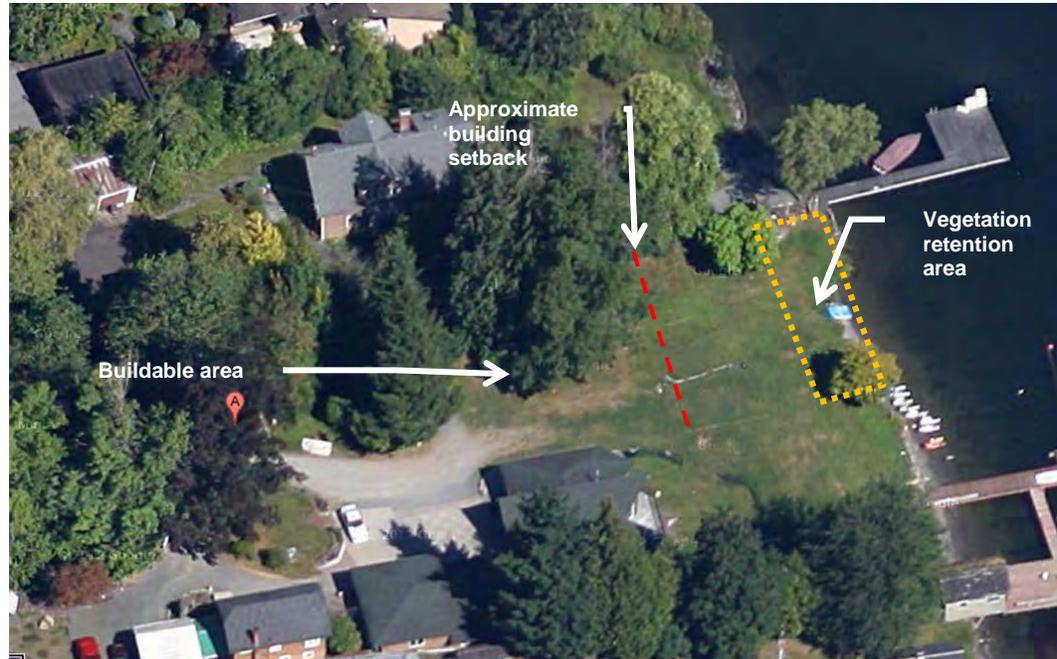


Photo 5: An undeveloped lot with mowed lawn along the shoreline.

3. 7th Street NE properties: These two nearby lots are located along a lake-fringe wetland, with approximate boundaries shown below consistent with those identified in the National Wetland Inventory and WDFW's Priority Habitats and Species Maps. Critical areas regulations would require that wetland buffers be maintained in which vegetation alterations would be severely limited. Enhancement of existing buffer vegetation may also be required. On these two lots, wetland buffer regulations are expected to be more restrictive than vegetation conservation standards in the City approved SMP. See Photo 6.

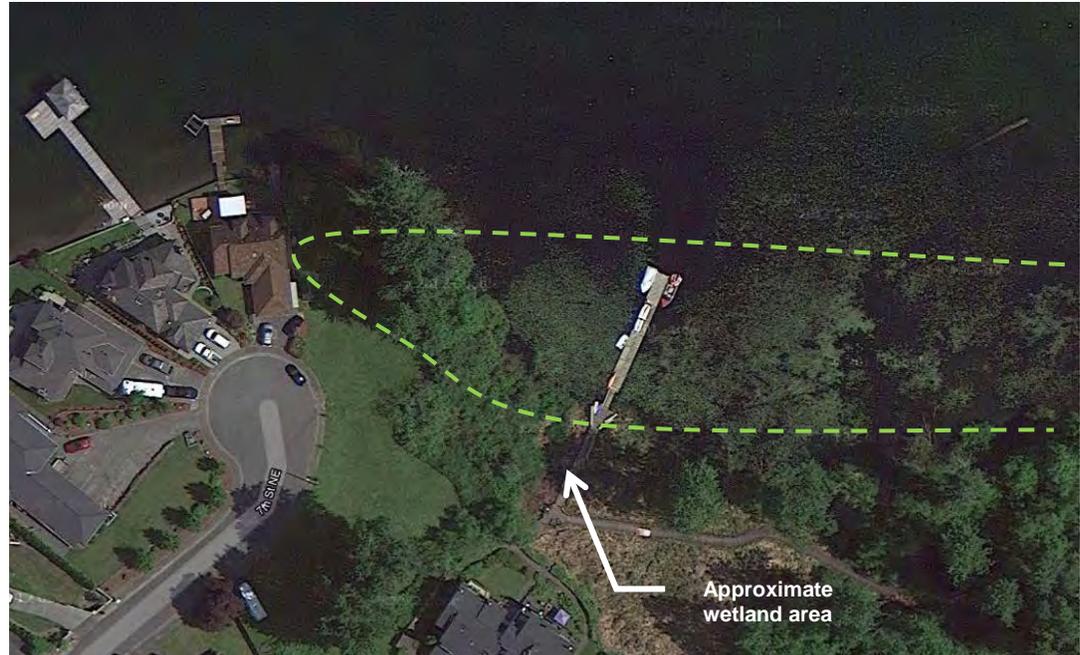


Photo 6: Two undeveloped lots adjacent to a lake fringe wetland.

2.3 Homes Fronted by Roads

As noted above, approximately 127 homes are of necessity located upland of a roadway that parallels the lake edge and precludes construction of a home on the waterward side of the road. The waterward side of the road is often quite modified by armoring, overwater structures, and other decks and accessory structures (see Photo 7). The houses in these areas are generally set back more than 75 feet from the OHWM, and in many cases more than 100 feet (every parcel was not measured for this analysis). Some shift forward is possible, but many of these property owners are likely seeking to provide some separation between the home and the road and are therefore less likely to rebuild closer to the water. As with the waterfront homes discussed above, any forward advancement is likely to impact only lawn, landscaping, and other already altered areas (see Photo 8). Road setbacks, desires for privacy, and the vegetation conservation provisions are likely to protect vegetation in those few areas where a band of trees is located between the road and a home (see Photo 9).

Furthermore, roads running parallel to the shoreline present water quality and habitat impairments because road contaminants are carried into the waterbody via stormwater, and traffic along the roads limits potential perpendicular wildlife habitat corridors to the lake. As such, when a house is located landward of a major road, the distance that a house is set back from a road is not a reliable indicator of ecological effects on the waterbody. Therefore, the functional value of trees and other native vegetation upland of a roadway is very limited with respect to Lake Stevens.



Photo 7: Conditions upland and waterward of North Lakeshore Drive.

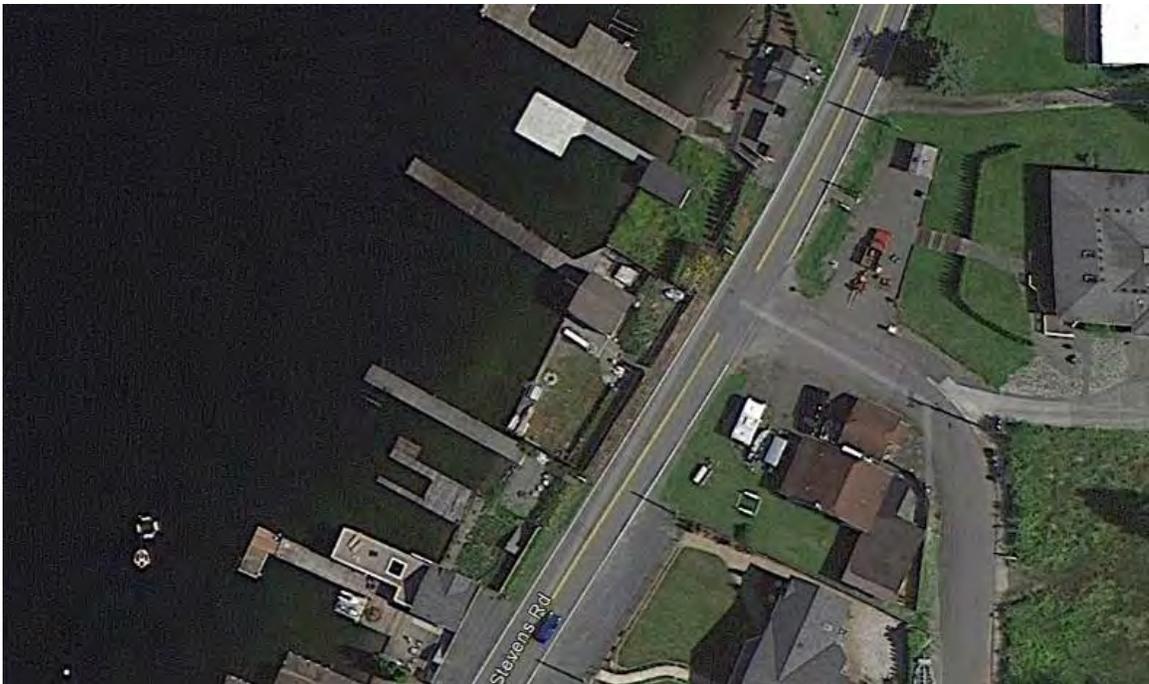


Photo 8: Example of some heavily altered conditions waterward of South Lake Stevens Road, with associated single-family home located on the upland side of the road. Area is currently under Snohomish County jurisdiction.

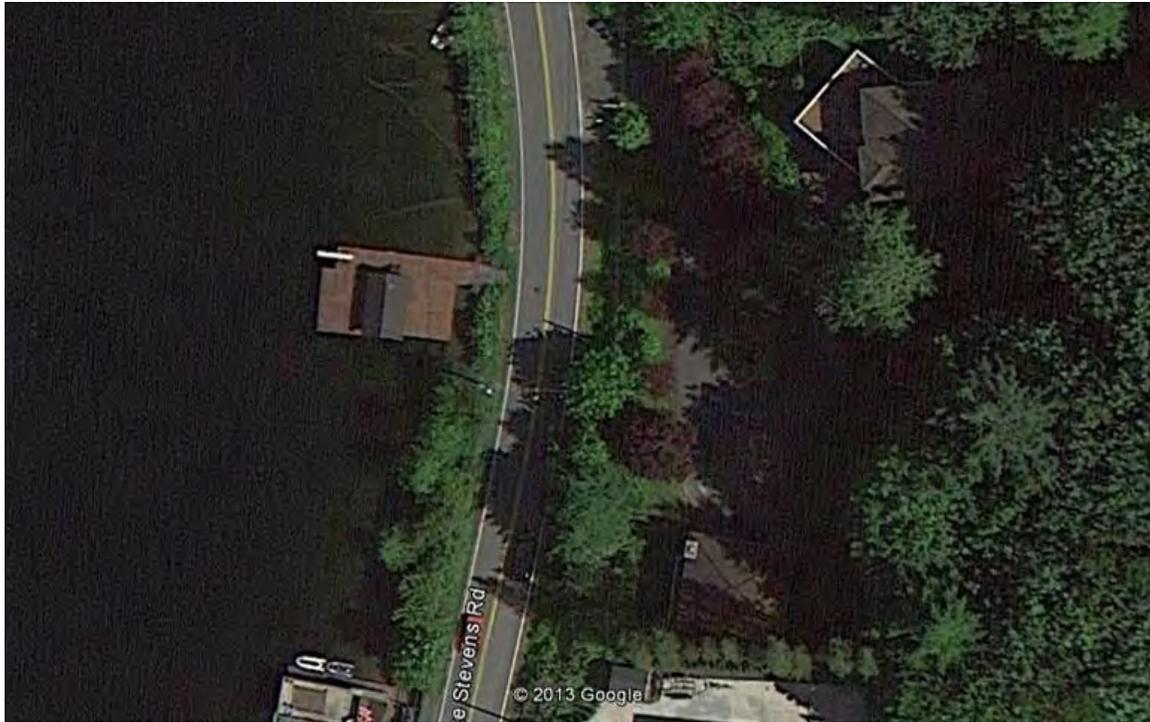


Photo 9: An atypically treed area between homes and a roadway, on South Lake Stevens Road.

3 CONCLUSION

The City approved SMP is expected to maintain existing shoreline functions within the City of Lake Stevens while accommodating the reasonably foreseeable future shoreline development. The Lake Stevens shoreline is nearly entirely developed, with only a few undeveloped lots. The most likely impacts from residential development are anticipated to occur through redevelopment of existing homes along the shoreline.

SMP standards which apply a 60-foot minimum structural setback, as well as vegetation conservation standards which require mitigation sequencing to avoid, minimize, and compensate for impacts to vegetation throughout shoreline jurisdiction, are expected to maintain existing water quality, vegetative, and habitat functions along the City's developed residential shorelines. Requiring an additional averaging of adjacent home setbacks to further restrict home setbacks from shore does not increase the median setback on the lake.

For those few undeveloped lots on the City's shorelines, the presence of critical areas will limit significant encroachment on shoreline functions in most cases. In one case, the City approved SMP provision requiring maintenance or planting of native vegetation

within 20 feet of the shoreline is expected to result in enhanced shoreline functions despite upland development. Therefore, increasing the shoreline vegetative buffer to 50 feet rather than the adopted 20 feet will not increase environmental protection of the lake due to minimum number of treed and undeveloped lots and the existing conditions of each of the four undeveloped lots.

Where roads presently separate existing residential development from the shoreline, the setback standards landward of the road have little bearing on shoreline functions relative to stormwater management and road maintenance practices.

In summary, given the key features discussed above, as well as the December 2011 CIA submitted to Ecology with the locally adopted November 2011 SMP, the City approved SMP is anticipated to achieve **no net loss of ecological functions in the shorelines of the City of Lake Stevens.**



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

April 4, 2013

Re: City of Lake Stevens Shoreline Master Plan Update Public Hearing, April 8, 2013

Dear City Council Members:

Futurewise is a statewide nonprofit organization that promotes healthy communities while protecting farmland, forests and shorelines. Pilchuck Audubon Society's Smart Growth program works hard to stem the consequences of irresponsible development, and to ensure that sensitive areas and wildlife habitat maintain a high profile in growth management debates. Both organizations have members who live in the City of Lake Stevens.

Thank you for the opportunity to comment on the required changes from the Department of Ecology, as well as on the city's SMP update as a whole. We support all of Ecology's required and recommended changes, and urge the council to adopt them in order to ensure better protection of water quality and habitat, particularly that of Lake Stevens.

In addition, we urge you to also adopt the following changes in order to comply with the Shoreline Management Act guidelines.

In Appendix B, Section 2.C(g) and in Section 6.D.(d)(2)—We are opposed to the amendment that will allow stormwater management facilities in the outer 25 percent of the Category II Wetlands buffers. The City needs to prevent all stormwater facilities in any of the wetland buffers. The available science shows that those buffers are needed to protect the functions and value of wetlands. It would be acceptable only for outfalls of stormwater facilities to be allowed in the buffers where they will not adversely impact wetland hydrology.

On Page 154 of Appendix B, regarding the language protecting the fish and wildlife habitat in Lake Stevens, we want to ensure that the City's SMP requires enhancing the buffer along the lake unless it already consists of mature native vegetation to ensure the protection of the lake and its shorelines. We recommend as a minimum that new development must enhance the vegetation in the part of the buffer within 10 feet of the ordinary high water mark for 75 percent of the buffer width unless the buffer is already vegetated by mature native plants.

On page 55 and 46, Section 3.c.4 and .15 regarding Over-Water Structures – Including Piers and Docks, Floats, and Boardwalks, temporary cabanas are addressed, and allowed for 5 months out of the year during May through September 15. These temporary cabanas and covered moorages without walls need to be prohibited because they are both covered

ATTACHMENT 9
Lake Stevens City Council
SMP Update Public Hearing, April 8, 2013
April 4, 2013
Page 2 of 2

overwater structures that will have adverse ecological impacts and the SMP has not included any mitigation measures for these impacts, and is therefore contrary to the intent of mitigation sequencing and requirement in the SMP Guidelines for no net loss of shoreline ecological values.

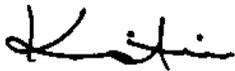
Regarding the depth and length of docks in Section 3.c, to avoid confusion on what can or cannot be allowed, we recommend a dock surface area limit of 500 or 700 feet, consistent with what other jurisdictions have adopted. The shading caused by docks adversely impacts the lake environment.

Proposed C.8.c.3.d, the incentive for allowing on-the-water decks covering 25 percent of the water frontage in return for replanting a little of the lot along the rest of the frontage is a "give-away" that allows non-water dependent uses to cause new impacts to the shoreline, contrary to the SMA Guidelines. We are opposed to this regulation.

Proposed C.8.c.4, which allows development of an undeveloped lot with a small 20 foot replanting requirement, does not adequately mitigation of the impacts from the development. We recommend at least the full 50-foot width be replanted. The replanting should protect not only the intact vegetation within the 20 feet, but any expansion of existing development should be required to provide mitigation that enhances the degraded vegetation conditions that exist on the lot, which is the on-ground situation that actually occurs in the City of Lake Stevens. Mitigation for these types of situations should be replanting of 20-foot width for 75 percent of frontage, the same as used in the SMP for the undeveloped lots. We suggest using the City of Kirkland's regulations as a model for these regulations.

Thank you for considering our recommendations.

Most sincerely,



Kristin Kelly
Snohomish/Skagit Program Director, Futurewise
Smart Growth Director, Pilchuck Audubon Society
1429 Avenue D, #532
Snohomish, WA 98290
(425) 923-8625
Kristin@futurewise.org

CITY OF LAKE STEVENS
Lake Stevens, Washington
ORDINANCE NO. 889

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON APPROVING AMENDMENTS TO THE APPROVED CITY OF LAKE STEVENS 2011 SHORELINE MASTER PROGRAM AND THE ACCOMPANYING ENVIRONMENT DESIGNATIONS, GOALS AND POLICIES, REGULATIONS, CUMULATIVE IMPACTS ANALYSIS, RESTORATION PLAN, AND NO NET LOSS REPORT SUMMARY UNDER THE PROCEDURES SET FORTH IN CHAPTER 90.58 RCW; AND DIRECTING THAT THE APPLICABLE SHORELINE MASTER PROGRAM UPDATE AMENDED MATERIALS BE PROVIDED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR ITS REVIEW.

WHEREAS, the Washington Shoreline Management Act (Chapter 90.58 RCW, (“SMA” or the “Shoreline Management Act”) recognizes that shorelines are among the most valuable and fragile resources of the State, and that State and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the City of Lake Stevens (“City”) is required to update its Shoreline Master Program (“SMP” or “Shoreline Master Program”), adopted in 1974, pursuant to the Shoreline Management Act and Chapter 173-26 WAC; and

WHEREAS, the City updated its Shoreline Master Program under a two year grant (No. G1000027) from the Washington State Department of Ecology (“Ecology” or the “Department of Ecology”) to complete a comprehensive shoreline master program update (LS2009-11); and

WHEREAS, the Department of Ecology is authorized under the Shoreline Management Act to approve, deny or propose modifications to the City’s SMP; and

WHEREAS, Lake Stevens is classified as a unique shoreline by the State due to its size of 1,014 acres, and is known as a Shoreline of Statewide Significance; and

WHEREAS, the areas under State shoreline jurisdiction include, in general, the area around and within 200 feet of the shoreline of Lake Stevens, the shorelines of Catherine Creek and Little Pilchuck Creek where the creeks run at least 20 cubic feet per second, and three associated wetland complexes, Stevens Creek, Lundeen Creek and Stitch Lake; and

WHEREAS, the City has engaged in extensive public participation with respect to the Shoreline Master Program Update preceding the Local Adoption Process, including but not limited to the following: a Shoreline Citizens Advisory Committee, three public open houses, two Council workshops, four Council Subcommittee Meetings, four briefings to Planning Commission, four briefings to City Council, emails to interested parties, postcard notices to shoreline property owners, published notices in the local newspapers, and meetings with residents and developers, as requested; and

WHEREAS, on February 15, 2010, the City issued a Draft Shoreline Analysis Report, an inventory and characterization of the City’s shorelines to be used to record the existing or baseline

conditions upon which the development of shoreline master program provisions are examined to ensure the adopted regulations provide no net loss of shoreline ecological functions; and

WHEREAS, on April 19, 2011, the City issued a Final Draft Cumulative Analysis for City of Lake Stevens shorelines and on November 17, 2011, issued a Preliminary Final Cumulative Analysis for City of Lake Stevens shorelines, an inventory and characterization of the City's shorelines to assess ecological functions and ecosystem-wide processes operating within the City's shoreline jurisdiction and to serve as a baseline from which future development actions in the shoreline jurisdiction will be measured; and

WHEREAS, on April 19, 2011, the City issued a Final Draft 2011 Shoreline Master Program and on November 17, 2011, issued a Preliminary Final 2011 Shoreline Master Program, including goals and policies, environmental designations for areas within the City and in the Urban Growth Area, and regulations, and replacing the previously adopted 1974 Shoreline Master Program; and

WHEREAS, on April 19, 2011, the City issued a Final Draft Shoreline Restoration Plan for the City of Lake Stevens shorelines and on November 17, 2011, issued a Preliminary Final Shoreline Restoration Plan, listing restoration goals and objectives and discussing existing or potential programs and projects that positively impact the shoreline environment; and

WHEREAS, a No Net Loss Report confirms the goals, policies and regulations of the proposed 2011 Shoreline Master Program with mitigation for impacts pursuant to the Restoration Plan will result in "no net loss" in shoreline ecological function relative to the baseline due to its implementation and will ultimately produce a net improvement in shoreline ecological function; and

WHEREAS, it is anticipated that the City will consider and enact final code amendments and comprehensive plan amendments related to the Shoreline Master Program Update shortly after the adoption of the Shoreline Master Program by Ecology; and

WHEREAS, on April 15, 2011, the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance for the adoption of the Shoreline Master Program and related code amendments and comprehensive plan amendments and published the notice in the Everett Herald; and

WHEREAS, the amendments to the Shoreline Master Program and Cumulative Impacts Analysis adopted in this ordinance do not require additional SEPA review as they do not affect the overall previously adopted SMP and related documents, but are minor wording changes; and

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

WHEREAS, the City submitted the proposed comprehensive plan amendments and code amendments related to the 2011 Shoreline Master Program to the Washington State Department of Commerce on April 5, 2011 for its 60-day review and received documentation of completion of the procedural requirement on June 6, 2011; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed comprehensive plan amendments, code amendments and 2011 Shoreline Master Program, held duly noticed public hearings on May 4 and 18, 2011, and all public testimony was given full consideration before a recommendation was made to the City Council; and

WHEREAS, on May 23, June 13 July 11, November 21, and November 28, 2011, the Lake Stevens City Council reviewed the Planning Commission’s recommendation relating to the proposed 2011 Shoreline Master Program and associated comprehensive plan amendments and code amendments and held duly noticed public hearings, and on November 28, 2011 adopted Ordinance No. 856 approving the Shoreline Master Program and related documents and directed the Planning Director to make approved revisions to the documents and submit to Ecology; and

WHEREAS, on December 10, 2011 the Planning Director forwarded the adopted 2011 Shoreline Master Program and related documents to Ecology for review; and

WHEREAS, on February 27, 2012, the SMP Amendment Package was deemed complete by Ecology;

WHEREAS, on April 19, 2012, Ecology held a public hearing in Lake Stevens and held a public comment period from April 19 to May 21, 2012; and

WHEREAS, Ecology summarized public hearing comments and requested the City respond to the comments and the City submitted responses to Ecology on September 10, 2012; and

WHEREAS, on January 4, 2013, Ecology sent a final Conditional Approval Letter to Mayor Vern Little with ten required changes and one proposed change and requested City response within 30 days; and

WHEREAS, the City requested an extension to April 30, 2013 in place of the 30-day response requirement to allow time for Council discussion and a public process before responding to Ecology; and

WHEREAS, the Council held a public workshop on February 24, 2013 to hear public comments on Ecology’s required changes; and

WHEREAS, on March 25, 2013, Council approved additional consultant analysis on Ecology’s required changes #6 and #9 to support proposed alternative language; and

WHEREAS, on April 8, 2013, the City Council held a duly noticed public hearing on Ordinance No. 889 adopting amendments to the previously adopted 2011 Shoreline Master Program and adopting specific Ecology required changes, adopting the Addendum to the Cumulative Impacts Analysis and directing the Planning Director to submit a formal response to Ecology’s Conditional Approval Letter.

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

Section 1. Conclusions. The City Council hereby concludes the following with regard to the amendments to the previously adopted 2011 Shoreline Master Program and specific Ecology required changes, and Addendum to the Cumulative Impacts Analysis as revised and readopted and approved in this ordinance:

- A. Implementation of the Adopted 2011 Shoreline Master Program with adopted amendments will result in “no net loss” in shoreline ecological function relative to the established baseline and will ultimately produce a net improvement in shoreline ecological function; and

- B. The Adopted 2011 Shoreline Master Program and amendments are consistent with and meet the State Shoreline Guidelines established under Chapter 173-26 WAC; and
- C. The Adopted 2011 Shoreline Master Program and amendments are consistent with and implement the Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW).

Section 2. Addendum to the Cumulative Impacts Analysis Adopted. The Addendum to the City of Lake Stevens Adopted 2011 Cumulative Impacts Analysis, as set forth in **Exhibit 1** (attached to this ordinance and incorporated by reference) is hereby adopted.

Section 3. Shoreline Master Program Amendments Adopted. The City of Lake Stevens Adopted 2011 Shoreline Master Program is hereby amended as follows:

- 1. The Adopted 2011 Shoreline Master Program, Chapter 1, Section E.1 definition for “Substantial development” is hereby amended for consistency with Engrossed Substitute House Bill 1090, if approved by the Washington State Legislature:

“Substantial development” is any “development” where the total cost or fair market value exceeds five thousand seven hundred eighteen dollars (\$5,718), as adjusted for inflation by the Office of Financial Management every five years, or any development that materially interferes with the normal public use of the water or shoreline of the state. The five thousand seven hundred eighteen dollar (\$5,718) 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))~~ twenty thousand dollars ~~(\$((+)20,000)~~, as adjusted for inflation by the Office of Financial Management every five years. ~~((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.

- 2. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #1 as set forth in Ecology’s Conditional Approval Letter in Attachment B and to read as follows for Chapter 2, Section B:

The Shoreline Environment Designation Maps can be found in Appendix A. Pursuant to WAC 173-26-211, 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), effective 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.

- 3. The Adopted 2011 Shoreline Master Program, Chapter 4, Section B, Table 4 notes is hereby amended based on recently Council adopted amendments to Title 10 LSMC related to private buoys:

Shoreline Modification Matrix Notes:

- 1. *Fill in the floodplain must meet all federal, state, and local flood hazard reduction regulations.*

2. *Fill in aquatic areas for the purposes of shoreline ecological restoration may be allowed as a permitted use if the Shoreline Administrator determines that there will be an increase in desired ecological functions.*
 3. *New non-public piers and docks are prohibited on Little Pilchuck Creek and Catherine Creek.*
 4. *A shoreline modification may be allowed in the Aquatic Environment if the chart indicates that it is allowed in both the Aquatic Environment and the adjacent upland environment.*
 5. *New shoreline stabilization structures are not allowed in the Aquatic Designation. Replacement walls or bulkheads shall not encroach waterward of the OHWM or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure (WAC 173-26-231(3)(a)(iii)(C)). All other shoreline stabilization structures in the Aquatic Designation require a conditional use permit.*
 6. *A maximum of two private mooring piles or buoys per dock in lieu of fingers or ells are allowed only within the envelope of the dock and no farther waterward than the end of the dock pursuant to LSMC 10.16.070. Also a maximum of two private piles or buoys are allowed in lieu of dock if it includes markings for navigational safety where it shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the water line (WAC 352-66-100 and LSMC 10.16.070(d)). “Envelope of the dock” is defined as the area measured 30 feet from shore and only as far from the side of the dock as required for the size of the boat to be moored at the dock.*
4. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #2 as set forth in Ecology’s Conditional Approval Letter ins Attachment B and to read as follows for Chapter 4, Provision C.3.c.20:
20. Alternative Design. The City shall approve new, replaced or additions to docks different from the standards below subject to Washington Department of Fish and Wildlife approval of an alternate project design ((of a width up to 6 feet for new docks or up to existing width on legally existing docks in the first 30 feet,)) limited to the following features: size of pilings, replacement area, and/or different decking requirements subject to a Hydraulic Permit Approval. With submittal of a building permit, the applicant shall provide documentation that the Washington Department of Fish and Wildlife has approved the alternative proposal design.
5. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #3 as set forth in Ecology’s Conditional Approval Letter in Attachment B and to read as follows for Chapter 4, Provision C.3.c.25:

Replacement of Existing Private Pier or Dock

25. Proposals involving replacement of the entire private pier or dock, or 50 percent or more of the pier-support piles can be replaced up to 100% of the ((size-)) area (square footage ((and dimension))) of the existing pier or dock and shall comply with the following standards:
- a. Decking: All replacement piers must include decking with a minimum of 40 percent open space as described in subsection c.24.a. above.
 - b. Replacement piles must be sized as described above under subsection 24.b, and must achieve the minimum 12-foot spacing to the extent allowed by site-specific engineering or design considerations.

c. Width shall comply with "New Private, Non-Commercial Piers" standards (see Chapter 4 Section C.3.c.24.d).

6. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #4 as set forth in Ecology's Conditional Approval Letter in Attachment B and to read as follows for Chapter 4, Provision C.3.c.27:

27. When proposed additions to a private residential pier result in a pier that exceeds the maximum total length or width allowances for new docks as described in c.24 above, the addition may be proposed under a Variance application and subject to the following provisions:

- a. The applicant must remove any in-water structures rendered obsolete by the addition;
- b. The additional length of walkway or ell must be no wider than 4 feet within the first 30 feet from shore and up to 6 feet for walkway or ell sections located more than 30 feet from shore;
- c. The decking of all new pier elements include decking with a minimum of 40 percent open space as described in subsection c.24.a. above; and
- d. Any proposed new piles must comply with standards under subsection c.24.b. above.

7. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #5 as set forth in Ecology's Conditional Approval Letter in Attachment B and to read as follows for Chapter 5, Provision C.8.a.8.a:

8. Residential Development

a. Applicability

Residential development means one or more buildings(=) or structures(= lots, parcels or portions thereof) which are designed for and used or intended to be used to provide a place of abode, including single-family residences, duplexes(= other detached dwellings, floating homes), multi-family residences, mobile home parks, residential subdivisions, residential short subdivisions, and planned residential development, together with normal appurtenances common to a single-family residence pursuant to WAC 173-27-040 (2) (g). (~~accessory uses and structures normally applicable to residential uses, including, but not limited to, garages, sheds, tennis courts, swimming pools, parking areas, fences, cabanas, saunas, and guest cottages.~~) Residential development does not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

8. The Adopted 2011 Shoreline Master Program is hereby amended based on Ecology's required change #6 with alternative language to read as follows for Chapter 5, Provision C.8.c.3.a.i:

3. New residential development, including new structures, new pavement, and additions, within shoreline jurisdiction on lakes shall adhere to the following standards:

a. Setbacks:

- i. New buildings: Set back all covered or enclosed structures with a ~~standard~~ minimum setback, ~~which is a lake setback of 60 feet from the OHWM (consisting of 50 feet from the OHWM plus an additional 10 foot building setback). Where the Shoreline Administrator finds that an existing site does not provide sufficient area to locate the residence entirely landward of this setback, the Shoreline Administrator may allow the~~

~~residence to be located closer to the OHWM, provided all other provisions of this SMP are met and impacts are mitigated.~~

9. The Adopted 2011 Shoreline Master Program, Chapter 5, Provision C.8.c.3.b, is hereby amended to modify the reference for designing and constructing pervious concrete and asphalt:
 - b. Maximum amount of impervious surface: The maximum amount of impervious surface for each lot, including structures and pavement shall be no greater than 40 percent of the total lot area above OHWM.

In calculating impervious surface, pavers on a sand bed may be counted as 50 percent impervious and wood decks with gaps between deck boards may be counted as permeable if over bare soil or loose gravel (such as pea gravel). Pervious concrete and asphalt (~~may be counted as per manufacturer's specifications~~)should be designed and constructed to 2005 Stormwater Manual, as amended, and Puget Sound Partnership Low Impact Development Manual, as amended. To calculate the net impervious surface, multiply the area of the pavement by the percentage of imperviousness.

10. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #7 as set forth in Ecology's Conditional Approval Letter in Attachment B and to read as follows for Chapter 5, Provision C.8.c.3.d:
 - d. If there is no bulkhead, or if a bulkhead is removed, a small waterfront deck or patio can be placed (~~along~~)within the shoreline setback provided the property owner agrees to not construct a bulkhead or install any hard shoreline stabilization to protect the deck in the future, and:

11. The Adopted 2011 Shoreline Master Program is hereby amended by the Ecology required change #8 as set forth in Ecology's Conditional Approval Letter in Attachment B and to read as follows for Chapter 5, Provision C.8.c.3.e:
 - e. All property owners who obtain approval for a waterfront deck or patio in exchange for removing a bulkhead and retaining or planting native vegetation must prepare, and agree to not construct a bulkhead or install hard shoreline stabilization to protect the deck in the future, and adhere to, a shoreline vegetation management plan prepared by a qualified professional and approved by the Shoreline Administrator that:

12. The Adopted 2011 Shoreline Master Program is hereby amended based on Ecology's required change #9 with alternative language to read as follows for Chapter 5, Provision C.8.c.4:
 4. For new development on previously undeveloped lots, any existing native vegetation shall be retained along the ~~shoreline~~ to a minimum of 20 feet upland from the OHWM. If little or no native vegetation exists on the previously undeveloped lot, native vegetation shall be planted along the shoreline to 20 feet from the OHWM. 25 percent of the required vegetated area can be cleared or thinned for view maintenance and waterfront access, provided 75 percent of the area remains vegetated. Invasive species may be removed, vegetation trimmed, and trees —limbed up|| from the ground to provide views. In the 25 percent cleared area, pathways for access to the water are allowed.

The City may determine the percentage of imperviousness for pavements that are not specified here.

13. The Adopted 2011 Shoreline Master Program is hereby amended based on Ecology's required change #10 with alternative language to read as follows for Chapter 5, Provision C.8.c.7:

7. The creation of new residential lots within shoreline jurisdiction on lakes shall be prohibited unless the applicant demonstrates that all of the provisions of this SMP, including setback and size restrictions, can be met on the proposed lot. Specifically, it must be demonstrated that:
- a. The residence can be built in conformance with all applicable setbacks and development standards in this 2011 SMP.
 - b. Adequate water, sewer, road access, and utilities can be provided.
 - c. The intensity of development is consistent with the City's Comprehensive Plan.
 - d. The development will not cause flood or geological hazard to itself or other properties.
 - e. Land-division creating four or more new parcels (~~shall~~) should provide Public Access (see Chapter 2 Section 4.c.5. and Chapter 3 Section B.7.).

14. The Adopted 2011 Shoreline Master Program is hereby amended based on Ecology's suggested change #A as set forth in Ecology's Conditional Approval Letter in Attachment C and to read as follows for Chapter 5, Provision C.8.c.13.b:

- b. Detached (~~G~~)garages and vehicle (motorized and recreational) parking areas (~~and pavements for motorized vehicles (drives and parking areas))~~) shall be set back at least 200 feet from the OHWM. If the Shoreline Administrator determines that the property is not sufficiently deep (measured perpendicularly from the shoreline) to allow construction of garages or parking areas outside of shoreline jurisdiction then (s)he may allow such elements to be built closer to the water, provided that the garage or parking area is set back from the water as far as physically possible.

Section 4. The City Planning Director or designee shall make final revisions to the documents as adopted at the April 8, 2013 public hearing and any necessary format, numbering, or reference changes necessary to finalize adopted documents.

Section 5. The City Planning Director or designee shall forward the adopted 2011 Shoreline Master Program amendments and the Addendum to the Cumulative Impacts Analysis with a response to the Washington State Department of Ecology Conditional Approval Letter dated January 4, 2013, pursuant to local approval submittal requirements in WAC 173-26-110, for formal review and approval.

Section 6. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 7. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force following approval of the updated Shoreline Master Program by the Washington State Department of Ecology.

PASSED by the City Council of the City of Lake Stevens this __ day of _____, 2013.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading:
Published:
Effective Date:

Exhibit 1

Addendum to the 2011 Cumulative Impacts Analysis Adopted by the City of Lake Stevens

**CITY OF LAKE STEVENS
GRANT No. G1000027
ORDINANCE No. 856**

**ADDENDUM TO THE DECEMBER 6, 2011
CUMULATIVE IMPACTS ANALYSIS**

**for City of Lake Stevens Shorelines: Lake Stevens,
Catherine Creek, and Little Pilchuck Creek**

Prepared for:



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

Prepared by:



750 Sixth Street South
Kirkland, WA 98033
p 425.822.5242
f 425.827.8136
watershedco.com

April 2, 2013



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

**The Watershed Company
Reference Number:
090802**

**The Watershed Company Contact Person:
Dan Nickel**



Cite this document as:

The Watershed Company. April 2013. Addendum to the December 6, 2011 Cumulative Impacts Analysis for the City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek. Prepared for the City of Lake Stevens Planning and Community Development Department.

ADDENDUM TO THE DECEMBER 6, 2011 CUMULATIVE IMPACTS ANALYSIS:

CITY OF LAKE STEVENS SHORELINES: LAKE STEVENS,
CATHERINE CREEK, AND LITTLE PILCHUCK CREEK

1 INTRODUCTION

This Cumulative Impacts Analysis (CIA) Addendum supplements the December 2011 CIA submitted to Washington Department of Ecology (Ecology) with the locally adopted November 2011 Shoreline Master Program (SMP). This Addendum addresses two concerns raised by Ecology during its formal review of the SMP as noted in Ecology's Attachment B – Department of Ecology Required Changes to the City of Lake Stevens, SMP Update:

Item #6: Ecology suggested that residential development on Lake Stevens be subject to the greater of a 60-foot setback or the averaged setback which was included in earlier drafts of the SMP, rather than the maximum 60-foot setback proposed in the locally adopted SMP.

Item #9: Ecology suggested that new development on undeveloped lots should be required to retain existing native vegetation in the first 50 feet of the setback, rather than the first 20 feet upland of the OHWM as proposed in the locally adopted SMP.

The following analysis evaluates how the provisions, as proposed in the locally adopted SMP, are consistent with achievement of no net loss of ecological functions.

2 LAKE STEVENS RESIDENTIAL SETBACK

Prior versions of the SMP required the greater of a 60-foot setback or the average setback of adjacent houses. This was evaluated in the earlier drafts of the CIA, although the intent was *not* to suggest that achievement of no net loss of ecological functions hinged on the averaging portion of that setback requirement. The City Council made a late change in the lake setback provision included in the locally adopted SMP, excluding the averaging provision. The language of the early draft CIA was mistakenly not updated in all relevant portions of the December 2011 CIA, such as in Section 5.1 to reflect the

exclusion of the averaging provision. The entire discussion in Section 5.1 of the December 2011 CIA is still appropriate with the following clarifications and additions.

The paragraphs excerpted below are from Section 5.1 of the December 2011 CIA, and shows the appropriate deleted text.

[page 23] Under the City's existing critical areas regulations, structures must be set back 50 feet from the Lake Stevens shoreline as part of the Fish and Wildlife Conservation Area Buffer (LSMC 14.88.430). Under the City approved, including Appendix B: Critical Areas Regulations within Shoreline Jurisdiction (SMP **Appendix B – Part C which refers to SMP Chapter 5 Section 8.c**), the minimum standard residential shoreline setback will be 60 feet (50 foot standard with an additional 10 foot building setback). ~~A setback of greater than 60 feet will apply to those parcels with adjacent properties that have setbacks greater than 60 feet. As per LSMC 14.88.430(f), setbacks to shorelines of state wide significance are regulated under the SMP and the City's Critical Areas regulations. Accordingly, the setbacks in LSMC 14.88.430(a) shall apply when no setbacks are specified in the SMP. If setbacks are specified in both Critical Areas regulations and SMP, the more restrictive setbacks shall apply.~~

[page 26] Relative to the existing conditions in the Shoreline Residential environment along the Lake Stevens shoreline, the implementation of 60-foot total setbacks, impervious surface restrictions, and revegetation standards will likely result in improvements to ecological functions over time (benefiting terrestrial and aquatic species). Although it would be possible, in some instances, for residences to be relocated closer to the shoreline than their existing condition, they would not be allowed further waterward than ~~the greater of 60 feet or the average of their two adjacent structures~~. Presumably, this will continue to maintain an average setback greater than 60 feet, thereby minimizing the likelihood of additional degradation of ecological functions. Furthermore, in the case of properties requesting reduced setbacks due to site constraints, mitigation sequencing is required (SMP Appendix B – Section 1.A(a)) and enhancement to nearshore ecological functions are likely to be proposed.

Additional analysis of each single-family residential parcel was conducted to more quantitatively evaluate the impacts of both the 60-foot minimum setback and 60-foot-minimum setback combined with averaging strategies on the long-term average setback condition.

There are a total of 433 single-family lakefront parcels; 302 of these lots have houses on portions of the lot contiguous with the lake. The remaining 131 lots are either undeveloped (four lots) or have homes on a portion of the parcel that is upland of a major bisecting roadway (South Lake Stevens Road, East Lakeshore Drive, North

Lakeshore Drive). The following sections will discuss each of these circumstances separately.

2.1 Developed Waterfront Lots

Measurements of the existing home setback, taken from the point of the house closest to shore perpendicular to the water's edge, were recorded for each of the 302 developed waterfront parcels. This excludes the 127 home setbacks for homes fronted by roads, which average much farther landward and are discussed in Section 2.3 below. The average home setback was 59.7 feet; 190 lots (63%) have homes closer than 60 feet from the shore and 112 lots have homes equal to or greater than 60 feet from the shore. The average, however, is greater than the median of 49 feet because of the effect on the average of a few homes that are more than 150 feet upland of the OHWM.

Some simple spreadsheet analysis was used to evaluate the mean and median setbacks that would result under either regulatory scenario. Both analyses used the following basic assumptions:

1. that developments would not redevelop to a degree that would result in a landward shift from the existing setback; and
2. that all developments that could move closer to the water would do so as far as allowed under either regulatory scenario.

Neither of these assumptions is likely true, but they represent the worst-case scenario. Under the "greater of 60 feet or averaging" scenario, the average and median setbacks would be 51.3 and 49 feet, respectively. Under the "60-foot setback only" scenario, the average and median setbacks would be 45.7 and 49 feet, respectively. Although the average would be reduced under both scenarios from the current condition, the medians remain the same, reflecting that under both scenarios, to different degrees, the outlier homes farthest from shore would shift waterward, but the "typical" setback would not change.

As noted in the December 2011 CIA, the actual condition of the area between a home and the water's edge are better indicators of existing ecological function than the amount of space. Much of the existing space along Lake Stevens between the OWHM and the homes is mowed lawn, other landscaping, patios, decks, pools, boathouses or other small accessory buildings, and other types of impervious surfaces (see Photo 1 below). Many of these alterations are located at the water's edge. From a habitat and water quality perspective, changes in the locations of these types of homes would have negligible impacts on ecological functions.



Photo 1: A typical waterfront residential condition on Lake Stevens. Note the lawns, armoring, and other extensive alterations between the home and the OHWM.

There are parcels, however, with more significant vegetation between the home and the water. If homes were allowed to move forward into those areas and clear them without consideration of or compensation for their value, adverse impacts to shoreline ecological functions would be expected. However, the Vegetation Conservation provisions of Chapter 3.B.11.c specifically states that "New development, including clearing and grading, shall minimize significant vegetation removal in shoreline jurisdiction to the extent feasible," and "In addressing impacts from significant vegetation removal, the Shoreline Administrator will apply the mitigation sequence..." Some of the few areas on the lake with significant treed conditions between a home and the water are on steep slopes, such as the south end of Springbrook Road extending to North Davies Road on the west shore (see Photo 2 below), or contain wetlands, such as an area adjacent to East Lakeshore Drive (see Photo 3 below). Critical areas and vegetation conservation provisions combined will limit the advancement of homes into currently wooded areas.



Photo 2: An atypically treed area along Lake Stevens waterfront, between Springbrook Road and North Davies Road. This area has steep slopes.



Photo 3: An atypically treed area along Lake Stevens waterfront near East Lakeshore Drive. This area is a wetland.

2.2 Vacant Lots

Four undeveloped and potentially developable lots have been identified on Lake Stevens. Given the site specific conditions and considerations for each parcel, the City

approved SMP provisions, including the provision that requires retention or planting of vegetation in the first 20 feet landward of the OHWM, is expected to maintain or improve existing shoreline conditions. Each vacant parcel is discussed below.

1. Springbrook Road property: This parcel contains steep slopes on the first approximately 100 feet upland of the OHWM which limit residential development. Developed properties to the north and south also contain steep slopes and the homes are set back approximately 100 feet. The majority of the buildable area on the parcel is already mowed lawn. The geologically hazardous areas regulations limit vegetation alteration of the slope and may require re-vegetation of any setback from the top or toe of the slope. Significant vegetation removal is not anticipated on this site, and would be subject to mitigation sequencing requirements. See Photo 4.

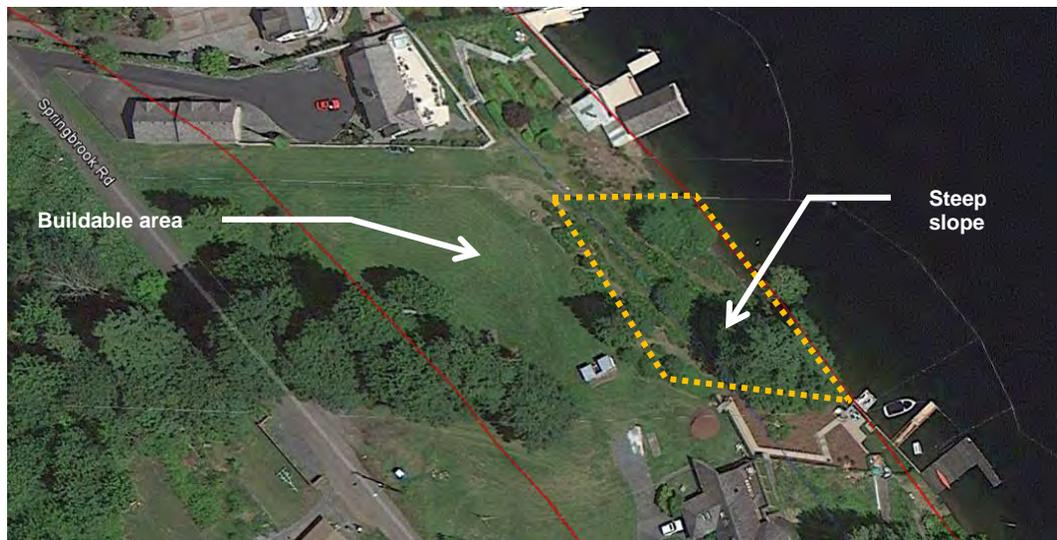


Photo 4: An undeveloped lot with a steep slope along the shoreline.

2. E Davies Loop Road property: This parcel consists predominantly of mown lawn within the 20-foot vegetation area and building setback area. The SMP would require that any new development on this lot would plant native vegetation over at least 75 percent of the area within 20 feet from the OHWM. Such native planting would improve the vegetative functions of the shoreline, and would help ensure that any planned development would not affect water quality in the lake. See Photo 5.

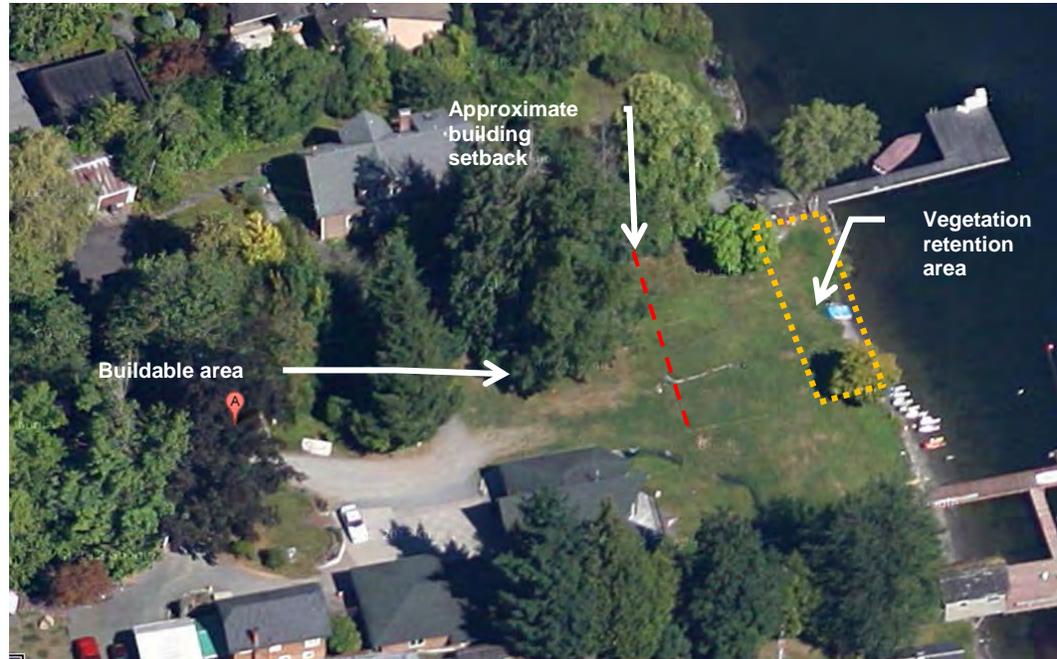


Photo 5: An undeveloped lot with mowed lawn along the shoreline.

3. 7th Street NE properties: These two nearby lots are located along a lake-fringe wetland, with approximate boundaries shown below consistent with those identified in the National Wetland Inventory and WDFW's Priority Habitats and Species Maps. Critical areas regulations would require that wetland buffers be maintained in which vegetation alterations would be severely limited. Enhancement of existing buffer vegetation may also be required. On these two lots, wetland buffer regulations are expected to be more restrictive than vegetation conservation standards in the City approved SMP. See Photo 6.

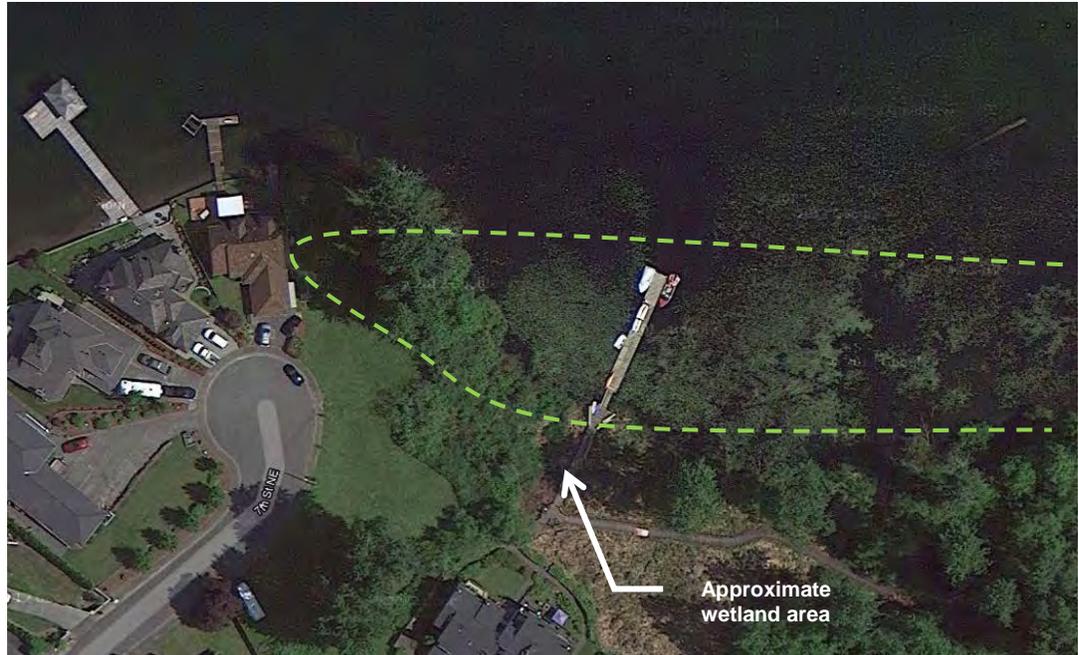


Photo 6: Two undeveloped lots adjacent to a lake fringe wetland.

2.3 Homes Fronted by Roads

As noted above, approximately 127 homes are of necessity located upland of a roadway that parallels the lake edge and precludes construction of a home on the waterward side of the road. The waterward side of the road is often quite modified by armoring, overwater structures, and other decks and accessory structures (see Photo 7). The houses in these areas are generally set back more than 75 feet from the OHWM, and in many cases more than 100 feet (every parcel was not measured for this analysis). Some shift forward is possible, but many of these property owners are likely seeking to provide some separation between the home and the road and are therefore less likely to rebuild closer to the water. As with the waterfront homes discussed above, any forward advancement is likely to impact only lawn, landscaping, and other already altered areas (see Photo 8). Road setbacks, desires for privacy, and the vegetation conservation provisions are likely to protect vegetation in those few areas where a band of trees is located between the road and a home (see Photo 9).

Furthermore, roads running parallel to the shoreline present water quality and habitat impairments because road contaminants are carried into the waterbody via stormwater, and traffic along the roads limits potential perpendicular wildlife habitat corridors to the lake. As such, when a house is located landward of a major road, the distance that a house is set back from a road is not a reliable indicator of ecological effects on the waterbody. Therefore, the functional value of trees and other native vegetation upland of a roadway is very limited with respect to Lake Stevens.



Photo 7: Conditions upland and waterward of North Lakeshore Drive.

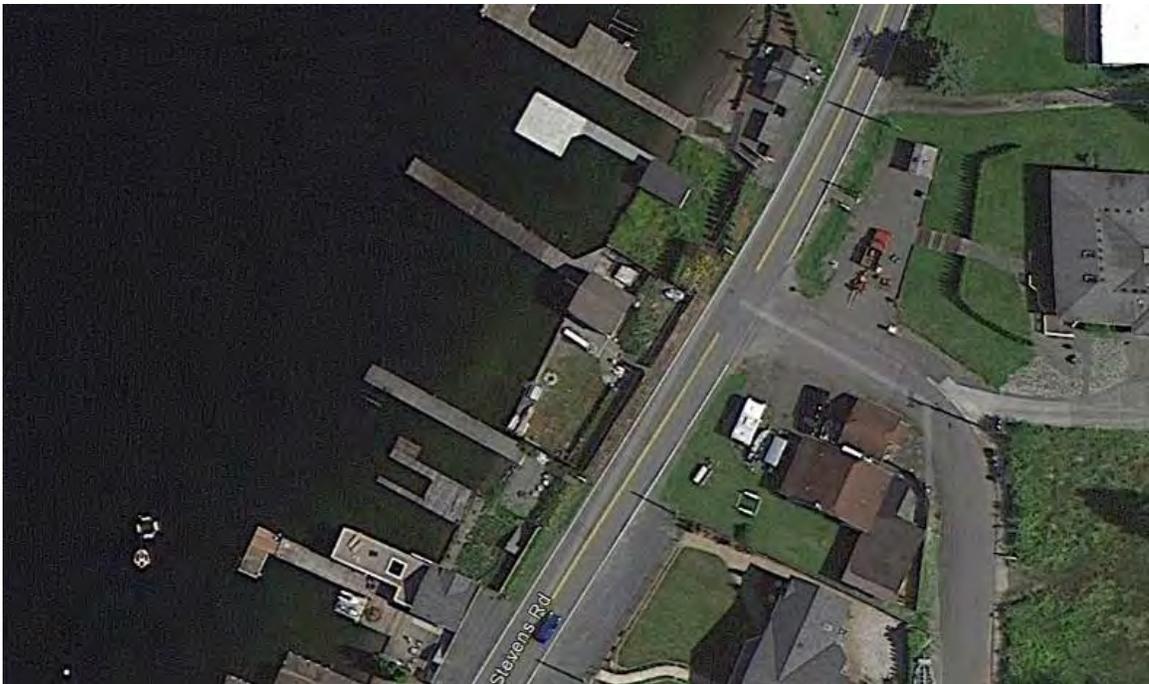


Photo 8: Example of some heavily altered conditions waterward of South Lake Stevens Road, with associated single-family home located on the upland side of the road. Area is currently under Snohomish County jurisdiction.

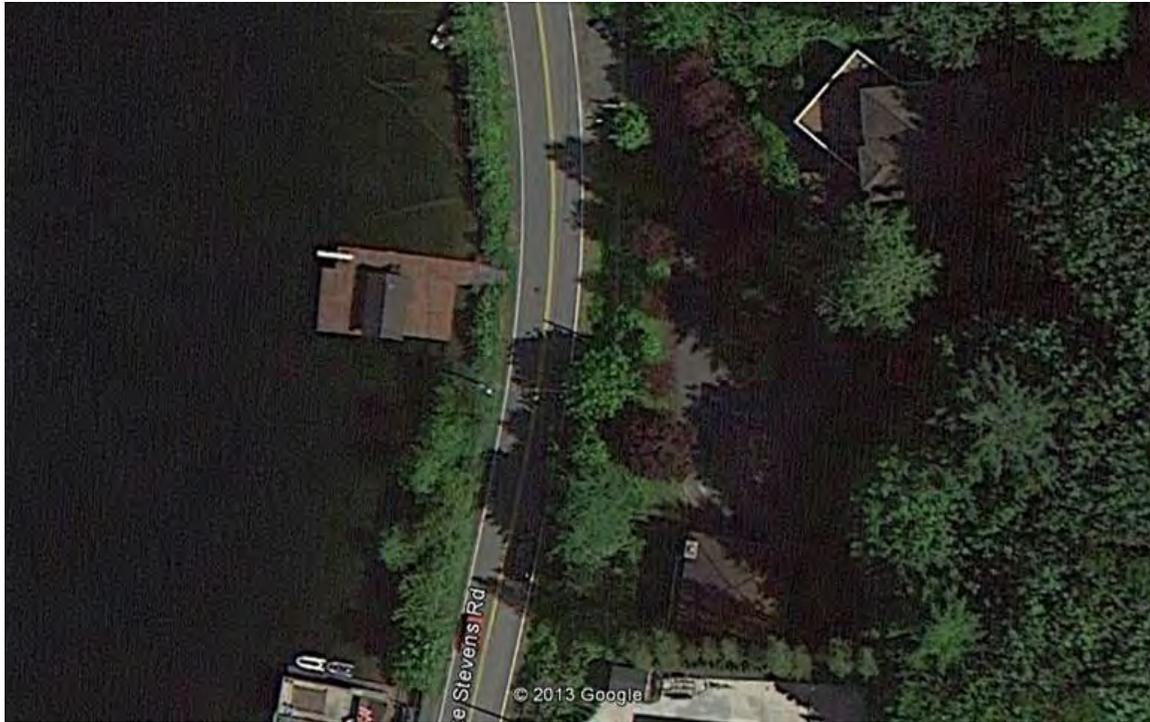


Photo 9: An atypically treed area between homes and a roadway, on South Lake Stevens Road.

3 CONCLUSION

The City approved SMP is expected to maintain existing shoreline functions within the City of Lake Stevens while accommodating the reasonably foreseeable future shoreline development. The Lake Stevens shoreline is nearly entirely developed, with only a few undeveloped lots. The most likely impacts from residential development are anticipated to occur through redevelopment of existing homes along the shoreline.

SMP standards which apply a 60-foot minimum structural setback, as well as vegetation conservation standards which require mitigation sequencing to avoid, minimize, and compensate for impacts to vegetation throughout shoreline jurisdiction, are expected to maintain existing water quality, vegetative, and habitat functions along the City's developed residential shorelines. Requiring an additional averaging of adjacent home setbacks to further restrict home setbacks from shore does not increase the median setback on the lake.

For those few undeveloped lots on the City's shorelines, the presence of critical areas will limit significant encroachment on shoreline functions in most cases. In one case, the City approved SMP provision requiring maintenance or planting of native vegetation

within 20 feet of the shoreline is expected to result in enhanced shoreline functions despite upland development. Therefore, increasing the shoreline vegetative buffer to 50 feet rather than the adopted 20 feet will not increase environmental protection of the lake due to minimum number of treed and undeveloped lots and the existing conditions of each of the four undeveloped lots.

Where roads presently separate existing residential development from the shoreline, the setback standards landward of the road have little bearing on shoreline functions relative to stormwater management and road maintenance practices.

In summary, given the key features discussed above, as well as the December 2011 CIA submitted to Ecology with the locally adopted November 2011 SMP, the City approved SMP is anticipated to achieve **no net loss of ecological functions in the shorelines of the City of Lake Stevens.**



This page left blank intentionally



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 8 April 2013

Subject: Lake Stevens Phosphorus Management – County/City Interlocal Agreement (ILA)

Contact	Mick Monken	Budget Impact:	\$100,000
Person/Department:	<u>Public Works</u>		<u>annually</u>

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: **Authorize the Mayor to sign the Interlocal Agreement - Surface Water Management Agreement between the City and County**

SUMMARY/BACKGROUND: On the 28th January 2013, the City Council approved the Phosphorus Management Plan (Plan) which outlined how the City plans to continue to deal with the phosphorus loading in Lake Stevens. Part of the plan included changing from the use of the aerator to the application of Alum to treat the phosphorus in the lake. While Snohomish County has been involved and in support of the Plan, the existing ILA only covers the use of the aerator for phosphorus treatment. The attached ILA is an update to the current ILA to include this treatment change and outlines the continued support and cooperation between the County and the City.

It is possible that the ILA may not be executed by the County prior to the preferred time frame for the implementation of the in-lake Alum treatment. To cover this, the County has inserted an effective date of 1st May 2013 for reimbursement from the County for City costs.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: **\$100,000 annually for the treatment as indicated in the Phosphorus Management Plan**

ATTACHMENTS:

- ▶ **Exhibit A: Interlocal Agreement - Surface Water Management Agreement between the City and County**

EXHIBIT A

AFTER RECORDING RETURN TO

Snohomish County Council
Attention: Debbie Parris
3000 Rockefeller Ave, M/S 609
Everett, WA 98201

**SURFACE WATER MANAGEMENT SERVICES
INTERLOCAL AGREEMENT
BY AND BETWEEN
Snohomish County and the City of Lake Stevens**

THIS AGREEMENT FOR SURFACE WATER MANAGEMENT SERVICES (this "Agreement") is made and entered into this _____ day of _____, 2013, by and between Snohomish County, a political subdivision of the State of Washington (hereinafter referred to as the "County") and the City of Lake Stevens, a Washington municipal corporation (hereinafter referred to as the "City").

RECITALS

WHEREAS, the Interlocal Cooperation Act, Chapter 39.34 Revised Code of Washington, permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on the basis of mutual advantage; and,

WHEREAS, the County and the City have entered into prior interlocal agreements for constructing, operating, and maintaining the hypolimnetic aeration system, for controlling invasive aquatic plants, and for design, construction, monitoring, and maintenance of drainage capital projects; and

WHEREAS, the Lake Stevens urban growth area includes lands within unincorporated Snohomish County surrounding the corporate limits of the City and covers portions of the watershed of Lake Stevens; and

WHEREAS, the County currently provides surface water management services within the Lake Stevens urban growth area; and

WHEREAS, the City has annexed portions of the Lake Stevens urban growth area and may annex additional portions of the urban growth area in the future; and

WHEREAS, annexations result in shifts of jurisdiction and revenue from the County to the City, but do not change watersheds or drainage features or the need for surface water management services; and

WHEREAS, there is an on-going need to provide effective surface water management services in both unincorporated areas and within the city limits; and

WHEREAS, the County and the City would benefit from continued cooperation related to managing the hypolimnetic aeration system and controlling invasive aquatic plants, from cooperation in improving lake water quality through phosphorus control treatments, from cooperation in monitoring lake water quality and lake levels, and from coordinated provision of other surface water management services; and

WHEREAS, the County and the City have determined that the benefits received from cooperation will equal or exceed the costs to each jurisdiction associated with the provisions of this Agreement;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

I. GOALS AND OBJECTIVES OF AGREEMENT

The goals of this Agreement are to provide effective surface water management services within the Lake Stevens watershed and urban growth area and to enhance coordination between the County and the City in provision of those services.

The objectives of this Agreement are to:

- replace the prior interlocal agreement for surface water management services between the County and City dated April 27, 2007, as amended on December 2, 2009, and August 8, 2011;
- cooperate in managing and potentially removing the hypolimnetic aeration system in Lake Stevens;
- cooperate in implementing phosphorus control treatments in the lake;
- cooperate in controlling Eurasian watermilfoil plants and other invasive species in the lake;

- cooperate in monitoring lake water quality and lake levels;
- cooperate on public education and outreach for phosphorus control in the Lake Stevens watershed;
- provide for maintenance of drainage infrastructure;
- provide a mechanism for transfer of long-term funding of capital projects from the County to the City as annexations occur;
- promote efficiencies in compliance with NPDES stormwater permits;
- enhance surface water management services by jointly promoting Low Impact Development standards and other sustainability initiatives and regulations;
- provide for seamless delivery of surface water management services as annexations occur and responsibility moves from the County to the City; and
- provide for fair recovery of costs by either the County or the City for mutually beneficial surface water management services performed within the Lake Stevens watershed and urban growth area.

II. DEFINITIONS

As used in this Agreement, terms have the following meaning:

“Aerator operation and maintenance” or “Aerator O/M” means operation, inspection, major and minor repair, parts replacement or overhaul, lubrication, operating adjustment, cleaning, landscaping maintenance, utility payment, rentals, leases, insurance, and purchase of equipment and materials, as necessary for the proper operation and maintenance of the hypolimnetic aeration system.

“Aerator removal” means the physical removal of the elements of the hypolimnetic aeration system from Lake Stevens and disposal or recycling of the materials. Aerator removal may also entail leaving selected components of the system, including but not limited to the concrete anchors, permanently in Lake Stevens, subject to any de-contamination and permit requirements.

“Hypolimnetic aeration system” means the system of lake aerators, pipes, air compressor, compressor building, and other equipment intended to supply oxygen to the bottom waters of Lake Stevens without inducing mixing of the surface and bottom waters.

“Hypolimnion” means the lower region of the lake near the sediment surface.

“Lake Management Advisory Team” means the technical advisory team

representing the County and the City, described in Section III.E of this Agreement.

“Lake Stevens urban growth area” means the geographic area surrounding the City of Lake Stevens that has been designated by Snohomish County for future urban growth and development pursuant to the Growth Management Act, RCW 36.70A.

“Lake Stevens watershed” means the geographic area that drains to or contributes water to Lake Stevens.

“Monitoring” means collecting, analyzing, and reporting water quality and water quantity conditions in Lake Stevens and area streams in support of water quality protection and effective storm drainage.

“NPDES Permit” means the National Pollutant Discharge Elimination System municipal stormwater permit issued under the federal Clean Water Act that requires a municipality to prevent or minimize stormwater pollution discharges from its storm sewer systems by means of local stormwater regulations and operational programs.

“Phosphorus control treatment” means the addition of chemicals, such as aluminum sulfate (alum), with or without a buffer solution, to the lake for the purpose of removing phosphorus and particulate matter from the water column and inactivating phosphorus in the lake sediments.

“Repair” means that aspect of aerator O/M involving restoration, overhaul, or replacement of the air compressor, piping, aerators, and other system components to return the hypolimnetic aeration system to a sound working condition after damage or long-term wear and tear. A major repair is one that costs in excess of \$10,000 in labor and materials. A minor repair is one that costs less than \$10,000 in labor and materials.

“Surface water management services” means services to plan, design, regulate, establish, acquire, develop, construct, maintain, and improve stormwater control facilities and water pollution control facilities; activities to monitor, rehabilitate, and restore lake and stream water quality and drainage systems; activities to investigate and address lake and stream water quality, quantity, and drainage problems, including development of management plans; public education and outreach activities; and activities to promote residential, commercial, and agricultural best management practices.

III. LAKE PHOSPHORUS MANAGEMENT

A. Suspension of Aerator Operations and Aerator Removal – The City and the County have determined that continued operation of the hypolimnetic aeration system is not currently practical or warranted. During 2013, the City shall winterize and secure the individual elements of the aeration system until such time as the City and County decide that the aeration system should be re-activated or should be removed from Lake Stevens.

B. Aerator Ownership and Management Responsibility – The City is the legal owner of the hypolimnetic aeration system. The City shall be responsible for management of the hypolimnetic aeration system, including aerator O/M, security, any future operations or repairs, and future aerator removal. The City shall consider the recommendations of the County through the Lake Management Advisory Team regarding aerator management. The City shall have the authority to contract, at its discretion, with the County, or with an outside party, or with both the County and an outside party, to perform any or all of its aerator management responsibilities. The City shall also be responsible for securing and maintaining liability and comprehensive insurance for the aeration system.

C. Phosphorus Control Treatments – Beginning in 2013, the City may implement periodic phosphorus control treatments of Lake Stevens, such as alum treatments, to control excess phosphorus in the water column and limit algae growth. The City shall consider the recommendations of the County through the Lake Management Advisory Team regarding phosphorus control treatments. The City shall have the authority to contract, at its discretion, with the County, or with an outside party, or with both the County and an outside party, to perform any or all aspects of the phosphorus control treatments.

D. Education and Outreach – The City and County may jointly or individually implement other phosphorus control activities, such as public education and outreach, within the Lake Stevens watershed to protect and improve the water quality of the lake.

E. Lake Management Advisory Team – A Lake Management Advisory Team shall be maintained for the duration of this Agreement. The team shall consist of the City Public Works Director and the County Surface Water Management Director or designee. The team shall meet every three months, or more frequently at the request of either of the team members. The responsibilities and powers of the team shall be to determine the timing and nature of management activities for the hypolimnetic aeration system, phosphorus control treatments, aquatic

plant control activities, watershed-wide public outreach and education, and lake monitoring.

F. Lake Phosphorus Management Cost Sharing –

1. The County shall be obligated to pay ten and seven-tenths percent (10.7%) and the City shall be obligated to pay eighty-nine and three-tenths percent (89.3%) of the total costs of lake phosphorus control treatments commenced on or after May 1, 2013, up to a combined maximum of \$100,000 per year, subject to the provisions described below.

2. The County and the City shall also be obligated to pay 10.7% and 89.3%, respectively, of additional phosphorus control treatment costs in excess of \$100,000 per year, provided that such additional costs are pre-approved by both the County and the City. Such pre-approval may be withheld for any reason, including but not limited to the County's and City's availability of funds. Additional phosphorus control treatment costs may include higher than anticipated materials and labor costs, the need for larger phosphorus control treatments, testing and monitoring treatment results, and other contingencies.

3. The County and the City shall also be obligated to pay 10.7% and 89.3%, respectively, of the costs for phosphorus control education and outreach activities undertaken on a watershed-wide basis up to a combined maximum of \$10,000 per year, provided that such costs are pre-approved by both the County Surface Water Management Director or the Director's designee and the City and subject to the provisions described below.

4. The aeration system equipment replacement and major repair reserve fund account established under the previous interlocal agreement between the County and the City dated April 27, 2007, ("the account") shall be maintained and continued under this Agreement. The account was established for the following purposes: equipment replacement and major repair of the hypolimnetic aeration system, including the compressor and structural, mechanical, and electrical components of the system. In addition to these purposes, funds from the account may also be used to cover the costs of securing and removing the hypolimnetic aeration system from the lake. The City shall maintain the account and shall invest monies in the account in the

normal manner of investing reserve accounts, and all interest accrued shall remain in the account. All expenditures for equipment replacement, major repairs, or aerator removal from the account shall be pre-approved by both the County Surface Water Management Director or the Director’s designee and the City. Should the County and the City by mutual agreement decide to permanently remove the aeration system from Lake Stevens, the County and the City may, after completion of the aerator removal, use any or all remaining funds in the account for other phosphorus control activities, including phosphorus control treatments and watershed-wide education and outreach. If any funds remain in the account two years after completion of the aerator removal, the City shall distribute all remaining funds, including interest, to the respective parties, in proportion to their contributions.

5. As of May 1, 2013, all funds in excess of \$101,000 in the account may be used for the purpose of phosphorus control treatments in Lake Stevens. Beginning in 2014, the County and City shall deposit the following amounts in the account each year:

Year	County Contribution (10.7%)	City Contribution (89.3%)	Total Contributions
2014	\$856	\$7,144	\$8,000
2015	\$1,070	\$8,930	\$10,000
2016	\$1,070	\$8,930	\$10,000
2017	\$1,498	\$12,502	\$14,000
2018	\$1,712	\$14,288	\$16,000
2019	\$1,926	\$16,074	\$18,000

Deposits into the account shall be due and payable by January 31st of each year.

6. If the County and the City, through the Lake Management Advisory Team, decide to re-activate the hypolimnetic aeration system, the County and the City shall be obligated to pay 10.7% and 89.3%, respectively, up to a combined maximum of \$75,000 per year, of the costs of aerator O/M, including minor repairs, but excluding those certain equipment replacement and major repair expenses, which shall be paid with funds in the account, as described in Sections III.F.4 and III.F.7.

7. The City shall be responsible for maintaining accurate

records of all phosphorus control treatment, aerator O/M, and watershed-wide education and outreach expenses. Except for certain equipment replacement, major repair, and aerator removal expenses, which shall be paid with funds in the account after pre-approval by both the County and the City, as provided in Section III.F.4, the City shall document and bill the County quarterly for the County's percentage share of phosphorus control treatment, aerator O/M, and watershed-wide education and outreach expenses the City has incurred under this Section III. Except for certain equipment replacement, major repair, and aerator removal expenses, which shall be paid with funds in the account after pre-approval by both the County and the City, as provided in Section III.F.4, the County shall document and bill the City quarterly for the City's percentage share of phosphorus control treatment, aerator O/M, and watershed-wide education and outreach expenses the County has incurred under this Section III.

8. The financial obligations under this Agreement for phosphorus control treatments, aerator O/M, equipment replacement, major repair, and aerator removal, and watershed-wide education and outreach shall be adjusted if, after January 1, 2013, the City annexes additional properties within the Lake Stevens watershed. For each seven (7) acres of property annexed by the City, the County's obligations for phosphorus control treatments, aerator O/M, equipment replacement, major repair, and aerator removal, and watershed-wide education and outreach costs shall be reduced by one-tenth percent (0.1%) of the total. Reductions in the County's obligations shall become effective on January 1st of the year after each annexation is finalized. All financial obligations removed from the County by virtue of annexation shall be assumed by the City. However, in recognition of the regional benefits of Lake Stevens, the County's share of phosphorus control treatment, aerator O/M, equipment replacement, major repair, and aerator removal, and watershed-wide education and outreach costs shall not be reduced to less than ten percent (10%) by annexation adjustments. The County shall maintain an ongoing record of annexations and the resultant shifts in obligations and shall provide such record to the City.

IV. WATER QUALITY MONITORING

The County shall be responsible for conducting regular water quality monitoring of the lake and, as needed, additional monitoring of the effectiveness

of phosphorus control treatments and lake and stream conditions, provided that the City has approved the County's monitoring plans. The City shall be obligated to reimburse the County for eighty-nine and three-tenths percent (89.3%) of the monitoring costs incurred by the County. The County shall document costs and bill the City quarterly for the City's share of water quality monitoring costs. If the City annexes additional properties after January 1, 2013, the City's obligations for monitoring costs shall be adjusted in the same manner as set forth in Section III.F.8 for lake phosphorus management cost sharing.

V. LAKE LEVEL MANAGEMENT

The City shall continue to be responsible for the operation and maintenance of the outlet weir of Lake Stevens and for managing water levels within Lake Stevens. The County shall be responsible for operating a recording lake level gage. The County shall be obligated to pay for twenty percent (20%) and the City shall be obligated to pay for eighty percent (80%) of the costs of lake level gaging, outlet weir operation, and lake level management. The County shall document costs and bill the City annually for the City's share of lake gaging expenses the County has incurred. The City shall document costs and bill the County annually for the County's share of outlet weir operation and lake level management expenses incurred by the City. If the City annexes additional properties on the Lake Stevens lake front after January 1, 2013, the County's obligations for lake level management costs shall be reduced by one percent (1%) and the City's obligations increased by one percent (1%) for each three hundred seventy (370) feet of lake front annexed by the City. Reductions in the County's obligations shall become effective on January 1st of the year after annexation is finalized.

VI. DRAINAGE INFRASTRUCTURE, HABITAT RESTORATION, AND NPDES PERMIT COMPLIANCE

A. Technical and Engineering Assistance – On an on-call basis, as requested by the City, the County shall provide technical and engineering assistance to the City for drainage infrastructure, habitat restoration, and NPDES permit compliance services. Drainage infrastructure assistance may include detention facility inspections, coordination of detention facility maintenance, drainage complaint investigations, field staff training, drainage project design, drainage facility construction, drainage plan review, and basin analyses including HSPF modeling. Habitat restoration assistance may include design, construction, and native plant installation, monitoring, and maintenance. NPDES permit compliance assistance may include water quality problem investigations, assistance

with revisions to grading, drainage, and water pollution regulations including low impact development standards, illicit discharge identification, NPDES public education and outreach activities, and assistance with the stormwater monitoring program. The City shall reimburse the County for the cost of such technical and engineering assistance.

B. Capital Projects – The County designed and constructed the Parkway Crossing detention pond water quality retrofit project. This project is located within the Frontier Village annexation area. The City will reimburse the County \$10,700 per year through 2021 to cover a portion of the cost of this project. By September 15th of each year, the County shall bill the City for the yearly payment, which shall be due and payable by the City on or before November 15th of each year. Advance payments of the yearly amounts shall not be allowed. Prior to beginning design of any additional surface water management capital project within the Lake Stevens urban growth area, the County shall consult with the City to develop a project design and cost-sharing agreement satisfactory to both parties.

VII. INVASIVE AQUATIC PLANT MANAGEMENT

A. Implementation Responsibility - The City shall be responsible for implementing the Integrated Aquatic Plant Control Plan, dated January 2011, incorporated herein by this reference, to eradicate Eurasian watermilfoil from Lake Stevens, provided that the City shall coordinate with the County on implementation activities and expenses and shall consider recommendations from the County. The City shall have the authority to contract, at its discretion and under its sole control and responsibility, with outside parties to perform aquatic plant management implementation activities. The City may request that the County perform specific implementation activities.

B. Cost Sharing - The County shall be obligated to pay twenty percent (20%) of the total costs incurred by both the City and the County for implementing the Integrated Aquatic Plant Control Plan, up to a maximum of \$11,200 per year in 2013 and 2014, and \$11,000 per year from 2015 through 2020. The City shall be obligated to pay eighty percent (80%) of the costs incurred by both the City and the County. The County shall also pay twenty percent (20%) of any additional costs for implementation in excess of the amounts set forth above, provided that such additional costs are pre-approved by the County Surface Water Management Director or the Director's designee. Such pre-approval may be withheld for any reason including, but not limited to, the County's

availability of funds. Additional costs may include higher than anticipated treatment costs, greater acreage of treatment, the need for more frequent or different treatment measures, and other contingencies. Both the County and the City shall document and report to the other jurisdiction on a quarterly basis all aquatic plant management expenses that have been incurred.

C. Annexation Adjustments - If the City annexes additional properties on the Lake Stevens lake front after January 1, 2013, the County's obligations for aquatic plant management implementation costs described in subsection VII B shall be reduced by one percent (1%) and the City's obligations increased by one percent (1%) for each three hundred seventy (370) feet of lake front annexed by the City. However, in recognition of the regional benefits of Lake Stevens, the County's share of aquatic plant management costs shall not be reduced to less than ten percent (10%) by annexation adjustments. Reductions in the County's obligations shall become effective on January 1st of the year after annexation is finalized.

VIII. REIMBURSEMENTS FOR LAKE AND SURFACE WATER MANAGEMENT SERVICES

All reimbursements from the City to the County or from the County to the City for surface water management services described in this Agreement shall include the costs of salaries, benefits, and direct costs. No indirect or overhead costs shall be eligible for reimbursement. Unless otherwise stated, billings shall be prepared on a quarterly basis. Bills shall be due and payable within sixty (60) days after receipt, unless otherwise approved by both parties to exceed this period due to funding issues. Billing statements shall identify and itemize all costs incurred for that billing period.

IX. EFFECTIVENESS AND DURATION

- A. This Agreement shall become effective after the following:
 - 1. Approval of this Agreement by the official action of the governing bodies of each of the parties hereto;
 - 2. Execution of this Agreement by the duly authorized representative of each of the parties hereto; and
 - 3. The filing of a copy of this Agreement with the Snohomish County Auditor or posting of the Agreement on the County's web site pursuant to RCW 39.34.040.
- B. This Agreement, once effective as provided in Section IX.A, shall govern the activities, cost-sharing, and reimbursement between

the City and the County described in Section III of this Agreement as of May 1, 2013.

C. This Agreement shall terminate on December 31, 2021, unless terminated earlier pursuant to Section X.

X. AMENDMENTS, EXTENSION, OR TERMINATION

This Agreement may be amended, altered, clarified, or extended only by written agreement of both parties. Either party may terminate this Agreement upon written notice received ninety (90) days prior to the requested date of termination.

Should termination of this Agreement occur prior to December 31, 2021, the City may seek other means of funding for phosphorus control treatments and the hypolimnetic aeration system. If the City determines that other funding sources are not available, the City may cease phosphorus control treatments and remove the hypolimnetic aeration system, or take such other action, if any, it deems appropriate.

XI. MUTUAL TERMINATION OF PRIOR INTERLOCAL AGREEMENT

The City and the County hereby mutually agree that upon the effective date of this Agreement as provided in Section IX, that "Interlocal Agreement for Surface Water Management Services By and Between Snohomish County and the City of Lake Stevens," dated April 27, 2007, as amended on December 2, 2009, and August 8, 2011, shall terminate.

XII. CONTINGENCY

The obligations of each party to this Agreement are contingent upon local legislative appropriation of necessary funds in accordance with the law.

XIII. DIRECTION AND CONTROL

The parties agree that each party will perform the services under this Agreement as an independent contractor and not as an agent, employee, or servant of the other. The parties agree that each party is not entitled to any benefits or rights enjoyed by employees of the other. Each party specifically has the right to direct and control its own activities in providing the agreed services in accordance with specifications set out in this Agreement. The other party shall only have the right to ensure performance.

XIV. ACCESS TO BOOKS/RECORDS

Each party may, at reasonable times, inspect the books and records of the other party relating to performance of this Agreement. Each party shall keep all records required by this Agreement for five years after termination of this Agreement.

XV. LIABILITY

No liability shall attach to either the County or the City by reason of entering into this Agreement except as expressly provided herein. This Agreement does not create any rights in third parties except as expressly provided herein.

XVI. INDEMNIFICATION AND HOLD HARMLESS

Each party shall protect, defend, hold harmless and indemnify the other party, their officers, elected officials, agents and employees, while acting within the scope of their employment as such, from and against any and all claims (including demands, suits, penalties liabilities, damages, costs, expenses, or losses of any kind or nature whatsoever) arising out of or in any way resulting from such party's own negligent acts or omissions related to such party's participation and obligations under this Agreement. Each party agrees that its obligations under this subsection extend to any claim, demand, and/or cause of action brought by or on behalf of any of its employees or agents. For this purpose, each party, by mutual negotiation, hereby waives, with respect to the other party only, any immunity that would otherwise be available against such claims under the industrial insurance act provision of Title 51 RCW.

XVII. SAVINGS CLAUSE

Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this Agreement affected shall be curtailed and limited only to the extent necessary to bring it within legal requirements.

XVIII. SEVERABILITY

Should any part, term or provision of this Agreement be determined by a court of competent jurisdiction to be invalid, the remainder of this Agreement shall not be affected, and the same shall be continued in full force and effect.

XIX. FILING OR POSTING

This Agreement shall be filed with the Snohomish County Auditor's Office

or posted on the County's web site pursuant to RCW 39.34.040.

XX. NOTICE

All notices and payments shall be made to:

Snohomish County
Surface Water Management Division
3000 Rockefeller Avenue, MS 607
Everett, Washington 98201

City of Lake Stevens
1812 Main Street, PO Box 257
Lake Stevens, Washington 98258

XXI. INTERLOCAL COOPERATION ACT

The parties agree that no separate legal or administrative entities are necessary in order to carry out this Agreement. If determined by a court to be necessary for purposes of the Interlocal Cooperation Act, Ch. 39.34 RCW, an administrator or joint board responsible for administering the Agreement will be established by mutual agreement. Any real or personal property used by either party in connection with this Agreement will be acquired, held, and disposed of by that party in its discretion, and the other party will have no joint or other interest herein.

XXII. ENTIRE AGREEMENT

This Agreement represents the entire integrated agreement between the parties and supercedes all prior negotiations, representations or agreements, either written or oral.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

ATTEST:

CITY OF LAKE STEVENS

BY: _____

BY: _____

TITLE: _____

APPROVED AS TO FORM ONLY:

City Attorney

ATTEST:

SNOHOMISH COUNTY:

BY: _____

BY: _____

TITLE: _____

APPROVED AS TO FORM ONLY:

Deputy Prosecuting Attorney



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 8 April 2013

Subject: Interlocal Aid Agreement for Minor Street Projects with County – Amendment No. 1

Contact Mick Monken **Budget Impact:** None
Person/Department: Public Works

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: **Authorize Mayor to sign Amendment No. 1 to the Interlocal Aid Agreement for Minor Street Projects for Municipal Services with Snohomish County**

SUMMARY/BACKGROUND: Under a Interlocal Aid Agreement, the City has been using the County Public Works services to perform specific services such as pavement striping, crack sealing, guard rail repair, drainage service, and emergency support. In order to meet requirements of current RCWs, the County is working to update this agreement for municipal road and street services. In the meantime, the County must amend the standing agreement to address some recently identified limitations. These include elimination of dollar limits on maintenance services commensurate with RCW and clarification the definition of maintenance services.

By this action the City will be able to continue to contract with the County for support services while the Interlocal Aid Agreement is updated.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: **Services provided by the County are either performed under existing line budget items or if outside of the budget, brought before the Council for authorization.**

ATTACHMENTS:

- ▶ Exhibit A: A mendment No. 1 to Interlocal Aid Agreement for Minor Street Projects for Muncipal Services

EXHIBIT A

AMENDMENT NO. 1 TO INTERLOCAL AID AGREEMENT FOR MINOR STREET PROJECTS FOR MUNCIPAL SERVICES

THIS AMENDMENT NO. 1 TO INTERLOCAL AID AGREEMENT FOR MINOR STREET PROJECTS FOR MUNCIPAL SERVICES (the "First Amendment") is made and entered into this ___ day of _____, 2013, by and between Snohomish County, a political subdivision of the State of Washington (the "COUNTY"), and City of Lake Stevens, a municipal corporation of the State of Washington (the "CITY").

WHEREAS, the COUNTY and the CITY executed an agreement entitled "Aid Agreement for Minor Street Projects for Municipal Services" (the "Original Agreement") on February 23, 1999, recorded under Snohomish County Auditor's File No. 200109250610;

WHEREAS, the COUNTY and the CITY wish to eliminate dollar limits on maintenance services commensurate with RCW 36.75.207 and RCW 35.77.020 through .040;

WHEREAS, the COUNTY and the CITY wish to further define "maintenance services" for purposes of complying with RCW 36.75.207 and RCW 35.77.020 through .040;

WHEREAS, the COUNTY and the CITY wish to include provisions by which to provide each other with notice as may be required under the Original Agreement and this First Amendment;

NOW, THEREFORE, for and in consideration of the mutual benefits conferred on both parties, the parties agree as follows:

Section 1. Section 1, subsection b of the Original Agreement is amended to read as follows:

For purpose of this Agreement, "municipal services" shall include but not be limited to the following:

1. Construction of small capital projects on City streets and bridges, not subject to mandatory competitive bidding, as determined by the City, and which do not exceed \$10,000 for a single project or activity as established by state law.
2. Maintenance services on City streets and bridges (including, but not limited to the list of municipal road and street services contained in Appendix A and B), to maintain the facility, as nearly as practical in its original as constructed condition or its subsequently improved condition, and the operation of roadway facilities and services to provide satisfactory and safe motor vehicle transportation.

- 3. Engineering and administrative services including clerical services, necessary for the planning, establishment, construction, and maintenance of the streets and bridges of the City.

Section 2. A new section, Section 10, is added to the Original Agreement to read as follows:

Notice. All notices required to be given by any party to the other under this Agreement shall be in writing and shall be given in person or by mail to the addresses set forth below. Notice by mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, and addressed as provided in this paragraph.

Owen Carter, P.E.
County Engineer
Department of Public Works
3000 Rockefeller Avenue, M/S 607
Everett, WA 98201

Mick Monken
Public Works Director
City of Lake Stevens
1820 Main Street
Lake Stevens, WA 98258

Section 3. All other terms and conditions of the Original Agreement shall remain in full force and effect except as expressly modified by this First Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the day and year first written above.

COUNTY:

CITY:

Snohomish County, a political subdivision of the State of Washington

City of Lake Stevens, a municipal corporation of the State of Washington

By _____
Name: _____
Title: _____

By _____
Name: _____
Title: _____

Approved as to Form:

Approved as to Form:

Deputy Prosecuting Attorney

City Attorney

APPENDIX A
MUNICIPAL ROAD AND STREET SERVICES
Snohomish County - Road Maintenance Division

Work Operations (Estimates provided on a per project basis)
Drainage:
<ul style="list-style-type: none"> • Catch Basin Routine Maintenance: Manually clean catch basins to ensure drainage flow is not restricted. This includes removing debris from the inlet and/or cleaning the catch portion of the structure.
<ul style="list-style-type: none"> • Catch Basin Mechanical Cleaning: Mechanically remove sediment and debris from the catch basin using a vactor or eductor truck using vacuum hose and water jet as necessary to ensure drainage system remains free of material and flows are not restricted.
<ul style="list-style-type: none"> • Culvert Cleaning, and Inspection, Manual: Inspecting and manually cleaning culvert inlets and outlets.
<ul style="list-style-type: none"> • Culvert Cleaning, Mechanical: Use mechanical equipment for cleaning the culvert such as vactor, flusher or a backhoe to clean inlets and outfalls to remove obstructions.
<ul style="list-style-type: none"> • Detention/Retention Basin Maintenance: Remove accumulated sediment, vegetation and debris from detention/retention basins to maintain design capacity to allow for proper function of the structure. Removal may be by manual or mechanical means and may include cleaning inlet and outlet grates/pipes.
<ul style="list-style-type: none"> • Ditch Maintenance: Cleaning or re-shaping a man-made, open, storm water conveyance system that was constructed to carry storm water onto, through, or away from the highway right-of-way (i.e., not a modified stream). This operation does not include the acquisition of any permitting if required.
<ul style="list-style-type: none"> • Underground Retention/Detention Facility Maintenance: Mechanically or manually clean and/or inspect underground detention/retention facilities on the right of way to maintain proper design capacity for the structure. This activity requires compliance with confined space regulations.
Pavement Maintenance and Repair:
<ul style="list-style-type: none"> • Crack and Joint Sealing: Repair defects in pavement surface by installing crack filling material to prevent water from entering the sub-grade. Cracks are cleaned and routed prior to filling.
<ul style="list-style-type: none"> • Install Lane Markers/Raised Pavement Markers: Install lane markers to replace worn markers or to facilitate design changes in the channelization.

<ul style="list-style-type: none"> • Installation, Maintenance and Repair of Guardrail: Maintain and repair guardrail; adjust cable tension; repair damage caused by collisions; upgrade terminal end sections; adjust height and alignment; Install new guardrail to design specifications.
<ul style="list-style-type: none"> • Manual Pavement Patching: To repair the road surface by hand spreading asphalt mix (typically hot mix), raking to establish proper grade and compacting with a roller or other available means. Repair potholes, edge failures, dips, etc.
<ul style="list-style-type: none"> • Pavement Markings -Thermo-plastic/Durable: Apply durable channelization material (typically thermo-plastic) to the roadway to delineate the lane limits.
<ul style="list-style-type: none"> • Pavement Markings - Paint: Applying channelization to the roadway surface to delineate lane limits, such as edge lines (including gore lines), skip lines, no pass lines, centerlines, etc.
<ul style="list-style-type: none"> • Sweeping & Cleaning Pavement with Mechanical Pickup Broom: Use mechanical pickup sweeper to remove sand, dirt and accumulated debris from the roadway and shoulders. Special consideration: An advance person may be needed to pick up large debris prior to the sweeping operation. Additional trucks may be needed to haul the sweeper spoils to an approved waste site. 'No Parking' signs may be needed in advance.
<ul style="list-style-type: none"> • Traffic Sign Repair, Replacement, Maintenance and Installation: Repair, replace, maintain; or install new traffic signs to ensure operational safety is maintained on the roadway system.
<p>Shoulder Maintenance:</p>
<ul style="list-style-type: none"> • Grade / Reshape Shoulders: Use motor grader to pull aggregate from shoulder slope back towards the roadway to eliminate the vertical edge at the edge of pavement.
<ul style="list-style-type: none"> • Shoulder Buildup Removal: Use a motor grader and belt loader to remove buildup of sand, dirt and vegetation at the edge of shoulder to allow for proper drainage.
<p>Snow & Ice:</p>
<ul style="list-style-type: none"> • Anti-Icing and De-icing Application, Liquids: Apply anti-icing liquid to the roadway to reduce the probability of ice forming on the roadway. Apply de-icing liquids to the roadway to aid in ice removal.
<ul style="list-style-type: none"> • Plowing/Sanding/Solid Deicer Application: Remove accumulated snow and slush from the roadway and shoulder of the roadway with a truck-mounted snowplow. Apply sand or other abrasives to roadways to improve traction during freezing weather and snowstorm conditions. This may include sand applied with pre-wet salt systems or blended with salt in solid form.
<p>Vegetation:</p>
<ul style="list-style-type: none"> • Control Vegetation Obstructions - Manual: Remove vegetation obstructions by manual methods, i.e. shovels, weed eaters, cutters or pulling weeds, to ensure visibility of signing and intersections.
<ul style="list-style-type: none"> • Cutting/Pruning/Selective Thinning: Use hand tools to cut, trim or thin small amounts of plants in or around planting beds.

<ul style="list-style-type: none"> • Noxious and Nuisance Weed Control - Spot Spray Non-power Equipment: Use hand sprayer to control noxious weeds, as identified on the state or county noxious weed list, with approved herbicides applied at the recommended application rate. Also manually spray nuisance weeds. An herbicide application record is required for the treated area.
<ul style="list-style-type: none"> • Nuisance Vegetation Control - Manual: Use of manual means, i.e., hand operated trimmers, mowers, lopping shears, hand sprayer, saws, axes, to control undesirable vegetation obstructing line of sight or clear zone i.e., alders, blackberries and certain species of grasses.
<ul style="list-style-type: none"> • Nuisance Vegetation Control - Mechanical: Use power-operated equipment, i.e., mowers and brush cutters, to control undesirable vegetation i.e., alders, and blackberries, etc.
<ul style="list-style-type: none"> • Tree Trimming/Tree Canopy Maintenance: Use boom truck/bucket truck, saws and chippers to trim trees and canopied/encroaching shrubs to maintain clear zones, sight distance, pedestrian access, etc.
<ul style="list-style-type: none"> • Roadside Mowing: Mow with mechanical mower to control grass height and trim undesirable vegetation.

Other services provided:
<ul style="list-style-type: none"> • Call-out Response for urgent or emergency situations • Catch Basin/ Manhole Repair or Replacement • Chip Seals; Project or Patching • Culvert Repair or Replacement • Guidepost and Delineator Replacement • Hauling and Disposal of Waste Material • Hydro Seeding and Mulching • Instructor, Equipment Training and Other Training Courses • Maintenance and Repair of Concrete Structures • Mechanical Pavement Patching, Paverbox • Noxious Weed Control - Mechanical • Noxious Weed Control - Manual • Pavement Milling/Full Depth Repair (small, localized areas) • Pavement Patching with Subgrade Repair • Rip Rap and Cribbing Repair • Seeding, Mulching, and Planting including native species. • Shoulder Washout Repair • Slope Repair, Slide Clean up & Maintenance • Traffic Control for Mobile Operations • Traffic Control for Stationary Operations • Vactor Waste Recycling/Disposal

APPENDIX B
MUNICIPAL ROAD AND STREET SERVICES
Snohomish County – Bridge Operations

Work Operations (Estimates provided on a per project basis)
Bridge Inspection:
<ul style="list-style-type: none">• Bridge Inspection Services: Routine and special bridge inspections, completion of bridge inspection reports (including photos and descriptions of the inspection), and entry of bridge inspection data into the Washington State Bridge Inventory System. The County's performance of inspections and reports shall be consistent with the National Bridge Inspection Standards as set forth in the current version of the Washington State Bridge Inspection Manual.
Other services provided:



This page left blank intentionally



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 8 April 2013

Subject: SR 9/4th Street NE Access Improvement – sub-project of SR 9/SR 204 Intersection

Contact Mick Monken
Person/Department: Public Works

Budget Impact: Discussion

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: **Discussion Only – Staff will present an overview of this the SR 9/4th Street NE Access Improvement sub-project to SR 9/SR 204 Intersection.**

SUMMARY/BACKGROUND: In 2011, WSDOT performed a preliminary design study of the SR 9/SR 204 intersection to address two key elements: capacity improvements and access/circulation for the adjacent business/retail center (Frontier Village) access. The access/circulation was focused on egress from the retail center. The final study was published in late 2012.

WSDOT reviewed several alternatives with only one alternative improving the circulation access for the business/retail center. This one alternative consisted of a roundabout intersection with a SR 9 above grade crossing. Due to the cost to benefit ratio and possible higher impacts to commercial properties, this alternative was not selected and WSDOT recommended a less expensive alternative in the final report which did not address access/circulation problem. This recommended alternative had the same existing signal configuration with an additional lane on SR 9 for both north and south direction.

Following the WSDOT report, City staff had worked with WSDOT to develop a sub-project to the SR 9/SR 204 intersection that would provide some relief and improvements to the access to the east side business/retail center. The result was a right-in/right-out access on 4th Street NE with a new road (re - Village Way). (Exhibit A has a planning level drawing showing this configuration.) While there currently is an egress onto SR 9 and 4th Street NE, it has a poor alignment making it difficult to use, especially for larger vehicles. This planned configuration has been acknowledge by WSDOT staff to be a workable solution. Also, this layout is consistent with the Lake Stevens Center subarea plan transportation network concept.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: **Discussion only - \$3,000,000 project estimate**

ATTACHMENTS:

- ▶ Exhibit A: Project Description Paper – SR 9/4th Street NE Improvement



Project Description Paper

SR9/4th Street NE Access Improvement

Sub-project of the SR 9/SR 204 project

BACKGROUND

The SR 9/SR 204 intersection improvements have been identified as a high priority project in the State's 2011 SR 9 Route Development Plan and as one of the top three priority SR 9 projects in the Snohomish County 30 Multimodal Transportation Plan, with the SR 9 Coalition, and in the North Puget Sound Manufacturing Corridor. It is a key regional junction for central Snohomish County. In 2012, the City of Lake Stevens developed a subarea plan for this area, referred to as the Lake Stevens Center, which identified this area as a key economical and employment centers for the City and a regional commercial area for goods and services. Currently the Lake Stevens Center provides a mix use of retail, medical, food, and other goods and services.

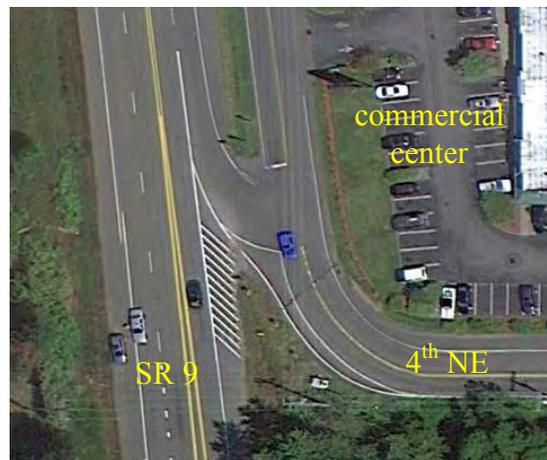


For over a decade different agencies have developed preliminary designs to improve the SR 9/SR 204 intersection that would increase circulation and allow egress movement from the commercial property east of this intersection (aka Frontier Village). WSDOT has determined it is not practical to provide egress access at the SR 9/SR 204 intersection due to the high costs of construction and adverse impact to some of the existing businesses in the immediate vicinity.

Recent coordination between WSDOT and the City of Lake Stevens has resulted in an alternative solution that would help address the east commercial center's egress condition.

PROPOSED SOLUTION

South of the commercial center, 4th Street NE provides limited northbound egress on to SR 9. This poorly designed intersection does not work for freight movement and is a very difficult for vehicles attempting to access onto SR 9. The proposal is to improve this intersection and provide a new access point to 4th Street SE. This solution would improve access for the entire commercial area and for transit services accessing the transit center adjacent to 4th Street NE. On the following page is the solution description and drawing.



SR9/4th Street NE Access Improvement

SOLUTION OVERVIEW

This proposal would combine portions of specific projects identified in the capital facilities plan and Planned Action Environmental Impact Statement developed for the Lake Stevens Center into a single project that would improve access to the shopping center and provide efficient access onto SR 9.

Improvements

- Redesigned intersection that realigns the existing egress from westbound 4th Street NE to SR 9 to align directly with 4th Street NE
- This project would include the construction of right in and right out turn pockets on to and off SR 9 at 4th Street NE to provide improved freight and public access to the commercial area and the existing transit center
- Design channelization to accommodate large freight trucks
- Provide improved circulation to east side commercial businesses and egress access on to SR 9 and access to SR 204.
- Eliminate poorly aligned tee intersection (north of 4th Street NE)
- Support existing businesses and provide access for future expansion and redevelopment of the east side business properties
- Splitter Island will provide a physical barrier to help in the control of illegal left turn movements.

Project Cost Estimate (2013)

\$3,000,000 (TOTAL)

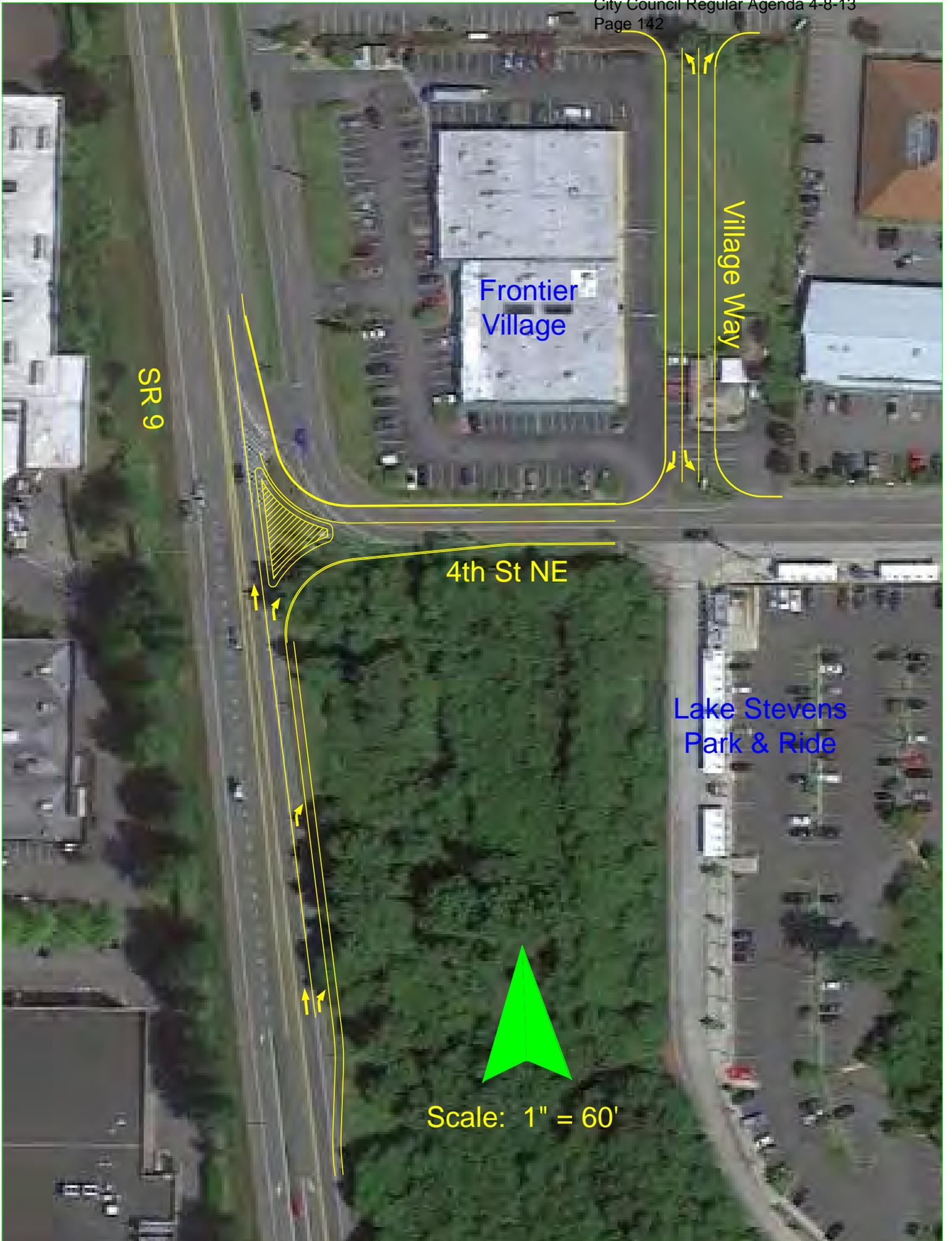
Design, Survey, Environmental, CM	\$623,000
Right-of-way	\$642,500 (single parcel)
Construction	\$1,734,500

Project Target Schedule (from time of secured funding)

Activity	Year 1				Year 2			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Public Involvement								
Survey & Design								
Right-of-way Acquisition								
WSDOT approval								
Construction								
Operation								

Note:

1. Design time frame is extended to include public involvement and coordination with WSDOT.
2. Construction of the roadway is estimated to take approximately no more than 6 months. An addition 3 months is included for planting of possible mitigation and restoration of vegetation adjacent to the improvements.



SR 9

Frontier Village

Village Way

4th St NE

Lake Stevens Park & Ride

Scale: 1" = 60'



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 8 April 2013

Subject: Cavelero Mid High School – Deeding Right-of-way and Road Improvement

Contact	Mick Monken	Budget Impact:	\$5,000/yr
Person/Department:	<u>Public Works</u>		<u>Estimate</u>

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Discussion Item - Deeding of 24th Street SE and 87th Avenue SE associated with Cavalero Mid High School.

SUMMARY/BACKGROUND: The Lake Stevens School District is requesting the City to accept the deeding of public right-of-way and road improvements for segments of 24th Street SE and 83rd Avenue SE associated with the construction of Cavalero Mid High School (Cavalero). This action is to present the history, benefits, and liabilities, and to address any concerns.

As a condition of the Binding Site Plan (under the County) for the Cavalero, the County had required the School District to build full width roadway improvements for 24th Street SE (between 79th to 83rd Avenue SE) and 83rd Avenue SE (between 20th to 24th Street SE). Upon completion of the site improvements, the School District was required to deed right-of-way and convey the roadway improvements over to the County. This action must be completed before the Final Certificate of Occupancy (CO) issuance. (Cavalero is currently operating under a temporary CO). Prior to the deeding action, the City annexed in Cavalero and the City is now in the position to accept the right-of-way and roadway improvements.

Both of these roadways were constructed to full width pavement section which include sidewalk on one side, street lighting, and drainage improvements. These roads are included in the City's Subarea Capital Facility Plan and transportation circulation model.

The liability is the addition of approximately 2,600 linear feet of roadway added to the City's inventory or approximately a 1/2 percent increase to the existing roadway inventory. The costs include maintenance, repairs, and preservation. The estimated additional annual cost is \$5,000 with the majority of this cost being part of the pavement overlay preservation. The cost would be absorbed within the existing operating budget.

The staff is working with the School District and the County on the right-of-way process. Once this is completed, an action will be brought back before the Council for an action to accept the deeded right-of-way and improvement. In addition to this action, the staff is hoping to be able to acquire some additional right-of-way for 24th Street SE just east of 83rd Avenue SE. This is shown in Exhibit A in yellow.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: \$5,000 annually

ATTACHMENTS:

- ▶ Exhibit A: Site Map including additional undeveloped ROW being sought

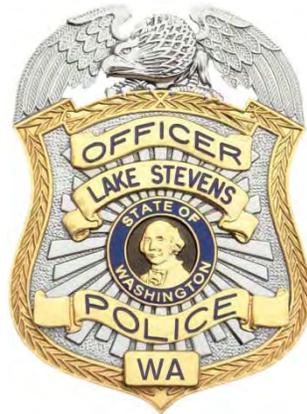
EXHIBIT A





Lake Stevens Police Department

2012 Annual Report



This report contains data received from CAD/RMS and input by Police and Dispatch personnel. A more accurate method of gathering data was discovered in 2012 so previous year's numbers may vary from past distributed reports.

Prepared by Administrative Supervisor J. Ubert

CHIEF'S MESSAGE



I am pleased to present the 2012 Annual Report for the Lake Stevens Police Department.

In times of change, success in law enforcement and keeping the citizens of Lake Stevens safe are the result of many individuals doing many actions right. In 2012, as well as 2013, we continue to build the department to reflect the community needs. Such is reality when you live in a growing community and work in a progressive law enforcement agency.

This past year has been challenging, but it has also been a year of successes. Individual employees have taken initiative, followed through, and have risen to meet these challenges. Change is inevitable and your police department is ready.

2012 ended with the biggest change of all as the department transitioned leadership. Now more than ever it is of the utmost importance that this Police Department stay committed to "Community Policing" and being a part of the community to solve the challenges facing us all. It is very important to engage our community, gain their feedback and share how we do business, so we can meet the needs of the community we serve.

I want to acknowledge the men and women of the Lake Stevens Police Department for their dedication, performance and professionalism. Each and every one of them is committed to being a part of this team and working to make it an organization that the community will respect and be proud to call their own.

Lastly, I would like to thank the Mayor, City Council, City Administrator and most of all, the citizens of Lake Stevens for their vigilance, support and faith in our department.

It has been both personally and professionally fulfilling to serve as your Interim Chief of Police as well as serve as a leader and mentor to my policing staff. We all look forward to what lies ahead for our department.

A handwritten signature in blue ink, appearing to read 'DL Lorentzen'.

Daniel L. Lorentzen
Interim Chief of Police
City of Lake Stevens

MISSION/VALUES



Mission

“The Lake Stevens Police Department is committed to a professional partnership with our community by providing excellence in safety, service and education.”

Values

- We are committed to promoting and obtaining the highest ethical standard valuing honesty and integrity within our organization and community.
- We are committed to providing a safe environment, including policies and procedures which quickly and efficiently deal with any situation that place staff and public at risk.
- We are committed to personal and professional development and actively seek involvement and a shared sense of commitment and services at all levels.
- We are committed to provide citizens of our community with quality service by being passionate, responsive and caring through a community based approach.

BUDGET EXPENDITURES

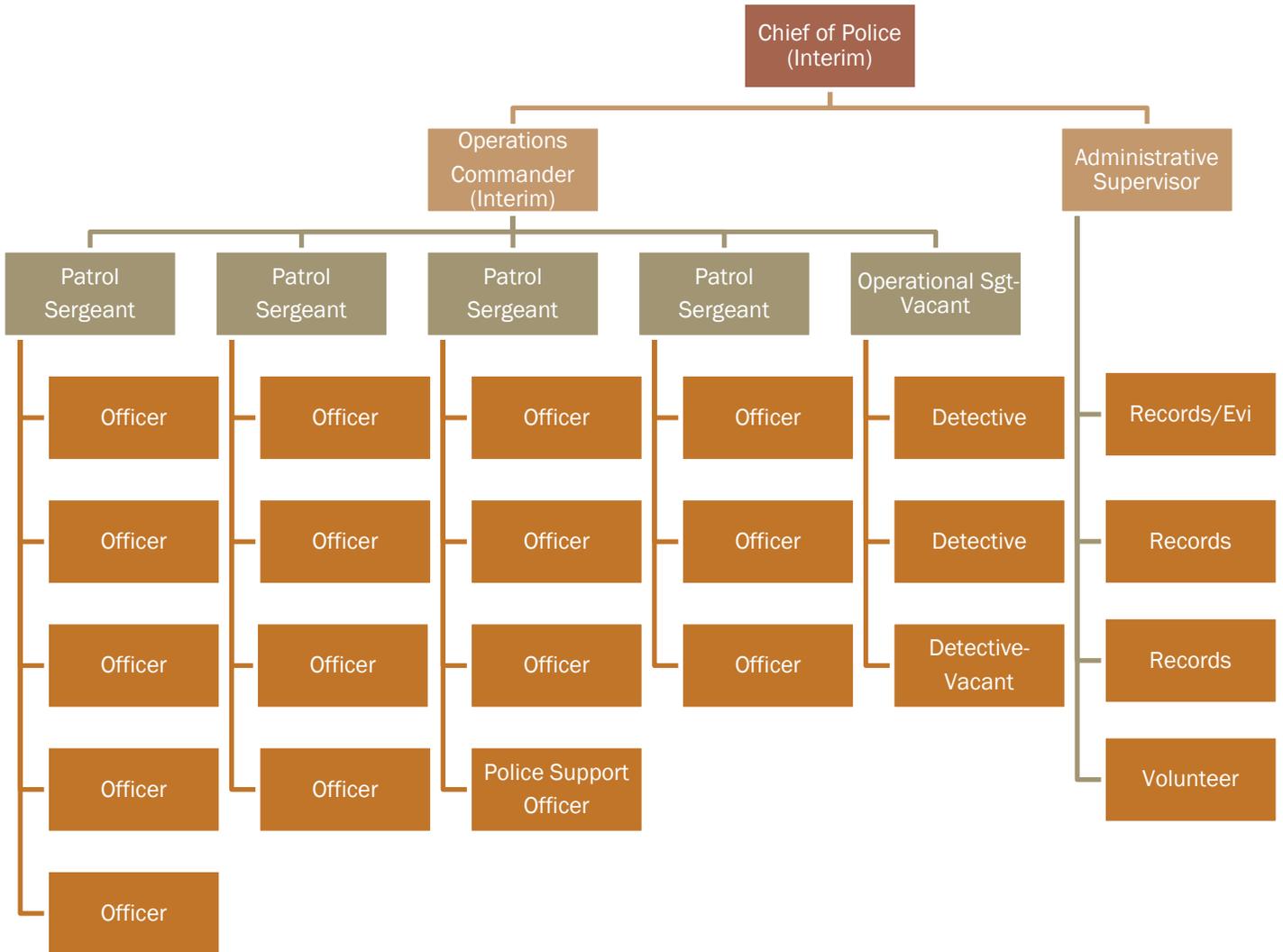
GENERAL FUND Line Item Description	2012 Amended Budget	As of Year End 2012	2012 % of Budget
Law Enforcement - Salaries	2,166,181	2,146,754	99%
Law Enforcement - Holiday Pay Out	83,200	58,237	70%
Law Enforcement - Extra Duty Salaries	15,000	10,506	70%
Law Enforcement - Overtime	300,000	223,528	75%
Law Enforcement - Benefits	864,607	869,439	101%
Law Enforcement - Clothing	37,000	24,419	66%
Law Enforcement - Office Supplies	25,000	17,038	68%
Law Enforcement - Operating	25,000	17,631	71%
Law Enforcement - Staff Purchases - union	2,500	1,870	75%
Law Enforcement - Fuel	103,500	96,995	94%
Law Enforcement - Professional Services	22,000	19,210	87%
Law Enforcement - Prof Serv Lexipol	2,450	2,450	100%
Law Enforcement - Legal	-	24,962	>100%
Law Enforcement - Communication	28,727	27,683	96%
Law Enforcement - Travel	7,000	4,057	58%
Law Enforcement - Insurance	155,145	154,542	100%
Law Enforcement - Utilities	11,927	12,905	108%
Law Enforcement - Repair & Maintenance	98,565	82,092	83%
Law Enforcement - Miscellaneous	2,000	1,856	93%
Law Enforcement - Staff Development	10,500	9,888	94%
Law Enforcement - Drug Task Force	7,500	7,044	94%
Law Enforcement - Grants	4,000	4,191	105%
Law Enforcement - Alarm Costs	2,000	925	46%
Law Enforcement - Drug Investigations	1,000		0%

BUDGET EXPENDITURES

GENERAL FUND Line Item Description	2012 Amended Budget	As of Year End 2012	2012 % of Budget
Law Enforcement - Snopac Dispatch/800 MhZ	413,955	413,954	100%
Law Enforcement - Boating Salaries (Local)	32,000	12,513	39%
Law Enforcement - Boating Salaries (Other)		15,687	
Law Enforcement - Boating Benefits (Local)	6,300	3,512	56%
Law Enforcement - Boating Benefits (Other)		2,430	
Law Enforcement - Clothing - Boating	500	397	79%
Law Enforcement - Boating Travel	5,152	4,953	96%
Law Enforcement - Boating Op Supplies	251	251	100%
Law Enforcement - Boating Fuel	800	657	82%
Law Enforcement - R&M Boating	11,245	10,495	93%
Law Enforcement - Capital	600	600	>100%
Law Enf-NW Cisco port switch	4,000	3,616	90%
Law Enf-NW GPS/Receiver Antenna	4,900	1,184	24%
Law Enf-NW Evidence Bar Coding	3,400		0%
Law Enf - NW Car Laptops	41,125	40,118	98%
Law Enf- 1 Ballistic Shield	3,800	2,518	66%
Law Enf- Patrol Car Audio/Video	7,500		0%
Law Enf- E Cabinet Filing	5,000	4,995	100%
Code Enforcement - Professional Service	35,000	28,625	82%
TOTAL LAW ENFORCEMENT	4,876,330	4,641,812	95%

ORGANIZATION STRUCTURE

According to recent census information the city of Lake Stevens' population is 29,851 and has more than doubled in size and population since 1990. The police department has grown commensurately during this time and is currently served by 24 sworn officers (including the Chief and Commander) and five civilians.

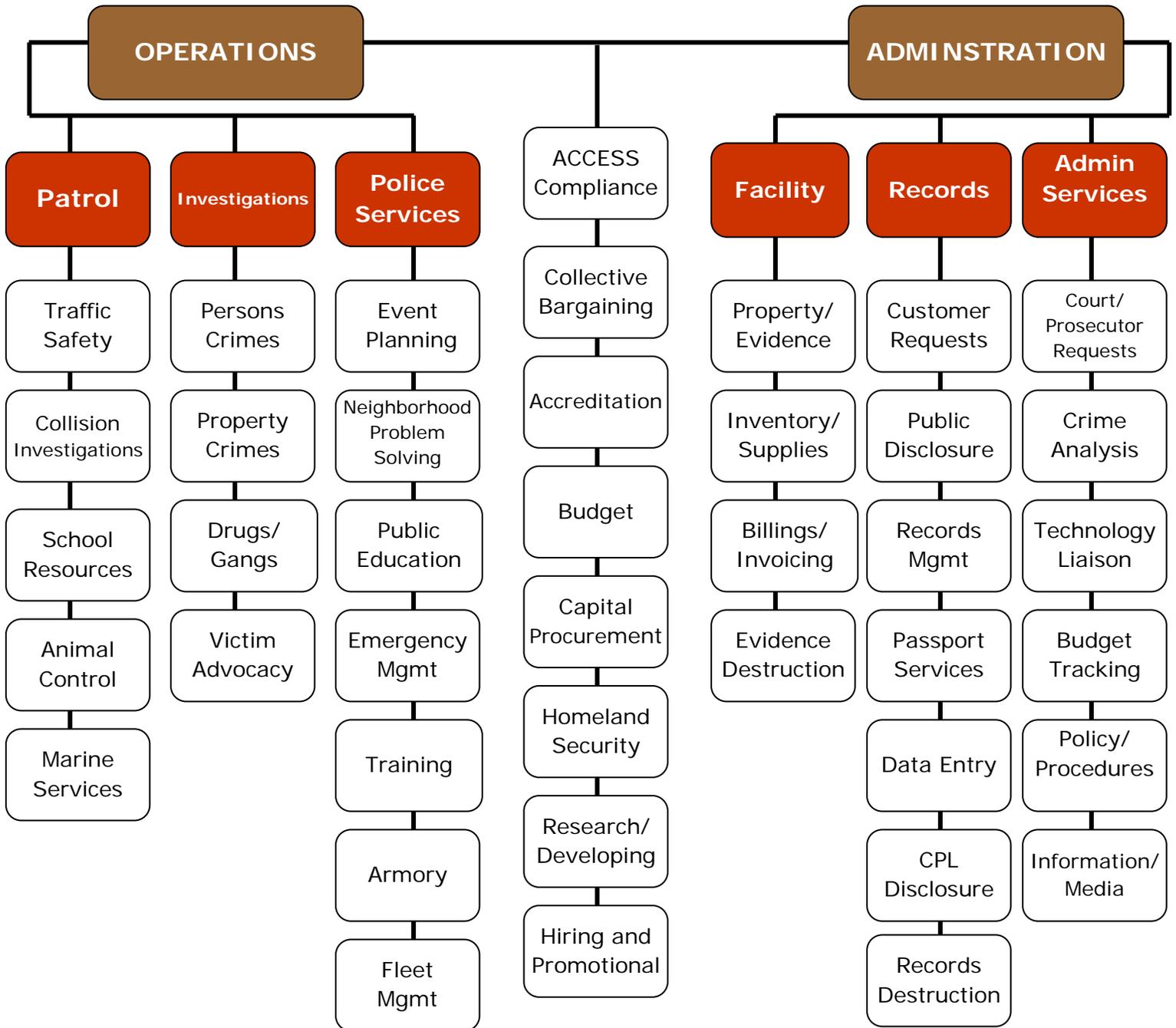


<i>Patrol Dayshift</i>	<i>6:00am - 6:00pm</i>
<i>Patrol Nightshift</i>	<i>6:00pm - 6:00am</i>

ORGANIZATION STRUCTURE

Agency Responsibilities - The true scope of responsibilities handled by the Lake Stevens Police Department is often misunderstood by the general community. Regardless of a police department's size, there are many core responsibilities and duties that must be carried out regardless of community size.

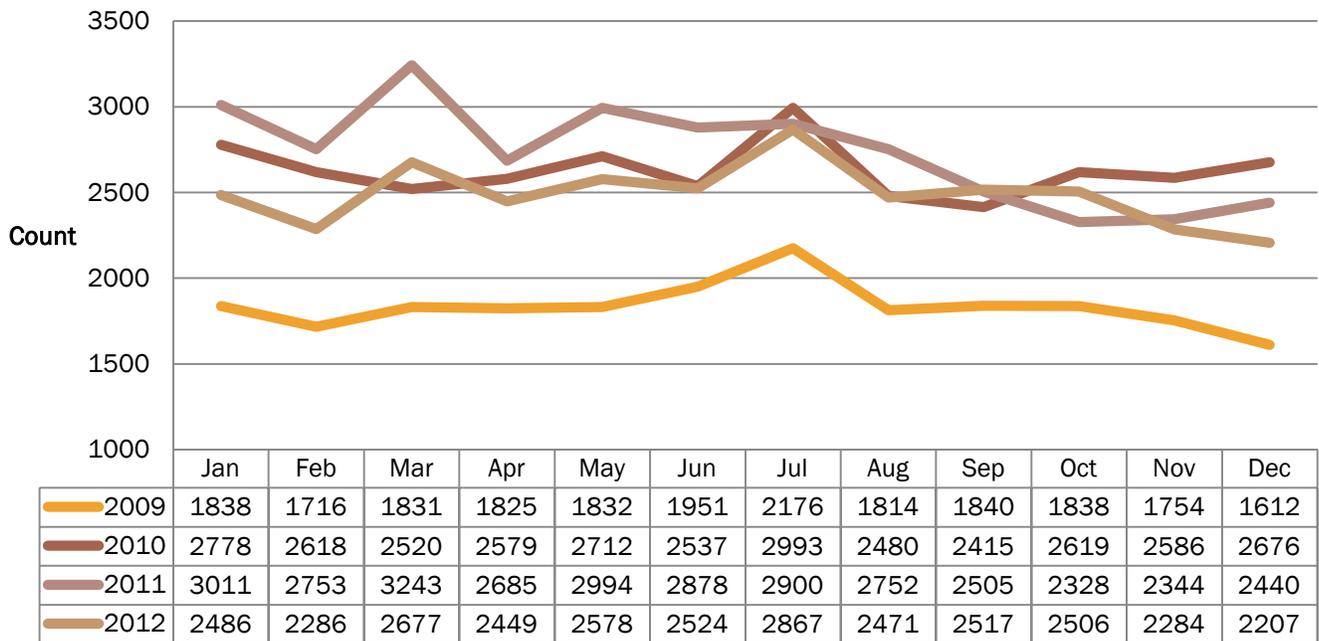
Perceptions of city police agencies vary wildly and are often times driven by individual perceptions of what a city police agency does or does not do. The functional organization chart below is designed to outline the many duties and responsibilities that fall to the Lake Stevens Police Department to carry out



POLICING IN LAKE STEVENS

The patrol section of the Operations Division provides 24 hour patrol service and initial response to all calls for service. The patrol section is currently comprised of four (4) sergeants and twelve (12) full-time officers. These first responders are the back bone to law enforcement responses throughout the community. On average, the Department has been able to field a minimum of one (1) Sergeant and two (2) officers for the majority of every 24-hour period, with various time of day having greater numbers of officers working and available.

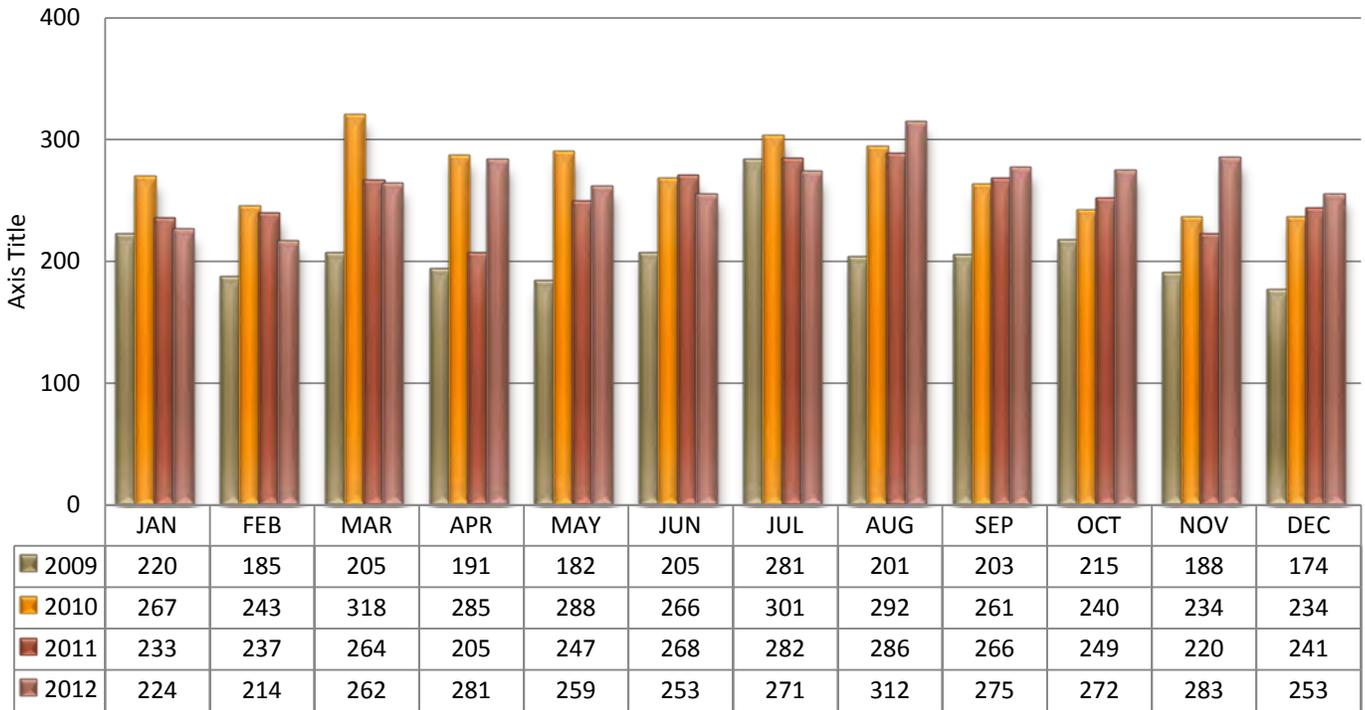
Lake Stevens Total Incidents - Year By Month



<i>Year</i>	<i>Incidents</i>	<i>Percent Change</i>
2009	22,027	
2010	31,513	30.1%
2011	32,833	4%
2012	29,852	-9

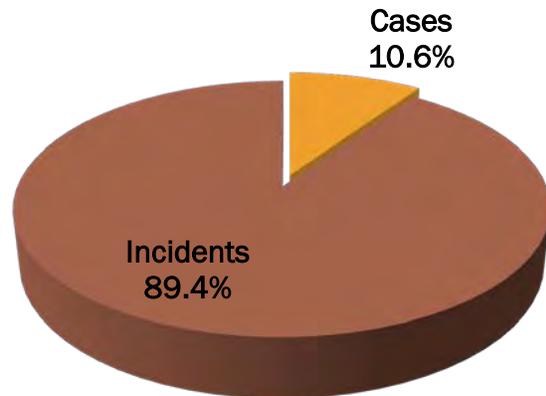
POLICING IN LAKE STEVENS

Lake Stevens Total Cases -Year by Month



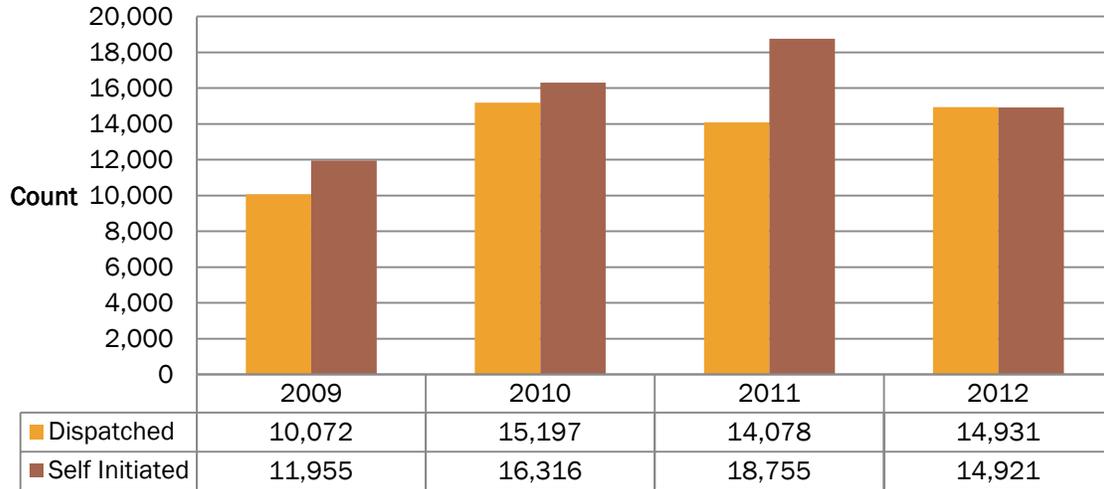
Year	Incidents	Cases	Percent Resulting in Cases
2009	22,027	2450	
2010	31,513	3229	10.25%
2011	32,833	2998	9.13%
2012	29,852	3159	10.60%

2012 Incidents Resulting in Cases



POLICING IN LAKE STEVENS

Lake Stevens Total Incidents
 Note: 2009 before annexation



Self-initiated activity describes police patrol functions that occur when a police officer perceives a problem and takes action, such as witnessing a traffic violation and affecting a traffic stop, serving an arrest warrant, or conducting a follow up on for a case. A self initiated call can be ANY type of incident the only difference is that they are not dispatched. Self initiated activity is frequently an indicator of pro-active and productive officers versus dispatched called which are reactive.

2012 Breakdown of Self-Initiated Calls

	Dispatched	Self Initiated		Dispatched	Self Initiated
911	1439	1	NON LAW	39	7
ABAND	117	180	NOISE	428	5
ANIMAL CONTROL	429	71	NOISE PRIORITY	0	2
ACCIDENT	503	70	NUISANCE	89	7
ACCIDENT PRIORITY	80	0	OBSTRUCTION	1	2
ADMINA	0	57	PUBLIC ASSIST	320	200
ADMINU	0	126	PANIC	20	0
ASSIST FIRE	122	28	PAPER	11	133
ASSIST LAW	197	378	PARTY	102	3
ALARM	531	9	PERSON	136	12
ALARM HOLD UP	21	0	PERSON PRIORITY	38	0
ALARM PRIORITY	24	0	POLICE MISC	37	82
AREA	0	1	PROPERTY	124	68
ARSON	2	1	RADAR	0	372
ASSAULT	94	29	ROBBERY	4	0
ASSAULT PRIORITY	93	4	ROBBERY PRIORITY	5	0
ASSAULT WEAPON	27	1	ROBBERY WEAPON	9	0

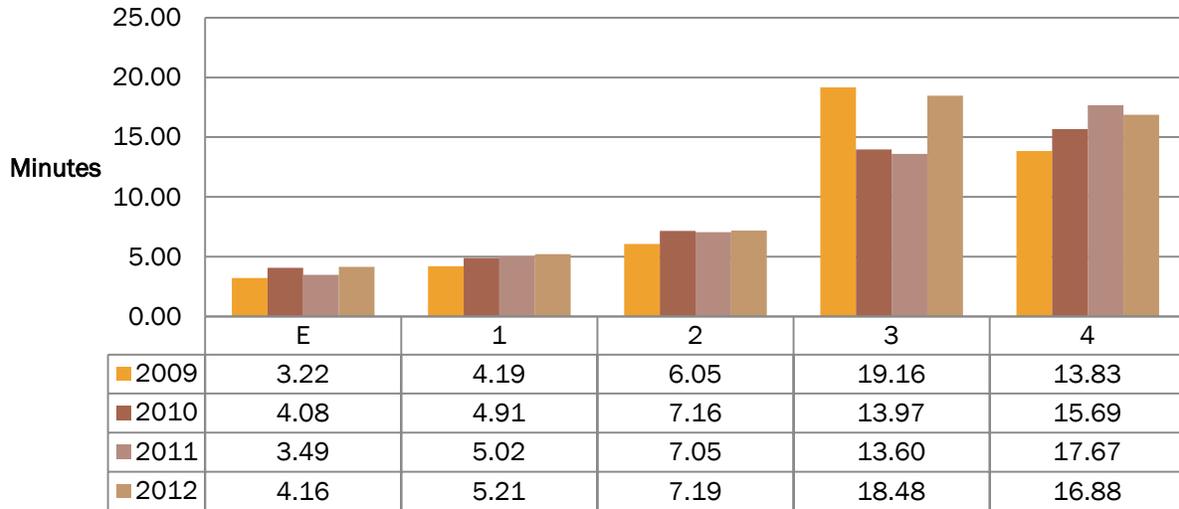
POLICING IN LAKE STEVENS

2012 Breakdown of Self-Initiated Calls-Continued

	Dispatched	Self Initiated		Dispatched	Self Initiated
ATTEMPT CONTACT	6	0	RSO	2	413
ATTEMPT LOCATE	3	0	SECURITY CHECK	1	4926
BANG/FIREWORKS	117	5	SHOTS	33	2
BAR CHECK	0	9	SHOTS PRIORITY	23	0
BOAT	1	41	SHOPLIFT	65	1
BOMB	2	0	SPECIAL OPS	0	6
BURGLARY	179	7	SUBJECT PURSUIT	1	2
BURGLARY PRIORITY	26	1	SRO	0	391
CAMPING	1	3	SUBJECT STOP	1	359
CHILD COMPLAINT	134	5	STAKE	0	23
CHILD PRIORITY	35	4	SUBSTANCE	282	47
CIVIL	278	21	SUICIDE	53	3
CPS	80	23	SUICIDE PRIORITY	23	0
DEATH	22	3	SUICIDE WEAPON	14	0
DETAIL	0	1	SUSPICIOUS	833	657
DISTURBANCE	586	25	SUSPICIOUS PRIORITY	355	7
DISTURBANCE VEH	33	1	SEARCH WARRANT	2	10
DIVE	2	0	TRAFFIC	567	3038
DUI	417	15	TRAFFIC CONTROL	0	4
DV PHYSICAL	112	4	TASK FORCE	1	0
DV WEAPON	6	0	TRAF HAZARD	423	134
ESCORT	2	4	THEFT	332	46
FALSE	1	0	THEFT PRIORITY	98	3
FAMILY	167	5	TRAFFIC PURSUIT	1	4
FISH	0	1	TRAINING	0	86
FOLLOW UP	1140	2260	TRESPASS	26	4
FOOT PATROL	0	38	TRESPASS PRIORITY	55	4
FRAUD	127	32	VEH RECOVERY	35	22
HARASS	277	29	VEH THEFT	89	7
INFO	1860	13	VEH THEFT PRIORITY	5	0
JUVENILE	212	28	VIOLATION	72	8
KIDNAP	1	0	VIOLATION PRIORITY	21	2
LEVEL 2	12	0	VEH PROWL	180	14
MAIL IN	0	1	WARRANT	75	219
MAL MIS	148	26	WELFARE CHECK	154	21
MAL MIS PRIORITY	53	1			
MENTAL INVOLUNTARY	20	3			
MENTAL VOLUNTARY	7	0			

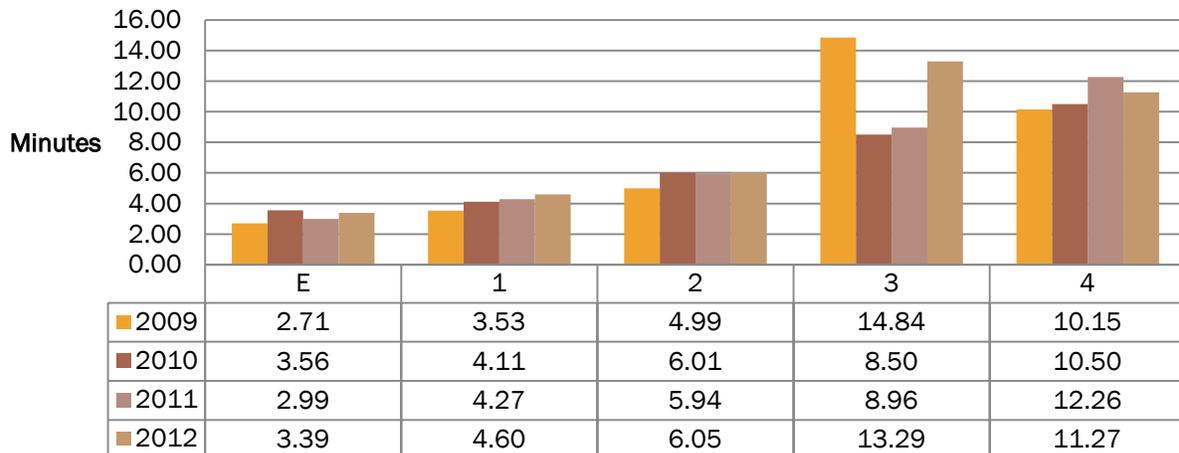
POLICING IN LAKE STEVENS

Lake Stevens Entry To Arrival Response Priority By Year



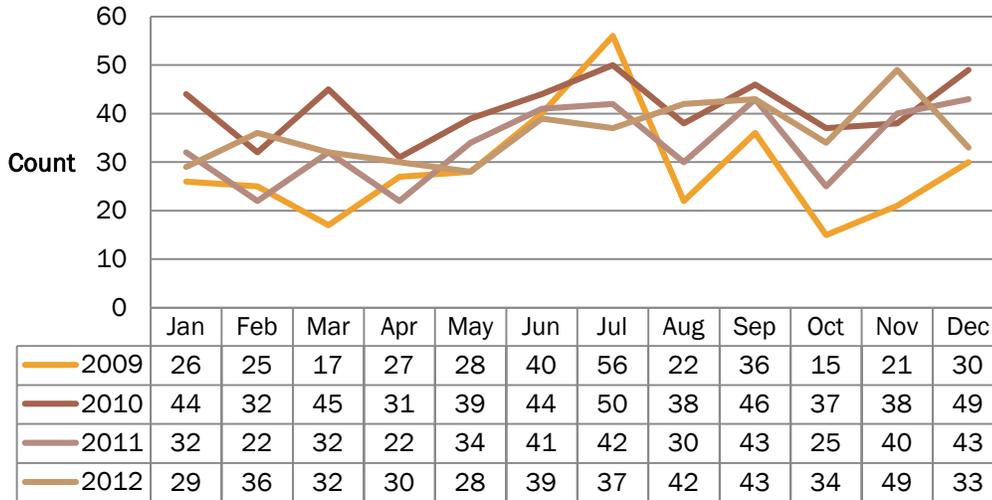
Entry to Arrival response times depicts the time from when the dispatcher first answered the call to when the officers arrive on scene. Dispatch to arrival is the time from when the officer is dispatched to when the officers arrives. The different call types are what make up the different priorities (E-4). “E” is emergency calls that requires the officer to respond as quickly as possible and are coded down from there. An “E” call would include an assault with a weapon or a robbery for example.

Lake Stevens Dispatch To Arrival Response Priority By Year

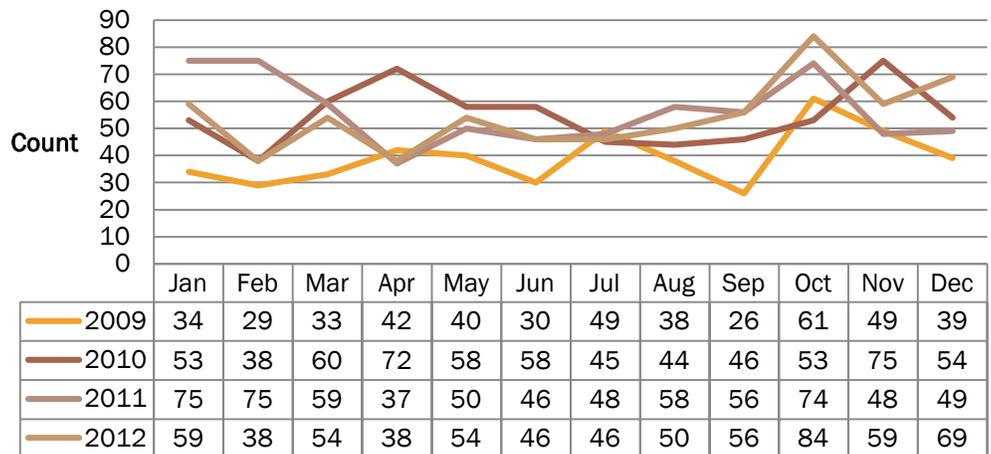


POLICING IN LAKE STEVENS

Lake Stevens DUI - Year By Month



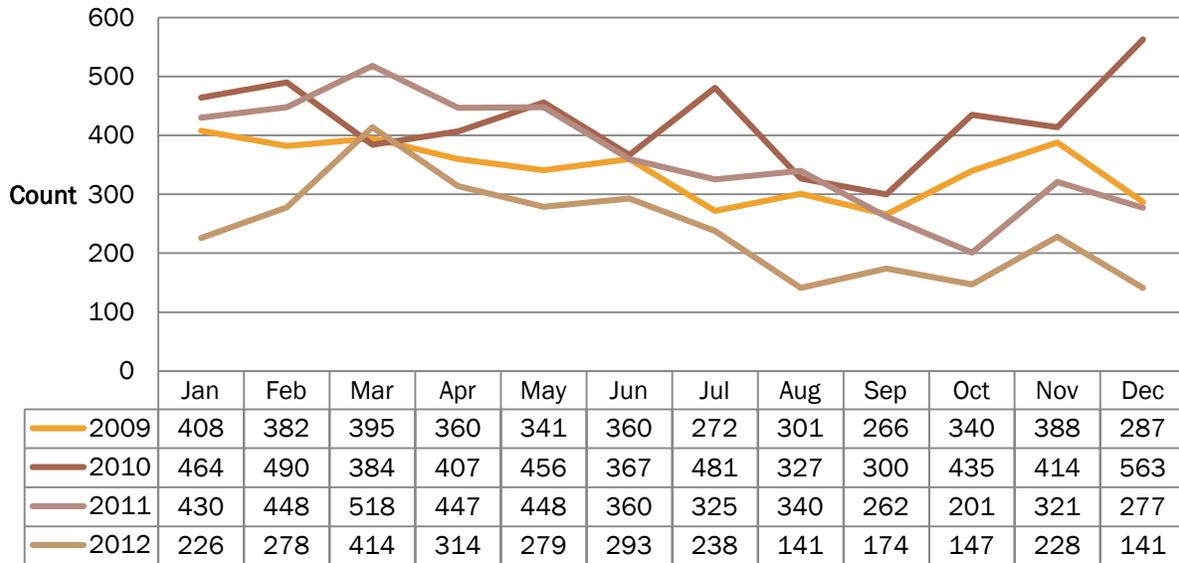
Lake Stevens Accidents - Year By Month



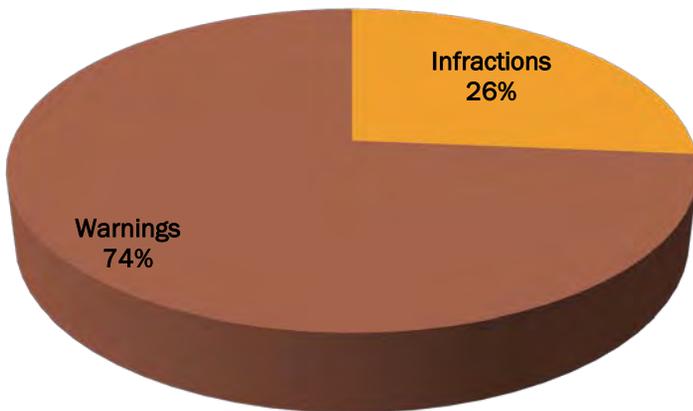
	DUI	% of Incidents	Accidents	% of Incidents
2009	343	1.6%	470	2.1%
2010	493	1.6%	656	2.1%
2011	406	1.3%	675	2.1%
2012	432	1.5%	653	2.2%

POLICING IN LAKE STEVENS

Lake Stevens Traffic Stops - Year By Month



Lake Stevens Traffic Stops Resulting in Infractions



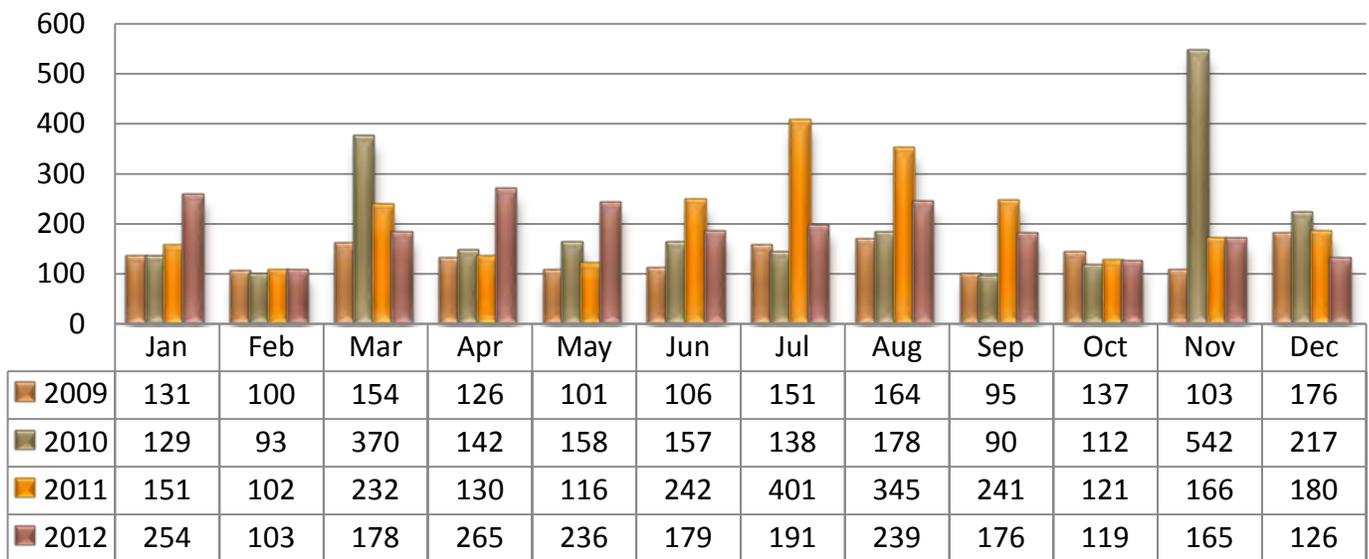
	# of Traffic Stops	# of Infractions	% Warnings	% Infractions
2009	4060	2360	63%	37%
2010	5088	2580	66%	34%
2011	4377	1778	71%	29%
2012	2873	1028	74%	26%

POLICING IN LAKE STEVENS

Evidence processing is more than just processing in evidence collected at the scene. It involves developing relationships with the crime labs and prosecutor's office to ensure our cases have the best chance possible for prosecution. Evidence requires an endless amount of research to locate owners of property so items can be returned. Attention to ever changing laws is vital to ensure firearms are only returned to those who are eligible to possess.

As criminal are finding new and complex ways to commit their crimes, the importance of our evidence becomes greater. We must constantly evolve or processes to maintain accuracy

Evidence Pieces Processed by month



Drug Take Back Program

The Lake Stevens Police Department has been participating in the Prescription Drug Take Back Program since 2009. This program is a way for citizens to safely dispose of the prescription drugs without flushing them into our waterways and prevents them from getting into the hands of children. In 2012, the LSPD collected **217 pounds** of prescription medications through participation in this program. Participation includes a Drug Take Back day where, in partnership with Walgreens, we were able to educate and inform the public of the program and collect prescription drugs at no cost to the public.

	# of pieces processed
2009	1544
2010	2326
2011	2427
2012	2231

INVESTIGATIONS

The investigations section of the Lake Stevens Police Department is responsible for the follow-up investigation of all types of major crimes committed against persons or property that require a degree of specialization or a centralized investigative approach. Lake Stevens Police Department Detectives, collect evidence, conduct surveillance, identify perpetrators, and prepare the cases for successful prosecution. Detectives are also available for call out 24/7 to provide crime scene investigations where specialized evidence collection techniques are required.

2012 Investigator Case Load

Assist other agencies	5
APS	1
Assault	5
Attempted Murder	1
Burglary	7
Child Luring	1
Child Molestation	7
Child Pornography	2
Child Rape	3
Other Crimes Against Children	16
Death Investigation	5
Eluding	1
Forgery	2
Fraud / ID Theft	4
Incest	1
Info	4
Missing Persons	23
Vehicle Collision	1
Rape	3
Total	92

% of Total Cases Sent to Investigations	3%
Average Case Load per Detective	30.7

UNIFORMED CRIME REPORTING

Understanding Crime: What is Uniformed Crime Reporting (UCR)

Crime data is reported several ways: locally, regionally and nationally. Local law enforcement agencies collect information by the number of total incidents they handle. Crime information is also collected locally showing specific numbers of crimes and arrests that are processed by the police department.

The UCR information is the data you usually hear about when the media talks about a rise or fall in crime rates. UCR reports on only specific crimes which are broken down into two categories: Violent Crimes (crimes against people) and Property Crimes.

Lastly, specific data is reported to the Washington Association of Sheriffs and Police Chiefs (WASPC), which serves as the clearinghouse for collecting all crime data in Washington. The data is then transmitted to the National Uniform Crime Report (UCR). The UCR is administered by the Federal Bureau of Investigation (FBI).

2012 UCR Crimes

2012 Major Crimes	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total YTD 2012	Total YTD 2011	% chng in 2012 from 2011
Homicide	0	0	0	0	0	0	0	0	0	0	0	0	0	1	-100%
Rape	1	0	1	0	1	0	0	0	0	0	0	0	3	9	-67%
Robbery	2	0	0	1	2	0	2	1	3	4	0	2	17	10	70%
Assault	14	10	16	13	16	21	17	21	20	14	9	18	189	172	10%
Total Violent Crime	17	10	17	14	19	21	19	22	23	18	9	20	209	192	9%
Burglary	12	5	16	16	21	17	22	17	12	13	8	16	175	108	62%
Larceny	27	21	37	43	32	28	35	44	36	44	44	34	425	345	23%
Veh Theft	3	5	7	5	6	4	3	7	4	10	6	12	72	70	3%
Total Property Crime	42	31	60	64	59	49	60	68	52	67	58	62	672	523	28%
Total Major Crimes	59	41	77	78	78	70	79	90	75	85	67	82	881	715	23%
DV Crimes	9	9	11	10	11	16	8	15	14	10	5	15	133	131	2%
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0%

UNIFORMED CRIME REPORTING

Annual Major Crimes reported over the last decade: 2002-2012

YEAR	MURDER	RAPE	ROBBERY	ASSAULT	TOTAL VIOLENT CRIMES	BURGLARY	LARCENY	VEH THEFT	TOTAL PROPERTY CRIMES	TOTAL MAJOR CRIMES	DV CRIMES	HATE CRIMES
2002	0	1	1	78	80	23	123	19	165	245	41	0
2003	0	2	1	84	87	35	106	16	157	244	71	0
2004	0	0	0	103	103	31	107	15	153	256	67	0
2005	0	0	0	79	79	39	165	23	227	306	43	0
2006	0	3	3	119	125	79	259	42	380	505	64	0
2007	2	3	7	163	175	129	455	109	693	868	102	0
2008	0	3	5	133	141	111	372	61	544	685	93	0
2009	0	3	10	153	166	76	344	35	455	621	106	0
2010	1	3	8	212	224	148	404	85	637	861	138	0
2011	1	9	10	172	192	108	345	70	523	715	131	0
2012	0	3	17	189	209	175	425	72	672	881	133	0
Average	0	2	5	123	131	80	259	44	382	513	82	0

Moving Forward-NIBRS

The Lake Stevens Police Records Department is proud to announce as of January 2013, we have been certified to begin submitting NIBRS (National Incident Based Reporting System) data to the FBI. The process to become certified included training, 3 months of dual UCR (Uniform Crime Reporting) and NIBRS reporting and a detailed comparison examination to ensure accuracy.

NIBRS reporting has many benefits over UCR reporting due to the details it pulls from each incident. Using NIBRS, all reportable offenses within an incident can be identified, not just those provided by the hierarchy rule and not just the limited offenses collected in UCR. For example under UCR if a murder occurred during the course of a robbery, only the murder was counted since it was higher on the hierarchy of offenses. Under NIBRS all reportable offenses are counted which will provide a more accurate and detailed snapshot of crime in our city.

ADMINISTRATIVE PROCESS

Records management is one of the most critical areas of contemporary police departments because of the importance of accurate record keeping of criminal justice activity and the advancement of public records disclosure. Maintaining the authenticity of police records and ensuring that the integrity of the record remains above reproach is the foundation of all law enforcement records unit. The LSPD's Records Unit is responsible for managing and maintaining all of the LSPD law enforcement records throughout their lifetime, which begins at the conception of the incident and often concludes at destruction or archiving. In addition to maintaining police records below is a sampling of other duties overseen by the Records Section.

2012	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Evidence Pieces	254	103	178	265	236	179	191	239	176	119	164	122	2226
Case Reports	224	214	262	281	259	253	271	312	275	272	283	253	3159
Fingerprints	44	67	69	78	79	72	61	95	68	63	57	86	839
Infractions	61	107	152	117	86	88	113	92	41	56	83	32	1028
Public Disclosure	96	93	109	120	106	112	96	128	103	158	101	102	1324
CPL	32	40	30	44	31	28	35	49	25	31	42	74	461
CPL Laminate					28	25	30	42	16	24	35	62	262
Gun Transfers	53	74	63	85	69	51	38	66	44	47	50	105	745
Phone Calls	454	509	433	475	752	642	872	848	561	640	592	707	7485
Walk Ins	225	169	204	208	310	290	343	356	324	344	349	482	3604
Passports	141	142	155	127	134	116	98	133	105	120	110	110	1491

	2009	2010	2011	2012	% chng in 2012 from 2011
Evidence Pieces	1544	2336	2427	2226	-9%
Case Reports	2450	3229	2998	3159	5%
Fingerprints	341	424	590	839	30%
Infractions	1730	2580	1778	1028	-73%
Public Disclosure	811	1192	1309	1324	1%
CPL	108	184	261	461	43%
CPL-Laminate				262	
Gun Transfers	240	488	587	745	21%
Phone Calls	8761	10268	7604	7485	-2%
Walk Ins	2295	4265	3097	3604	14%
Passports	1822	1712	1509	1491	-1%
Passports-Saturday	526				

EMPLOYEE RECOGNITION

Officer of the Year



The Lake Stevens Police Department is honored and privileged to announce that Officer Wayne Aukerman is the recipient of 2012 Lake Stevens Police Officer of the Year.

Officer Aukerman was recognized by his peers for his outstanding work ethic, commitment and technical knowledge of policing.

Officer Aukerman started his law enforcement career with the Lake Stevens Police Department in 1999 as a part-time officer. After completing a year with the Department, he joined as a fulltime member.

Over the course of his career Officer Aukerman has been assigned to both the Patrol and Traffic Divisions of the Department. Although the job duties sometimes called for an unfavorable outcome for the offender, Officer Aukerman always performs his duties with consistency, consideration and a high degree of proficiency. These are outstanding qualities which have earned him the respect and admiration of his fellow officers and the citizens of Lake Stevens.

Officer Aukerman continues to be a model Officer and mentor for the department members.

Employee of the Year



The Lake Stevens Police Department is proud to announce Deb Smith as the recipient of the 2012 Lake Stevens Employee of the Year for the third year in a row.

Deb started her career with the Lake Stevens Police Department in 2006 as a Records Clerk. She now serves as our departments Evidence Technician in addition to her duties in records.

Over the course of her career, Deb has been an advisor in our Explorer Post and a participant in our local Safe Schools Program. She is a member of the Lions Club and is currently serving as treasurer for the Lake Stevens Police Guild.

Deb's consistent performance and dedication has reflected greatly upon herself and the department.

EMPLOYEE RECOGNITION

10 YEARS OF SERVICE WITH THE LAKE STEVENS POLICE DEPARTMENT



Officer Chad Christensen-10/2/2002

5 Years of Service WITH THE LAKE STEVENS POLICE DEPARTMENT



Officer Jim Barnes-1/13/2007



Officer Josh Holmes-4/1/2007



Detective Jerad Wachtveitl-1/22/2007



Officer Jeff Lambier-4/1/2007



Officer Daniel Planalp-2/1/2007



Officer Dennis Irwin-4/1/2007

Volunteers in Policing WITH THE LAKE STEVENS POLICE DEPARTMENT

Kandy Brown, Volunteer - 5/15/2002



POLICE EXPLORERS

If you have been to any of the community events throughout this past year, you've probably encountered young men and women wearing "Explorer" on their uniforms. But who exactly are the Lake Stevens Police Explorers?

Police Explorers are dedicated young men and women between the ages of 14 to 20 who are interested in a career in Law Enforcement. Explorers are given the opportunity to learn many different aspects of Police Work, given the opportunity to ride with on-duty Officers and actively participate in community events. They assist by providing traffic and crowd control as well as security details. Our Explorers have been instrumental in their service to our community.



Twice a year, our Lake Stevens Police Explorers are given the opportunity to join hundreds of Explorers from all over the State of Washington to attend a week long "boot camp" style Explorer Academy held during the summer and winter breaks. The week is designed to be physically and mentally straining and also exposes the Explorers to intense stressors which encourage them to come together as a team. During the week, Explorers are tested in academics, marksmanship, mock scenes and physical agility. Top scorers in each event are awarded in a formal graduation ceremony at the completion of the academy.



During each of the academies this year, our Explorers proudly represented our Police Department and the City of Lake Stevens by excelling in many of the graded events. During the summer academy, Explorer Holden Humphrey was recognized for taking 2nd in academics and Explorer Logan Johnson for taking 2nd in physical agility. During the winter academy, Explorer Holden Humphrey was recognized for taking 3rd in marksmanship and earned 2nd in overall proficiency.



NEWS AND EVENTS

Notable Investigations

Espresso Stand Robberies

October 31st at approximately 10:19 a.m.: Officers responded to a Frontier Village Coffee Stand after an unknown male displayed a knife and demanded money from a 26-year-old Barista. The female employee grabbed her cell phone and immediately backed up from the window while calling 911. The male suspect then fled on foot.

Lake Stevens Officers recognized the suspect's MO, through similar robberies in Lake Stevens and surrounding jurisdictions, and were able to immediately start looking for a possible vehicle. A K-9 unit was called to the scene and had just started its track when a second 911 robbery call came in from a Coffee Stand in the Tom Thumb area. The description of the male suspect from the second robbery matched the one from the first. The suspect displayed knife and this time stole an undisclosed amount of money and the Barista's cell phone.

Lake Stevens Police Officers, with assistance from Deputy's from the City of Snohomish, performed a high risk stop on a green Chevy truck. The female driver was taken into custody, as well as the male suspect who was found hiding in the backseat. The male was positively identified by both female victims and a third victim from a Snohomish robbery. This apprehension has led to the solvability of multiple robberies occurring in Lake Stevens, Snohomish and Everett.

Attempted Murder

October 21st at approximately 1:46 a.m.: Officers responded to the 9100 block of 15 PL SE for an attempted murder. During the course of an argument the 55 year old male suspect removed a gun from the firearm cabinet, loaded it and fired at his 38 year old live in girlfriend. Just prior to firing the weapon he was overheard repeatedly stating he was going shoot her. The bullet lodged into the doorjamb next to their 16 year old daughter's room. There were three other juveniles inside the house at the time of the incident; two of which heard the threats and gun fire. The suspect was booked into Snohomish County Jail without incident. An additional 8 firearms were removed from the home for safe keeping.

Additional Case Accomplishments

- Caught and convicted County wide serial commercial burglar through investigation
- Caught two bank robbery suspects. One through DNA and one fleeing from the scene
- Seized multiple vehicles involved in drug related crimes
- Police Service Officer continued to investigate and bring into compliance nuisance properties
- Marine Patrol continued emphasis on water safety

NEWS AND EVENTS

Training/Equipment

- Detective Wachtveitl was deputized by the US Marshalls Office to be a member of the Electronics Crimes Task Force.
- Secured mini grants for PBT's and other equipment
- Implemented a new case tracking system for Investigations Unit
- Negotiated (PSR) Police Skills Refresher training to be in Lake Stevens for 2013
- Officers attended (CIT) Crisis Intervention Training for handling offenders with mental health issues.
- Two officers attended advanced boating accident investigating.
- Officer Nelson successfully completed a Firearms Instructor course
- Sergeant Ron Brooks was the lead EVOC instructor for 2012 PSR
- Held the 2012 department training conference

Additional Accomplishments

- Successfully implemented E-file system for record management
- Records staff went through a 3 month process certification process to move to a more detailed and comprehensive crime reporting, which is nationally recognized.
- Records took over data entry of our protection orders from SCSO

EVENTS

Health and Safety Fair

The Lake Stevens Police participated in the annual Health and Safety Fair. This year we highlighted boating safety, our prescription drug take back and Child ID Card programs. In partnership with BECU we are able to print and laminate Child ID Cards which has valuable information parents or care providers can give to Law Enforcement in the event a child goes missing. It is the second year we have been able to offer this program and it has been a success.



NEWS AND EVENTS

National Night Out

National Night out against Crime is an annual event in which we look forward to participating in ever year.



In partnership with the Lake Stevens Family Center, we assist in creating a safe, crime free event in which parents could bring their children to have fun. We once again brought our Child ID Kits to this event in order to touch as many citizens as possible.

Special Olympics

The Lake Stevens Police Department has helped support the Special Olympics each year since 2007. The men and women of this department and the families participate in t-shirt sales, the Red Robin Tip-a-Cop, motorcycle ride events, and have handed out medals to athletes at sporting events throughout the state.

This year, the LSPD would like to extend gratitude to Tyler Summers, the son of one of our Sergeants, who volunteered his time coaching a Special Olympics basketball Team.

The satisfaction of seeing these individuals accomplish their goals is the reason the Lake Stevens Police Department will be a proud supporter for years to come.



NEWS AND EVENTS

Guns N Hoses

Friendly competition is what this event is all about. Officers were excited to participate in the 2nd Annual Guns N Hoses Softball event put on by Lake Stevens Police and Lake Stevens Fire. This charity event raises food and money for the Lake Stevens Food Bank and the Lake Stevens Family Center.



Additional Events

- Aquafest
- Ironman
- Back to School Event
- Kiwanis's Easter Egg Hunt
- Civic Day
- Bike Rodeo with LSFD





LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: April 8, 2013

Subject: Economic Development
RFQ Response for Professional Services Agreement –Business Recruitment Services – Natalie Quick Consulting – Draft Scope of Work

Contact	Rebecca Ableman	Budget	Approximately
Person/Department:	<u>Planning and Community Development Director</u>	Impact:	<u>\$30,000</u>

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

This information is presented to the Council for discussion and direction for Staff to bring forward a Professional Services Agreement with Natalie Quick at the April 22, 2013 Council meeting.

SUMMARY:

At the Council's March 25th meeting, staff presented the recommendation to proceed with the firm of Natalie Quick Consulting for the Business Recruitment Services Project. Attached is the draft Scope of Work and Budget (Attachment A) for review.

BACKGROUND:

A Business Recruitment effort was anticipated in 2013 budget. In December 2012, an RFQ was issued for this project. As a result, 2 Statements of Qualifications were submitted and shared with Council on March 25th. The consensus by Council was to move forward with Natalie Quick Consulting after reviewing her qualifications, approach, and reference checks as recommended by staff.

DISCUSSION:

Staff is working with Ms. Quick on a "Scope of Work" and timeline for discussion with Council on April 8, 2013.

The Draft Scope includes developing a specific public relations plan that will identify goals and objectives as well as strategies and performances metrics for the overall recruitment project. Messaging and materials are also an early part of the work that needs to be accomplished with the consultant.

The main effort will include a targeted event with specifically selected attendees to introduce the Lake Stevens community and its marketable elements to generate retail and employer/industry interest. The consultant will organize and hold this event with a City delegation/team. There would then be follow up with interested people including a driving tour of the City. The consultant and staff are discussing whether the retail sector and the employer/industry sector targets should attend the same outreach event or hold more than one event and will be part of the discussion with Council and Ms. Quick at the Council meeting.

APPLICABLE CITY POLICIES:

The proposal is consistent with and will further the Economic Development Strategy Goals.

BUDGET IMPACT:

The current discussed budgeted amount is approximately \$30,000. Staff is working with the consultant on a refined scope of work and budget to present at the meeting.

ATTACHMENTS:

- A. Natalie Quick Consulting – Draft Scope of Work for Business Recruitment including communications strategy project



ATTACHMENT A

**City of Lake Stevens Marketing & Business Recruitment Program
Public Relations & Outreach Scope of Work & Budget**

Draft for Internal Review | March 11, 2013

The following Scope of Work & Budget reflects strategies and tactics included in the Proposal submitted to the City of Lake Stevens in October 2012 related to its efforts to increase communication and outreach around its Marketing & Business Recruitment Program.

Scope of Work

Public Relations Plan

- Prepare for and hold kick-off meeting with City of Lake Stevens (COLS) team.
- Research and draft a detailed Public Relations plan that includes an overall goal, objectives, strategies, tactics, timeline and performance metrics. The plan will clearly define what 'success' means for this outreach effort and how we will go about implementing a road map toward these goals.

Hours: 10 – 12

Budget: \$1,750 - \$2,100

Messaging & Materials Refinement

- Hold meeting / discussion to discuss messaging direction. Test message direction with, if needed, trusted real estate professionals; discuss feedback gained with COLS team. Present final direction to COLS team and finalize Draft messaging and review with team; incorporate up to two rounds of edits and finalize.
- Review existing materials and provide recommendations on new / updated materials for this outreach effort. Test some materials if needed with trusted real estate professionals; discuss feedback gained with COLS team. Present final direction to COLS team and finalize. Draft / update materials as agreed-upon with team. Present drafts for COLS review; incorporate up to two rounds of edits and finalize.

Hours: 15 – 20

*Budget: \$2,625 - \$3,500**

**Note: Does not include graphic design or printing expenses*

Invitation-only Presentations to Seattle / Bellevue Real Estate Community

- Work with COLS team to develop 'wish list' list of target market sector (retail and employment/industry)/ event attendees (developers, brokers, architects, retailers, etc). Refine list and present final list of target attendees.



ATTACHMENT A

- Create branded email invitation for attendees that showcase the marketable elements of Lake Stevens. Develop design explorations and present 1-2 options to COLS team; Review and finalize. Draft text to accompany email; Review text and finalize.
- Once email is distributed to invitees, follow up individually to encourage attendance. Update COLS team as needed. Develop a “What to Expect” document for participants once they are confirmed; Review with team and finalize. Distribute to attendees once they are confirmed.
- Work closely with City team to develop a ‘road show’ presentation for the event that builds on the messaging and materials (specifically the PowerPoint, visuals and a marketing leave-behind piece). Advise on materials and help create as needed; review all with COLS team and finalize.
- Prepare for and hold prep session with City participants to organize flow of discussion / presentation.
- Provide research and recommendations related to location for briefings, food / beverage, etc. Organize all on-site details as needed.
- Hold / help lead two presentations with 10-12 minimum attendees in each session. Provide a scribe for each meeting and a thorough written recap for City leaders. Debrief with team and discuss next steps.

Hours: 75 – 85

*Budget: \$13,125 - \$14,875**

**Note: does not include expenses*

City of Lake Stevens Driving Tours

- Creation (with the City) of a tour route and talking points for key points of interest. Hold preparation meeting with all possible City spokespeople / attendees.
- Based on feedback from invite-only presentations, target and refine 8-12 possible attendees for the tour (about 30% of attendees from earlier briefings); Outreach individually to each target to attend; once confirmed, follow up with tour details as needed.
- Prepare in advance of each tour (with the City) to help customize tour route and messaging depending on attendees and their focus / desired outcome.
- Attend up to three tours (as needed).

Hours: 25-30

Budget: \$4,375 - \$5,250

FEES: \$21,875 - \$25,725